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House of Representatives

The House met at 10 a.m.

The Reverend Ted A. Hartley, Pastor, Farina United Methodist Church, Farina, Illinois, offered the following prayer:

O gracious and loving Creator God, we exist by Your power and we exist for Your glory. Bring justice to our courts, wisdom to our government, guidance to our schools and love to our homes. Inspire the minds of all persons to whom You have committed the responsibility of government and leadership in our country. Give to them the vision of truth and justice, that by their counsel all nations and people may work together. Give to our government passion for justice and strength of self-control that we may use our liberty in accordance with Your gracious will. Thank You, God, for the balance of our legislative and executive and judicial branches of government and the women and men who serve this great Nation with love and dedication. Bless us, God, but as You bless us, may we be a blessing to others. All honor and glory is Yours, now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois (Mr. WELLER) come forward and lead the House in the Pledge of Allegiance.

Mr. WELLER led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

S. RES. 481

Whereas Jacob Chic Hecht served as a special agent in the United States Army Intelligence Corps;

Whereas Jacob Chic Hecht served the people of Nevada with distinction from 1983 to 1989 in the United States Senate;

Whereas Jacob Chic Hecht served as United States Ambassador to the Bahamas from 1989 until 1994;

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.

The message also announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 879. An act to make improvements to the Arctic Research and Policy Act of 1984.

The message also announced that pursuant to section 214 of title II, Public Law 107–252, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as a member of the Election Assistance Board of Advisors:

Wesley R. Kliner, Jr. of Tennessee.

RECOGNIZING REV. TED HARTLEY AS GUEST CHAPLAIN

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

Mr. SHIMKUS. Mr. Speaker, I rise today to introduce the Reverend Ted Hartley, Senior Pastor of Farina, Illinois United Methodist Church as today's guest chaplain.

Rev. Hartley is a native of McLeansboro, Illinois and served as a pastor for 14 years. In addition to serving in towns such as East Peoria, Charleston, Virden and Abingdon, Illinois, Rev. Hartley has also preached the gospel in places such as Zimbabwe, Moscow, throughout Europe, Japan and China.

He has been an outspoken and integral advocate for fostering race relations and ecumenical work. Rev. Hartley is a graduate of Southern Illinois University at Carbondale and is a well-known Salukis fan. He attended seminary at Garrett Evangelical and Methodist Theological School in Ohio.

Accompanying him today is his son, Chris, an 18-year-old college student who is poised to become a future American Idol with his band Noxious, as well as Matthew Metcalf.

I am honored to have Rev. Hartley share his prayer with us today, and thank Father Coughlin for giving him and Farina, Illinois an opportunity of a lifetime.

ETHNIC GENOCIDE IN BURMA

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

Mr. PITTS. Mr. Speaker, yesterday demonstrations in over a dozen countries, including the U.S., U.K., Thailand and Japan took place demanding that the U.N. Security Council take action to stop the violence in eastern Burma.

I join them today in speaking out against the brutal military dictatorship of Burma. The thugs of Rangoon are on an all-out rampage. Since March the Burmese military dictatorship has forced over 15,000 Karen tribal people from their homes.

Printed on recycled paper.

This map shows more than 2,800 villages. All of these dots are villages that have been destroyed, and hundreds of thousands of people displaced since 1996. These photos point to the awful plight of the displaced persons.

There are numerous reports documenting the systematic tracking, torturing, the killing of many of the Karen tribe in the recent weeks. But ethnic genocide is occurring in Burma.

On December 16 the U.N. Security Council held its first-ever briefing on Burma. At the briefing, U.N. Secretary General Annan indicated that the Security Council should get involved in Burma.

But mere talk is not enough. The U.S. should lead an effort to pass a resolution on Burma and the Security Council.

The world knows what is happening. If the international community does not act, we are complicit in their atrocities.

NATURAL DISASTERS

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

Mr. BLUMENAUER. Mr. Speaker, as we have seen this week in the news, it is not just the Gulf Coast that is at risk for flooding and other natural disasters. Indeed, it is the whole Nation.

The Governors of Maine, Massachusetts and New Hampshire have all declared states of emergency due to flooding from torrential rains. Four thousand residents in Merrimack County, Massachusetts are just now starting to return to homes filled not just with water but with sewage.

Florida has declared an emergency as well due to wildfires. Residents of Edgewater, Florida were evacuated when a wildfire broke out south of Daytona Beach. Eight thousand acres and several homes were burned.

Hurricane season officially starts the first of next month, with researchers at Colorado State predicting as many as five intense hurricanes this year, with the chance of one striking the gulf coast at least 50 percent.

When less than half the States require even comprehensive plans to deal with natural disasters, one asks, is it going to take another whole summer of fires, hurricanes, and other such disasters for the Federal Government and States to take simple, commonsense steps to protect communities? We can start today in our Transportation and Infrastructure Committee.

MEDICARE PART D ENROLLMENT ACTIVITY

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

Mr. FOLEY. Mr. Speaker, as of midnight, May 15, 90 percent of seniors had prescription drug coverage, despite the warnings and threats from the other side of the aisle. They threatened, they scared seniors in robocalls, paid for by people who have prescription drug coverage, telling them too confusing, too difficult, not adequate.

Let me tell you something. The very people that were raising a ruckus and scaring seniors are the ones that are on this floor that do have prescription drug coverage paid for by the taxpayers.

Union groups that are paying for these robocalls urging seniors to be panicked, well, these are the seniors that got us through the Depression, World War II, Vietnam. These are the people that have fought for the values of this country. And they are being insulted daily by the rhetoric that somehow they can't figure out how prescription drugs work.

I am embarrassed by the conduct of others. But I am proud that Palm Beach County and people in the 16th District of Florida knew enough to be able to sign up and now are receiving valuable needed coverage on prescription drugs.

QUESTIONING THE PRESIDENT'S BORDER PLAN

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

Mr. EMANUEL. Mr. Speaker, it seems the President has found a new use for the Guard, dealing with his Presidency.

On Monday the President announced his intention to send 6,000 National Guardsmen to secure the border. Never mind that his budget cuts the National Guard by 17,000, and that the Guard has been stretched to the breaking point by the war in Iraq.

Never mind that the President's own budget this year fails to provide adequate funding for new border agents, and never mind that Michael Chertoff, the head of Homeland Security, thought this was a bad idea just 6 months ago.

In December 2005 Michael Chertoff told Bill O'Reilly, ''The National Guard is not trained for the border mission.''

Now it is an election year, the President's poll numbers are down, so the President has decided to deploy the Guard, regardless of what his own budget and the Homeland Security Director has said.

This is an election year, of course. Michael Chertoff is now changing his tune. ''What the President did last night was to put on the turbo chargers in dealing with and focusing on this illegal immigration effort that we have got, on a comprehensive basis.''

Mr. Speaker, I have been in politics a long time. I have seen my share of political gestures. Having failed to do anything on immigration for 5½ years, the President has decided to act with just 5½ months to go before election day.

It is time for a change. It is time for new priorities.

IRAQI TANK BRIGADE TAKES CONTROL OF TAJI

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

Mr. WILSON of South Carolina. Mr. Speaker, the American Forces Press Service recently reported that only 7 months ago, the Iraqi 2nd Brigade of the 9th Mechanized Division had no personnel, weapons, uniforms, housing or tanks.

Since January, members of the U.S. Army's 7th Squadron, 10th Cavalry Regiment, have served as mentors, coaches and battle partners to the Iraqi Brigade. While fighting together against terrorists on the streets of Iraq, they have formed a strong partnership and greatly improved the brigade's ability to protect the lives of citizens and create a civil society in Iraq.

Today, the 2nd Brigade is now ready to defend 150 square kilometers of the region. As these brave Iraqi soldiers begin to fulfill this important responsibility, I believe we should recognize this clear sign of progress in Iraq. I am especially proud of the U.S. troops who trained and equipped Iraqis to serve their own country. By confronting terrorism in Iraq we are protecting American families at home.

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

PLAN B FOR MEDICARE PART D

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Mr. Speaker, just because the Medicare enrollment deadline has passed and the President refuses to extend it, those of us who voted against a shortsighted Medicare bill and opposed this past Monday's deadline will not fade quietly away.

We will continue to fight for seniors who need more time to choose a plan that is right for them. We will fight the punitive lifetime tax on the elderly and disabled who, through no fault of their own, have yet to sign up for a plan.

And here is the ultimate irony. While the President and congressional Republicans never met a tax cut they didn't like, including more dividend and capital gains tax cuts for the already very comfortable, corporate tax holidays for extra-territorial income, they are imposing a new tax on one of the most vulnerable segments of our population: seniors.

Medicare part D works just fine for the pharmaceutical companies and big business HMOs, but it is not working for those seniors who have yet to sign up for a plan and who will have to pay for it for the rest of their life.

Mr. Speaker, it is long overdue that we fix this program. We need a plan B for part D.

MINNESOTA STEM CELL ADVANCES

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

Mr. KENNEDY of Minnesota. Mr. Speaker, stem cell researchers at the University of Minnesota and BioE, a company in my home State, have reported that they have successfully differentiated cord blood stem cells into lung cells.

This potential breakthrough would extend the promise of stem cell research to a treatment of many respiratory conditions. And just this past February, researchers at the University of Minnesota discovered the potential application of cord blood stem cells in nerve tissue regeneration.

This research reinforces the importance of the Stem Cell Therapeutic and Research Act we passed last year, and why we must fully fund the stem cell research it authorized.

This research out of my home State of Minnesota reminds us that stem cell research that respects life is already being used to provide astonishing miracles for devastating diseases.

OUR COUNTRY IS LIVING IN DEBT

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, during these tough economic times when Americans are paying record amounts at the pump, struggling with rising college tuition bills and facing high health care costs, many families are working hard to keep their bank balances positive and their heads above water.

These families know well the consequences of going into debt and the importance of living on a pay-as-you-go system. It is a lesson that they should teach House Republicans who have once again proposed a budget resolution that sends us spiraling even further into record debt and proposes no plan for balancing our Nation's account.

Republicans propose we continue living on credit, money borrowed from nations such as China, to whom we now owe $257 billion. In fact, they have the audacity to propose that we even increase the debt limit for our Nation for the fifth time since this President took office.

Mr. Speaker, this shameful budget proposal is another example of how this Republican Congress failed to do what every American family must do, to live within their means.

BORDER SECURITY AND IMMIGRATION LAW ENFORCEMENT

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

Ms. FOXX. Mr. Speaker, earlier this week President Bush laid out a plan to strengthen our border security, and I commend him for focusing on this vital issue. There is nothing more important to me than the safety and security of this country. Border security is the starting point for ensuring that all Americans remain safe.

Don't get me wrong. I sympathize with those who wish to live the American dream. America is a Nation of immigrants, but we must never forget that we are also a Nation of laws. Immigration laws exist to provide the necessary steps for safe and legal entry into this country. And we must be able to enforce them.

Illegal immigration is a major problem that is having a very negative effect on our education, health care, Social Security, taxes, employment, wages, crime and countless other areas of our daily lives. Immigration laws exist to provide the steps for safe and legal entry into this country, and we must enforce them.

I support doing whatever it takes to secure our border and enforce our laws, including deploying members of our National Guard to our southern border. I also support denying government benefits to illegal aliens, making English our official language, and cracking down on those who knowingly hire illegal workers. However I do not support a guest worker program that has amnesty components or that leads to citizenship for those who break our laws.

□ 1015

BUDGET IMPACT ON WOMEN

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

Ms. SOLIS. Mr. Speaker, this morning I rise to highlight how the Republican budget resolution will harm millions of women and children around the country.

This budget makes it more difficult for young women to earn college degrees by cutting their financial aid. This budget continues to shortchange hundreds of thousands of children by freezing for the 5th year, the 5th year, the Child Care Development Block Grant.

During the President's tenure, the number of children living in poverty has actually increased and not decreased. In addition, the Republican budget resolution cuts key health programs, veterans programs, and environmental programs. These cuts, as you know, will hurt our American families when they are feeling the pain the most, when they have to pay higher gas prices. All their bills are going up. Health care costs are out of bounds.

H. Con. Res. 376 will actually increase the Nation's deficit, does nothing to balance the budget, and adds to the crushing national debt.

I urge my colleagues to support the Democratic budget substitute and vote ''no'' on this immoral and irresponsible Republican budget resolution.

REPLACE IMPORTED OIL WITH DOMESTIC BIOFUELS

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

Mr. WELLER. Mr. Speaker, our Nation is addicted to oil, and it is a national security issue.

The fact that two-thirds of the oil that we consume is imported puts us at risk. Today left-wing autocrats like Venezuela's Hugo Chavez have told us very clearly they plan to use oil as a political weapon against the United States.

There is a reason we have $3 gasoline. It is time that we replace imported oil with domestic, homegrown biofuels like ethanol and biodiesel.

Last year's energy bill was a good start, doubling the biofuels that we consume from 4 billion to 7.6 billion gallons by the year 2011. That is why today there are 26 organizations in Illinois planning to move forward to build ethanol plants, five in the district that I represent alone. But that only represents 2.5 percent of all the fuel that we consume; so we need to do more.

I urge this House to move forward on an aggressive plan to replace imported oil with the homegrown biofuels. The Biofuels Act of 2006 accomplishes that goal. Let us pass it. Let us move it now.

REPUBLICAN BUDGET PUTS U.S. FURTHER IN DEBT TO OTHER NATIONS

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, instead of offering a plan to bring us out of debt, the Republican budget actually makes the deficit worse. This is fiscal irresponsibility, and that means that we will continue to borrow billions of dollars from other nations.

Today we owe Japan $682 billion; China, $249 billion; the Caribbean nations, $115 billion; Korea, $66 billion; and OPEC, that is right, the oil-producing nations we rely on so heavily to fuel our vehicles, we owe $67 billion.

Washington Republicans have been so fiscally irresponsible that President Bush has now borrowed more money from other nations than all other 42 predecessors combined. And they are not done. They plan to borrow more because they stuck another debt limit increase in the budget.

Mr. Speaker, this does not sound like a record anyone would be proud of. No wonder that so many Republicans are skittish about supporting it.

The Democratic plan balances the budget in 5 years and restores pay-as-you-go that worked so well in the 1990s.

THE MEDICARE PRESCRIPTION DRUG PLAN

(Mrs. MYRICK asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Mrs. MYRICK. Mr. Speaker, Monday marked the cut-off date for all seniors to sign up for the new Medicare prescription drug plan. And I am happy to announce that more than 38 million seniors, representing more than 90 percent of all seniors on Medicare, now have coverage for prescription drugs.

We created this program because seniors were having to choose between their prescriptions and paying their bills, and now they do not have to make those sacrifices to get the medicines that they need.

I also want to take a moment to thank the countless organizations who helped them and made sure that they signed up for the right plan. They walked them through the process, and I applaud them for that. It was very helpful. And, again, now more than 38 million seniors have coverage for prescription drugs. They have it because we made a promise, and we kept it.

DARFUR, SUDAN

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute.)

Mr. AL GREEN of Texas. Mr. Speaker, a tragedy of the highest magnitude exists in Darfur in Sudan, Africa.

Mr. Speaker, over 450,000 have died; 2.5 million have been displaced internally; 200,000 have fled to Chad; 3 million, Mr. Speaker, are living on emergency aid.

Mr. Speaker, this tragedy exists for two reasons: One, people of ill will, the actions of these people of ill will; and two, the inactions of people of goodwill.

Mr. Speaker, it is time for people of goodwill to take a stand and realize that injustice anywhere, as Dr. King put it, is a threat to justice everywhere. And injustice in Sudan in Africa is a threat to justice in America.

BORDER SECURITY

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

Mrs. BLACKBURN. Mr. Speaker, the American people have reached a consensus on the border security issue; so I find it very hard to understand why we here in Washington are having trouble doing the same.

Outside the Beltway people think it is perfectly reasonable to build a wall to protect the border. They do not see a problem with installing surveillance technology to monitor the border. They do not support amnesty.

It is only here where the pundits rule, and in the New York newsrooms, that we see such hand wringing on the border security issue. An op-ed in The Washington Post called people concerned about illegal immigration ''nativists.'' Apparently, worrying about border security and the rule of law makes one a nativist. I find that it is a sad statement on the attitude of those opposed to beefing up our border security.

I ask my colleagues to join me to look past the pundits, past the liberal editorial pages, and do what the vast majority of Americans want done: Secure the border and do it without amnesty.

REPUBLICAN BUDGET INCREASES DEBT WITH NO PLAN TO BALANCE BUDGET

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

Mr. SALAZAR. Mr. Speaker, 6 years ago our Nation was in a secure financial position. We had a balanced budget, a pay-as-you-go system for funding government programs, and a record surplus of $5.6 trillion.

Now after years of imposing their reckless fiscal policies on this country, the administration and Congress have squandered our reserves, and their policies have created a record $3.2 trillion debt.

Not only that, but under this watch the cost of living for average Americans has gone up significantly. In just the last few years alone, gas prices have reached $3 a gallon, fuel costs for farmers have gone up 113 percent, and the interest rate has risen more than 16 times.

But just when you think things cannot get any worse, the leaders of this body put forward a shameful budget resolution that makes no attempt to bring our Nation's finances back into balance. Instead, their irresponsible fiscal record continues full steam ahead. The proposed 2007 budget will increase the deficit even further with no plan to ever return to balance in the future.

Mr. Speaker, this budget resolution may be more of the same, but Americans know it is time for change.

IMMIGRATION REFORM

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

Mr. MCHENRY. Mr. Speaker, the U.S. House last year in December did the right thing and passed a strong immigration reform bill that increases border security and takes amnesty off the table.

Now it is time for the Senate to respond to the growing problem of illegal immigration and do what is best for legal immigrants and citizens of this country.

I am encouraged by President Bush's plan to increase our security by positioning National Guard troops on our southern border. This will provide essential, but temporary, security along our porous and vulnerable borders.

However, the better alternative is to enact a comprehensive border security program like the House bill by constructing fences, bolstering our Border Patrols, and improving our surveillance capabilities.

Additionally, a guest worker program is nothing more than amnesty wearing makeup. It is easier to look at, but it is still ugly underneath. The simple truth is that if you break the law to come to this country, you will not respect it once you are here.

STROKE AWARENESS MONTH/STOP STROKE ACT

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

Mrs. CAPPS. Mr. Speaker, I wish to remind my colleagues today that May is Stroke Awareness Month.

Throughout this month we recognize the millions of Americans struggling with the effects of stroke, and we recommit ourselves to helping them. We also acknowledge the efforts of organizations, like the American Stroke Association, which provide leadership, helping all of us to prevent and treat stroke.

On average every 45 seconds, someone in the United States has a stroke, and someone dies from stroke every 3 minutes. Representative PICKERING and I have introduced the Stroke Treatment and Ongoing Prevention Stroke Act, H.R. 898, the STOP Stroke Act, which now has the support of 132 of our colleagues. This legislation will increase awareness, provide critical resources to implement stroke care systems. The legislation will help ensure that patients recognize the symptoms of stroke and treat it as a medical emergency. We want to ensure that hospitals and other health care providers provide timely, lifesaving treatment that reduces disability from stroke and the need for extensive rehabilitation.

I urge my colleagues to support this bill and all efforts which address the scourge of stroke.

HYPOCRISY HAS CROSSED THE BORDER

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

Mr. KELLER. Mr. Speaker, hypocrisy has crossed the border. Mexico has its own serious illegal immigration problem. Hundreds of thousands of illegal immigrants are coming across Mexico's southern border from Guatemala and other Central American countries.

What do Mexico's politicians say about it? They say these illegals are overcrowding Mexico's hospitals and schools. They say they are taking away jobs from Mexican citizens. They say it poses a security threat to Mexico.

In other words, they sound like the Minutemen.

What did Mexico do about it? Did they put out a welcome mat? Did they grant everyone citizenship? No. They got tough. Mexico put their military at the southern border to stop illegals.

Mexico deported 250,000 illegals last year. And Mexico criminalized illegal immigration, making it a felony punishable by 2 years in prison.

Now Mexico hypocritically criticizes our having National Guard troops on the border.

We have a saying in this country: Actions speak louder than words.

THE REPUBLICAN BUDGET

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

Mr. McDERMOTT. Mr. Speaker, the do-nothing Congress is in session today to enact a sham budget.

Let me explain why I say that. There is a provision in that budget which raises the debt limit. Now, if you are balancing the budget, why are you implying you are going to go out and borrow more money? If one of your children said, ''Well, Dad, I am making $40,000 this year, but my wife and I have decided to take $100,000 in a home equity loan so we can pay for whatever we want,'' you would tell your son or your daughter that was fiscally irresponsible.

What the Republicans are doing is borrowing more than $300 billion from the Chinese, the Japanese, and anybody else who will give us money, and they are giving it in a tax cut to the people earning $1 million a year. They are going to get over $100,000 back from the borrowing. That is what this budget really does. It is a sham. It doesn't balance anything, and it should be rejected, both by the Congress and the people on election day in November.

□ 1030

CONGRATULATING MARIETTA HIGH SCHOOL

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

Mr. GINGREY. Mr. Speaker, I rise today to congratulate Marietta High School in Cobb County, Georgia, on an outstanding accomplishment.

This past week, Marietta High School was honored as one of the top 5 percent of all high schools in America by Newsweek magazine. The magazine praised the school's commitment to student achievement and noted the high number of advanced placement and international baccalaureate students at Marietta.

When I served as chairman of the Marietta City School Board, I was always impressed by the school's deep commitment to student achievement. This award is certainly well deserved.

Mr. Speaker, I would like to congratulate Principal Leigh Colburn, Assistant Principal Donna Thornton and all the faculty and staff at Marietta High School. They are doing an incredible job educating our children, and I should know. After all, I am the proud parent of four former Marietta High School students.

Mr. Speaker, I ask that you join me in congratulating Marietta High School on this impressive achievement, and in thanking the school for its dedication to developing the minds of our community's rising leaders.

HOUSE REPUBLICANS NEED TO STAND UP TO BUSH ADMINISTRATION AND HELP AMERICA'S SENIORS

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

Ms. CORRINE BROWN of Florida. Mr. Speaker, House Republicans have failed millions of American seniors by choosing once again to rubber-stamp the harmful policy of the Bush administration. Despite the fact that recent polls show only 55 percent of seniors knew about the May 15 sign-up deadline for a private prescription drug plan, House Republicans refused to join us in extending the deadline until the end of the year.

Now, millions of seniors who have yet to sign up cannot until the end of the year. House Republicans and the Bush administration will also penalize them when they sign up with at least a 7 percent tax on their premium, a tax that they will be forced to pay every month for the rest of their lives.

Our seniors are not to blame for this complicated and confusing prescription drug law. It is so confusing that the people who are attempting to answer the seniors' questions about the different plans are giving out wrong information more than half of the time.

Once again, the House Republicans have failed American seniors.

PROPOSED BUDGET REAFFIRMING COMMITMENT TO FISCAL DISCIPLINE AND REFORM

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

Mr. PENCE. Mr. Speaker, with record deficits and national debt, today the House of Representatives will take on one of our most important duties every year. We will consider a budget resolution.

Thanks to the leadership of Speaker DENNIS HASTERT, we will be bringing a budget to the floor that will reaffirm our commitment to fiscal discipline and reform. By holding the line on the President's number on domestic spending and by including a rainy day fund for the first time ever, Republicans will say to millions of Americans, troubled by a sea of red ink, we hear you and this Republican Congress is ready to make the hard choices to put our fiscal house in order.

I urge all of my colleagues to stand together today, Republicans and even Democrats, to support this budget resolution.

PROPOSED BUDGET A FISCAL CATASTROPHE

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

Mr. POMEROY. Mr. Speaker, the preceding 1 minute could not have been more false. Today's budget raises the debt limit again, today's budget will add deficits in each of the years of its operation, today's budget will bring the national debt to $9.6 trillion, and to hear words on the floor of this House about this being a budget of fiscal discipline, this being a budget responding to the concerns of taxpayers worried about red ink, that is pure unadulterated hooey.

This budget is a fiscal catastrophe. It raises the debt limit in May, just after we raised the debt limit in March.

Anyone thinking that the Nation's finances have spun completely under control under the consolidated power of this administration and this Republican Congress needs only to look at this budget and only needs to look at the fact that they are back at the bank one more time, raising the debt limit, to understand the deep trouble that we are in.

THE BENEFITS OF THE MEDICARE PRESCRIPTION DRUG PLAN

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

Mr. SHIMKUS. Mr. Speaker, I am excited about the benefits of the Medicare D prescription drug plan. I have two stories I would like to relate to you and to my colleagues.

I have one lady who is saving $24,000 a year by now taking part in Medicare part D. For the first time in years, she now is back on the road driving because she couldn't afford to buy automobile insurance. So not only is she saving money, but she is now free again to take part in activities that she for so long put aside.

Another HIV-positive disabled individual is saving $15,000 a year accessing the Medicare D prescription drug plan.

So it is a plan that is working. For those that did not sign up, I would encourage our seniors to continue to investigate it. At the most, it will be an additional $25 premium if they sign up in May. And if you are low income, there is never a penalty. Low-income seniors who take access even now will never pay a Medicare D prescription drug penalty, because the program was designed for the poorest of all seniors so they wouldn't have to make a choice between food and prescription drugs.

BUSH ADMINISTRATION WAS WRONG TO FORCE SENIORS INTO A DRUG PLAN BY MAY 15

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

Ms. BERKLEY. Mr. Speaker, Republicans were dead wrong to force American seniors to pick a private drug plan by May 15.

Choosing the right plan is not easy for any of us. Seniors had dozens of plans to choose from. In Nevada alone, we had 44 plans. But this decision was made even more difficult by an incompetent Bush administration that did not give seniors accurate information.

The nonpartisan GAO conducted an investigation which concluded seniors were receiving bad information 60 percent of the time on critical questions concerning which drug plan cost the least based on a senior's prescription drug needs. One in five seniors are now actually paying more for their drugs than they did before they signed up. Seniors received bad information from the Bush administration, and based on this bad information, they made a very bad decision.

House Democrats wanted to extend the deadline until the end of the year, giving seniors more time and preventing an unfair penalty tax from taking effect. House Republicans refused to join us in this effort, and now millions of seniors will unfortunately pay the price.

COMMUNICATION FROM CONSTITUENT SERVICES DIRECTOR OF HON. SAM JOHNSON, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. GILLMOR) laid before the House the following communication from Jerry Durham, Constituent Services Director of the Honorable Sam Johnson, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 15, 2006.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena, issued by the 417th Judicial District Court for Collin County, Texas, for testimony and documents.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JERRY W. DURHAM,
Constituent Services Director.

PROVIDING FOR CONSIDERATION OF H.R. 4200, FOREST EMERGENCY RECOVERY AND RESEARCH ACT

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 816 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 816

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 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. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour, 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 member of the Committee on Agriculture, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an 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. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, 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. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Utah (Mr. BISHOP) is recognized for 1 hour.

Mr. BISHOP of Utah. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 816 provides for a structured rule and allows for 1 hour of general debate with 20 minutes equally divided and controlled by each of the chairman and ranking minority members of the Committee on Resources, the Committee on Agriculture and the Committee on Transportation and Infrastructure.

There also are four amendments, Democrat amendments, that have been filed with the bill made in order. Each of these amendments was considered in the committee markup and was defeated in those markups, but we have decided in the rule of fairness to allow them all to have a chance of debating those amendments on the floor, giving them another chance to convince a majority of the House Members that their approach to forest management is better than the bill before us.

In testimony received in the Rules Committee, it was mentioned that this particular bill has had, approximately 50 times, a redrafting to make sure the needs of individuals were met; it was passed by strong bipartisan support in both the Rules Committee and the Agriculture Committee; it has 147 bipartisan sponsors; it has had nine hearings; the sponsors have traveled to forests from Oregon to Georgia; they have had input from Fish and Wildlife, from Tribal land managers; it has been endorsed by the 25,000-member National Federation of Federal Employees Union, by the 15,000 members of the Society of American Foresters and by the 12,000-member Coalition of Professional Firefighters.

This bill has gone through regular order. It is as regular, it is so regular you would think it was sponsored by Metamucil.

I am also very grateful to the chairman of the subcommittee who is the sponsor, Mr. WALDEN, for his work on this, as well as Mr. GOODLATTE, Mr. GILCHREST, Mr. BAIRD, Ms. HERSETH, who presented this bill to us, and also to the gentleman from Washington, Mr. HASTINGS, who told me everything I need to know about forests, and if this bill is good with him, it obviously has to be a good bill.

Those of us who live in the western States realize that we have enormous tracts of land, both in Forest Service land and in BLM lands, and the forest in those areas has been under tremendous stress in the past two decades. We estimate there are at least 190 million acres of land at risk, over 1 million acres that is currently in a restoration backlog. It has taken us about 2 years to begin the restoration process. If there is any kind of regulatory process, the average is 3½ years.

□ 1045

Yet, in those same areas, non-Federal lands, whether it is private or governmental, can begin their restoration process in weeks using best practices that have been tried and true.

At the Rules Committee it was mentioned after the Mt. St. Helens eruption, if you now go to Washington State, you can clearly see where the private forest management, which included selective and partial harvesting of dead timber, has resulted in a quicker and better recovery than adjacent Federal lands where the actions have been hindered oftentimes by litigation.

In my own State of Utah, the Dixie National Forest in southern Utah over a decade ago was infested by pine beetles, originally committed to only 6 acres of infestation above the Cedar Breaks National Monument, an area that was filled with beautiful and very tall Englemann spruce trees.

The best available science protocols and the Forest Service's preferred alternative was a remediation plan that called for harvesting of a certain size of tree in the infested area. Apparently these pine beetles only like a certain age of trees; kind of like a fine wine of only a certain year is what they would consume. The forestry experts said that by harvesting selectively in this contained 6-acre area, they could contain the insects' further spread.

Unfortunately their plan was subject to intense litigation which lasted for over 2 years. In that 2-year period of time, the Forest Service was precluded by injunction from proceeding with their remediation plan. The beetle, unfortunately, did not wait for those 2 years, for the lawyers and the judges in a typical slow, deliberative judicial pace to solve their differences.

Instead of 6 acres being impacted, thousands of acres were killed in this particular forest. Today, if you visit this area, the sad legacy of this litigation was that under the guise of protecting our forest, it was actually very extremely detrimental to our forest. What was once a pristine and amazingly beautiful forest is now acre after acre after acre of dead trees. Habitat has been lost, vegetation was lost, mud slides have increased, water and air quality has decreased, and soil erosion has increased. This area is now an extremely high risk of devastating fire.

There are events that take place in our life that disrupt our forest system. Last year we passed the Healthy Forest Restoration Act to give tools of management to our forest experts for forest health, for community protection, fuel reduction and fire prevention.

This year we are now bringing before you the Forest Emergency Recovery and Research Act, a commonsense recovery plan that would follow natural disasters affecting our forest land. This gives tools of rehabilitation. It is not a plantation forest which environmentalists do not like. There is heavy emphasis on alternative energy that can be used for some of the materials that will be recovered.

You may hear some opponents of this particular bill talking the same old talking points of yesteryear. The important thing to remember is in H.R. 4200 there are three specific elements to it.

Number one, it pursues scientific research in conjunction with land grant universities to improve our knowledge about postcatastrophe treatment. Secondly, it mandates preapproved action, subject to peer review, without blatant proscriptions of actions that will give best science efforts in controlling and preserving our forest land. Number three, it provides firefighter protection.

The most treacherous and dangerous situation for a firefighter is always the second fire in the same area. The passage of this bill would eliminate the potential harm and risk not only to species, but also would potentially save the lives of many of our firefighters.

This bill is such a good bill that it actually should be on the suspension calendar, but we are here today to consider this legislation on the floor under a rule. Once again, Mr. Speaker, this rule provided under H. Res. 816 is fair by any standard of judgment.

I am proud to be a cosponsor of this underlying legislation, the Forest Emergency Recovery and Research Act. I believe it represents a model for how Congress can act in a methodical, reasonable and bipartisan manner to address vital concerns on this emotional environmental issue.

Mr. Speaker, I urge the adoption of the resolution and the underlying legislation in H.R. 4200.

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

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Utah (Mr. BISHOP) for yielding me this time, and yield myself such time as I may consume.

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

Ms. MATSUI. Mr. Speaker, our forests are a valuable natural resource. They offer beauty and recreation for many across the Nation. My own hometown of Sacramento is but a couple of hours from Tahoe National Forest. Throughout the year, Sacramentans can be found taking advantage of this proximity, using the park for hiking, skiing and camping.

With 18 national forests and 20 million acres of national forestland in my home State of California, we face the challenge of a wildfire on almost an annual basis. Many western States deal with forest fires every summer.

In addition, Americas's forests also endure damage from hurricanes, floods, mudslides and our natural disasters. All of these events require swift action from our Nation's brave network of first responders as well as tailored government policies to help forests regenerate over the long term.

The rule before us would authorize debate on H.R. 4200, a bill which its supporters see as a way to speed forest recovery by loosening or eliminating some Federal regulations protecting our public lands. Such a proposal demands scrutiny and debate.

To warrant congressional action, there must be a demonstrable need for such a proposal and reliable proof that the proposed solution meets that need. Unfortunately, the evidence on the need for this bill points in both directions. While some sources claim that this bill would improve the state of forests, other scientific accounts indicate that H.R. 4200 would actually hurt the forest recovery process.

We do know that it would create a loophole to allow some industries to skirt compliance with the National Environmental Policy Act and the Endangered Species Act.

Supporters contend that the logging industry is saddled with unfair government regulations which impede their postfire operations and ultimately hurt the forests themselves. At the same time, 35 percent of all logging in national forests in the past 6 years came from timber salvage in ways similar to this bill, accounting for $35 million to $40 million annually. The only difference is that now these activities have to comply fully with NEPA and the Endangered Species Act before moving forward.

While a CBO estimate projects that this bill would increase timber profits from salvaging by 40 percent, the first question which must be answered is not one of business, but one of science. Does the policy recommended under this bill make sense?

As I stated at the beginning, the evidence is too murky to tell, and we need to spend more time learning about and debating this issue before we act. I am encouraged that the Rules Committee recognized this and made four amendments in order which will add to the public discourse on this bill.

However, it is difficult to ignore the arguments of those opposed to H.R. 4200. One such voice comes from a January 2006 issue of Science Magazine. In that issue, a group of researchers published a study of logging in the aftermath of the 2002 Biscuit fire in Oregon. This peer-reviewed study concluded that the impact of logging in these areas reduced regeneration of new trees by some 70 percent.

This single scientific article is not the final word on such a complicated matter for sure, but its findings are consistent with a good portion of the larger body of literature on this subject. And when so many experts express concern with H.R. 4200, Members would be well advised to listen to their reservations and take time to reconsider the issue.

Mr. Speaker, I will insert at this point in the RECORD a letter to Congress signed by 169 experts in the areas of biology, ecology and forest management. This group of researchers includes UC Davis professors Dr. Robert Coats and Dr. Peter Moyle, as well as 13 other Californians.

MARCH 14,2006.

DEAR MEMBERS OF CONGRESS: The United States has made great strides by relying on science to inform our decision making. Science helped us travel to the moon; advance medicine and health; and understand the complex web of life on land and in rivers, lakes, and oceans. Science has also opened our eyes to the workings of forests and provided blueprints for federal plans to better protect the abundant natural resources of our public lands.

When we, as scientists, see policies being developed that run counter to the lessons of science, we feel compelled to speak up. Proposed post-disturbance legislation (specifically the Forest Emergency Recovery and Research Act [H.R. 4200] and the related Forests for Future Generations Act [S. 2079]), crafted as a response to recent fires and other disturbances, is misguided because it distorts or ignores recent scientific advances. Under the labels of ''recovery'' and ''restoration,'' these bills would speed logging and replanting after natural disturbances.

Although logging and replanting may seem like a reasonable way to clean up and restore forests after disturbances like wildland fires, such activity would actually slow the natural recovery of forests and of streams and creatures within them. Many scientist-reviewed studies and syntheses (please see the selected citations appended to this letter) have recently come to this conclusion. For example, no substantive evidence supports the idea that fire-adapted forests might be improved by logging after a fire. In fact, many carefully conducted studies have concluded just the opposite. Most plants and animals in these forests are adapted to periodic fires and other natural disturbances. They have a remarkable way of recovering—literally rising from the ashes—because they have evolved with and even depend upon fire.

We are concerned that H.R. 4200 and S. 2079 will bind us to land management practices that, perhaps logical in the past, are no longer tenable in the light of recent scientific understanding. Specifically, post-disturbance logging impedes regeneration of forest landscapes when it compacts soils, removes or destroys so-called biological legacies (such as soil organic material, seeds in the soil, large standing and downed trees), damages riparian corridors, introduces or spreads invasive species, causes erosion, delivers sediment to streams from logging roads and steep slopes, degrades water quality, and damages populations of many aquatic species. In testimony before the House Subcommittee on Resources (November 10, 2005), eminent forest ecologist and University of Washington Professor Jerry Franklin noted that logging dead trees often has greater negative impacts than logging of live trees. He concluded that ''timber salvage is most appropriately viewed as a 'tax' on ecological recovery.''

Beyond those concerns, post-disturbance logging often intensifies the potential severity of future fires by concentrating the slash from logging at or near the ground. Rather than leaving plant material standing—and providing perching, nesting, and feeding sites for wildlife—such logging abruptly moves the material to the ground. Most of this material would naturally fall to the ground, adding important supplies of nutrients and energy to the forest floor and structure in the form of woody debris to stream channels. But this naturally happens over decades, not in the relatively short time associated with a logging operation. Advocates of post-disturbance logging may argue that this slash can be disposed of with controlled burns and other treatments. Yet such treatments can severely damage underlying soils, imposing other taxes on natural recovery.

One additional tax concerns us. Postfire logging taxes the public treasury. Recent analysis of postfire logging operations after Oregon's Biscuit fire of 2002 shows that costs of the logging operations exceeded revenue by about $14 million for logging that removed more than 53 million board feet of timber (DellaSala et al. 2006).

Science provides the best insight into the real consequences of our policies and actions. Ironically, this legislation is crafted to ignore the science by waiving environmental reviews, reviews that would make use of the scientific knowledge often available only because of expenditures of public funds. Failure to conduct full environmental reviews informed by that science will inevitably lead to ecological and economic harm from post-disturbance logging.

In short, neither ecological benefits nor economic efficiency result from post-disturbance logging. We therefore urge you to defeat these legislative efforts because they will set back forest recovery. We urge you to work with your fellow lawmakers to craft legislation that will rely on the most up-to-date scientific knowledge to protect the natural resources of the nation's public lands.

Sincerely,

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Steve Rothenberger, Ph.D., Professor, Biology, University of Nebraska-Kearney, Kearney, NE.

Betsie B. Rothermel, Ph.D., Assistant Research Scientist, University of Georgia, Aiken, SC.

Leanne H. Roulson, M.S., Fisheries Biologist, Bozeman, MT.

Barbara A. (''Bitty'') Roy, Ph.D., Associate Professor, Ecology University of Oregon, Eugene, OR.

Matthew Rubino, Conservation Biologist/GIS Analyst, SE–GAP/Biodiversity and Spatial Information Center, Department of Zoology, North Carolina State University, Raleigh, NC.

James Runkle, Ph.D., Professor, Biological Sciences, Wright State University, Dayton, OH.

Melissa Savage, Ph.D., Emerita Associate Professor, Geography, University of California, Los Angeles, Los Angeles, CA.

Andrew Schnabel, Ph.D., Associate Professor, Evolution and Ecology, Indiana University South Bend, South Bend, IN.

Tania Schoennagel, Ph.D., Fire Scientist, University of Colorado, Boulder, CO.

Bronwyn Scott, M.S., Invasive Species Ecologist, Ph.D. student, University of Washington, Adjunct Life Science Faculty, Bellevue Community College, Bellevue, WA.

Bonita Shanafelt, Support Scientist, Forest Service, PNW Research Station, Wenatchee, WA.

Tony Silvaggio, Ph.D., Environmental Sociology, Department of Sociology, Humboldt State University, Arcata, CA.

Diane E. Sklensky, Ph.D., Professor, Biological Sciences, Le Moyne College, Syracuse, NY.

David L. Smith, Ph.D., Associate Professor and Chair, Department of Biological Sciences, Le Moyne College, Syracuse, NY.

Jennifer Smith, Ph.D., National Center for Ecological Analysis and Synthesis, University of California, Santa Barbara, Santa Barbara, CA.

Sherilyn G. F. Smith, Ph.D., Associate Professor, Biological Sciences, Le Moyne College, Syracuse, NY.

Erica Smithwick, Ph.D., Ecosystem Ecologist/Fire Scientist, University of Wisconsin, Madison, WI.

Eric B. Snyder, Ph.D., Stream Ecologist, Assistant Professor, Biology, Grand Valley State University, Allendale, MI.

Wayne D. Spencer, Ph.D., Senior Conservation Biologist, Conservation Biology Institute, San Diego, CA.

Timothy P. Spira, Ph.D., Plant Ecologist, Professor, Biological Sciences, Clemson University, Clemson, SC.

Stephen M. Spomer, Research Associate, Department of Entomology, University of Nebaska, Lincoln, NE.

James R. Spotila, Ph.D., Betz Chair Professor, Environmental Science, Department of Bioscience and Biotechnology, Drexel University, Philadelphia, PA.

Robert Stiles, Ph.D., Ichthyologist, Department of Biology, Samford University, Birmingham, AL.

James R. Strittholt, Ph.D., Executive Director, Landscape Ecologist, Conservation Biology Institute, Corvallis, OR.

Adam Switalski, M.S., Science Coordinator, Wildlands CPR, Missoula, MT.

Tamara Ticktin, Ph.D., Department of Botany, University of Hawaii at Manoa, Honolulu, HI.

Brian N. Tissot, Ph.D., Associate Professor, Environmental Science, Washington State University Vancouver, Vancouver, WA.

David W. Tonkyn, Ph.D., Associate Professor, Biological Sciences, Clemson University, Clemson, SC.

Stephen C. Trombulak, Ph.D., Professor, Biology and Environmental Studies, Middlebury College, Middlebury, VT.

Robin Tyser, Ph.D., Professor, Ecology, University of Wisconsin-La Crosse, La Crosse, WI.

Thomas T. Veblen, Ph.D., Professor, Geography University of Colorado, Boulder, CO.

Frank von Hippel, Ph.D., Associate Professor, Aquatic Ecology, University of Alaska Anchorage, Anchorage, AK.

Floyd Waddle, Ph.D., Associate Professor, Fayetteville State University, Fayetteville, NC.

Robert O. Wagner, Ph.D., Wildlife Ecologist, DeRidder, LA.

Don Waller, Ph.D., Forest Ecologist, Department of Botany, University of Wisconsin, Madison, WI.

B. Michael Walton, Ph.D., Director, Environmental Institute, Associate Professor, Biological, Geological, and Environmental Sciences, Cleveland State University, Cleveland, OH.

James H. Warner, Ph.D., Ecologist, Professor Emeritus, Biology, University of Wisconsin-La Crosse, La Crosse, WI.

Peter Warner, M.A., Ecology, Environmental Scientist, California Department of Parks & Recreation, Little River, CA.

Vicki Watson, Ph.D., Professor and Watershed Ecologist, University of Montana, Missoula, MT.

Tom Wessels, M.S., Professor, Ecology, Antioch New England Graduate School, Keene, NH.

Cindy Deacon Williams, Fisheries Biologist, Headwaters, Ashland, OR.

Jack E. Williams, Ph.D., Chief Scientist, Trout Unlimited, Medford, OR.

Mr. Speaker, I would like to read an excerpt from this letter because it illustrates the need for us to carefully consider what we are doing if we pass this bill.

''Although logging and replanting may seem like a reasonable way to clean up and restore forests, after disturbances like wildland fires, such activity would actually slow the natural recovery of forests and its streams and creatures within them. For example, no substantive evidence supports the idea that fire-adapted forests might be improved by logging after fire. In fact, many carefully conducted studies have concluded just the opposite.''

Mr. Speaker, if Congress wants to give itself adequate time to investigate the evidence and debate this complex and important issue, it will put this bill aside. To do otherwise would ignore the voices of some forest management experts and scientists who contend that this bill will make our forests more vulnerable to fire.

At the same time, approving this bill would needlessly undermine the Federal laws put in place to balance the interests of industry with those of the environment.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield as much time as he may consume to the gentleman from Oregon (Mr. WALDEN), who is the chairman of the subcommittee, as well as the sponsor of the bill, and recognized as probably one of our experts on forest life and forest health in this Congress.

Mr. WALDEN of Oregon. Mr. Speaker, I appreciate the opportunity to speak on this legislation today. H.R. 4200 comes before you today after more than 2 years of work by Representatives BAIRD, HERSETH, GOODLATTE, GILCHREST, myself and many others.

Mr. Speaker, we have worked on more than 50 drafts of this legislation in an open and inclusive process, deliberately in an attempt to produce legislation that carefully reduces the obstacles to forest recovery following catastrophic events such as massive wildfires, blowdowns and ice storms.

Mr. Speaker, we moved the bill successfully through the House Resources Committee on a 25–13 bipartisan vote, and through the House Agriculture Committee by a 36–3 bipartisan vote, easily defeating all opposing amendments.

The Congressional Budget Office score, while showing an initial cost of $5 million in the first year, shows the bill will reduce spending by the Federal Government by $21 million from 2007 through 2011, and will generate hundreds of millions of dollars in net revenue for the land management agencies.

Mr. Speaker, this poster next to me here shows what happens on our Federal forests in terms of replanting costs and salvage value.

The longer you take to replant a forest, the more it costs. The longer you wait to salvage, if that is the plan, the less value you get out of it. This is pretty simple science, pretty simple and explanatory math that explains what we are trying to accomplish here. Salvage sooner, plant sooner, restore the forest quicker.

We come to you today with 146 cosponsors; the support of hundreds of organizations and thousands of forest and conservation professionals; wildland firefighting organizations, the real ones, the ones that actually represent thousands and thousands of the people who put their lives on the line to extinguish the fires in our forest. Organizations representing labor have weighed in strongly in support of this legislation.

Mr. Speaker, I will insert into the RECORD at this point letters that I have received and others have in support of this legislation.

FEDERAL WILDLAND FIRE SERVICE ASSOCIATION,
Inkom, ID.

Hon. GREG WALDEN,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WALDEN: The FWFSA is a nation-wide employee association comprised of federal wildland firefighters from the five land-management agencies. Our membership spans the breadth of fire positions from entry-level firefighters to Forest Fire & Aviation Chiefs.

We have been asked to review HR 4200, The Forest Emergency Recovery & Research Act and to provide our thoughts on this legislative proposal. We are cognizant of the frequent debate regarding forest policies and quite candidly often find ourselves in the middle of such debates. However in reviewing HR 4200, we are looking for the impact to our firefighter's health and welfare. We have reviewed documents in support of the measure as well as documents opposing it. With all due respect to those that oppose this legislation, we don't believe many of their positions or conclusions are plausible.

In looking at the legislation strictly from a wildland firefighter standpoint, this organization believes the Forest Emergency Recovery & Research Act is a common sense approach to addressing a number of complex issues. Therefore we are pleased to offer our support of this measure.

Should you have any questions, please feel free to contact me.

With warm regards,

CASEY JUDD,
Business Manager.

INTERNATIONAL ASSOCIATION, OF FIRE CHIEFS
Fairfax, VA, May 16, 2006.

Hon. GREG WALDEN,
Chairman, Subcommittee on Forests and Forest Health, Committee on Resources, House of Representatives, Washington, DC.

DEAR CHAIRMAN WALDEN: On behalf of the nearly 13,000 chief fire and emergency officers members of the International Association of Fire Chiefs (IAFC), I would like to commend you for introducing H.R. 4200, the ''Forest Emergency Recovery and Research Act.''

America's fire service is tasked with responding to emergencies and disasters caused by all hazards, including wildland fires. As such, we understand the importance of healthy forest management activities, such as reducing fuel loads, to decreasing risk to communities and preventing future fires. This legislation will play an important role in these activities by allowing federal forest managers to remove dead and dying timber in a timely manner from areas affected by catastrophic events.

Please feel free to contact Ken LaSala, Director of Government Relations, at (703) 273–9815 x347, if we can be of assistance.

Sincerely,

CHIEF WILLIAM D. KILLEN,
President.

MAY 9, 2006.

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

DEAR MR. SPEAKER: We recently read about a group representing a very small handful of wildland firefighters, the Firefighters United for Safety, Ethics, and Ecology and their opposition to legislation critical to the future health of our national forests and rural communities. We represent the majority of the organizations and individuals who are the first responders in our national forests to catastrophic natural disasters like wildfires, tornadoes, hurricanes and ice storms. We strongly support and endorse the bipartisan Forest Emergency Recovery and Research Act (HR 4200) introduced by Representatives Greg Walden (R–OR), Brian Baird (D–WA) and Stephanie Herseth (D–SD) and cosponsored by 145 of their colleagues. Our employees are the firefighters, airplane and helicopter pilots, hazard tree fallers, and support personnel who put their lives on the line as they respond to disasters in our national forests. Natural catastrophes impact our nation's treasured forests on a regular basis. Wildfires, tornadoes, ice storms, bug infestations and windstorms are frequent occurrences which often leave our national forests dead and in need of recovery and restoration. HR 4200 would deliver the critical, science-based tools needed to repair these forests after disaster strikes them.

When dead and dying timber is left to rot in our national forests, excessive fuel loads build which result in hotter, faster burning, uncontrollable wildfires. The fuels and intense wildfires they produce not only impair the environmental health of our forests, watersheds and airsheds; they also pose significantly greater danger to our firefighters and the communities they try to protect. Current law simply doesn't allow the science-based, proven and quick treatment of our forests after a catastrophic act of nature damages them, but HR 4200 would provide the badly needed tools to our professional forest managers who would decide the best course of action after a disaster occurs. It is critical to the future of these forests, and to the communities affected by their health, that federal land managers are able to rapidly assess damage, determine environmentally sound action plans and get to work recovering damaged forests.

Another significant benefit of this legislation is that it encourages public participation, follows an overwhelmingly bipartisan and congressionally approved appeals and litigation process and requires collaboration with states, local governments, tribes, colleges and universities, and other interested parties.

When it comes to the health of our national forests as well as the health of our firefighters and other first responders, we have a responsibility to get to work restoring lands damaged by catastrophe. The Forest Emergency Recovery and Research Act would help do just that. We are united in our strong support of it and urge the House to pass it as soon as possible.

Sincerely,

Debbie Miley, Executive Secretary, National Wildfire Suppression Association.

Tom Eversole, Executive Director, American Helicopter Services & Aerial Firefighting Association.

Mike Wheelock, President, National Environmental Fuels Association.

Bruce Ferguson, President, Ferguson Management Company.

Don Pollard, President, GFP Inc.

Michael Fahey, President, Columbia Helicopters Inc.

BL Kafman President, Croman Corp.

John Bennett, President, Northwest Contract Firefighters Association.

Eric Helpenstell, Operations Manager, Pacific Wildfire International.

John Bennett, President, Enterprise Unlimited.

Rick Dice, President, PatRick Corp.

Rich Denker, Executive Director, Western Forest Fire Services Association.

Shari Downhill, President, N.W. Timber Fallers Inc.

Nelda Herman, President, Oregon Firefighting Contractors Association.

Don Moss, President, Strike Back.

Eric Helpenstell, President, Pacific Wildfire.

Paul Washburn, President, Washburn Contract Services Inc.

Mike Wheelock, President, Grayback Forestry.

Mark Gibson, General Manager, TL Forest Products.

Mr. Speaker, let me read from the Federal Wildland Fire Service Organization and what they said about H.R. 4200, the Forest Emergency Recovery and Research Act. They were asked to review the bill, and they did, and they provided their thoughts on this legislative proposal.

''We are cognizant of the frequent debate regarding forest policies, and quite candidly often find ourselves in the middle of such debates. However, in reviewing H.R. 4200, we are looking for the impact to our firefighters' health and welfare. We have reviewed documents in support of the measure, as well as documents opposing it.''

□ 1100

With all due respect to those that oppose this legislation, we don't believe many of their positions or conclusions are plausible. In looking at the legislation strictly from a wildland firefighters standpoint, this organization believes the Forest Emergency Recovery and Research Act is a commonsense approach to addressing a number of complex issues. Therefore, we are pleased to offer our support of this measure.

This is from the Federal Wildland Fire Service Association, the real association that represents firefighters.

From the International Association of Fire Chiefs, they write: America's Fire Service is tasked with responding to emergencies and disasters caused by all hazards including wildland fires. As such, we understand the importance of healthy forest management activities such as reducing fuel loads to decreasing risk to communities and preventing future fires. This legislation will play an important role in these activities by allowing Federal forest managers to remove dead and dying timber in a timely manner from areas affected by catastrophic events.

The International Association of Fire Chiefs. I have a letter here signed by organizations representing 12,000 firefighting professionals and 300 companies that do the day-to-day tough work out in our forests to make them healthier, to put out the fires to save lives and save communities. They have reviewed this legislation; they understand it; their lives are on the line, and they support it. We have held nine hearings on this issue. We asked the Nation's leading scientists and foresters for their input. We asked the Government Accountability Office for their assistance. We traveled to forests from Oregon to Georgia, from Washington State to South Dakota. We consulted with tribal land managers and fish and wildlife organizations, and we learned much in this process.

First, we learned that the science of forest recovery is a mixed bag, so the legislation proposes the most significant increase in forest research put forward in a decade or more. We want to continually use science to improve our practices, to improve our practices. So we call for more research, we set up the way to do it, and we fund it in this legislation. We embrace scientific research and improve stewardship that comes from it.

Second, we learned that every non-Federal forest manager in the Nation, county, State, tribal, and private, has the ability to move more quickly after a fire or blowdown to remove the debris and restore the land. The forest practices used by these land managers have been developed and honed by trial and error over the centuries and have become environmentally and economically sound and successful. While these proven practices allow State and private land managers to act in a matter of weeks, the Federal process can take years.

Let me show you here an example from my State of Oregon in the Willamette National Forest. These are two different fire scenarios, but they tell the story of what happens. This is the Warner Creek fire in the Willamette National Forest. Thirteen years later, no restoration. This is the forest America gets. This is the stewardship current law allows. This is what happens today and why we want to change the law. This is what happens when you can get in and manage. So this too happens. It is just we have got a million acres backlog like this. We are not being responsible stewards when we could get forests such as that.

Third, while the science itself may offer competing views, there is broad agreement that if the decision is made in a forest to remove dead or dying trees and replant, quick action is best. So the conflicting science says do different things, manage differently, look at slopes, look at plant association types and all that. But if you are going to act, it makes more sense to act quicker rather than later.

Fourth, as Americans we look at our wood products. Seats in this House are made from wood and leather. Our homes, our furniture. We are developing biomass facilities to produce energy. And, if we can't get the wood

here in the United States, then we import it from abroad, where I daresay environmental laws are lax. So if you are going to use wood, doesn't it make sense to first use the burned dead wood, the burned dead trees rather than to cut down the green ones?

Fifth, we learned it is important to leave behind snags and other debris, even if you harvest some of the trees. The birds, wildlife, and insects need a home, too, and this legislation directly provides for this need.

We also heard from groups that plantation forests are not appropriate, and we agree. This legislation specifically and clearly speaks to this issue as well. In addition, the bill requires 100 percent compliance with existing forest plans, plans developed by the agencies locally, scientifically, with complete public input that comply with all environmental laws. We waive no environmental laws in this legislation. If an activity is not allowed in the forest, it would not be allowed as a result of this legislation.

Sixth, we learned from the GAO that on Federal forests of America, there is a million-acre backlog of untreated lands that need reforestation recovery work. The chief of the Forest Service testified that if he had the authority contained in this legislation, he would be able to generate the revenue needed to pay for forest recovery and restoration needs. He also testified that while he was able to use the authority in the Healthy Forest Restoration Act to aid in the recovery efforts after Hurricanes Katrina and Rita, the authorities in this measure would have aided their work even more.

In the months since the hurricanes struck the South, the Congress and the public have pummeled Federal agencies for failing to act quickly to clean up devastated areas. Yet it can take 3½ years for the Forest Service to finally get the permission from a Federal court to cut a burned dead tree in Oregon, and then most of the trees have lost their value.

The Eyerly fire from 2002 is a perfect example of what we face. This fire burned in 2002. It claimed thousands of acres; to be exact, 23,573 acres. Three years later, reforestation actions began, restoration actions began, and then only on 1,045 acres. And as of today, only 645 acres are treated. These are American forests. This is what happens after a catastrophic event. Can you imagine in the South if we said after a hurricane we are going to wait 3 years to do the cleanup? Nobody would tolerate that. And yet in the forests of America we allow it to occur and we ignore it. And that is wrong, and this legislation would change that.

People in my State of Oregon don't accept the notion that it should take 3 years to clean up after a catastrophic fire. They want green healthy forests restored. They understand that if the trees have value and it is appropriate to remove them and there is a public process that allows for that, including appeal which our bill does, then move forward. Cut the trees while they have value, if that is what the plan allows for, and if you follow the environmental rules which our bill requires.

But remember, H.R. 4200 does not mandate a single tree be cut. It doesn't say that. Its expedited procedures can only be used if the agency can first demonstrate that there is an emergency and they need to act quickly. The public still has the right to appeal administratively and judicially. And even if this bill becomes law, there will still be more public involvement in the management of Federal lands than there is on State, county, or tribal lands. And it could still take the Federal agency four or five times as long to implement the recovery plans as these other entities.

And some will say, well, what about this definition of emergency? If you don't like the definition of the emergency in our bill, then you had better change the definition of an emergency under the Federal Emergency Management Act, because they are the same. It is the same concept. An emergency in Florida, an emergency in Mississippi or Louisiana, shouldn't be any different than an emergency in our Federal forests. We are the stewards of the future for those forests. Kids and grandkids expect us to go in and do the management that the plans that have been developed in the public process call for and that we should move forward.

I appreciate the rule under which this bill is coming to the floor that allows for that full and open debate and the consideration of competing amendments, because this is a debate America needs to have. It is a debate I am proud to have because this legislation is good for the future of our country and forests.

Ms. MATSUI. Mr. Speaker, I yield 4½ minutes to the gentlewoman from South Dakota (Ms. HERSETH).

Ms. HERSETH. I thank the gentlewoman for yielding.

Mr. Speaker, I rise in support today of the resolution in H.R. 4200, the Forest Emergency Recovery and Research Act. I have been working on this legislation for many months with Chairman WALDEN, with Representative BAIRD, Chairman GOODLATTE, and many others, and I have appreciated their leadership on this important issue.

I serve on both the House Resources and Agriculture Committees, and have been able to consider this legislation from both seats. H.R. 4200 has been through numerous congressional hearings, including field hearings, extensive discussions on language and provisions, two committee markups, and multiple adjustments along the way. The process has been open and responsive to many of the concerns raised by the bill's opponents.

When I first began discussing this bill with others, the conversations started with the recognition that our country's forest management system as it pertains to the aftermath of fires, hurricanes, and beetle infestations or other events is critically broken. Forest managers often have the knowledge but not the ability to respond, unlike their State, tribal, or county counterparts.

In the face of this paralysis we all recognize that, far from being over, another crisis sometimes begins after the fire is extinguished. The cost of inaction is high and has been felt in my home State of South Dakota.

In 1988, fire burned a portion of the Custer National Forest in northwestern South Dakota. The Forest Service was unable to remove any of the dead trees, and in 2002 the same area burned again. The second fire consumed most of the organic matter and new generation, inflicting even more harm.

Now, pictured to my right is the reburned area. The white lines of ash that you see throughout this photo are what remain from the trees downed by the original 1988 fire. Swift action after the first fire could have prevented this bare landscape and could have helped the area to regenerate.

I support H.R. 4200 and the corresponding rule not only because of the past consequences of inaction, but in anticipation of what the next fire season may leave us with. Many of today's forests are subject to drought conditions, bug infestations, and in many cases an unhealthy and overgrown condition. This is certainly true in South Dakota. Fires in places like these pose an extra and unnatural risk, high-intensity fires that destroy precious sources and soils and in many instances damage any real chance at natural regeneration. The need for sensible and responsive management tools is clear.

To meet this need, H.R. 4200 brings two new and important ideas to the table: a fund dedicated to post-catastrophic events science research, and the creation of preapproved practices. Science is the essential. It should be the touchstone of our management decisions, and in the face of new scientific evidence we should adjust the way we manage our forests.

H.R. 4200 recognizes that need and creates a new program to analyze and better understand forest regeneration. In fact, the bill requires that 10 percent of the proceeds from any recovery project go toward the new research activity. This emphasis serves an important check on forest management decisions and will complement the bill's numerous requirements that all actions must be consistent with the underlying forest management plan.

The other innovative aspect of this legislation is the creation of preapproved practices. As we can see from this picture, delays do have consequences. Fortunately, this could have been averted with swift action, actions enabled, but, as Mr. WALDEN explained, not required by H.R. 4200. With the completion of preapproved

techniques and practices, we will have a library of approved actions to choose from, each tailored to meet unique forest recovery needs, and all of them ready for implementation. This process will make the most of the time we have before a catastrophe takes place. They will allow managers to consider the unique landscape and ecology of each forest. As they are drafted and approved, they will provide an important forum for public input and oversight. H.R. 4200 includes key provisions to ensure that forest management plans are followed. If they are followed, it preserves the public's role and in many instances goes even further. The bill language actually weighs in against plantation-like restoration projects and requires that new temporary roads built to achieve recovery projects be obliterated.

The bill has been strengthened by many changes that I mentioned throughout the Resources and Agriculture Committees hearings, and I think that my colleagues should support it as is. I encourage them to do so without the addition of any further amendments. I urge my colleagues to support H.R. 4200, to vote ''yes'' on the rule and on passage of the bill.

Mr. BISHOP of Utah. Mr. Speaker, I yield 4 minutes to the Chairman of the Agriculture Committee, the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I rise today in strong support of the rule for H.R. 4200, the Forest Emergency Recovery and Research Act, or FERRA. This bill has 147 bipartisan cosponsors, including almost every Representative whose district includes substantial amounts of public forest land.

FERRA is designed to help our professional foresters respond to disasters such as fires, hurricanes, and ice storms more quickly, while providing a dedicated source of funding to conduct research on forest recovery.

In 2003, this House came together on a bipartisan basis and passed the Healthy Forest Restoration Act. That bill was designed to help our public land managers move quickly to help restore forest health across our national forests. But with millions of acres of our public forests at risk of catastrophic wildfires and still others subject to disasters such as Hurricane Katrina, it is obvious that some forests will sustain catastrophic damage. The question then becomes what to do about it.

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Our public land managers have been faced with this question over and over again in recent years. It has become apparent that the framework of existing laws and regulations discourages them from acting quickly to restore forests and capture the value of damaged timber.

The Forest Service has encountered difficulties in my home State when insect outbreaks or ice storms have damaged our national forests. Between 1992 and 1994, the gypsy moth, a nonnative, invasive pest, defoliated over half a million acres of Virginia's national forest, killing trees on tens of thousands of acres. Unfortunately, the Forest Service conducted salvage sales on a mere 2,700 acres, a very small percent of the total.

Furthermore, the response to the ice and windstorms that hit our forests proceeds at a snail's pace, and it can take the NEPA from 6 months to several years to move forward with a salvage and recovery project. Even as the agency has attempted to use administrative rules to move more quickly, radical environmental groups who oppose all timber harvest on our public lands have sued to force even small projects through cumbersome appeals processes.

H.R. 4200 would help provide some assurance that restoration projects would at least be considered in a timely fashion.

I have worked closely with the bill's bipartisan lead sponsors, my friends and colleagues, the gentleman from Oregon (Mr. WALDEN), the gentleman from Washington (Mr. BAIRD) and the gentlewoman from South Dakota (Ms. HERSETH) on this bill. The final version before you today reflects months of work and countless revisions to ensure that the bill protects the environment while ensuring that forest recovery can take place while damaged trees still have value.

That is why there is broad support for H.R. 4200 within the private sector where it has been endorsed by more than 50 organizations, including professional resource managers and sportsmen's groups.

My belief is that H.R. 4200 provides a balanced approach to forest recovery while sending Federal land managers a clear signal that forest recovery should be a priority. Delays result in wasted timber resources, degraded environmental conditions, and increased costs for taxpayers. Projects which could have paid for themselves, provided valuable timber to local industry, and help put our forests on the road to recovery wind up delayed to the point where the timber is valueless. Adjacent private landowners meanwhile absorb the risk as national forests become the source of future insect epidemics and wildfires.

H.R. 4200 also focuses on improving the science behind forest recovery, and it does not waive a single environmental law. It requires consideration and, if appropriate, implementation of expedited environmental review to ensure that projects are documented and implemented in a timely fashion.

As Forest Service Chief Dale Bosworth told the Committee on Agriculture, ''H.R. 4200 would provide direction for rapid response to catastrophic events and allow managers and partners to spend less time planning and more time doing.''

Recovering forests quickly after a disaster is common sense. Our bill ensures that the Forest Service will take these commonsense measures and back them up with sound science.

I urge my colleagues to support this rule and the accompanying legislation.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. BOREN).

Mr. BOREN. Mr. Speaker, I thank the gentlewoman for yielding.

The Ouachita National Forest, part of which is in my district, covers 1.8 million acres in central Arkansas and southeastern Oklahoma. It is about 70 degrees right now in Oklahoma, but in December of 2000, it was not so pleasant, as you can see by the photo.

A major ice storm hit approximately 340,000 acres in the Ouachita Mountains, closing State highways and county roads. In recovering from the storm, the Forest Service obtained the approval of alternative arrangements under the National Environmental Policy Act. Alternative arrangements must be approved by the White House and have only been used a handful of times to allow a quick response to catastrophic events such as the Ouachita ice storm. These arrangements allowed action on roughly 66,000 acres to reduce fuels and the risk of wildfire in the areas posing the greatest threat to public safety and private property.

The area within the alternative arrangements zone included 1,862 homes and 23 churches in my district. About 100 million boardfeet of timber was harvested; less than a third of that was damaged.

Alternative arrangements worked, at least for the acreage that was treated, but the White House simply does not have the time or the staff needed to respond to every catastrophic event. H.R. 4200, the Forest Emergency Recovery and Research Act, does this.

Ice storms and other devastating events will continue to happen. We need to make streamlined recovery available to public land managers.

The Forest Emergency Recovery and Research Act would help to make certain the next ice storm in the Ouachita National Forest and other parts of the country are responsibly restored.

Mr. Speaker, I ask my colleagues to support the rule and overall bill.

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding.

I rise in support of the rule and the underlying bill. The Forest Emergency Recovery and Research Act is a great piece of legislation. Not only is it going to be good for our forests and for our environment, it saves the taxpayers money as well.

This will reduce spending by about $21 million from 2007 to 2011 and $23 million from 2007 through 2016. In addition, the CBO has stated that over $122 million in additional receipts will be generated by the agencies. This is money that will then be available for restoration, reforestation and additional research.

As a result of catastrophic events and natural disasters, there are over 1 million acres of public land in need of reforestation. My home State of Arizona had a devastating fire a couple of years ago, burning over 400,000 acres. Much of that acreage is in Arizona.

I happened to drive over the weekend to my hometown of Snowflake and to see the forest that was devastated by that fire or those fires that is still yet to recover at all because we have not had people go in and actually manage the forests as it ought to be managed.

This legislation will help cut through that red tape. It will save agency money. It will save the taxpayers money, and with $21 million in savings over 5 years, the opportunity to restore thousands more acres, this is the answer to what we have been looking for.

I urge my colleagues to support the rule and the underlying bill.

Ms. MATSUI. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I thank the gentlewoman and my dear friend Congressman WALDEN and colleagues on both sides of the aisle for their work on this.

I come to this bill as someone who has a long and proud history of concern for the environment. I would compare my environmental record to anyone in this body.

I also represent a district that is one of the 10 most heavily forested districts in the United States of America. In parts of my district, certain counties, the unemployment rate is still in double digits. Small timber communities have been devastated over the past years by cutbacks in timber harvest and other impacts.

This bill is a commonsense bill. We use wood. Wood has to come from somewhere. The choice before us is, shall we get it from dead trees or from live trees? Shall we get it from domestic forests where we have environmental and labor standards, or shall we get it from rainforests or the Russian Taiga where there are virtually no environmental standards?

It is good for the environment, I believe, to harvest dead trees in a way that reduces erosion, that expedites reforestation with diverse natural species.

My dear friend from California mentioned earlier, and I recognize there are questions about this on both sides, but my dear friend suggested that we might want to wait. As you heard from Mr. WALDEN, we have had a number of hearings on this. More impressively still, the 15,000-member-strong Society of American Foresters has endorsed this bill.

The fact is we do not lack evidence that this can be done. We have abundant evidence that it can be done responsibly. Hundreds of thousands of acres of land across this country have been harvested and reforested and is vibrant today.

We also have evidence from natural events. I happen to represent Mount St. Helens. The picture beside me shows an area of industrial forestland harvested post-St. Helens eruption, reforested by the Weyerhaeuser Company. Adjacent to it is the national monument. You can see clearly trees have grown more rapidly in the area that was harvested and reforested.

Our bill specifically says that in a national forest you not replant in a plantation style, but there can be no doubt that evidence is clear that you can have more rapid regeneration following harvests and replanting than in an area that is left undisturbed.

Our bill, I should emphasize, protects national monuments and wilderness areas. No impact from this bill on those areas.

The bill has also been endorsed by labor unions, the Association of Western Pulp and Paperworkers, the carpenters and others. Furthermore, it has the support of professional firefighters. The people whose lives depend on the situation in the woods have recognized that this bill has merit.

Now, some have said, well, if you replant in the wrong way, you can increase fire risk. We agree, but our bill calls for you to replant in a right way that does not increase fire risk. The natural requirements of forest plans require the removal of downed timber, thereby further reducing the fire risk.

When this bill came before the Rules Committee yesterday, my colleague Congressman WALDEN, Ms. HERSETH and I and others encouraged that these four amendments be allowed. We disagree with them. We think they are counterproductive, but we think it is important to have an open debate.

I am very proud of this legislation. If people would get past the rhetoric and ask themselves this simple question, if we are going to use wood, does it make sense to get it from dead trees or live trees; and if we can harvest it responsibly, gain economic benefit from doing so, if we do so correctly, benefit the environment as well by reducing erosion and restoring habitat more rapidly, should we not do so?

Existing law prohibits us from doing that. That is why we are moving to change the law. We believe we can improve on existing law. We believe there is evidence where existing law has actually harmed the environment, has been economically counterproductive, and we believe this commonsense legislation improves upon that.

So I urge passage of this rule, and I urge passage of this legislation when it comes to the floor, and I urge rejection of the four amendments. Though I am glad they were ruled in order, we should vote them down.

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I stand today in strong support of H.R. 4200, the Forest Emergency Research and Recovery Act. I tell you, is it not good to see common sense coming out on both sides and good things prevail?

Well, excessive red tape prevents the Forest Service from being the best possible stewards of our public lands. While we have heard from many that there is no need to move quickly after a catastrophic event, here is an outline of the situation we face in the Gulf States. I think you will see we do need to move quickly, and inaction is not acceptable.

The Gulf States are booming with newcomers, and many are moving in and living near the national forests. Hurricanes have hit and will hit, and when they do, they knock down trees, just as they did last fall. Shortly after the hurricane season ends, fire season begins.

Forest managers need to remove the dead trees after a hurricane to reduce the chances for catastrophic fires, and because the wood rots quickly in this region, management actions need to occur within months, not years, as is often the case. H.R. 4200 will allow for expedited cleanup of excess wood debris that are actually fuels.

If a fire does occur, it is also important to move quickly to remove dead trees to reduce the potential for insect epidemics, which have happened and do happen. H.R. 4200 will allow for the expedited removal of burned, dead trees.

In addition, because of the rapid growth of brush and competing vegetation after a catastrophic event, the planting of seedlings needs to happen quickly for it to be successful.

Right here in my district in east Texas, we have one of the best forestry schools in the entire world, and that is at Stephen F. Austin University. James Hull, the State forester to the State of Texas said on Monday in an editorial in the Houston Chronicle, ''Red tape forces Federal agencies to wait as long as 2 years before properly managing damaged forests afflicted by wildfires and hurricanes. With every passing day, there are increased risks. We must adjust current regulations in ways to promote healthy habitat, increased water and air quality and growth of new trees.''

Not to mention that we have a couple of industries that are willing to use the debris in order to generate energy to make that go so that we can free up electricity and natural gas and oil.

I agree with the Texas State forester. I do urge my colleagues, this is the right thing to do. It is good for all of us. It is good for America, and it is good for the forests.

□ 1130

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, here we go again. First, we had the clean skies bill, that got more pollution; then we had the deficit reduction bill, and we had more deficit; now we have the forest recovery bill, which assures that we

will be using less science and less common sense by the American people to make decisions of where and how to do forest recovery plans.

This has largely been a red-herring debate to date. This is not a question whether we are going to have forest recovery plans and places to replant and places to harvest deadwood. What it is a debate about is where we do these recovery plans and how we do these recovery plans. This bill, as currently structured, guarantees two things: We will at times do them in the wrong place and we will at times do them in the wrong way.

It does that by a repeated continuation of the terrible habit this Congress has gotten into, which is to repeal our environmental protection laws. And that is why every single environmental group dedicated to the preservation of our forests is very strongly opposed to this bill.

Now, how is it going to be the wrong place and the wrong way? First, it will assure these are sometimes done in the wrong way by gutting the insistence that we use science. Right now, existing rules require bureaucracies to use science when they make decisions; to not go by some cookie-cutter approach that some bureaucrat in Washington sets out and says you can do this, that, and the other all across the Rocky Mountains, without ever stepping foot in the area where they are going to do this harvesting and replanting. Existing law requires that.

This law, through a quite clever shell game, guts that requirement that Americans will use science when these decisions are made. What it does is it essentially says that NEPA requirements, the National Environmental Protection Act requirements, to use science when we make these decisions where to cut, which trees to cut, and how to replant. And it does that on page 24, in a very clever way.

It doesn't say we gut NEPA. It doesn't say we repeal the National Environmental Protection Act. What it says, and I quote, ''Satisfaction of NEPA requirements. The following activities are deemed to satisfy the requirements of section 102 of the National Environmental Policy Act.'' What they say is, what you do here just wipes away the requirements of NEPA because we deem it complied with.

We care about our forests in Washington State. The Kettle roadless area in eastern Washington, the Eagle Cap roadless area in western Washington. We want to insist that our Federal agencies use science. This bill removes one of the fundamental pillars of making these decisions. It removes science. So it does something to make sure that we do something the wrong way.

But it also does something in the wrong place, and I will get to that when my amendment comes to preserve the roadless areas of our forests.

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, here is a real-world example of why this legislation is so crucially important. In 1995, a storm leveled 30,000 acres of forestland in the northern California district I represent. This blowdown increased the fuel load in the forest by as much as 500 percent. Immediate action was needed to protect the landscape and, thereby, communities from catastrophic fire.

Forest Service experts said it is not a matter of if a fire will occur, but how extensive the damage will be unless restoration proceeds immediately. But timely restoration work was mired in paperwork, appeals, and frivolous litigation. Four years later, the Megram fire swept through the area, fueled by the timber that was left to die on the forest floor. Thousands of acres that could have been protected were destroyed and will take a lifetime to recover.

These two photos demonstrate the consequences of delay and inaction. This first photo, taken in 2004, shows the results of prompt reforestation efforts following the volcano fire of 1960. In 1960, Federal managers were able to act quickly and reforestation was successful. Today, foresters cannot act quickly because of red tape, and destroyed landscapes that you see on the left is the result. This other photo, taken in the Tahoe National Forest, shows just how deadly catastrophic fire can be to the forests and surrounding environments.

Mr. Speaker, delay is a recipe for disaster. Swift action is needed to protect our forests and communities from future tragedies like that which occurred in my district. I urge support for the rule and H.R. 4200.

Ms. MATSUI. Mr. Speaker, I yield 5 minutes to the gentleman from New Mexico (Mr. UDALL).

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

Mr. UDALL of New Mexico. Mr. Speaker, we are here talking today about salvage logging. And let us first of all be clear that salvage logging is taking place on our public lands. And if you want a lot more salvage logging, this is the bill to be for. The CBO says 40 percent more salvage logging.

Now, why is that a concern? Salvage logging has been found to impede forest regeneration. Now, that doesn't take a scientist to figure that out. When you have bulldozers and skidders and you are dragging trees that have been burned and you are dragging them through the forest, you are hurting the ability of that forest to regenerate. Seedlings that are on the ground are being destroyed. So salvage logging hurts the ability of the forest to regrow itself.

It damages riparian areas. It damages riparian areas. So we are talking here about streams, where if you cut the forests and take these logs out that you will not then have the ability to then allow these streams to produce clean water. They silt up after this kind of salvage logging that occurs.

Salvage logging also introduces and spreads invasive species, it causes erosion, and it degrades water quality. This is what our forests are all about. Our forests, we use them as watersheds. They supply us clean water. What this bill is all about is degrading those watersheds. That is what is going on here today, and they do not want to talk about it.

They come and say, oh, no laws, no laws will be waived. Well, folks, let me tell you, this legislation exempts and waives the National Environmental Policy Act, one of the best planning laws that has been on the books for 30 years; the Endangered Species Act, which has been on the books for 30 years; the National Historic Preservation Act and the Clean Water Act. These are laws that say look before you leap. Let us let the public be involved, let us study what we are doing before we jump into these situations. Significant laws are being waived, and don't believe what they are telling you on the other side.

Now, we have in place adequate laws and regulations to handle emergency situations. This bill actually has the word ''emergency'' in it, implying that there is some emergency. We had a big emergency in this country, folks. It was Katrina, and it created one of the biggest salvage situations. And guess what? Down in Louisiana and Mississippi, they are moving forward. They are doing the salvage. They do not need a new law. They have done it. And if there is a real emergency, the agencies can go to the Council on Environmental Quality and get a waiver. This has never been turned down by the Council on Environmental Quality.

So what are we talking about here? We are talking about science. The majority of peer-reviewed science says that salvage logging is not good for our forests. And what do these scientists say? It increases the forest-fire risk and it decreases forest regeneration.

I offered an amendment in the committee, and this amendment will be on the floor today. That amendment says, well, if we are going to go by the science, which you hear talk of science on the other side, then the Secretary has to certify on every project. The Secretary will certify the project would not increase the forest-fire risk or decrease forest regeneration, hurt the seedlings. And the chairman and all of the others here are going to vote that amendment down. So I think that tells you what is really going on.

We are not supporting what science says we should be doing with our forests. The claims are made that we are under regular order. As the chairman knows, this is one of the most outrageous situations to date. A major bill is before our Committee on Resources, the fisheries bill, and here we get 20 minutes for the major committee on the floor and we are over, running back and forth to a markup in the committee, and having this debate on the

floor. This is not the regular order. This is an outrage, what is going on here, and I would hope that the chairman would object to this.

Mr. BISHOP of Utah. Mr. Speaker, I yield 15 seconds to the gentleman from Oregon (Mr. WALDEN) for a factual clarification.

Mr. WALDEN of Oregon. Mr. Speaker, I want to clarify that the gentleman was in error when he quoted the Congressional Budget Office. This increase would not increase salvage logging by 40 percent. It increases the receipts from the logging that would take place that would be following the forest management plans, because the timber wouldn't deteriorate.

That is the whole point here. We will get more money out if they make a decision to cut. It doesn't mean you are going to cut more trees. So I just wanted to put that on the record, and I submit the CBO cost estimate for the RECORD:

H.R. 4200—Forest Emergency Recovery and Research Act

Summary: H.R. 4200 would establish new procedures for responding to catastrophic events causing damage to certain federal land. The legislation would direct the Secretaries of Agriculture and the Interior to establish research protocols for assessing methods of restoring federal land following such events and would specify expedited procedures for implementing projects to rehabilitate that land, which could include timber harvests.

CBO expects that enacting H.R. 4200 would increase direct spending by $5 million in 2007, but would reduce it by $21 million over the 2007–2011 period and by $23 million over the 2007–2016 period. Enacting the bill would not affect revenues.

H.R. 4200 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. Federal assistance authorized by this bill would benefit state, local, and tribal governments.

Estimated Cost to the Federal Government: For this estimate, CBO assumes that H.R. 4200 will be enacted near the start of fiscal year 2007. The estimated budgetary impact of H.R. 4200 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment) and 800 (general government).

	By fiscal year, in millions of dollars—									
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
CHANGES IN DIRECT SPENDING										
Research Protocols and Pre-Approved Management Practices:										
Estimated Budget Authority	0	0	0	0	0	0	0	0	0	0
Estimated Outlays	5	−1	−2	−2	0	0	0	0	0	0
Receipts from Timber Salvage Sales:										
Estimated Budget Authority	0	−4	−9	−15	−15	−15	−16	−16	−16	−16
Estimated Outlays	0	−4	−9	−15	−15	−15	−16	−16	−16	−16
Spending of Receipts from Timber Salvage Sales:										
Estimated Budget Authority	0	3	7	11	11	11	12	12	12	12
Estimated Outlays	0	0	2	5	8	10	11	12	12	12
Payments to States:										
Estimated Budget Authority	0	1	2	4	4	4	4	4	4	4
Estimated Outlays	0	0	1	2	4	4	4	4	4	4
Total:										
Estimated Budget Authority	0	0	0	0	0	0	0	0	0	0
Estimated Outlays	5	−5	−8	−10	−3	−1	−1	0	0	0

Note.—* = less than $500,000.

Basis of Estimate: H.R. 4200 would establish new procedures to expedite projects to stabilize and rehabilitate federal land following catastrophic events such as fires, floods, explosions, and other disasters that cause significant damage. Such projects might include removing damaged, diseased, or insect-infested forest vegetation to improve the health of such land. Under the bill, the Secretaries of Agriculture and the Interior would have discretion over when to use those expedited procedures to accelerate the implementation of certain projects which, in some cases, could include the sale of salvageable timber that has been damaged by qualifying catastrophic events.

CBO estimates that enacting H.R. 4200 would increase direct spending by $5 million in 2007, but would reduce it by $21 million over the 2007–2011 period and by $23 million over the 2007–2016 period. The 2007 cost includes developing research protocols and lists of preapproved management practices that would form the basis for using new expediting procedures specified in the bill. Over the 2008–2016 period, CBO estimates that those expedited procedures would result in a net increase in offsetting receipts (a credit against direct spending) from the sale of salvageable timber and that those increased receipts would be partially offset by increased direct spending for related activities. We also expect that increasing receipts from such sales would increase direct spending for payments to states in which those receipts are generated.

RESEARCH PROTOCOLS AND PRE-APPROVED MANAGEMENT PRACTICES

The bill would direct the two Secretaries to develop research protocols to determine the effectiveness of land management practices following catastrophic events. To complete that task, the Secretaries could enter into cooperative agreements with land-grant colleges and universities. The bill also would direct the Secretaries to prepare lists of preapproved management practices that could be implemented immediately after a catastrophic event.

Based on information from the Forest Service and the Department of the Interior (DOI), CBO estimates that developing the required protocols and lists would cost $5 million in 2007. Although H.R. 4200 would not provide new funding for those activities, the legislation would allow the Secretaries to use existing balances from a variety of permanently appropriated funds to complete the proposed tasks. Under current law, we expect those funds would be spent over several years starting in 2008. Thus, relative to current law, we expect that enacting H.R. 4200 would increase direct spending by $5 million in 2007, but that increase would be fully offset by forgone spending over the 2008–2010 period.

RECEIPTS FROM TIMBER SALVAGE SALES

CBO estimates that allowing the Secretaries to use expedited procedures to implement land management practices following qualified catastrophic events would increase offsetting receipts from the sale of salvageable timber. CBO expects the proposed procedures would allow the agencies to hold such sales at least several months and possibly years sooner than under current law. According to the Forest Service and DOI, holding those sales before the damaged timber begins to substantially deteriorate would increase the value and volume of salvageable timber, thereby increasing the amount that timber harvesters would be willing to pay for it.

Under current law, CBO estimates that receipts from salvage sales following catastrophic events average between $35 million and $40 million annually. Based on information from the Forest Service about rates of deterioration and other key factors, CBO estimates that accelerating salvage sales under H.R. 4200 would increase proceeds from those sales, on average, by about 40 percent. Assuming the agencies would phase in the use of the new procedures over several years, we estimate that increases in receipts would begin in 2008 and total $122 million over the 2008–2016 period.

SPENDING OF RECEIPTS FROM TIMBER SALVAGE SALES

Under H.R. 4200, increased receipts could be spent to update research protocols required under the bill, prepare and implement projects following catastrophic events, and monitor the effectiveness of such projects. Based on historical spending patterns for such activities, we expect that there would be a lag between when receipts are collected and subsequently spent. We estimate that spending of increased salvage receipts would total $72 million over the 2008–2016 period.

INCREASED PAYMENTS TO STATES

Under current law, states receive payments based on the level of receipts generated from federal timber sales that occur within their boundaries. Starting in fiscal year 2008, states will receive payments equal to 25 percent of receipts generated in the previous year. For this estimate, we assume that receipt-sharing formula would apply to the increased proceeds from the sale of salvageable timber under H.R. 4200.

Because the Forest Service and DOI have authority to spend 100 percent of receipts from timber salvage sales for restoration activities, the source of funding for payments to states is unclear. For this estimate, however, CBO assumes that the two agencies would control spending on restoration activities and use some of the new receipts generated under H.R. 4200 to make those payments, which we estimate would cost $27 million over the 2009–2016 period.

Intergovernmental and Private-Sector Impact: H.R. 4200 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Federal assistance authorized by this bill would benefit state, local, and tribal governments.

Estimate Prepared By: Federal Costs: Megan Carroll. Impact on State, Local, and

Tribal Governments: Marjorie Miller. Impact on the Private Sector: Craig Cammarata.

Estimate Approved By: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Ms. MATSUI. Mr. Speaker, I am prepared to close, and I yield myself such time as I may consume.

As I noted at the beginning of the debate, 169 scientists, all experts in the field, oppose this bill because its policies will impede the national forest recovery process. The preponderance of scientific literature supports this assumption in their opinion. The letter concludes with the following: ''Science provides the best insight into the real consequences of our policies and actions.''

I could not agree more. There seems to be a disconnect between the policy recommended in this bill and the consensus among the scientific community. For that reason, I cannot support the underlying legislation, and I urge my colleagues to do the same.

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

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to close what I consider to be about 50 minutes of bipartisan support for this particular rule and the underlying bill.

This bill, indeed, would give us the rehabilitation tools to combine science and research, preapproved action, and protection of our firefighters, which is why the professionals who know and work and run our forests are all in support of this particular bill and this action. And knowing our goal is to get green and not black forests, and healthy trees not dead stumps, I urge all my colleagues to support this rule and the underlying bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1145

GENERAL LEAVE

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill, H.R. 4200.

The SPEAKER pro tempore (Mr. BISHOP of Utah). Is there objection to the request of the gentleman from Oregon?

There was no objection.

FOREST EMERGENCY RECOVERY AND RESEARCH ACT

The SPEAKER pro tempore. Pursuant to House Resolution 816 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4200.

□ 1145

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (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, with Mr. FOLEY in the chair.

The Clerk read the title of the bill.

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

General debate shall not exceed 1 hour, 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 member of the Committee on Agriculture, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The gentleman from Oregon (Mr. WALDEN), the gentleman from New Mexico (Mr. UDALL), the gentleman from Virginia (Mr. GOODLATTE), the gentleman from Minnesota (Mr. PETERSON), the gentleman from Alaska (Mr. YOUNG) and the gentleman from Washington (Mr. BAIRD) each will control 10 minutes.

The Chair recognizes the gentleman from Oregon.

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

I am delighted today to bring H.R. 4200 to the House for its consideration. I have spoken on it during the debate on the rule. This legislation is extraordinarily important for America to become a better steward of her forests.

Our Committee on the Forest and Forest Health has traveled the Nation's forests. We have listened to the experts from the scientific community. We have listened to the experts in the fire-fighting community. We have held field hearings where we have heard from tribal leaders who manage forestlands and move quickly after catastrophic events. We have met with State foresters who, in many cases, are in after a major forest fire or blowdown in a matter of days, if not weeks, doing what we propose to allow your Federal Land Management Agencies to do. You see, every other manager of Federal forest does what we are trying to put in place here.

We do require that environmental laws be followed. We do provide for administrative appeal and litigation. What we require is that the underlying forest plans be followed. And if those forest plans say you can't harvest here and you have to do this sort of retention there for snags and habitat, then you have to do that. We don't change any of that. We require a site-specific evaluation, so it isn't a one-size-fits-all plan. We don't do that from here. We just say, whatever your plan called for, whatever the scientists on the ground say needs to be done, let us give our Federal land managers the authority to move quicker than they can move today if an emergency exists.

It is precisely what we expect out of our Federal Emergency Management Agency and, yes, demand: quick action after a hurricane in southern States, let us say, to clean up, to restore, to prevent erosion, to fix roads, to do the things that Americans expect and actually think are being done.

We want to protect our watersheds, and this legislation will help us do that.

The timber that comes out, if that is what the decision is, will have value. Today, when it takes 2 to 3 years to harvest a burned, dead tree that bugs have been in, that rot has occurred and nobody bids on it, it has no value, or very little by then. What the Congressional Budget Office found, unlike what my colleague from New Mexico said is, what they found is by passing this legislation, we would actually act quicker and the trees wouldn't have deteriorated, and the receipts to the Federal Government would be up 40 percent, not that we would harvest that many more trees necessarily. But you do it while they still have value. And that makes sense to the taxpayers and the forests.

Mr. Chairman, at this time I yield 3½ minutes to the gentleman from Minnesota, the chairman of the Forest Committee and the Agriculture Committee, Mr. GUTKNECHT.

Mr. GUTKNECHT. Mr. Chairman, I rise in support of H.R. 4200, the Forest Emergency Recovery and Research Act. We have heard so far this morning some people say that this bill is about somehow suspending the laws of science. But I would argue this bill is really about restoring some common sense, and we have heard some excellent testimony by Members of both sides of the aisle.

In Minnesota we have the Superior National Forest. It covers about 3 million acres in northeastern Minnesota. It is not in my district, but I have had the opportunity, as chairman of the Forestry Subcommittee of the Agriculture Committee, to go up there on several occasions. Now, the forest itself is beautiful. It is perhaps one of the most beautiful national forests in the entire galaxy. But you don't have to visit there very long to understand the sense of frustration among the locals in the way that we manage that forest.

In a State that is dominated by public timberland, the national forests in Minnesota have a reputation of being

too bureaucratic, slow moving, and unresponsive. When there is a catastrophic event, county and State foresters, and certainly private land owners, are far quicker to move to salvage and reforest than the National Forest Service is. H.R. 4200 is a step in the right direction. It would require the National Forest Service to rapidly evaluate the need for recovery projects and then allow the salvage to go forward if necessary.

Many of my colleagues today will give examples of catastrophic events in their districts or States, how the National Forest Service responds to them, and, therefore, why this legislation is needed.

For me, the example of a windstorm that swept northern Minnesota in July of 1999 is a great example. It damaged nearly 500,000 acres, over 600 square miles, in the Superior National Forest alone. This was one of the largest blowdowns ever recorded in North America. To date, only 50,000 trees have been cleaned up.

The Forest Service's attempts to deal with this blowdown illustrate the need for H.R. 4200.

The only legal or administrative tool at the agency's disposal to deal with an unprecedented event like this was alternative arrangements to comply with the National Environmental Policy Act, and those required approval of the White House Council on Environmental Quality. While the CEQ granted those agreements to the Forest Service, actual debris removal didn't occur until long after the windstorm hit. By this time the downed trees had deteriorated significantly, losing much of their value.

Unless we act today, the national forest will continue to face events like this blowdown without the authority to quickly analyze, propose and move forward with forest recovery projects. To me, it is clear the agency needs this new authority to act quickly to capture the value of damaged timber and restore our forest to a healthy and growing condition.

The goal of H.R. 4200 is to provide consistent and uniform procedures for the Forest Service to follow after catastrophic events. The bill does not open wilderness areas or other withdrawn from harvest to new timber cutting. It merely requires that the agency has to quickly evaluate whether expedited salvage is necessary, and then it allows it to cut through the red tape to make sure that the project gets done. The people of Minnesota care deeply about our national forests and so do the professionals who manage those forests. H.R. 4200 simply gives them the tools to demonstrate their commitment whenever Mother Nature throws our forest a curve ball.

I urge my colleagues to support this bipartisan and important legislation.

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I oppose H.R. 4200. This unnecessary legislation waives critical conservation laws, compromises the public's proven commitment to protecting roadless areas, and ignores the body of peer-reviewed science on the harmful impacts of salvage logging.

H.R. 4200 represents yet another attempt by the majority in this Congress to dismantle our Nation's most paramount conservation laws. As its core, H.R. 4200 allows for environmental exemptions to expedite the removal of timber after a catastrophic event on Federal lands. These unnecessary environmental exemptions, however, come at the expense of critical laws such as the National Environmental Policy Act, the Endangered Species Act, the Clean Water Act, the National Historic Preservation Act. Should Congress approve H.R. 4200, the result would be weakening of existing laws meant to protect public participation and provide for environmental protections.

Proponents of H.R. 4200 argue this legislation complies with conservation laws. This is simply not true. To be clear, H.R. 4200 waives the requirements of four very critical conservation laws.

Mr. Chairman, in our discussion of H.R. 4200 on the Forests and Forest Health Subcommittee, it has become apparent to me that the authorities granted under H.R. 4200 for timber salvage are unnecessary. The argument that there is an abundance of timber salvage going to waste on our public lands because of the length of the NEPA process is false. In reality, the Forest Service and Bureau of Land Management have an abundance of existing authorities that allow for timber salvage to be completed on our public lands with the appropriate checks and balances.

Salvage logging already accounts for 35 percent of timber harvested on our national forests. Also, one of the largest salvage logging projects in the history of the U.S. Forest Service, on the Forest Service lands impacted by Hurricane Katrina, is being completed quickly under the authorities from the Healthy Forest Restoration Act of 2003.

Furthermore, H.R. 4200 is not scientifically sound. The underlying premise of H.R. 4200 that post-disturbance salvage logging must be completed to recover a forest and improve forest health is not supported by the abundance of peer-reviewed science on this issue to date. A study published by Donato and others in a January 2006 edition of the well-respected journal Science, found that post-fire logging in the wake of the 2002 Biscuit fire, reduced forest regeneration by 71 percent and increased short-term fire risk. This study adds to a substantial list of peer-reviewed science that concludes that salvage logging is contrary to the goal of improving forest health. 169 scientists from around the country submitted a letter to Congress opposing H.R. 4200 as salvage logging has been found to impede forest regeneration, damage riparian corridors, introduce or spread invasive species, cause erosion and degrade water quality.

Mr. Chairman, H.R. 4200 is unnecessary legislation with significant negative consequences. I urge my colleagues to join me in voting ''no'' on H.R. 4200.

I reserve the balance of my time.

Mr. BAIRD. Mr Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. Mr. Chairman, I would like to thank the gentleman from Washington and the gentleman from Oregon for bringing forth this important legislation.

Mr. Chairman, I rise today in support of the Forest Emergency Recovery and Research Act. Our Nation's forests are providing so many benefits to the public and we have that responsibility to pass this measure which will give forest managers the tools to maintain healthy forest. It will allow them to rehabilitate and reforest areas that have been hit by catastrophic events like ice storms, wildfires and disease.

Out West we are battling a huge insect epidemic that is destroying our forests, especially in Colorado. In 2005, over 425,000 acres in Colorado forests were infested with mountain pine beetle. And this means that we have 425,000 acres of prime real estate for forest fires.

Reducing wildfire hazard is critical if we are to maintain forests as a resource for communities. Forest management, including tree cutting and prescribed fire, can help return Colorado's forests to good health.

The previously passed healthy forest legislation provided forest managers with some of the tools needed. What this bill does, it adds to the tool box and strengthens their ability to restore forests across the country.

□ 1200

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

Mr. WALDEN of Oregon. Madam Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH).

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

Mr. HAYWORTH. Madam Chairman, I thank my colleague from Oregon for this time.

I rise in strong support of the Forest Emergency Recovery and Research Act and would like to highlight a few of the more than 100 diverse groups that share in my support of this legislation. While these groups range in background and represent interests from across the country, they all strongly support the timely restoration of our precious public lands.

A number of professional firefighting groups support this act, including the International Association of Fire Chiefs. In addition, the National Association of State Foresters, National

Association of Federal Employees, National Wildlife Suppression Association, and Pacific Wildfire International, which collectively represent 25,000 firefighters, all support H.R. 4200.

In fact, the State Foresters say, ''As a leader in wildland firefighting, the National Association of State Foresters supports H.R. 4200 as a tool for restoring forests and reducing long-term fire danger, thereby reducing risk to communities and wildland firefighters alike.''

Twenty-three wildlife and outdoor sports groups, including the International Association of Fish and Wildlife Agencies, the Rocky Mountain Elk Foundation, the Theodore Roosevelt Conservation Partnership, Wildlife Management Institute, all support this legislation as well. The Congressional Sportsmen's Foundation comments, ''This legislation's commitment to timely responses to catastrophic events by allowing for rapid restoration of ecosystems, utilization of damaged trees before they lose economic value, protection of adjacent lands from subsequent wildfires, and the opportunity for public participation and recovery planning is consistent with our members' expectations and is simply common sense.''

The Society of American Foresters, or SAF, which represents more than 15,000 scientists, professional forest managers, researchers, and consultants from across the country likewise supports this legislation. According to the SAF, ''Catastrophic events will forever alter our forests, but we can bring them back quickly with timely and thoughtful science and experience-informed management . . . this act would also provide for additional research to help improve actions forest managers take in responding to catastrophes . . . We urge you to support the Forest Emergency Recovery and Research Act.''

Moreover, a wide variety of associations, such as the Southern Forest Products Association, the American Forest & Paper Association, and the National Association of Home Builders, all support this bill. And a host of our State and local government partners have written letters of support for this legislation, including the National Association of Counties and the National Association of Conservation Districts.

The comments of support this bill has received consistently express one key theme: When catastrophe strikes, the Federal Government must have scientifically proven, commonsense policies in place that allow us to act quickly to restore and reforest public land. This legislation allows us to do this.

I urge my colleagues to join us in support of this bipartisan legislation.

Mr. UDALL of New Mexico. Madam Chairman, I yield 3½ minutes to the chairman of the House Science Committee, Representative BOEHLERT.

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

Mr. BOEHLERT. Madam Chairman, I rise in strong opposition to this bill.

I know the sponsors of this bill mean well, and I know they think they have written a narrowly tailored, environmentally protective bill. But, unfortunately, they have not. I am not questioning the sponsors' intent, but I do have serious problems with the product of their actions.

Let me start by emphasizing that I am open to efforts to expedite environmental procedures for true emergencies or in other clear cases where current laws are needlessly burdensome. I helped negotiate the Healthy Forests Restoration Act, and I supported its passage. That act and the preexisting laws which were improved to be both responsive and responsible has enabled us to respond in a meaningful and timely way to Katrina. But the bill before us today is far broader than that act and all other current law and contains few, if any, of their environmental protections.

Here are some things that could happen that you should know about H.R. 4200: First of all, it can be applied to a wide variety of situations far beyond the normal definition of an emergency that requires immediate action. Under the bill a catastrophic event includes slowly developing problems like drought and insect infestation, problems that can be addressed through processes that allow for true analysis and review. Not only that, the bill applies to situations in which damage may not occur for many years, again a situation that needs to be addressed, but not so quickly as to allow no time for true analysis.

There are very few forests that are not experiencing a catastrophic event on almost a daily basis under the definition in this bill. If you want to write an emergency bill, then I think it ought to apply to emergencies.

I would also point out that this bill applies to wilderness study areas, which are exempt under Healthy Forests.

And what can happen when this bill is applied? Well, all normal environmental reviews are waived. Reviews are even waived for preapproved plans that are written long before an emergency. No environmental review. Then under the bill projects can proceed without the consultation required by the Endangered Species Act and the Clean Water Act. When would consultation occur? The bill does not set a time frame. It would just be sometime after the project started, probably after any unnecessary damage has been done.

In short, this bill does not expedite procedures. It eviscerates the application of environmental law for the projects under the bill. No environmental analysis of alternatives. No timely analysis of the effect on clean water.

We cannot just put a nice-sounding label on a bill and expect us to support a cosmetic labeling plan on its surface without looking at the rest of the story. I wish this bill were as advertised. A targeted bill to handle legitimate emergencies would pass muster with me. But this is a bill that would allow unanalyzed salvage timber sales; new road building, including in roadless areas; and projects that threaten water supplies without any true legally reviewable analysis of alternatives and without ample opportunity for public review and comment.

I urge my colleagues to oppose this bill.

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

I just invite my dear friend from New Mexico, who spoke earlier, if he might address a question for me because I think, with respect, he is comparing apples and oranges.

He suggested that a scientific study by Oregon State University showed that postfire logging decreases forest regeneration and increases fire risk. Is the gentleman from New Mexico aware that that study gathered data 2 years postfire, not from a harvest begun 90 days after the fire, as we would allow in this bill? Is the gentleman aware of that?

Madam Chairman, I yield 30 seconds to the gentleman from New Mexico to answer that question.

Mr. UDALL of New Mexico. Madam Chairman, the gentleman from Washington should know and understand that the Science Journal that this was published in is peer reviewed. It is one of the most solid scientific publications, and it came out and said that regeneration was hurt 71 percent, that 71 percent was hurt in that regeneration process.

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

I asked a straightforward question about a study that was conducted 2 years post. I got a dissertation about the journal in which the study was published.

I happen to hold a doctorate in clinical psychology, used to teach research methods, and I will tell you that particular study, as many that we have heard today, does not apply to this. It is an apples and oranges comparison.

One of the things that has been remarkable to me, as an environmentalist, as a scientist, and as someone who represents a forested district, is the willingness of the opponents of this legislation to simply distort the truth. Elsewhere I have introduced legislation called the ''72–Hour Rule'' to give us time to read bills before we vote on them. I am coming to believe today that that is unnecessary because I do not think people do read bills before they come down here to debate.

Let me address some points that have been made. People have suggested that this dismantles laws. Not a single fundamental environmental law is dismantled by this legislation. That is a false claim.

People have suggested that there are no protections for riparian areas. My

colleague from New Mexico suggested that. We are just going to have logging right up to the streamside, it seems. That is not correct. Existing forest management plans require streamside set-asides. I can take you to fires where the harvest has been conducted, and you have got 150-foot buffers as required under existing law, law that must be followed under this proposed legislation. So we have buffers for streams.

People have suggested this bill allows for plantation-type reforestation. That, too, is false. This legislation specifically proscribes, prohibits, plantation-type reforestation and requires that you plant with diverse and dispersed natural species.

People have suggested that you inevitably increase erosion when you harvest. Dr. Korb, from the University of Montana, a Ph.D. scientist, testified that by cross-falling trees, you can actually reduce erosion, and you know that is common sense. If you have got a hillside that is barren because of a fire, and you go in and you drop some of the trees laterally, you create little check dams, and in areas where that is done, siltation has actually been reduced and salmon habitat and other habitat preserved and clean water preserved.

It is astonishing to me, astonishing, how my friends are able to cite studies that are apples and oranges comparisons and irrelevant to the legislation, how they are able to claim things about the legislation that are not, in fact, the case. If I believed half of what the opponents of this bill have claimed, I might oppose the bill myself. But I wrote the bill, along with Congressman WALDEN and others, so I do know what is in it. And as an environmentalist and as a scientist, it is good legislation.

Madam Chairman, I reserve the balance of my time.

Mr. WALDEN of Oregon. Madam Chairman, I yield 30 seconds to the gentlewoman from Washington (Miss MCMORRIS) to speak in favor of the Forest Emergency Recovery and Research Act.

Miss MCMORRIS. Madam Chairman, I thank the chairman for yielding.

I, too, just want to rise in support of this legislation and applaud the leadership of those who have been working on this legislation that is so important to move quickly to restore forests, key watersheds, wildlife habitat, and stabilize our soils.

It is not acceptable that we continue to see thousands of acres burn because of forest fires, because of poor management on our forests, big kill, and we have these catastrophic situations take place when we are not able to take action.

I wanted to specifically speak to the provisions related to the National Environmental Policy Act, NEPA. I have been working on chairing a task force, and although I applaud the authors of NEPA, who truly were visionary for their time, I do believe there is an opportunity for us to improve the implementation of NEPA 35 years later. It is unfortunate that so often this is the law used through paperwork or bureaucratic means to prevent us from really taking action that is needed on our forests.

Northeastern Washington is known for its vast public forests that span over 2.6 million acres of land. These forests, and the resulting timber, play an extremely important role in our region's economy. Maintaining healthy forests is essential to those who make a living from the land and for those of us who use them for others purposes. Unfortunately, there are a number of critical issues that impact the health and the economic stability of the forests in our region.

One of my top priorities in Congress is to grow our economy and in order to do this we must protect our natural resources. Currently, the Colville Forest is dying faster than it is being maintained, leaving a large number of dead or dying trees susceptible to disease, insect infestation, and future wildfires.

I have also been interested in exploring issues affecting post-fire rehabilitation. Immediate restoration work on forests following catastrophic events is essential for reforestation and rehabilitation to be successful. As the chair of the National Environmental Policy Act (NEPA) task force, I have unfortunately discovered that legal and procedural delays have become the norm, leaving vast areas of national forest land barren of trees for decades. This has lead to devastating impacts on wildlife habitat, soil stability and water quality.

In my district last year, just south of Pomeroy, Washington, the School Fire started on August 5th and over 13 days burned nearly 50,000 acres, destroying 215 homes, recreational cabins and outbuildings. According to James Agee, a University of Washington forest ecologist and professor who specialize in dry forest fire ecology said the area burned by the School Fire likely will take about 150 years to grow back if we let Mother Nature takes it course. That is simply not acceptable.

I co-sponsored the Forest Emergency Recovery and Research Act because our forests, and the resulting timber, play an extremely important role in the economy in the Pacific Northwest. Maintaining healthy forests is essential to those who make a living from the land and for those of us who use them for recreational purposes. Eastern Washington has experienced a number of deadly forest fires this season, and it is crucial that we have bipartisan legislation that will expedite the research and restoration process.

□ 1215

Mr. UDALL of New Mexico. Madam Chairman, I yield 1¼ minutes to the gentleman from Oregon (Mr. DEFAZIO), who worked with the Biscuit fire and has great experience in these forestry issues.

Mr. DEFAZIO. Madam Chairman, are there problems with the current process? Yes. For the most part, they are political. In the case of the Biscuit fire, the professional managers developed a plan that would have yielded somewhere around 175 million boardfeet of salvage.

The administration, in an election year, said that is not enough, we want a lot more. They pulled that plan. They came back with another plan, much bigger numbers, but they haven't even harvested half of the original proposal, which was virtually noncontroversial. So in response, unfortunately, instead of prescribing a professional management in the future that is site specific, that mandates things, we are providing even more discretion to political appointees with this legislation.

As I said to some folks from the timber industry in my district, you may think it is a great bill with Mark Ray down there and George Bush at the White House. But what if the Clintons come back? They said, ''Oh my God, that would be horrible.''

So if you give total discretion to salvage or not salvage, if you fill the bill with mays and mays and mays, which it does, for instance, the point was made as I came to the floor, I have been involved in other committee work, that they are mandating science. Well, actually, no; on page 14 it says ''may,'' the Secretary may conduct one or more catastrophic event research projects.

The bill is rife with discretion for political appointees. We need professional management and certainty. This bill won't get us there.

Mr. GOODLATTE. Madam Chairman, I yield myself 4 minutes.

Madam Chairman, I rise in support of H.R. 4200, the Forest Emergency Recovery and Research Act. This bill is a very moderate approach to a very serious problem. As usual, I have worked in close cooperation with my friends and colleagues on the House Resources Committee to develop a commonsense approach to forest recovery that has garnered wide bipartisan support from our colleagues and strong endorsements from professional foresters, firefighters and local officials.

The Society of American Foresters, representing some 15,000 forestry professionals in both public and private service, has supported and, in fact, provided constructive input as both committees have worked through numerous revisions of this important bill.

FERRA has been endorsed by the Federal Wildland Fire Service Association, which represents some 12,000 firefighters who annually risk life and limb fighting forest fires and responding to other disasters. The association called FERRA ''a commonsense approach'' to addressing forest recovery.

Additionally, this bill has been endorsed by the National Association of State Foresters, State officials who manage millions of acres of State forests and help the Nation's over 10 million family forest owners keep their woodlands healthy.

Among the bill's many other supporters are the National Association of Counties, the American Farm Bureau Federation, the International Association of Fish and Wildlife Agencies, United Brotherhood of Carpenters and Joiners, Wildlife Management Institute, and the Rocky Mountain Elk Foundation.

Many of you have heard that FERRA is not relevant to your States. I am here to tell you that is not the case. First, the bill directs the Forest Service and Department of the Interior to work with the adjacent landowners and managers when catastrophe strikes to develop landscape-scale assessments of the damage. Since the Forest Service is only in charge of about one-quarter of our Nation's forests, this leaves the large majority of forestlands in the hands of private land owners. This provision is critically important to any Member who represents a forestland owner back home.

Second, many of you have been told not to worry about forest catastrophes, that they only happen somewhere else. Unfortunately, catastrophic events know no boundaries.

In my home State of Virginia, just last week the Forest Service wrapped up fire-fighting efforts on the Cardinal fire in Page County, Virginia, just outside my district. This fire, seen in these photographs, damaged over 1,900 acres of public lands.

So what would happen in Page County if H.R. 4200 was already in place? The Forest Service would simply have 30 days to complete a rapid evaluation of the burned area and then it would have to decide whether or not to propose a catastrophic event recovery project. That is it. No environmental laws are waived, no wilderness areas are entered, no logging is required. Nothing in the bill forces the Forest Service to cut a single tree.

If the professional land managers and the Forest Service do decide that H.R. 4200's emergency procedures are appropriate, the agency would have 90 days to analyze a proposed project and the no-action alternative. Appeals and litigation would be governed by the same sort of rules overwhelmingly approved by this body under the Healthy Forest Restoration Act. All projects would comply with existing forest plans.

FERRA also directs the Forest Service to develop preapproved practices that will undergo rigorous scientific peer review. It emphasizes the need for research, and provides that 10 percent of the revenues from any timber removed for a recovery project be dedicated to research on forest recovery. This bill addresses the need for further research and is equipped with its own funding mechanism to drive this research.

The bill will also pay for itself. CBO found that H.R. 4200 will save the taxpayers $21 million over the next 5 years.

I urge my colleagues to support this bipartisan bill that has earned the strong support of our professional forest management people. Please join me in giving them one more tool to use in their efforts to promote forest health and the sustainability of our precious forests.

Mr. PETERSON of Minnesota. Madam Chairman, I yield myself such time as I might consume.

Madam Chairman, I rise today in support of H.R. 4200, the Forest Emergency Recovery and Research Act, and I want to commend my colleagues, Mr. WALDEN and Mr. BAIRD, for their leadership and hard work in crafting this much-needed bipartisan legislation, and I urge my colleagues to support final passage of this bill.

H.R. 4200 resulted from the devastation caused by the 2002 Biscuit wildfire in southern Oregon where 500,000 acres were destroyed. Unfortunately, the struggles did not end when the fire was extinguished. Post-fire recovery efforts were hampered by an exceedingly slow administrative response caused by procedural delays, administrative appeals and litigation. These delays resulted in significant losses of marketable salvage timber, the sales of which helps fund restoration efforts.

In Minnesota's Superior National Forest, we had a different kind of catastrophic event in July of 1999. A major windstorm with wind speeds of up to 100 miles an hour swept across northern Minnesota, impacting about 477,000 acres within the Superior National Forest. Although the Forest Service did a good job of recovering and restoring forest resources in that case, we can always do better. For example, it took the Feds almost 4 months to organize salvage timber sales on a small portion of the impacted lands and more than a year to organize the remaining sales. By that time, some of the most valuable timber had lost most of its value. This legislation offers additional tools to facilitate sales more quickly where the salvageable timber is at risk of degrading in quality.

Looking forward, the Forest Service predicts another record-breaking fire season. Since December, drought conditions, coupled with the high temperatures and wind that resulted in over 17,000 wildfires and an estimated 1.5 million acres burned, fire officials have expressed concern that the Southwest and Great Plains are at a risk of similar devastation as seen in Texas and Oklahoma these past months.

While the Healthy Forest Restoration Act provided tools to care for our forests, we need to make sure that we have the tools in place to support recovery and restoration efforts after a catastrophic event. H.R. 4200 improves this process and paves the way for prompt evaluations and development plans while meeting environmental requirements.

I am pleased to cosponsor H.R. 4200, and I encourage my colleagues to support final passage.

Mr. GOODLATTE. Madam Chairman, it is my pleasure to yield 2 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Madam Chairman, I rise today in support of H.R. 4200, the Forest Emergency Recovery and Research Act. North Carolina is home to 1.2 million square acres of national forest, with the majority of those acres being located in the western North Carolina mountains.

Our forests are visited by over 6 million tourists each year and generate millions of dollars for the local economies. People from all over the country and other nations travel to cities and towns in North Carolina and my district to see the wonderful natural resources our forests hold, and many of the towns in my district depend on that tourism industry to provide jobs and economic growth. With that said, Madam Chairman, you can understand my eagerness to protect and sustain these national treasures.

In order to protect and sustain our National Forests and lands, Madam Chairman, Congress has passed environmental laws designed to guard against man-made encroachment. However, we cannot legislate against natural disasters. Even in the mountains of North Carolina, we are susceptible to hurricane damage, flooding and tornadoes, which destroy thousands of acres of National Forest.

When Hurricane Hugo swept through North Carolina, it damaged more than 2.7 million acres of forest in 26 counties, with almost complete destruction of 68,000 acres. Timber losses to the State were valued at $250 million. To make matters worse, only very little timber was able to be salvaged due to the fact that forestry experts were overwhelmed by the sheer volume of dead trees and there was no real plan to deal with such a catastrophe. By the time the forestry officials jumped through all the environmental hoops, most of the timber was either splintered or decayed, rendering it unusable.

Madam Chairman, we witnessed this exact same incident again last year, but on a larger scale. When Hurricane Katrina hit, millions of acres of forest were downed and destroyed, creating dangerous scenarios for disease, infestations and forest fires. Once again, because we had no plan in place for the recovery, forestry officials were forced to sit by and watch millions of dollars of boardfeet rot.

If H.R. 4200 were law, the Forest Service and private companies would have cleaned up the damage and salvaged the good timber.

We cannot allow the lessons of Hurricane Hugo and Katrina to be forgotten. We must design and implement a plan to deal with such scenarios.

Today, Madam Chairman, we have a chance to learn from our misfortunes and guard against losing so much again. H.R. 4200 is a common sense approach to a problem the United States faces yearly. The Forest Service needs the tool of rapid damage assessment, so they can quickly restore landscapes and prevent more forests from decaying and becoming fuel for uncontrollable wildfires. Research is also needed to expand and enhance knowledge on post-catastrophe treatments. This bill is critical to stopping disease and infestations from spreading, preventing wildfires, and maintaining healthy forests.

I would like to reassure my colleagues on both sides of the aisle that H.R. 4200 is not

designed to circumvent existing environmental laws. In fact, it is the exact opposite. The provisions in this bill can only be used in case of a severe natural disaster to our national forests. The bill does not affect national parks, wilderness areas, or national monuments. The bill does not override existing environmental laws, such as the Endangered Species Act, the Wilderness Act, the Clean Air Act, or the Safe Drinking Water Act. The bill simply allows the forest service to apply common sense techniques in the case of a natural disaster. It's about time the federal government put some common sense into environmental cleanup and maintenance in my opinion.

In conclusion, Madam Chairman, I would like to thank Chairman POMBO and Chairman GOODLATTE for their work on this bill. Both their Committees held numerous hearings on the bill and carefully crafted this measure with the input of local governments and environmental groups. The bill increases collaboration among federal, state, and private interested parties. The bill enjoys wide bipartisan support and will benefit the entire country, all while saving the federal government money. Again, the bill makes sound, environmental sense and I support final passage of the bill.

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

Let us step back for just a second, because it seems some folks may not fully understand why we need this legislation. We need this legislation because following a fire or a blowdown or other catastrophic event, the wood is actually still good, but it is only good for a finite time, as Mr. WALDEN said in his opening remarks. Every day that you delay, the value of the wood declines.

Now, we believe that it is not a situation where you can just say, well, let us look infinitely before you leap. You have got to act, because not acting here has consequences. What this bill does is expedite a way of acting responsibly so the public has input, so that you use best available science, and then the public has an appeals process.

But beyond that, the bill contains a host of protections, and I want to underscore those. Contrary to what my friend from the Science Committee suggested, you can only cut trees that are either dead or in eminent demise. So if a tree is blown over, it can live for a year or so, but it is going to die mighty soon. There is no provision in this bill, none whatsoever, that allows you to go into a healthy stand of green trees and cut it.

Secondly, if a wilderness area or a national park burns, they are off limits. The bill doesn't touch them. Doesn't touch them.

Third, the bill does not require logging anyway. It merely says that if the managers on the ground think it can be done responsibly and economically and appropriately, they can move forward. In fact, many of the fires in the Pacific Northwest, you have hundreds of thousands of acres burned, and only 6 or 7 percent harvested.

Congressman WALDEN and I agree with the science that there are a number of species that depend on standing burned logs for habitat. That is why the bill specifically says you have to leave some logs. It is also why many areas would be left unharvested.

But you look at these 100,000-acre forest fires and you say if you are going to harvest 6 or 7 percent, you have plenty of habitat for those critters that depend on burned trees. But there are also species that prosper more in an open area after harvest, and if what you truly want to support is broad species diversity, you will realize net greatest overall species diversity from harvesting some areas, leaving other areas standing.

I also want to follow up on something Mr. GOODLATTE said. People who don't represent forest districts may say what is in it for me; why should I care?

Here is why you should care. Because when you build your house, if you had a builder come to you and say here is your choice; we can either build this house with perfectly solid wood that came from dead trees that were killed in a fire, or we can build your house by cutting down live trees that are standing today, which would you prefer? Most Americans would say, you know, I would rather use the dead wood, if it is good structurally, to build my house; and indeed it is good structurally, but only if you harvest it promptly.

Let me go right back to basics. We use wood. It has got to come from somewhere. If you can get it from burned forests and do so responsibly and protect the environment, as this bill requires, that is where you ought to get the wood from. But if you delay that harvest unnecessarily, you will diminish the value of the wood and you will increase the adverse environmental impact.

Finally, let me say this: We make decisions in our society and we make trade-offs and balance things. My friends on the other side would say, where is your peer-review science that proves it is good for a forest to harvest burned trees?

You make sacrifices whether you harvest live trees or dead trees. In the case of a live tree, you are sacrificing a living tree. In the case of a dead tree, you are sacrificing a dead tree. The choice is pretty clear to me, and that is what this bill allows us to make: that choice.

□ 1230

Mr. UDALL of New Mexico. Madam Chairman, I yield our remaining time to a leader in our Resources Committee on forest issues and a champion on protecting our forests and watersheds, Representative INSLEE.

Mr. INSLEE. Madam Chairman, the people of the State of Washington deserve decisions about the Eagle Gap Wilderness area to be made based on science and public input, not the whims of President George Bush.

Why do we rush to give this President, the President with the worst environmental record in American history, more discretion, more leeway, less science, less public input? That is a bit like giving Bonnie and Clyde a relaxation of the rules against bank robbery.

There is no reason, given the record of this administration, to trust these administration policies with our national forests. But this bill will give a blank check to the whims of the political decisionmakers in the White House, not the foresters on the ground.

This, in fact, strips, strips us of the requirement that we have a site-specific decision to go out and look at these properties. Now I will tell you how bad it is. I will tell you how George Bush's administration has not respected science. When Mr. Donato, a researcher at Oregon State University, reported his paper in a well-respected journal, Science Magazine, a peer-reviewed journal, do you know what happened? Do you know what his BLM did? They canceled his contract.

That is how the Bush administration treats science. They cancel your contract if you come out with science, with an answer that is not apparently approved by Carl Rove and his political minions.

Madam Chairman, we should not be on this floor giving George Bush more authority to make more bad decisions about the national forests. Reject this bill.

Mr. GOODLATTE. Madam Chairman, I yield 2 minutes to the gentlemen from North Carolina (Mr. HAYES).

Mr. HAYES. Madam Chairman, I thank the chairman for yielding me the time.

Madam Chairman, I rise in strong support of H.R. 4200. The people who wrote the bill are here in the room, as far as I can tell. Forestry is the dominant land use in my State, covering almost two-thirds of our land. About 10 percent of our timberland is in Federal ownership. H.R. 4200 would give our forestry advisors a badly needed new tool to deal with the types of catastrophes that sometimes visit our forests.

Although we do have fires, our forests suffer much greater harm from bugs, like the pine beetle, and from hurricanes like Hugo. Thank God we have not had a visitor like that for some time.

Hugo destroyed some $250 million worth of timber. South Carolina suffered similar damage from that storm. The 2000 outbreak of southern pine beetle spread rapidly to over 130,000 acres of non-Federal land, and additional private land in and around Pisgah National Forest and the Biltmore Estate, known as the Cradle of Forestry in America.

If the beetle is not controlled quickly, it will easily spread to adjacent lands. Most of this outbreak is on Federal lands, making it extremely important the Forest Service respond quickly to avoid spreading infestations to adjacent healthy non-Federal forests.

''We do not have a year or 2 years'' stated Jim Hefley, a retired forestry

professional charged with heading up the committee to address the outbreak. ''We have 120 days to accomplish our work and remove the infested trees.''

This statement was made in November of 2000 as the beetles entered their period of winter dormancy. The Forest Service did not issue their decision to implement treatments until April 16, 2002. This is unconscionably slow.

With the authority available under H.R. 4200, the Forest Service could substantially shorten the time frame to move forward with the recovery project down to as little as 60 days if the Forest Service develops an appropriate preapproved practice to deal with southern pine beetles.

In the Southeast, we are lucky that our pine forests grow quickly. That is why they make such good wildlife habitat, and why they are the engine of the region's timber economy.

Madam Chairman, I urge unanimous support of H.R. 4200.

Mr. PETERSON of Minnesota. Madam Chairman, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Madam Chairman, I thank the gentleman from Minnesota.

Madam Chairman, just briefly, I mentioned earlier the amazement with which I have watched some of the misrepresentation that has occurred on the floor today.

I just saw it again a second ago from my good friend from Washington State. BLM did not, for the record, cancel the contract of the researcher, they suspended it following a review to make sure procedures had been followed.

I also want to talk about this criticism of planning ahead. You know, folks on my side have been in high dudgeon and great outrage at the lack of planning by FEMA prior to Hurricane Katrina. Here we are with a bill that would allow us to plan ahead, so that when disaster strikes we can respond responsibly and promptly with the best available science to protect the environment and to save the taxpayers money, and we are being criticized for advance planning.

It is a good bit paradoxical, my friends. You cannot say on the one hand we ought to plan for disasters like Katrina, but we should not plan for disasters in a forest. You should plan for both, and we have proven mechanisms for responding to both.

And here is something that has to be underscored. What we are talking about today is standard practice, standard practice by State foresters, by industrial foresters, by private timber owners, and by tribes. People who have fiduciary responsibilities to their taxpayers, to their stockholders, and to the timber owners do this every day across the country.

And if you would come with Congressman WALDEN and I, we can walk you through beautiful, magnificent forests that were burned one time, harvested, and regenerated. That is why we are supporting this bill.

I would just say for all of the talk on evidence, the evidence can be obtained right here with your eyes. Just come visit these forests. If 15,000 people who manage forests on the ground every day support this, this is not about giving President George Bush authority over burned fires, it is about giving the timber managers who live and work and know the ground and raise their families nearby and drink the water from the watersheds and have years of experience, that is who gets the authority under this bill.

Mr. GOODLATTE. Madam Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Madam Chairman, I appreciate the bipartisan leadership on this bill. I think sometimes in Washington we would do better to not clear-cut the truth when it comes to issues like this.

Madam Chairman, the truth is when natural disasters hit our forests, as they do in east Texas, our regulations really hinder our ability to recover that forest quickly. They do not help; they hinder it. This bill does the opposite. I strongly support it.

Madam Chairman, in 1998 we had a windstorm that hit the Sabine, Angelina and Sam Houston National Forests here in east Texas, damaged about 200 million boardfeet of timber. As bad as that looks, and as big as that looks, you should have seen what Hurricane Rita did. The fourth largest hurricane to ever hit the gulf coast damaged nearly a million boardfeet of timber, and that is our number one, not only our number one economic driver in east Texas, but we really value our forests. We want to recover them, because that to us was a huge natural disaster.

This bill will help us recover from disasters like this. All of them had salvageable timber; terrible Hurricane damage, but salvageable timber. But because of the large volume of timber that was damaged, the rapid decay of the dead wood, and procedural red tape and economic constraints, salvage operations, the ability to salvage this is limited. And if we do not do that, the down and damaged timber becomes hazardous fuel, endangering the public and firefighter safety.

And all of the remaining undamaged timber becomes highly susceptible to other timber losses, because of bark beetles further impairing the forest health, and blue stain, which affects the timber itself. So failure to remove salvageable timber impedes the restoration of some of our treasured habitat, such as threatened and endangered red cockheaded woodpecker and the Louisiana pine snake.

Madam Chairman, delays to harvesting downed timber means delays and increased costs all across the board, and the ability in this bill to use alternative ways to do it makes healthier forests and better species. Madam Chairman, I strongly support this bill.

Mr. PETERSON of Minnesota. Madam Chairman, I yield to Mr. BAIRD such time as he may consume.

Mr. BAIRD. Madam Chairman, I want to add one other environmental consideration on this, the issue of greenhouse gases. When you talk about billions of boardfeet of timber down post-Katrina, and you think about what happens if there is a secondary burn and how much carbon is put into the air, that is not good if you want to contain greenhouse gases.

Those who are concerned about global warming, as am I, and as are many of my friends who have spoken today, seriously ought to consider, you can entrap the carbon in those trees by building a home with the wood, or you can leave the carbon in those trees to burn a second time and to fill the atmosphere with smoke.

I would submit that it is better from an environmental perspective to make sure that those forests do not reburn if you can do so responsibly, and we have testimony from wildland forest fighters that by removing these trees postfire you can actually reduce the risk of subsequent fires if you reharvest.

Mr. GOODLATTE. Madam Chairman, will the gentleman yield?

Mr. BAIRD. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Madam Chairman, the gentleman makes an excellent point. And the point you made earlier about choosing between dead, dying, burned trees versus live, living trees not being cut down are also helping the environment by absorbing that CO_2. So this is a very proenvironmental piece of legislation

Mr. BAIRD. Madam Chairman, reclaiming my time. I appreciate that point. This is the choice you are making. You are not choosing whether or not to use wood. We have got to use wood, and it is a darn good product.

You are going to get some from living trees, you are going to get some from burned trees, but if you have got the burned trees, use the wood responsibly, use it promptly. Sink the carbon in your house, do not put it into the atmosphere.

Mr. DUNCAN. Madam Chairman, I claim the time of the Transportation and Infrastructure Committee on behalf of Chairman YOUNG.

The Acting CHAIRMAN (Mrs. MILLER of Michigan). The gentleman is recognized for 10 minutes.

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

Madam Chairman, before I yield some time to Chairman WALDEN, I would like to mention a couple of things. A few years ago I read the book ''A Walk in the Woods'' by Bill Bryson about hiking the Appalachian Trail. He says in that book that New England in 1850 was 30 percent in forestland. Today it is almost 70 percent in forestland. A few days ago I think it was USA Today or one of the national publications had an article about the State of Vermont and said it is 77 percent in forestland.

The Knoxville New Sentinel a few years ago said that Tennessee in 1950 was 36 percent in forestland. Today it is 55 percent in forestland. Yet if I went to any school in this country and asked the kids, are there more trees now than there was 100 or 150 years ago, they would all say, no, there are a lot fewer trees; when the truth is, there are billions and billions more trees, and hundreds of millions of acres more in forest today than at any time in our history.

And then I remember in the forest subcommittee in 2002, at the first of the year and then again in late spring, we were warned that 40 million acres in the West were in imminent danger of catastrophic forest fire, and later that year we saw some 7 million acres burned by needless, unnecessary forest fires that could have been prevented. I am told by the staff that we will probably have 7 million acres more burned this year, and that is a sad, unfortunate thing.

We have groups all over this country who do not want you to drill for any oil, do not want you to dig for any coal, do not want you to produce any natural gas, and do not want you to cut any trees. Madam Chairman, do you know who that hurts? It hurts the poor and the lower-income and the working people of this country most of all. The wealthy are always going to do all right. But these things that we do up here affect the poor and the lower-income and working people most of all because when you do not allow anything, any type of natural resource production in this country, what do you do? You drive up prices and you destroy jobs. Who does that hurt the most? It hurts the poor and the lower-income and the working people. And it drives up prices for everything that uses wood, from homes and furniture to toilet paper and everything else.

And so that is what some of this bill is about today. I have got some more I would like to say on it.

Madam Chairman, I yield such time as he may consume to Chairman WALDEN for some further remarks.

Mr. WALDEN of Oregon. Madam Chairman, I certainly appreciate all of the work that Mr. DUNCAN has done on our Subcommittee on Forests and Forest Health, and the gentleman's comments today really, I think, make a very, very strong point.

We have more forested acres today than we did 100 years ago, and we have more trees today than we did. In fact, one of the issues we face in America's forests in the West is overstocked forests. And when forests get overstocked, then bugs come in, nature takes over, you have disease, you have stressed trees, and often they die. And then you get a fire.

You have seen earlier in the debate pictures of these forests after they have burned. Now I represent a district that is nearly 70,000 square miles, home to, I think, 10 or 11 national forests. More than half of the land mass of the district I represent is in government ownership.

I love to get out and backpack and hike. I was up on Dog Mountain this weekend in Columbia Gorge. I love these forests.

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I want healthy green forests, I want to protect the watersheds. I also drive through forests that burned years ago and nothing has been done to recover them. There are valuable stands of timber there that could have been harvested to pay for the recovery effort. The Congressional Budget Office says if we allow the Forest Service and the BLM to move quicker on the projects they deem to be appropriate under their planning documents and in compliance with the Federal environmental laws, we could actually increase receipts by 40 percent from those sales. Forty percent. We could pay for the restoration work. We could restore the forests.

Now, you have heard comments today about how do we define a disaster. Well, we define it virtually identically to the way the Federal Emergency Management Agency defines a major disaster. The language is almost identical. It means any natural catastrophic catastrophe, including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowslide, drought. All of those things contribute to a catastrophe in America's forests, and so we use the same definition. So if you don't like our definition here, well then maybe we need to change FEMA. But I don't think anybody would stand for that in an emergency. If we have an emergency in a forest, the emergency doesn't end when the smoke clears.

We have also heard today, erroneously, no site evaluation. We would wipe that out. Nobody would ever have to go on the ground. That is not true. Go to page 32 of the manager's amendment that we are debating today: We require the agencies to show rationale for their decision, economic analysis and justification, an analysis of the environmental effects of the project, and how such effects will be minimized or mitigated consistent with applicable land and resource management plan. And it goes on through.

And let me say, we continually heard this nonsense that somehow you can do this without ever following the Clean Water Act or Safe Drinking Water Act or the Endangered Species, and that is simply not the case; because Americans act, and that is simply not the case; because Americans under our law would have the same right they have under existing law in the Healthy Forest Restoration Act to appeal, and to appeal to a court of law who would immediately shut down a project with a temporary restraining order, stop them in their tracks if they didn't follow existing Federal law. The safeguards are in this bill to do what is needed to be done to improve America's forests, to get them back into restored status, to move quickly after a catastrophe, after a disaster, as we expect the government to do after a lot of different events that occur in our country. We just want to be able to do that in our forests as well, like every other forestland manager has the authority to do.

Madam Chairman, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Madam Chairwoman, I would like to yield the balance of my time to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Madam Chairman, I thank the gentleman. I want to follow up on something my good friend Mr. DUNCAN pointed out. In my district I mentioned earlier we have got communities with double-digit unemployment. Some of these small timber towns, the only real game in town is timber. And if there is a catastrophic fire in the vicinity of that mill and the choice is to let that wood rot or put some people to work by milling it, it is going to be mighty hard for me to go back home and look these folks in the eye and say, ''I know that there is perfectly good wood that we could get out. I know that we could build houses with it, make paper products, but you know we have to leave it completely untouched until that wood just rots.''

Now, we are not saying harvest every stick of timber. We are not saying that in every fire or blowdown you harvest anything. But if you can get economically valuable products out and if you can do it in a responsible way, then by golly you ought to do it. And that is what this bill comes down to at the end of the day.

When Congressman WALDEN and I visited the Timbered Rock fire, we rode out to that fire site with the forest people, the forest managers of that area. This is not about having some bureaucrat in Washington, DC, manage forests. That is actually what is happening now. We are managing through litigation. Litigation is probably the most inefficient way to manage anything. If you can avoid it, do so. The folks who actually manage these post-fire scenarios live in the communities. I talked to one fellow, he said, ''This is where I come to fish with my kids. Do you think I want to let this go forward in a way that is going to destroy the fishing? This is where we come to hunt.'' The water supply for my community is downstream from this fire. I have every investment in managing this responsibly.

The forest managers who go into that profession go into it because they love the forests. They live in the field, they know the terrain. And this bill allows them to respond promptly if there is an incident, and to use advanced planning to prepare for an incident so that they can do the most responsible thing the most promptly. That is what this thing is about. Again, it is common sense and

I am proud to have coauthored it. I thank the gentleman for his leadership. We will see some proposed amendments in a moment. I would urge rejection of those and final passage of the legislation.

Mr. DUNCAN. Madam Chairman, I am pleased that the gentleman from Washington, who is a really good Member and a good friend of mine, that he mentioned the small logging companies. I remember in 1978, we had 157 small coal companies in east Tennessee, and then they opened up a Federal mining office and now there are none of those small companies left.

When you overregulate anything, it helps the big giants, but it first runs the small companies out and then even the medium-sized companies. And I am told that is what is happening all over the country to our small logging companies. And I remember, I was told years ago that in the mid-eighties that Congress passed a bill that the environmentalists wanted that would not allow cutting of more than 80 percent of the new growth in our national forests. Today, we are cutting less than one-seventh of the new growth in our national forests, and we have two or three or four times as much dead and dying trees, and under the present rules we can't even go in there and get some of these dead and dying trees out. Like he said earlier, I said this bill is just another of many things that we are trying to not only help the environment but to help the poor and the lower income and the working people by not driving up prices and not destroying jobs in the way that we have been doing. But also this is a bill that would help some of the small businesses, some of the small logging companies maybe to survive instead of all having to go out.

H.R. 4200, this Forest Emergency Research and Recovery Act, would allow land managers to move swiftly after a disaster to stabilize soils, protect streams and riparian areas and reforest the land. The bill allows for the establishment of preapproved management practices and emergency procedures that could be implemented quickly after a fire or other catastrophic event. This bill, H.R. 4200, allows for compliance with the Clean Water Act requirements to occur simultaneously with the implementation of these preapproved management practices or emergency procedures.

H.R. 4200 is essential, I think, to ensuring our national forests are forested for future generations. This is a good bill. It is good for the environment, it is good for business, and it is good for the average ordinary citizen who doesn't need for wood product prices to just go out of sight. And so I urge passage.

Mr. BACA. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

Mr. Chairman, I want to voice my support for H.R. 4200.

The catastrophic wildfires that devastated southern California in late 2003 are proof that forest health and recovery are essential. We must expand these tools however possible to protect the lives and property of our constituents.

I only wish the agency and administration would have heeded our demands from then Governor Davis, Senators BOXER and FEINSTEIN, and many others including myself for emergency fuels reduction funding.

The fact is that many forests in southern California continue to be matches waiting to set ablaze. Bark Beetle infestations have ravaged the San Bernardino National Forest and many populated rural areas.

Either we learn the lessons of the past or we are condemned to repeat those mistakes in the future.

By the time the 14 major wildfires in southern California were extinguished in November 2003, 24 lives were lost, 3,710 homes were destroyed, and 750,043 acres were blackened—70,000 of those acres in San Bernardino County.

We must also remember the post-fire flooding in the erosion-prone mountain watersheds, and how 17 lives were lost in San Bernardino County alone. Sixteen of these lives were lost on Christmas Day, including those of two constituents.

Mr. Chairman, I completely agree that recovery is essential, but I am also very interested in ensuring that the contractors doing this recovery are not engaging in criminal violations of health, safety and labor law.

At the December hearing on this bill in the Agriculture Committee, I introduced into the record an exposé by the Sacramento Bee on the deplorable, and often criminal, conditions to which these H2B and other contract employees are subjected.

Some are not paid their full wage, denied safety equipment, or made to live in subhuman conditions because of their H2B guestworker status.

Mr. Chairman, that is why I will be holding a briefing tomorrow at 2 p.m. in the Science Committee room on these forest workers and how agencies can improve their oversight of wage and workplace safety violations.

Mr. Chairman, I agree that we need to protect the lives and property of our constituents by maintaining healthy forests and recovering after disasters and pest infestations. That is why I am voting in favor of this legislation. I urge my colleagues to do the same.

Mr. THOMPSON of Mississippi. Mr. Chairman, I rise in favor of H.R. 4200, the Forest Emergency Recovery and Research Act (FERRA).

Many of you are supporting this bill because of wild fires. My state and I have a different, but just as important need. Hurricane Katrina caused the largest single forest and wildlife habitat devastation in our Nation's history—5 million acres—and it did not discriminate between public or private land or the rich, poor or the middle class. She was an equal opportunity destroyer. By the way, this represents 19 billion board feet of timber with a value of $5 billion. This is enough timber to build 800,000 homes and make 25 million tons of paper and paperboard.)

National Wildlife Refuges, National Parks and National Forests were all severely damaged. The DeSoto National Forest was hit the hardest. But besides trees, we had a diversity of plants and animals that lost their homes too. In fact, the damage left by Katrina is the largest single devastation of fish and wildlife habitat since the Exxon Valdez.

I have witnessed the devastated, high quality forests of the DeSoto degrade to a point that we must appropriate many millions to clean up the debris and recover this forest. That was not necessary.

By acting in a timely manner as FERRA will allow, we can salvage valuable wood products before they deteriorate. This will generate much needed dollars for rural schools and return more dollars to federal and state treasuries. It will also generate funds to restore the homes of wildlife and the citizens of places like the Gulf Coast and New Orleans.

We don't need to cut down live trees that are valuable at producing oxygen, sequestering carbon dioxide and providing fish and wildlife habitat when we can use ones that are already damaged. It's just common sense.

As the first member of my party to co-sponsor the Healthy Forests Restoration Act, I ask you to vote in favor of H.R. 4200.

Mr. DUNCAN. Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mrs. MILLER of Michigan). All time for general debate has expired.

In lieu of the amendment recommended by the Committee on Resources printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute printed in the designated place in the CONGRESSIONAL RECORD and numbered 1. That amendment in the nature of a substitute shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

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

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

Sec. 1. Short title and table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—RESPONSE TO CATASTROPHIC EVENTS ON FEDERAL LANDS

Sec. 101. Development of research protocols and use in catastrophic event research projects.
Sec. 102. Catastrophic event recovery evaluations.
Sec. 103. Compliance with National Environmental Policy Act.
Sec. 104. Availability and use of pre-approved management practices.
Sec. 105. Availability and use of emergency procedures.
Sec. 106. Administrative and judicial review.
Sec. 107. Guidance regarding reforestation in response to catastrophic events.
Sec. 108. Effect of title.
Sec. 109. Standards for tree retention.

TITLE II—RESTORING LANDSCAPES AND COMMUNITIES IMPACTED BY CATASTROPHIC EVENTS

Subtitle A—Cooperative Forestry Assistance Act of 1978

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

Subtitle B—Department of the Interior Assistance
Sec. 211. Restoring landscapes.
Sec. 212. Restoring communities.
TITLE III—EXPERIMENTAL FORESTS
Sec. 301. Findings.
Sec. 302. Availability and use of pre-approved management practices on National Forest experimental forests.
Sec. 303. Limited consideration of alternatives for projects on National Forest experimental forests.
TITLE IV—GENERAL PROVISIONS
Sec. 401. Regulations.
Sec. 402. Dedicated source of funds for research and monitoring.
Sec. 403. Other funding sources.
Sec. 404. Effect of declaration of major disaster or emergency.

SEC. 2. FINDINGS.

Congress finds the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) protecting soil and water resources;

(B) providing habitat for wildlife and fish;

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

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

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

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

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

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

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

SEC. 3. DEFINITIONS.

In this Act:

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

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

(3) CATASTROPHIC EVENT RECOVERY.—The term ''catastrophic event recovery'', with respect to an area of Federal land damaged by a catastrophic event, means—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(18) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

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

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

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

TITLE I—RESPONSE TO CATASTROPHIC EVENTS ON FEDERAL LANDS

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

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

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

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

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

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

(3) accompanying methods of data analysis and interpretation.

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

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

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

(e) PUBLIC ACCESS.—

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

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

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

SEC. 102. CATASTROPHIC EVENT RECOVERY EVALUATIONS.

(a) COMMENCEMENT.—

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

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

(b) TIME FOR COMMENCEMENT.—

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

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

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

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

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

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

(c) COMPLETION.—

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

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

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

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

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

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

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

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

(6) A preliminary estimate of the receipts, including receipts from biomass and other forest products, to be derived from the catastrophic event recovery projects and catastrophic event research projects contained in the catastrophic event recovery proposal, and, to the maximum extent practicable, an estimate of revenues likely to be lost if action is not taken in a timely manner.

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

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

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

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

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

(2) FACTORS.—In making any determination under paragraph (1)(B) to develop and carry out a catastrophic event recovery

project or catastrophic event research project, or portion of such a project, using emergency procedures under section 105, the Secretary concerned shall consider at a minimum the following:

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

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

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

(D) The threat to public health and safety.

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

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

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

(g) COORDINATION WITH OTHER ACTIVITIES.—

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

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

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

(i) PUBLIC NOTICE.—

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

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

SEC. 103. COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT.

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

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

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

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

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

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

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

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

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

(d) USE FOR CERTAIN ACTIVITIES PROHIBITED.—

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

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

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

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

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

(e) COMPLIANCE WITH OTHER LAWS.—

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

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

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

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

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

(2) The rationale for the agency decision.

(3) An economic analysis and justification.

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

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

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

SEC. 105. AVAILABILITY AND USE OF EMERGENCY PROCEDURES.

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

(b) USE FOR CERTAIN ACTIVITIES PROHIBITED.—

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

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

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

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

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

(c) COMPLIANCE WITH OTHER LAWS.—

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

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

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

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

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

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

(A) The rationale for the agency decision.

(B) An economic analysis and justification.

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

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

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

SEC. 106. ADMINISTRATIVE AND JUDICIAL REVIEW.

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

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

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

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

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

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

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

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

(B) a person can seek administrative review regarding—

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 108. EFFECT OF TITLE.

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

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

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

(2) a catastrophic event recovery project or catastrophic event research project, or portions of such a project, for which the emergency procedures under section 105 are used.

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

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

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

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

SEC. 109. STANDARDS FOR TREE RETENTION.

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

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

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

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

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

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

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

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

TITLE II—RESTORING LANDSCAPES AND COMMUNITIES IMPACTED BY CATASTROPHIC EVENTS

Subtitle A—Cooperative Forestry Assistance Act of 1978

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(7) DEFINITIONS.—In this subsection:

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

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

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

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

Subtitle B—Department of the Interior Assistance

SEC. 211. RESTORING LANDSCAPES.

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

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

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

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

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

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

SEC. 212. RESTORING COMMUNITIES.

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

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

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

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

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

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

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

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

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

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

TITLE III—EXPERIMENTAL FORESTS

SEC. 301. FINDINGS.

Congress finds the following:

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

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

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

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

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

Section 105(a) shall apply with respect to any individual activity or a series of activities proposed to be undertaken in an experimental forest established pursuant to section 4 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16

U.S.C. 1643) or the organic administrative authorities of the Secretary of Agriculture (16 U.S.C. 551).

TITLE IV—GENERAL PROVISIONS

SEC. 401. REGULATIONS.

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

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

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

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

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

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

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

(1) to develop research protocols under section 101;

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

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

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

SEC. 403. OTHER FUNDING SOURCES.

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

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

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

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

(3) in subsection (c)—

(A) in paragraph (1), by striking ''and'';

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

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

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

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

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

(2) in last proviso, by striking ''for which deposited on any national forest'' and inserting ''for which deposits of money are available under this subsection''.

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

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

(a) AVAILABILITY OF FUNDS.—If an area of non-Federal land damaged by a catastrophic event is also covered by a declaration by the President under section 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170, 5191) that a major disaster or emergency exists, the Director of Federal Emergency Management Agency may use funds available for activities under that Act to reimburse the Secretary concerned for assistance in that area provided under—

(1) subtitle B of title II; or

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

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

The Acting CHAIRMAN. No amendment to that amendment shall be in order except those printed in House Report 109–467. Each amendment 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 read, 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 a division of the question.

AMENDMENT NO. 1 OFFERED BY MR. RAHALL

Mr. RAHALL. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 109–467 offered by Mr. RAHALL:

Strike section 103 (page 23, line 14, through page 24, line 9) and insert the following:

SEC. 103. COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT.

The Secretary concerned shall comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.), its implementing regulations, and other applicable laws in designing and conducting catastrophic event recovery projects and catastrophic event research projects.

Strike section 104(e) (page 26, line 3, through page 27, line 8).

Strike section 105(c) (page 30, line 1, through page 31, line 11).

The Acting CHAIRMAN. Pursuant to House Resolution 816, the gentleman from West Virginia (Mr. RAHALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. RAHALL. Madam Chair, I yield myself such time as I may consume.

Madam Chair, I would like to begin by observing that I strongly share the view of the gentleman from New Mexico and our colleague, a very valued member of the Resources Committee, Mr. TOM UDALL, that the pending measure is totally unnecessary and seriously deficient and should not be approved by this body.

With that noted, the amendment I am offering is simple and it is straightforward. It would strike from H.R. 4200 its most egregious provisions which ride roughshod over the National Environmental Policy Act, the Endangered Species Act, the National Historic Preservation Act, and the Clean Water Act.

These unwarranted assaults on our Nation's premier conservation laws under the guise of enhancing forest management should be an embarrassment to this body, to this House of Representatives.

Should this body prove the pending measure, the result would be a weakening of existing law in the form of NEPA, a law that is meant to ensure public participation in actions by the Federal Government.

The American public is already in an uproar over this administration's penchant for surveillance of their phone conversations and e-mail transactions. Now we are going to say to American taxpayers that they cannot even participate in proposed Federal actions that directly affect them? What message is this sending?

Did George Orwell really have it right when he wrote the book, ''1984'' back in 1949, in which he penned and I quote, ''If you want to picture the future, imagine a boot stamping on a human face, forever.''

I would note that the sponsor of the pending legislation, the gentleman from Oregon, is very passionate about this matter and I certainly respect that. Yesterday during the Rules Committee's consideration of this bill he described my amendment as one that would gut the bill. I, on the other hand, firmly believe that Americans cherish the Clean Water Act and do not want its application waived. I also believe that Americans believe they should have a say under the National Environmental Policy Act on major Federal actions impacting their lives. Obviously, the gentleman from Oregon and I have a very different view of America.

And the gulf which divides us on this issue makes for a very clear vote in the House of Representatives today on this amendment. The pending measure also constitutes a direct assault on the ESA. It legislatively directs that an incidental take permit be issued without limitation, no ifs, no ands, no buts about it, regardless of the impacts of the salvaging operation on endangered species. This is not fair play. This is draconian.

Finally, my amendment would strike provisions of the pending measure involving compliance with the National Historic Preservation Act. I would ask the question: Are we to sacrifice our country's past, our national heritage, on the altar of something like salvage logging?

Let us send the proper message to the people of this Nation today. Regardless of how Members view the remaining part of the pending measure, let us first vote to ensure that the public's right to participate in proposed Federal actions is preserved, and that our country's fundamental conservation laws will remain in place. I urge adoption of the amendment.

Madam Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Does any Member rise in opposition to the amendment?

Mr. WALDEN of Oregon. Why, Madam Chairman, indeed I do. I rise in opposition and seek the time.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WALDEN of Oregon. I would like to take a moment to outline just how Forest Emergency Recovery and Research Act complies with the NEPA standards and often exceeds those standards.

The Forest Emergency Recovery and Research Act requires public notice, public collaboration, and an opportunity for the public to object to any proposed action. Read the bill: Pages 22, 23, 24, 25, 33, and 34. It is right there in black and white.

The judicial review requirement under this bill is identical to those in the Healthy Forest Restoration Act which Congress passed last year. See page 35. Now, we actually passed that a couple years ago, and I know my friend and colleague from West Virginia voted against it when it was in the House and voted against the conference report when it came back. So it is no surprise because he doesn't like this bill because he hated the Healthy Forest Restoration Act even after the Senate voice-voted it, as did my colleague from New Mexico, Mr. UDALL, opposed the Healthy Forest Restoration Act. So some of the same people who are here today saying we are going to do all these awful things said the same thing a couple years ago when we passed the Healthy Forest Restoration Act. Ironically, some of those same Members now say, oh, we are not fully implementing the Healthy Forest Restoration Act and we should be doing more on that. We wouldn't have it if they had been in charge because they voted against it every time they had an opportunity.

□ 1300

The Forest Emergency Recovery and Research Act also requires disclosure of the decision rationale, economic analysis, and analysis of the environmental effects of the project which leads to a very transparent agency process, page 32. We require independent, third-party, scientific peer review of recovery practices. See page 13 and page 24.

These are just a few examples of how this legislation complies with the intent of NEPA, and if the agency fails to comply with all these things, we prescribe in the law they can be sued. If they fail to comply with the very laws that have been identified by my colleague, they can be sued.

These projects can be halted. We do not say do anything you want, notwithstanding any other Federal law, including all the ones you have heard listed repeatedly. Those laws still have to be complied with.

Currently there are bills that actually go further than where this bill goes. They would waive environmental documentation altogether. My friend and colleague, the gentleman from Colorado (Mr. UDALL), one of the most vocal critics of this legislation, has introduced H.R. 4875, which, through categorical exclusion, would waive environmental documentation completely for insect emergency areas in Colorado. We do not do that here.

I read where one of the opponents of this legislation worked on the sale in the Biscuit fire, and said we do not need this bill, we did 16 million boardfeet of harvest, and we did it using existing laws. Yeah, they used a categorical exclusion which you cannot even do now.

We have a balanced bill here. It involves the public. It tracks with what we did with the Healthy Forest Restoration Act to allow for free decisional appeals and for judicial appeal.

It is backed by all kinds of groups that love to be in the outdoors, the Bear Trust International, Boone and Crockett Club, the Bow Hunting Preservation Alliance, the Archery Trade, the Congressional Sportsmen Caucus, you go through it, people are out there enjoying the woods, the Rocky Mountain Elk Foundation, the Deer Management Association, and professional firefighters groups and the Society of American Foresters.

We are trying to give our Federal land managers the troops that our State and tribal land managers have, and we are trying to allow them to be able to move quicker and still involve the public because this Member of Congress believes fundamentally the public should have the right to appeal a decision of the government, and this bill allows that.

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

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

As I conclude, the bottom line here is whether we are for NEPA or whether we are against it, whether we are for the Clean Water Act or whether we are against it, whether we are for the historic preservation laws of our land or whether we are against them, whether we are for the Endangered Species Act or whether we are against it.

We have got to be for these premier preservation laws that have guided our country so well over many years. We cannot willy-nilly pick at the edges and try to exempt special-interest groups on every piece of legislation that the Republican leadership in this body wants to consider. We cannot continue to do that or we will not have any of it.

Let us make that decision, whether we are going to have these laws or whether we are not going to have these laws.

This amendment is an effort to preserve NEPA and all of our premier conservation laws that have worked so well for our country and for our future generations. I would urge adoption of my amendment.

Mr. Chairman, I yield back my time.

Mr. WALDEN of Oregon. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding, especially under these time constraints.

On July 4, 1999, a powerful storm, 100-mile-an-hour winds, blew through the boundary waters canoe area of the Superior National Forest in my district, blew down 26 million trees over a huge area. The loss was estimated somewhere between $12 million and $18 million in timber value, but the problem was cleanup.

The State, the county all were able to get in and clean up their lands within weeks, but I had to take the supervisor of the Superior National Forest out here to Washington, meet with the Council on Environmental Quality, with the chairman of the appropriations subcommittee, gentleman from Ohio, and work things out laboriously; took us months to get that salvage operation by the Federal Government under way to protect the homes and residences and resorts outside the wilderness area along the Gunflint Trail to be protected against fire. This legislation will help us move that along.

Mr. Chairman, on July 4, 1999, a widespread convective windstorm called a "derecho" swept across the arrowhead region of northeastern Minnesota. The straight line winds reached 90 to 100 miles an hour, causing serious damage to nearly 600 square miles of forest in and around Minnesota's Boundary Waters Canoe Area Wilderness (BWCAW). The aftermath left 30 million toppled trees on the forest floor; in some areas the downed trees were stacked 10 and 12 feet high. This area approximately 30 miles long and 12 miles wide, or about a quarter million acres, was leveled. The timber loss was estimated at 500,000 to 750,000 million cords, valued between $12 and $18 million. The State of Minnesota estimated the cost of other damage and debris clearance for Lake and Cook counties at nearly $5 million.

This powerful storm created near perfect conditions for a major forest fire. Only two questions remain: When will the major forest fire happen, and how destructive will it be? The blowdown quadrupled the amount of fuel per acre that can readily burn and the fire risk is expected to increase in the next several years as the timber continues to dry out.

Under H.R. 4200, the Forest Emergency Recovery and Research Act, an expedited review process will be established to provide our Federal land managers the resources they need to complete a quick, thorough evaluation of forest conditions after catastrophic events.

Wayne Brandt, Senior Vice President of Minnesota Forest Industries explained ''after the blowdown, private landowners were cleaning up the next day. County lands were being cleaned up within a couple of weeks and State lands within a month.'' The U.S. Forest Service, even with the expedited procedures granted by the Council on Environmental Quality, was not ready to put timber up for sale until late fall. Nearly all private, county and State lands were salvaged by the winter of 2000/2001. The U.S. Forest Service, despite the extraordinary efforts of supervisor Jim Sanders and the staff of the Superior National Forest, found their hands tied for months.

Speed is of the utmost importance, especially with softwoods. Insect infestation begins to take its toll within a couple of weeks, rendering the material unusable for lumber and difficult for paper and Oriented Strand Board (OSB). Hardwoods, such as aspen, can last a bit longer if the trees still have root structure attached to the soil. In a number of instances, the hardwoods leafed out in 2000. However, any trees that were snapped off, were very soon unusable.

County and State land management agencies are able to react almost immediately to natural catastrophes because these agencies are allowed to acknowledge the reality that the condition of the forest that they manage has been completely changed. Guidelines normally appealed to mitigate possible negative impacts of land management activities are often not realistic when the forestry resource has been drastically altered. The Forest Service has been kept from doing its job by restrictions that should not apply in the aftermath of a natural catastrophic event.

The Minnesota Department of Natural Resources has documented that downed wood can act as a breeding ground for insect infestations and disease, making the material prime for fire. After a few years, the blowdown will greatly increase the fuel load and potential for fire hazard; worse, left as is, the blowdown timber will hinder regeneration for many years. Access through these areas is impossible without clearing.

My good friend, Harry Fisher, owner of Northshore Business Products on the Gunflint Trail, had several active timber sales in the Superior National Forest prior to the 1999 Blowdown. Because of the lengthy NEPA process, Mr. Fisher waited 6 months for these prior timber sales to be approved. Although the NEPA process had been complete on these original sales, Mr. Fisher had to wait an additional 6 months for expanded sales to recover the salvage. Unfortunately, the process to salvage the timber had taken its toll on his crews. It was no longer worth the return. Had H.R. 4200 been in place in 1999, some 30,000–40,000 cords of wood could have been salvaged in the Superior National Forest. Instead, Harry's crew was only able to recover 20,000 cords of wood—Less than half.

The current process makes for bad forest management. It increases the risk for forest fire and insect infestation, and puts homes, businesses and human lives in danger.

Immediately after the Blowdown, many people across the State of Minnesota approached me to ask: ''Why aren't we going into the National Forest to recover this timber?'' The environmental community was concerned about insect infestation and forest fire in the boundary Waters Canoe Area. These two often competing interests were coming together for the purpose of best forest management. The answer to their question is: The process of salvaging timber in a National Forest has become too cumbersome.

The U.S. Forest Service process has too many steps and is not efficient when confronting a disaster such as the 1999 blowdown in the Superior National Forest. The U.S. Forest Service staff on the Superior National Forest were nearly heroic in responding to the blowdown, putting in 7-day work weeks of creative effort to address both environmental and good forestry practice concerns, invoke every available emergency clause to accelerate the cleanup process, producing an EIS in record time. Unfortunately, they were confronted by a plethora of obstacles. The laws in place prevent Forest Service personnel from being professional foresters, rather, they have become surrogate lawyers making sure that their proposed timber sales are ''bullet proof'' from possible litigation.

The Forest Emergency Recovery and Research Act, H.R. 4200, requires an expedited National Environmental Policy Act procedural review and complies fully with all other environmental laws, including the 1964 Wilderness Act and the Endangered Species Act of 1973. This law still secures the public's right to appeal and litigate Federal forest recovery projects. H.R. 4200 requires that funds from the removal of trees during recovery projects be used to help repair the catastrophic damage to our Federal forests, in turn, offsetting the cost of critical watershed and wildlife habitat restoration.

Federal Foresters can get the job done if they are allowed to assess the condition of the forest immediately after a natural catastrophic event, protect known special resources and salvage affected merchantable timber as soon as possible.

Blowdown events are not unusual in Northeastern Minnesota. The 1999 blowdown created the potential for extreme fire danger conditions throughout the affected area with the potential to threaten lives within and life and property outside the BWCAW. So far, Mother Nature has given residents and resorters along the Gunflint Trail a respite with favorable weather. The ability to expedite Forest Service response time will benefit local communities and economies, improve access for recreational users and most importantly, greatly improve forest health which benefits everyone.

I urge my colleagues to join me in supporting H.R. 4200, the Forest Emergency Recovery and Research Act.

The Acting CHAIRMAN (Mr. MCHUGH). The time of the gentleman from Oregon (Mr. WALDEN) has expired.

The question is on the amendment offered by the gentleman from West Virginia (Mr. RAHALL).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. RAHALL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from West Virginia will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 printed in House Report 109–467 offered by Mr. DEFAZIO:

Strike section 104 (page 24, line 10, through page 28, line 14) and insert the following new section:

SEC. 104. PRE-EVENT MANAGEMENT PLANS.

(a) PLAN AMENDMENT.—For Federal land where timber harvest is allowed, but not the primary management objective, the Secretary concerned shall amend the land and resource management plan or land use plan applicable to the land to pre-plan for certain activities to immediately follow a fire or other catastrophic event. The activities shall be specific to forest type and plant association group, and be appropriate to the management objectives for area described in the plan. The Secretary concerned shall initiate plan amendments with priority to areas at the greatest risk of a catastrophic event and with the most suitability for post-event activities. Managers using this pre-planning authority shall conduct environmental analysis in accordance with 36 C.F.R. 219 et seq. and 40 C.F.R. 1500 et seq.

(b) PEER REVIEW.—Before an activity, or collection of activities, may be adopted as an amendment to a land and resource management plan or land use plan, the activity or activities shall be subject to independent, third-party peer review by scientific and land management experts. The results of the peer review shall be available to the public no later than the availability of the draft plan revision.

(c) EXPEDITED REVIEW.—The Secretary concerned may use the procedures provided in section 104 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6514; Public Law 108–148) to implement activities adopted as part of the amendment of a land and resource management plan or land use plan according to subsections (a) and (b). If environmental documentation is conducted under this authority, then the administrative and judicial appeals process described in sections 105 and 106 of such Act (16 U.S.C. 6515, 6516) shall apply.

Add at the end of the bill the following new section:

SEC. 405. LIMITATION ON APPLICATION OF ACT.

In the case of Federal land covered by this Act, the Secretary concerned shall use the authorities provided for in this Act only on those Federal lands that—

(1) are designated as general forest areas available for timber production; and

(2) are not otherwise reserved or managed for non-timber production values.

The Acting CHAIRMAN. Pursuant to House Resolution 816, the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Oregon (Mr. WALDEN) each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

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

I agree with much of what I have heard. Unfortunately, I do not believe that the bill gets us in that direction. As I said earlier, giving unbridled discretion to political appointees may sit well with this administration and some supporters in the industry, but it does not bode well for long-term management of the forests.

So I looked at this and said, well, there is a way to fix that, and that would be to say in areas that are designated for timber management, you

can use the expedited procedure since that is the plan objective, and in areas that are not intended for that, you would use normal procedures, which does not preclude salvage. It just means a little bit more evaluation of the work until such a time as you had anticipated catastrophic events and amended the forest plans.

Now, the Forest Service objects that it would take time, would have to involve the public to amend the forest plans, but the thing is the experts, the scientists, say that is the only way to get there. They say you cannot have a peer-reviewed list of preapproved practices that are not site-specific and are not specific to the management goals of the forest.

In fact, the dean of the Oregon College of Forestry Hal Salwasser, Jerry Franklin and Norman Johnson, from Oregon State, said here, ''Management objectives for the area in question are the primary consideration in any decision regarding postfire logging, reforestation, or any other activities.'' He said that ''those goals, together with information on the forest type, or plan association group, postevent conditions in disturbed areas, and future climate trends will largely determine what actions, if any, are appropriate. If management plan direction is not clear,'' and it is not, most plans do not have a salvage provision in them, ''for appropriate actions following large disturbance events, plan revisions should provide such clarity. Major disturbances should not be the basis for de facto changes in land allocations or management objectives,'' which is what this bill does.

So the preeminent scientist invited by the chairman to a hearing confirmed that.

I am offering what I think would be a perfecting amendment. It would open up millions of acres to expedited procedures. It would allow the Forest Service to then amend their plan so in the future they could apply with certainty preapproved practices, not with discretion, and greatly expedite future salvage under those conditions.

In the meantime they could use regular procedures, and I pointed out earlier, on the Biscuit fire, that could have yielded 175 million boardfeet, but, because of political intervention, yielded about 75 million boardfeet of harvest.

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

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

Mr. Chairman, I appreciate the comments of my colleague and friend from southern Oregon, and we have tried to come together on this legislation, and we have not quite gotten there yet, but I have to rise in opposition to his amendment.

The term ''timber production land'' means different things when discussing different forests. Even in the broadest sense, land where timber is the primary objective has been steadily decreasing, reflecting a shifting focus on timber production to using harvest for other purposes, such as wildlife habitat, hazardous fuels reduction or forest health.

For example, in Oregon there are 32 million acres of BLM and national forestlands. Less than 20 percent is designated for timber production. In the State of California, of the 12 national forests in the Sierra framework, totaling over 11 million acres, only 1 percent is designated as timber production land.

These figures illustrate just what a devastating effect the amendment would have. It would be very, very restrictive, guaranteeing only a very small portion of the Nation's forests would have proper recovery efforts in the event of a catastrophe. Obviously, a quicker review and recovery is necessary than what this amendment would allow at this point.

Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. EVERETT).

Mr. EVERETT. Mr. Chairman, I rise in strong opposition to the gentleman's amendment. In the case of the Conecuh National Forest in Alabama, the amendment could leave areas designated as potential old growth subject to increased fire and insect risk.

Our revised forest plan identifies 60,000 acres as potential old growth sites. Half of these acres in this designation are suitable for harvest. Half of them are not designated as suitable. So this amendment would prohibit the application of H.R. 4200 in these areas.

In our forests, scenic river designations, cultural areas, and scenic areas are all considered unsuitable for timber production; yet harvest may be allowed to provide certain habitats, demonstrate cultural heritage or provide vistas.

This amendment would leave these areas untouched by restoration efforts. This situation could damage the very trees it is allegedly intended to save. Again, this is why this bill provides flexibility while requiring compliance with forest plans.

This amendment was defeated on a bipartisan basis in the committee, and it should be defeated on a bipartisan basis on the floor today. This is not a good amendment.

Mr. DEFAZIO. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I was detained in committee on a markup during general debate, and I want to rise in support of the DeFazio amendment and against the underlying legislation.

I believe that the rationale for this legislation simply does not exist. There is no evidence that existing authorities are inadequate.

The Forest Service and the Bureau of Land Management already have many existing authorities for timber salvage, including the Healthy Forest Restoration Act.

For situations involving threats to life and property, the Forest Service and Bureau of Land Management can request alternative arrangements with the Council on Environmental Quality, and to date I do not believe that one Forest Service request has been denied.

I think the DeFazio amendment is improving the legislation.

The sponsors' underlying rationale for this legislation is that there is a dire need for environmental exemptions for timber salvage on Federal lands following a catastrophic event.

But there's no evidence that existing authorities are inadequate.

The Forest Service and Bureau of Land Management already have many existing authorities for timber salvage, including the Healthy Forests Restoration Act of 2003.

In 2005, 35 percent of the logging volume on our National Forests came from timber salvage—all completed with existing authorities.

The Forest Service is quickly completing one of the largest timber salvage projects in history, 676 million board feet, for those National Forests on the gulf coast impacted by Hurricane Katrina in 2005.

For situations involving threats to life and property, the Forest Service and Bureau of Land Management may request alternative arrangements with the Council on Environmental Quality, and to date not one Forest Service request has been denied.

If Congress approves H.R. 4200, roads will be built in inventoried roadless areas, even though the existing road maintenance backlog is large and growing.

Ironically, H.R. 4200 will also divert resources from wildfire prevention. Over 11,000 communities around the country are at high risk for wildfire. There's an urgent need to treat the neighboring forests to reduce the danger. And there are similar conditions across the Country.

But instead of focusing on this elevated threat, H.R. 4200 would emphasize putting limited resources on post-fire timber sales, even in areas far from communities. To make things worse, there is a serious chance these salvage operations could actually increase the risk of new fires.

The bottom line is that H.R. 4200 is worse than unnecessary—it's counterproductive.

Mr. WALDEN of Oregon. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. BAIRD), my friend and colleague, the coauthor of this legislation.

Mr. BAIRD. Mr. Chairman, I want to commend both gentlemen from Oregon. Both at least recognize that there is an issue here, that there is a reason to use the wood after a fire. There are two concerns I would just have about my friend Mr. DEFAZIO.

First of all, he cites Dean Salwasser from Oregon State University. For the record, it should show that the dean has actually endorsed this legislation. So we recognize that the land allocation values are critical.

There is a paradox in the gentleman from Oregon's (Mr. DEFAZIO) legislation in that because other States do not necessarily designate so much land as for the primary purpose for harvest, you could actually have a paradoxical situation where burned trees end up

getting more protection than live trees, which I do not think is the gentleman's intent.

Finally, the gentleman points out that this bill does leave discretion to local land managers. We think that is a plus. You cannot legislatively legislate certainty. You cannot do it. Circumstances on the ground will change.

The bill provides sufficient flexibility for the local land managers to make the needed decisions while giving broad enough structure that those decisions occur within certain parameters, parameters like watershed protection, et cetera.

For that reason, I urge rejection of this amendment.

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Mr. DEFAZIO. Well, Dean Salwasser does support the thrust of the legislation, but he also supports my amendment as a perfecting amendment, and I read previously from joint testimony of Dr. Salwasser, Dean Salwasser, Dr. Franklin, and Dr. Johnson.

That is the key here, is I believe that there is a reason, unlike some of the others, as the chairman pointed out, I did support the Healthy Forest Restoration Act. The Healthy Forest Restoration Act was used for much of the post-Katrina recovery with little or no controversy, and I believe that these tools can be valuable. But we also have to relate back to the forests themselves.

As the experts said in their testimony, and I asked them, how could you establish a list of peer-reviewed, preapproved practices? They said, you can't unless you were considering site-specific, class-specific application. You can't possibly do that. There is no generic way of doing that. So my amendment would, I believe, further the objectives of the authors of the bill and remove some uncertainty, because it is not clear from their testimony how you are ever going to get together this list.

And if the alternative to the list is to go to the CEQ, the Chief of the Forest Service said he didn't want to go there. He used HFRA instead, which is another proposal I put forward, which is why not just use, since we are all familiar with, there is still some controversy, but I think very little, attached to HFRA and its application, why not apply HFRA procedures to the problems in postcatastrophic events? But that was not deemed to be adequate for some reason, and now we have an entirely new construct which I believe has some need for perfecting amendments.

And that is why I am offering my amendment, and I would recommend it to my colleagues.

I yield back the balance of my time.

Mr. WALDEN of Oregon. Mr. Chairman, I would just comment to my colleague from Oregon that we looked at using the HFRA procedures, and they are just not fast enough. When you have a catastrophe, an emergency, the agency has testified before our committee that the Chief of the Forest Service has said, yes, I was able to use the Healthy Forest Restoration Act procedures even in Katrina because the trees were on the ground, and they posed a fire threat. I said, why can't you use those then when a forest is burned when the trees are still standing? He said it is a different threat.

He also said that had he had this, and he wants this authority, by the way, and had he had it, he would have been able to move quicker. And that is really the underlying issue here is the ability to move without upending any of the environmental laws, but move quicker procedurally. The public still has a right to input; the public still has the right to object and appeal and to stop a project if a law is being violated.

Finally, I would just conclude regarding this amendment that, indeed, it is so proscriptive that very few forests would be able to take advantage of the underlying legislation. Again, only about 1 percent the Sierra framework forest in California, most of the Southeast forests would be excluded, and actually very few in the Northwest.

So I hope my colleague from Oregon, my friend, and I can continue to work on this legislation as it moves forward to find common ground, but we think we have found pretty good balance right here, the Republicans and Democrats that are cosponsoring this bill and have worked now on the 50th draft to work out all the issues before bringing it to the Committee of the Whole for its consideration. So I urge opposition to the DeFazio amendment.

The Acting CHAIRMAN (Mr. MCHUGH). All time having expired, the question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 printed in House Report 109–467 offered by Mr. INSLEE:

Add at the end the following new section:

SEC. 405. EXCLUSION OF INVENTORIED ROADLESS AREAS.

This Act shall not apply to any inventoried roadless area within the National Forest System set forth in the maps contained in the Forest Service Roadless Area Conservation, Final Environmental Impact Statement, Volume 2, dated November 2000.

The Acting CHAIRMAN. Pursuant to House Resolution 816, the gentleman from Washington (Mr. INSLEE) and the gentleman from Oregon (Mr. WALDEN) each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

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

Mr. Chairman, this amendment, simply put, will fix a problem with this legislation that otherwise would allow a giant loophole in our rule that now we have been fighting to maintain for some period of time to protect our roadless areas in our national forests. These roadless areas are the most pristine areas of the national forests. We have made a decision, 96 percent of Americans who have commented on the roadless areas have concluded that they want these areas managed for the clean water they provide, the recreation they provide, the aesthetics they provide rather than timber harvest through log road building.

My amendment would essentially say that we are not going to tax, we are not going to subsidize log road building anymore in these roadless areas. There are three reasons we need to do this, and they are two fiscal and one environmental. I will address first the two fiscal reasons we need to adopt this amendment.

First, this Chamber went on record in an amendment some time ago that said we are going to stop subsidizing roads with taxpayer dollars. And we essentially are going to stop, by this amendment, stop subsidizing logging roads in some of our steeper areas. These roadless areas are commonly found in our steeper, higher elevations. They are at the tops of our mountains, and they are the most expensive places to build logging roads. They are the places where the taxpayers get soaked the most in our subsidization programs.

We would say essentially that you cannot use this legislation, in our amendment, to continue that log road-building program which ends up putting the tab on the American taxpayer. This is a fiscal reason.

The second fiscal reason is it makes no sense now, it makes no sense to make a misprioritization from, instead of doing the $10 billion of backlog we already have to repair and maintain our existing mileage, enough to, I think it is 336,000 miles of existing roads, with a $10 billion backlog already. Uncle Sam already has a $10 billion commitment to get those roads and keep them from washing out. Eighty percent of these roads are not even fit. You cannot even drive your car on them.

Instead of letting people get recreational value, to drive and go up to go hunting and go fishing and take your kids on a picnic by the creek, 80 percent of these roads are falling apart. Instead of taking care of their interests, this bill would subsidize the logging industry to go in and log as a priority. Now, they have tried to fix this problem, saying these will be temporary roads. There is no such thing as

a temporary road. We have 60,000 miles of roads that should have been decommissioned already but aren't.

So there are two sound fiscal reasons to adopt this amendment, but the third is an environmental reason. We depend on these roadless areas, the Kettle River Range in Washington, the Eagle Cap roadless area in Washington, we depend on them for clean water. We depend on them for habitat. And the fact of the matter is when you build a road into a roadless area, you double the chance of fire. And that, as a science, is well proven. You may get some timber out, but you double the chance of fire, and you increase areas of road that can erode and silt our streams.

So two fiscal reasons and one environmental reason that commends this.

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

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

I am trying to figure out the gentleman's arguments, because I have here the Congressional Budget Office cost estimate for the Forest Emergency Recovery and Research Act, and it talks about how if H.R. 4200 would pass, it would increase proceeds from salvage sales on average by 40 percent. Assuming the agencies would phase in the use of the new procedures over several years, we estimate increased receipts would begin in 2008 and total $122 million over the 2008 through 2016 period.

Now, they go through and have a bunch of other numbers they work through on what would be offset, but the long and short of it is that over the next 7 years, it is something like $21 million additional to the Treasury simply by eliminating the bureaucratic red tape that delays the projects until the trees have no value.

So the fiscally prudent argument here is to follow the only number sheet I can find, the Congressional Budget Office report, where the experts have evaluated the bill independently of any politics and said this bill makes money, and it makes sense.

Now, let us go to the bill. On page 25 of the manager's amendment, it talks about this issue of roadless. We were sensitive to this issue. We addressed this issue. And it requires that any preapproved management practice may not authorize any permanent road building, and any temporary road constructed as part of a preapproved management practice shall be obliterated upon conclusion of the practice and the road area restored to the extent practicable.

Now, some people will say, well, that is just in the statute. That is just in the law. They don't do it now, they won't do it then, whatever. They will make it up. The contracts also require this. The contracts written by the Forest Service that are entered into as a legal, binding document will require a bond, will require obliteration. They work all that out there, but the statute backs it up and says obliterate the temporary roads. So it is all part of the management practice that would go on, and it is codified here in the statute.

So I just am not quite sure where the gentleman is going with all this. The new roadless rule allows each of the 38 States with roadless areas to participate in the development of their own State's specific plan. A lot of these States are undergoing that now, and we should let them have that local authority to help guide the Federal Government in that planning.

Simply put, if a forest plan prohibits road building in an area, then this legislation prohibits that, because the underlying forest plans are what dictates what happens. Roadless stays roadless. H.R. 4200 will not create any new permanent roads. The only roads allowed are temporary roads, which must be removed after completion of the project. It is in the statute we propose that the Congress pass.

So we have put it in statute. I am sure it is also in the contracts that get negotiated, and we have been very clear on this. So I would urge opposition to the amendment.

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

Mr. INSLEE. Mr. Chairman, there are two problems. One, although I respect the drafters of this bill, the bill does not respect the clearly expressed sentiment of the American people, because 96 percent of the American people said don't build roads; temporary, permanent, transitory, big, small, little. Ninety-six percent of the Americans who expressed their opinion on this issue said don't do what this bill does, which allows building roads in these designated roadless areas.

This ignores the clearly expressed intention of the people, and that ought to be enough in itself to endorse this particular amendment.

Now, I come back to when you look at these roadless areas, they have value that is not in this accounting, which is to keep the silt out of our streams. I respect that we might put a line in a book somewhere that will be over in the Library of Congress that says, presto change-o, these are all going to be ''temporary.'' There is also a line in a book over in the Library of Congress that says 60,000 miles that have been out there for decades are ''temporary.'' In real life, this guts roadless area rules. We need this amendment if this bill is going to pass.

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

The Acting CHAIRMAN. The time of the gentleman has expired.

Mr. WALDEN of Oregon. Mr. Chairman, I yield myself 30 seconds, and I understand I have 2 minutes remaining.

I just want to say that this bill grants no new authority to build roads anywhere, anytime. To say so is to make it up. It is that simple. It does not say go build roads anywhere, anytime. That is not a new authority in this bill.

Mr. Chairman, I yield the balance of my time to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I'll just make two quick points. It is a red herring, to say the least, to say that this is about giving President Bush or the Bush administration control over our Federal forests.

Max Peterson was the former Chief of the Forest Service under a Democratic President, President Carter. This is what Max Peterson said about this bill: ''The Forest Emergency Recovery and Research Act allows trained forest managers to act in accordance with carefully developed forest plans, ending compliance with environmental laws to best restore, protect, and enhance the health of our Federal forests. The legislation deserves favorable action by the House and the Senate and approval by the President.'' That is not a Bush appointee, it is a Carter appointee, a Democrat.

Let me also address this issue of 96 percent of Americans seeming to oppose the road element of this bill. That is specious. Ninety-six percent of the American public did not say this. If there has been a catastrophic fire and you could use the wood responsibly, and roads in would be built and paid for by the people pulling out the wood, and they would be immediately decommissioned so that no permanent road would remain, how do you feel about that?

That is not what they said. Essentially I think they were saying in a healthy green forest, unimpacted by fire, should we keep the roads out? Yeah. But that is a different question. It is apples and oranges.

We are talking about a situation where you have had a catastrophic event, where you would try to get the wood out. And I really want to underscore this. This is not some additional tax on the taxpayers. The people extracting the wood would be required to post a bond, a bond saying they will pay for the removal of these roads. If they renege on that bond, they not only have to pay a penalty, but they also become ineligible for future harvests, so the taxpayers are not left holding this bag.

Mr. RAHALL. Mr. Chairman, I would like to join my colleague, Mr. INSLEE, in supporting this amendment to exclude inventoried roadless areas from HR 4200.

The public has proven its commitment to protecting inventoried roadless areas. The Forest Service has received 1.6 million public comments about the roadless rule, and over 95 percent of those comments favor protecting roadless areas.

Inventoried roadless areas represent 58.5 million acres of wild roadless areas in our National Forests in 39 states. In my home state of West Virginia, we have 202,000 acres of roadless areas. These last remaining wild forests protect our water, sustain our wildlife, and provide for an array of recreational opportunities for Americans.

This amendment is critical to ensuring protection of our most treasured areas in our National Forests. Without this amendment, logging roads for timber salvage operations will be built in inventoried roadless areas.

While bill proponents claim these roads could be temporary and obliterated upon completion of the project, one only needs to look to the Forest Service's current road maintenance backlog, which rings in at $10 billion, to see where this road leads.

I support this amendment and I urge my colleagues to adopt it.

□ 1330

The Acting CHAIRMAN (Mr. MCHUGH). The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. INSLEE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. UDALL OF NEW MEXICO

Mr. UDALL of New Mexico. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 printed in House Report 109–467 offered by Mr. UDALL of New Mexico:

At the end of section 102(e) (page 21, after line 15), add the following new paragraph:

(4) CONSIDERATION OF FIRE RISK AND REGENERATION.—In making any determination under paragraph (1) to implement any preapproved management practice under section 104 or to develop and carry out a catastrophic event recovery project or catastrophic event research project, or portion of such a project, using emergency procedures under section 105, the Secretary concerned—

(A) shall consider the effect of the practice or project on fire risk and forest regeneration; and

(B) may not implement the practice or carry out the project unless the Secretary certifies that the practice or project will not increase fire-risk or decrease forest regeneration.

The Acting CHAIRMAN. Pursuant to House Resolution 816, the gentleman from New Mexico (Mr. UDALL) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

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

Mr. Chairman, this amendment will require the Secretary concerned to certify that a catastrophic event recovery project will not decrease forest regeneration or increase forest fire risk.

This amendment is very important considering the results of a peer-reviewed study recently published in the respected journal Science by Donato and others from Oregon State University. This study concluded that logging in the wake of the 2002 Biscuit fire decreased forest regeneration by 71 percent and increased short-term fire risk.

Unfortunately, this peer-reviewed study came under attack from those who disagreed with its conclusions. Even the Bureau of Land Management threatened to withdraw funding for the study. This was very unfortunate and I believe yet another attempt to silence science.

The vast majority of peer-reviewed science on salvage logging to date demonstrates that salvage logging is contrary to the goal of improving forest health. In fact, 169 scientists from around the country submitted a letter to Congress expressing their opposition to H.R. 4200. Disappointingly, H.R. 4200 ignores this body of science on the harmful impacts of salvage logging, including its potential to increase forest-fire risk and decrease forest regeneration. This amendment attempts to incorporate some of the science into the underlying bill.

In the Southwest, we are facing what is predicted to be a record fire season. Even firefighters are opposed to H.R. 4200 because it could greatly increase fire risk to our communities. The group Firefighters United for Safety, Ethics and Ecology, an organization of current, former, and retired firefighters, opposes H.R. 4200.

The practices authorized under H.R. 4200 should not increase the risk of fire to our national forests and nearby communities. Nor should H.R. 4200 impede seedling regeneration of our national forests.

I urge my colleagues to adopt this amendment.

I reserve the balance of my time.

The Acting CHAIRMAN. Does any Member rise in opposition to the amendment?

Mr. WALDEN of Oregon. Indeed, Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WALDEN of Oregon. Again, Mr. Chairman, let me say that the national organizations that represent the men and women who put their lives on the line to put out fires support this legislation. The national organizations, the Fire Chiefs International, the Forest Firefighters folks, support this legislation because they know what it will do and how important it is.

The Udall amendment may sound plausible, may sound reasonable, and it is neither. The Udall amendment is based on the theory that salvage increases fire risk. Wildfire fighting associations representing over 12,000 firefighters disagree.

This amendment also requires that no practice may be carried out unless the Secretary certifies the practice or project will not increase fire risk or decrease forest regeneration.

Now, if you haven't been involved in this discussion like we have in nine hearings and 50 drafts, you would think, well, that sounds reasonable. We wouldn't want to do anything that would increase fire risk or maybe decrease regeneration.

Well, let me give you an example of what happens in the real world. Imagine the following scenario: Logging creates logging slash. Under contractual agreements it must be cleaned up, often within 30 days. The agency could get sued because of the increased fire risk that exists during that 30-day period.

To do a recovery after a hurricane, the Forest Service proposes a salvage sale to capture value, remove hazardous fuels and plant a mix of willow species and riparian areas and mixed conifers on the drier sites. A lawsuit could be filed saying the agency hasn't proven that one seedling that survived that fire or that hurricane would be affected. So otherwise they can get you coming and going. You can't prove that an action in the forest will not have any effect. If you go hiking in the forest, you could step on a seedling.

And I am going to tell you, if you do a project in the forest you are going to have an effect. That is why our legislation requires mitigation and minimalization.

I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Chairman, it is difficult to understand how anyone would oppose an amendment that simply says the administration should have what is not too onerous a burden, to certify that under the best available science this is not going to degrade that which we are trying to achieve, which is forest regeneration and suppression of fire. Is that asking too much of the Bush administration, to simply say if you are going to have a program, that you will tell the American people that it won't make things worse? We don't think that is asking too much.

And there is a point during this debate I think needs to be made, and that is that when there is a fire, it is a human instinct to get in there and want to fix things. We are fixers. We believe that we are the smarter species on the planet.

But if you look at the beautiful forests we have, if you look at the Eagle CAP wilderness, the Kettle River range in Washington State, you look at our national forests and you look at those forests, those forests are there without the intervention of President George Bush. They have evolved over decades and centuries and eons, and they are beautiful and they are healthy and they give us picnics for our kids, fishing and hunting for our cousins and our families, and clean water to drink, without the administration of George Bush going in with their chain saws and deciding what they decide to cut.

Now, given that historical fact that these forests have done very, very well without us for tens of thousands of

years, we don't think it is too much to ask that before President Bush gets out his chain saw, that he is required to certify, in the best available science, this won't make things worse.

Now I understand why they object to it, because they object to the science and the Donato study in the Science magazine from Oregon State University, they objected to it. They didn't like it. It didn't fit their political preconceptions so they put it on ice, put it on review, canceled it. Use whatever language you want.

We are saying that the science needs to be asked to be listened to, just like the American people should be. This is a commonsense amendment. I commend Mr. UDALL.

Mr. WALDEN of Oregon. Mr. Chairman, I yield myself 30 seconds.

One of the issues here with the amendment is there no specified time period. There is no specified landscape. It is wide open.

Does this mean anytime, anywhere in the forest you might step on a seedling, then, boom, you are going to get sued?

As for Mr. Donato, let us be forthright about this. The BLM did suspend the funding while they responded to allegations they hadn't followed the rules. When they got the answers, they were satisfied with them and the funding continued and the research continues. And even Mr. Donato said, don't overinterpret my findings.

I yield 2 minutes to my colleague from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, two things. I have spent a fair bit of time studying that. It is distressing that my friend from New Mexico, who requested a congressional hearing, was not able to answer a direct question earlier about whether or not the Donato study studied the fire 2 years post-logging or immediately post-logging. It was 2 years post, my friends. And it is irrelevant to the bill at hand.

This amendment by Mr. UDALL is something that, if you like to go camping in the woods with your family, you better not support this amendment because you would have a hard time having the Secretary of the Interior certify that building a camp fire in a national forest campground does not in some way increase the risks of forest fires.

If we are going to apply this standard to everything that happens, that in no way must any action possibly increase the risk of fire or impact natural regeneration, we are going to paralyze the woods. We are not going to go camping. We are not going to drive motorized vehicles on forest service roads, we are not going to do anything. And in fact, Mr. UDALL, we are not going to cut live trees either. And isn't that really the agenda, to stop all harvest on the Federal lands, live trees, burned trees, blowdown trees, drive that harvest to the rainforests, drive that harvest to the Russian Taiga, all in the name of environmental protection? That is not responsible environmental policy.

The legislation before us is good policy. This amendment is not. This amendment should be rejected out of hand.

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

Mr. UDALL of New Mexico. Mr. Chairman, I am just going to close at this point, so I reserve my time.

The Acting CHAIRMAN. Both sides have 30 seconds remaining. The gentleman from Oregon may reserve the balance of his time to close. The gentleman from New Mexico has 30 seconds remaining and is recognized.

Mr. UDALL of New Mexico. Mr. Chairman, there are ecologically sound ways to do salvage logging. This amendment assures that the science is followed. All we are asking is that the Secretary, in approving one of these projects, certify it will not increase forest-fire risk, and will not decrease forest regeneration.

I urge my colleagues to support the amendment.

I yield back any remaining time.

Mr. WALDEN of Oregon. Mr. Chairman, I urge opposition to the amendment.

I yield the balance of the time to the chairman of the full Resources Committee, Mr. POMBO.

The Acting CHAIRMAN. The gentleman from California is recognized for 30 seconds.

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding, and I just wanted to congratulate the chairman of the subcommittee, Mr. WALDEN, for the fantastic job he has done. And I especially want to thank Mr. BAIRD for the work that he has put into this.

This was an effort to bridge across party lines, across different ideologies in order to produce a bill that is better for the environment, better for the communities and better for our entire country, and I thank them for all of the work that they have put into this in working together to produce the kind of legislation that this House can be proud of, because this is the kind of bipartisan effort that produces the kind of legislation that this country deserves. So congratulations to both of you.

Mr. RAHALL. Mr. Chairman, I would like to voice my support for the gentleman from New Mexico's amendment.

This amendment corrects some of the fuzzy vision contained in H.R. 4200 while ensuring that we do not turn a blind eye to the science on salvage logging.

A recent peer-reviewed study out of Oregon State University, published in the highly respected journal Science, found that salvage logging. after the 2002 Biscuit fire destroyed more than two-thirds of the seedlings that were beginning to regenerate the burned forest. That operation effectively increased short-term fire risks.

The Oregon State study is far from the only scientific voice being raised about the effects of salvage logging. Over and over again we have heard from forest ecology scientists about the increased risk of fire and the harm that salvage logging imposes on new and developing trees.

This amendment simply ensures that the Secretary will not carry out a project that will increase fire risk or decrease forest regeneration. We should not be promoting salvage logging that promotes fires and puts forest communities at risk.

I urge the adoption of the Udall Amendment.

The Acting CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from New Mexico (Mr. UDALL).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. UDALL of New Mexico. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

Mr. WALDEN of Oregon. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PUTNAM) having assumed the chair, Mr. MCHUGH, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (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, had come to no resolution thereon.

□ 1345

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 815 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 815

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of May 17, 2006: (1) 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 (2) addressing budget enforcement or priorities.

The SPEAKER pro tempore (Mr. MCHUGH). The gentleman from Florida (Mr. PUTNAM) is recognized for 1 hour.

Mr. PUTNAM. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman

from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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

Mr. PUTNAM. Mr. Speaker, House Resolution 815 is a same-day rule that waives clause 6(a) of rule XIII, which requires 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. It 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.

Mr. Speaker, it is imperative that we pass this same-day rule. This resolution will prepare the ground so that the House may complete its business and pass a budget resolution. We are working to moving this process along toward the goal of setting the spending priorities for the next fiscal year.

The House is prepared to begin consideration of several appropriations measures to fund our government's activities, but we must pass this budget first. We must set the priorities in funding levels before we proceed with the appropriations process. The budget is our congressional spending blueprint. We must complete its consideration to move on with the business of the House.

The Committee on Rules will meet later today to provide a rule for the consideration of H. Con. Res. 376, the budget for fiscal year 2007, and I am pleased that this same-day rule facilitates the timely deliberation of this important legislation.

I urge my colleagues to support the same-day rule so that we can move forward to a serious discussion about the budget legislation.

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

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

Mr. Speaker, I rise in strong opposition to this martial law rule and in opposition to the outrageous process that continues to plague this House. Apparently the Republican leadership has twisted enough arms and broken enough legs to try to ram through their mystery budget package. And I call it a mystery because, aside from a select few chosen by the leadership, no one has actually seen this budget.

We are not talking about naming a post office here, Mr. Speaker, or congratulating a sports team. What we are talking about is the budget priorities that will affect every single American on issues like health care, education, veterans care, environmental protection, national defense, and it goes on and on and on.

So what is in this thing that we are going to see sometime later today? If it is anything like the last version of the budget, which came up a few weeks ago that was pulled, it is probably full of misplaced priorities, broken promises, and empty rhetoric. If it is anything like the last version, it will bankrupt our children and our grandchildren at the expense of the very wealthy. If it is anything like the last version, it will be an assault on our veterans. And if it is anything like the last version, it slashes critical programs in the areas of education, job training, environmental protection and conservation funding, public health programs, medical research, and social services.

But, Mr. Speaker, we do not really know what is in this budget because the leadership of this House would prefer us not to know. They would prefer the American people not to know.

To make a bad situation even worse, we have before us a martial law rule that allows the leadership to once again ignore the rules of the House and the procedures and the traditions of this House. Martial law is no way to run a democracy. Mr. Speaker, no matter what your ideology, no matter what your party affiliation, no matter what you believe about what the budget priorities of this Nation should be, every single Member of this House should have the opportunity to review a bill of this magnitude before voting on it.

Mr. Speaker, we really are in the Land of Oz here with the leadership saying, pay no attention to that man behind the curtain. We know somebody is back there, and we know they are putting together a budget, in my opinion probably a lousy budget, but we really do not want anyone to know the truth. We do not want anyone to know the facts.

Mr. Speaker, those across this country who are watching these proceedings on their television must be wondering how and why the House of Representatives, the greatest deliberative body in the world, could be bringing a budget to the House floor without allowing all Members, even supporters and those who probably will oppose this bill, the opportunity to be able to look at it, to be able to understand what the implications are. But the fact is this much talked about budget, this much talked about but rarely seen budget, will be working its way to the House floor sometime today. I hope the Members will have an opportunity to look at the budget. They are not going to be given enough time, but I hope they will be given some time to see what it is before we begin the debate.

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

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

I agree with my friend from Massachusetts about the magnitude of this budget process and its importance and how we establish priorities in this government, how we lay out a spending blueprint.

My friend from Massachusetts has referred to this as the greatest deliberative body in the world on a couple of occasions, and I would just offer a slight correction that perhaps the Senate is the greatest deliberative body in the world, and we are the greatest legislative body in the world. They talk about it, and we act. We move forward on the agendas that are important to Americans, and we do it in a bold and decisive way, while perhaps the more deliberative body talks things to death and produces nothing.

The budget of the Federal Government works a bit differently than it does for those Members who came from a State legislative background or from local government background. It is a two-step process. The budget lays down the markers, the fence lines, if you will, around the big numbers: X amount for Defense, X amount for Transportation, X amount for Health and Human Services. And the second step of the process then is the appropriations process, which consists of 11 separate bills moving to fill in the blanks: How many tanks and jeeps and bullets and bombs do you buy within the budget framework for defense? How many post offices do you construct or repair within the Postal Subcommittee? How many bridges and roads do you get within the Transportation? They put the meat on the bones.

The skeletal framework is this budget, this blueprint, this spending priority for the Federal Government. And the rule that we are here to debate, and I suspect that this will become a proxy debate on the budget itself, which is not what we are considering before the Speaker today; what we are considering is the procedure that allows us to move forward with the budget that is a hugely important blueprint for this Nation. It is important that we get going on it. We have now been considering it for several weeks. The committee mark has been available for over a month. The substitute amendments that undoubtedly will be presented to the Rules Committee as alternatives have been available for weeks.

So there is no mystery here. There is no secret. We are attempting to facilitate the work of the House.

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

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

Mr. Speaker, I want to thank my friend from Florida for his comments. And we should be the greatest deliberative body in the world. We should be the greatest legislative body in the world. But to be the greatest legislative body in the world, I think, requires some deliberation. And that is why so many of us have strong objections to this martial law rule.

We are faced with some very serious challenges in this country. The fiscal irresponsibility and misplaced priorities, I think, of the last several Congresses and by this administration have resulted in an incredible debt that I think is probably the biggest debt that this country has ever seen in our history. We are concerned about whether our veterans are going to be treated with the respect that they not only deserve, but they have earned. We are worried about whether or not these unfunded mandates that are contained in No Child Left Behind will get adequate funding. We are worried about health care, over 43 million Americans without health care in this country. We are worried about environmental protection and job creation and so many other things. We are worried about the high cost of energy and whether or not we are going to invest appropriately in alternative forms of energy.

But the gentleman is correct that what we are debating right now is not the budget, but the process under which that budget will be considered. And it just strikes me and a lot of other people on this side somewhat astounding that a bill of this magnitude would be brought to the floor under this proceeding.

The gentleman says that the budget has been available, that people know what is in the budget. Well, we know what was in the last budget that was brought before the House floor and that it was pulled when we did not have the votes. The question is what is new in the budget brought forward today? I assume that there are going to be some changes. If there are no changes, then I can understand the gentleman's point about this is not that big of a deal. But my understanding is that there are changes; that as we speak right now, there are back-room deals being negotiated and secret negotiations going on that most Members of this House, Republican and Democrat, have no clue about its content.

So this is a very, very serious matter. I do not think it is unreasonable to demand that every Member of this Chamber, Democrat and Republican alike, should be given the opportunity and the courtesy to be able to know what they are voting on, to know the implications of what they are voting on before this moves forward.

Mr. Speaker, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, I rise in strong opposition to this martial law rule and also strong opposition to the budget resolution that we will be dealing with later this afternoon.

Mr. Speaker, the budget resolution that we will be debating is wrong and very bad public policy for at least three reasons: First, it is grossly unfair at a time when the middle class is shrinking, when the incomes of ordinary people are not keeping up with inflation, at a time when under President Bush 5 million more Americans have slipped into poverty, and at a time when the wealthiest people in this country have never had it so good, it is wrong, wrong, to continue to give tens of billions of dollars in tax breaks to the wealthiest people in America. They do not need it.

Frankly, Mr. Lee Raymond, the former CEO of ExxonMobil, who received a $398 million retirement package, can survive. He will just about make it okay, trust me, without another Republican tax break.

Secondly, while the middle class is struggling, it is just plain wrong, as Mr. MCGOVERN has just indicated, to cut back a desperately needed program. At a time when the cost of college education is soaring, when middle-class families are finding it harder and harder to afford a college education for their kids, how do we cut back on financial aid for college education at the same time as we give tax breaks for billionaires? That is wrong.

Everybody knows that the Veterans Administration is undergoing enormous financial stress. There are waiting lines for veterans in the State of Vermont, all over this country. 17,000 American soldiers have been wounded in Iraq.

□ 1400

More and more are coming back with post-traumatic stress disorder. At a time when the VA is already underfunded, we cannot cut back on the needs of our veterans.

Thirdly, thirdly, we presently have a $8.3 trillion national debt, a heck of a legacy to be leaving to our kids and our grandchildren. This budget resolution will increase the national debt.

This is bad public policy. This martial law rule should be defeated and the budget resolution should be defeated.

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

Mr. Speaker, I thank my friend from Vermont for raising the points that he did. They are very timely in that almost as we speak, the White House signing ceremony will be occurring, where the President, along with the congressional leadership, will be celebrating the fact that we have prevented taxes from automatically increasing, something that the other side would have advocated by virtue of opposing the tax plan.

Now, let's talk a little bit about this tax issue.

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

Mr. PUTNAM. I gladly yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Speaker, how does my friend feel about a tax bill, the one that the President is signing, which will give $43,000 in tax breaks to millionaires and a $10 a year tax cut to people making $50,000 a year or less? Does my friend think that that is a fair proposal?

Mr. PUTNAM. Mr. Speaker, reclaiming my time to answer the gentleman's question, I would answer the question with a question, which is how does the gentleman feel about the fact that 40 percent of American taxpayers end up with no tax liability, and the fact that the top half of all taxpayers in this country contribute almost 97 percent of all income tax revenues to the government? So you have to have a situation where the people who pay taxes are getting tax relief, because we have created such an upside down system where 40 percent of Americans have no tax liability. How is that sharing in the burdens of democracy? How is that contributing to the needs of the Federal Government?

Let me go into this a bit. Up to 40 percent of Federal tax filers cannot receive further tax relief because they have no tax liability. Millions of families in the bottom 20 percent have either zero tax liability or get money back from the government after April 15 through the Earned Income Tax Credit or the child tax credit. In 2003, as I said, the top half of taxpayers, the top 50 percent of taxpayers, contributed 96.5 percent of all Federal individual income taxes, while the bottom 50 percent, the bottom half, contributed less than 3.5 percent. This reflects the early effects of the Republican tax reforms under the Economic Growth and Tax Reconciliation Act and the Jobs and Growth Tax Reconciliation Act.

The top 1 percent, the top 1 percent of tax filers paid 34 percent of all Federal personal income taxes in 2003, while the top 10 percent accounted for 66 percent of those taxes.

So this is not just about going after athletes and rock stars and Hall of Fame pitchers. It is small businesses who pay at the individual rate that are receiving the benefits of these tax reforms. It is married couples who have benefited from seeing the marriage tax penalty eliminated. It is families with children. It is an extension of the 10 percent bracket. It is the increase in the AMT, the alternative minimum tax, the Rostenkowski tax that was put in place under the Democratic leadership of the Congress, that now, like the insidious effects of the Federal Government, has found its way into the pockets of millions of middle-class Americans.

The tax bill the President is signing today prevents those taxes from going up on middle-class Americans, it prevents the AMT from taking effect on millions of people who don't know what AMT even stands for but are going to get stuck with a tax bill for it and it encourages investment in this strong economy.

Frankly, the results have been staggering, where revenues to the government have gone up 14 percent because of the fact that we have had in place capital gains rates, dividend tax rates, AMT relief, sales tax deductions, that allow people to continue to invest and

take on new employees and take risks, which is the heart of a free enterprise economy.

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

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank my friend for his presentation, but when you talk about who is paying what in income tax, you are forgetting a very important part of the equation, and that is who is making what in income.

As the gentleman knows, or should know, in the United States today we have the most unequal distribution of income and wealth of any major country on Earth. The gentleman knows, or should know, that the wealthiest 1 percent in America own more wealth than the bottom 90 percent. And the gentleman should know that the wealthiest 13,000 families earn more income than do the bottom 20 million families.

So when the gentleman said, my goodness, look at how much the wealthy are paying, those are the people, and in many cases, the only people who are seeing an increase in their income. The gentleman knows that family household income is stagnant, that working people are working longer hours for lower wages because the jobs that are being created by and large in this country are low wage jobs.

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

Mr. Speaker, I am listening to my very good friend from Florida talk about the signing ceremony at the White House today where the President is supposedly celebrating his tax bill. I would argue that what they are celebrating is increased debt on the American people. I don't think that is anything to celebrate over.

I want to get back to process here for a minute, if I can. Democrats and Republicans differ on a whole range of issues, and we can argue that appropriately when the full budget comes before the House. But what is troublesome is the fact that we don't know what you are going to bring to the floor later today, and I have to believe that if the roles were reversed here and the Democrats were in control of the Congress and we were to rush a budget to the floor today without you having seen it, that you wouldn't be too happy either, that you would think that is not an appropriate way to do business.

This is May 17. We have been here 127 days this year, and we have only been in session 41 of those 127 days. To argue that we don't have the time or that we need to rush to get this budget passed or we don't have the time to deliberate, to even be able to read what is actually in the bill coming before us, I just think is hard to defend.

Also in this budget, unless it changes, but I am assuming it will be similar to the last budget, is that when we pass this plan, there will be an automatic passage of a $653 debt limit increase by the House. We would not have a separate debate or a separate vote on that.

When I go home and people want to know why aren't we doing more to control the spending, why aren't we doing more to control the debt, why don't you have a debate on the debt limit, my answer has to be, well, the issue of the debt limit is hidden in a budget. It is automatic. We don't even get a chance to vote up or down on something like that. That is an important issue, I would think, that even my colleagues on the other side of the aisle would agree with.

So putting the policy disagreements aside for one moment, the main objection to this martial law rule is the process, a process that doesn't even allow Members of both parties to have the opportunity to review what is in it. And deliberation is important, I would say to my friend from Florida. It is important that we debate issues seriously, that we debate important issues seriously, and not just the trivial ones. And this is important. Increasing the debt limit, the implications of this budget, this is important, and we should have that opportunity.

Mr. Speaker, I yield 8 minutes to the gentleman from South Carolina (Mr. SPRATT).

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

Mr. SPRATT. Mr. Speaker, it is fair to ask, why are we resorting to this extraordinary procedure, where we override all the rules of the House, on a matter of this magnitude including a rule that requires that a bill of this kind, a budget resolution, lay overnight for our examination before we bring it to the floor? The martial law rule mows down all exceptions, all of those procedural guards and guidelines, and makes something immediately subject to consideration by the House.

We have no idea what is going to be in that resolution when it comes, yet we are put to a vote here on a martial law resolution. It simply isn't good procedure, a good way to run the House.

I think that the reason we are playing this game of ''hide the ball'' is that the Republicans cannot muster the vote in their own ranks, still not yet, to pass their own resolution. Democrats aren't going to vote for it, because we haven't found it to be worthy of our support. But the reasons for their reluctance are they can't close the deal on their side either, plainly because it is a bad deal.

I want to show you just a few highlights, Mr. Speaker, of this particular bill to understand exactly why it is not a good piece of legislation and why we should adopt the Democratic substitute, a far superior approach to the problem at hand.

First of all, let's go back to what Mr. MCGOVERN just said. When this Congress passed President Bush's first budget, we were assured by the Office of Management and Budget, that even with their tax cuts, $1.7 to $1.8 trillion, even with their tax cuts, they would not be back to us to ask for an increase in the debt ceiling, the limit to which we can legally borrow, for at least another six or seven years. 2008 was the year they indicated.

But the next year, hat in hand, June of 2002, they came back and said, we erred a bit and we will need to increase the debt ceiling by $450 billion. This Congress, with Republican support, voted for that debt ceiling increase.

The next year, May of 2003, they were back again, and this time they wanted a phenomenal sum of money, $984 billion, the biggest single increase ever in the debt ceiling of the United States. You would have thought that would have taken us for some period of time. But under the budgets of this administration, in order to accommodate those budgets, the debt ceiling had to be raised again in November of 2004, within 15 months after this huge increase of $984 billion, by another $800 billion.

Two months ago, just 2 months ago in March, this Congress raised the debt ceiling of the United States by $781 billion. That was 2 months ago, last March.

Now, in this resolution, when you vote for this, and I will show you an excerpt from the budget resolution right now, when you vote for this, everyone should read and be aware of page 121 of this resolution because it effectively says in voting for this, you are voting to increase the legal debt ceiling of the United States by $653 billion. Don't take it from me, look at the hard copy, the black and white print shown here on this poster, reproduced from page 121 of the budget resolution.

This resolution will increase the debt ceiling of the United States by $653 billion, or at least it will be the action of the House must take. The Senate would have to follow through. This will be the vote in the House, raising the ceiling by $653 billion.

When you add those increases, $450, $984, $800, $781 and finally $653, all of which have been necessary to make room for the budgets of the Bush administration with their enormous deficits, when you add all these together, you get $3.668 trillion, $3.7 trillion since June of 2002. In 5 years, 5 years, we have had to raise virtually by 50 percent the debt ceiling of the United States, by $3.7 trillion. That is why we have got a martial law rule now. This budget won't stand scrutiny. These numbers simply are indefensible.

Let me show you, for example, what has happened to the deficits since the Bush administration took office. Over the last 5 years, with this budget we will experience the five largest deficits in nominal terms in the history of the United States.

□ 1415

Once again, this is why, not only on our side are we not supporting it, but on their side, too, the votes are not

there to pass this resolution, because it will not bear scrutiny.

Now, one of the things the administration and also the Budget Committee is attempting to do in order to begin squeezing this budget back into balance is they are coming down hard on one particular sector of the budget known as domestic discretionary spending.

Domestic discretionary spending includes education, it includes highways, it includes the government basically as we know it, including the operation of the government. It does not include defense, it does not include foreign affairs, it does not include entitlement programs; it includes the money we appropriate every year in 10 appropriation bills.

That is the one sector of the budget which constitutes less than 15 percent of the budget which they are bearing down on, and here is what is happening to those different functions in that particular part of the budget.

Over the next 5 years, the purchasing power, the real value of the amount of money that we appropriate for education, for health care, for research, for scientific endeavors, for the operation of the government, the park system, the court system, you name it, will decrease in value by $167 billion cumulative over that period of time.

This will begin to hurt. Let me illustrate how. Education. Surely this is a time in our national history when we should be unstinting in what we spend on education, because our survival in the global economy depends critically upon it. Education will be cut $45.294 billion below current services, $45 billion over the next 5 years.

This budget will lay the basis for what the President has proposed, namely to eliminate 42 programs in education, and, for the second time in a row, to cut what we appropriate for education below the level of the previous year.

Veterans. If there is ever a time when we should appreciate what our veterans do for us, it is now. There were 17,000 grievously wounded in the Persian Gulf. Surely, surely we should be providing amply for veterans health care. But this budget is $6 billion below what we call current services, maintaining what we provide now over the next 5 years. It cuts veterans.

Health. Now, that is a broad category, a big category, because it includes the National Institutes of Health, the Centers for Disease Control. It includes a number of rural health care initiatives, a whole host of health care programs. This budget cuts those programs $18 billion.

Just 5 years ago, when we had a surplus, a $236 billion surplus in the year 2000, we resolved, Democrats and Republicans, House and Senate, that we would double the budget of the NIH, but we are now reneging on that commitment. We achieved that goal; we are now backing back down the slope, and each year NIH is going to take a hit under this budget because it is $18 billion short of current services for health.

And then finally the environment. The Environmental Protection Agency, the Clean Water Act, the Clean Water Drinking Act, the Corps of Engineers, which has extraordinary demands on it because of Katrina, the National Park Service, this budget imposes a cut of $25 billion below current services over the next 5 years.

Why are we here? Why are we seeking a martial law rule? Why? Because this budget will not stand scrutiny. Thank you.

Mr. PUTNAM. Mr. Speaker, I appreciate the gentleman from South Carolina's diligent efforts on the Budget Committee as the ranking member. He, along with our chairman, have forged a very strong working relationship. I respect his efforts on these issues, and he has certainly been working on them for years.

Let me take a moment, though, to scrutinize the Democratic substitute, where, if our budget is the Land of Oz, theirs is worthy of a good Sherlock Holmes novel, a who-done-it and where-did-they-put-it, because they seem to rely on revenues that just do not exist.

For example, the key component of their revenue in the Democratic substitute is over $700 billion in what the IRS calls the tax gap. In other words, it is the difference between what people owe the IRS in taxes and the collections that actually come in.

They assume, my friends on the other side of the aisle, in their budget projections that all $727 billion of that so-called tax gap shows up. Now, if they know where it is now to project it in their budget, please share it with us so that we may meet these needs, these unmet needs that have been described with great elaboration.

You seem to know where it is, because you know for a fact such that you budget for it, that it will appear, poof, that it will show up in time to make your budget balance.

They allow the important tax reforms that we have worked so hard to implement over the past several years to expire. They allow taxes to go back up. Their budget, their budget, provides for only $150 billion in tax relief, which I am glad to see that they are coming around to the concept that tax relief can be an important economic stimulant, as we were just hearing the opposite view in congratulating the President for signing $70 billion in tax relief, and yet they account for $150 billion, but say that our $70 billion was reckless and irresponsible. They would allow the child tax credit to expire, or the 10 percent bracket to expire, or the death tax to expire, or the marriage penalty to expire to make their numbers work.

And so when we get tied up in all of the rhetoric about this issue, it is important to remember that the budget debate that we will be moving forward with today is about choices. It is about a different set of priorities as represented by the two political parties for the future of this country. Our budget deals with both sides of the ledger. Our budget recognizes that over half of the Federal spending today is on the mandatory side of the ledger. It is on automatic pilot.

That is unsustainable. Both parties know that Social Security needs help. Both parties know that Medicare needs help. Both parties know that Medicaid needs help or it will sink the entire Federal budget. It makes up 55 percent of spending today. Within the decade it will make up two-thirds of Federal spending. Their budget does not address 55 percent of the Federal budget, a $2.17 trillion budget; just ignores it. That is not responsible. That is not dealing with the problems that we know exist and will only grow in magnitude and scale as time moves on.

These are the challenges that our budget attempts to deal with and deal with in a very responsible and balanced way.

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

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

Mr. Speaker, the gentleman from Florida is absolutely correct when he says that this budget is about choices. And there are clear differences between what Democrats believe are the right choices and what Republicans believe. But the vote we are going to have on this martial law rule is also about choices, and the choice is, should Members of Congress, Republicans and Democrats, be afforded the opportunity to know what they are voting on, to be able to see what is in the budget that they are going to bring to the floor later today?

I do not think that that is unreasonable. I mean, even if you disagree with me and people on the Democratic side on all of the budgetary issues, I mean, do you not think that it is reasonable to require that Members should be able to know what is going to be in your budget, what changes you are going to make?

I mean, as I said before, when you vote for your budget, it is an automatic increase in the debt ceiling. I mean, what else is going to be put in there that we are not going to know about until when it is on the floor?

Mr. Speaker, I think the process is indefensible. We can argue the policy later, but the process is indefensible. We need to do much better.

Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Speaker, I thank Mr. MCGOVERN for yielding me the time.

Mr. Speaker, I rise in opposition to this martial law same-day rule, and in opposition to the budget resolution.

Every landmark budget reform enacted by Congress was intended to make the process more efficient so we

can go about the business of funding programs important to the American people, particularly aid and relief to those who need our help the most.

We can all agree that a budget is supposed to be the congressional blueprint for funding America's priorities. Regrettably, however, the Republicans have abrogated this responsibility on at least two counts. First, this resolution comes halfway into the calendar year, and halfway into the third quarter of the current fiscal year, way too late to responsibly budget for America's priorities.

Second, this budget comes sandwiched between $70 billion worth of tax cuts for the most comfortable among us, and $100 billion in off-budget supplemental funds. It is this kind of fiscal irresponsibility that drives people to disapprove of the 109th Congress and why a change of leadership is needed before our country sinks deeper into red ink and before the budget resolution becomes completely irrelevant.

Mr. PUTNAM. Mr. Speaker, I yield 4 minutes to the chairman of the Joint Economic Committee, the gentlemen from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I thank the gentleman from Florida (Mr. PUTNAM) for yielding me time.

Mr. Speaker, I was listening a few minutes ago when I heard an exchange about taxes and the President's signature being placed on the tax cut extension bill today. I just wanted to share very quickly with the Members the thought that has been placed behind this over the last number of years.

If you believe, as I do, that tax policy can be useful in stimulating economic growth, then one might look for opportunities to show that that really worked. As a matter of fact it really worked. It really worked in 1962, when John Kennedy was President and he recommended that we cut taxes, and in 1962 and 1963, the Congress did cut taxes, and it worked. The economy grew.

Ronald Reagan suggested that we do the same thing, because the economy was not growing very well. And we did cut taxes, and the economy grew. And in 2003, when we were having very slow economic growth, following a shallow recession in 2001, President Bush suggested that we cut taxes, and we did, and the economy has been growing great, robustly ever since.

As a matter of fact, since 2003, we have had great economic growth, culminating last quarter with a 4.7 percent increase in GDP. Now, if we are going to cut taxes, then we have to cut taxes on people who pay taxes. Otherwise, by definition it will not work.

This chart to my left is a chart that expresses figures that have been compiled by the IRS. And it shows, as Mr. PUTNAM had pointed out, that the top 1 percent of taxpayers, wage earners, pay 35 percent of the taxes, 34.2 percent to be more exact. And it shows that the top half of the taxpayers in terms of their income levels pay 96.5 percent of the taxes.

Therefore, as we look at these figures, and the top 5 percent pay over 50 percent of the taxes, the top 10 percent pay 65 percent of the taxes, and as I said a minute ago, the top 50 percent of the wage earners in this country pay 96.5 percent of the taxes.

So I ask you, if John Kennedy believed that cutting taxes would make the economy grow, and he was right, and Ronald Reagan thought cutting taxes would work, and turned out he was right, and President Bush thought cutting taxes would work, and it turned out the economy grew as a result of his policies, then where are we going to cut the taxes?

Obviously the bottom half of the wage earners in this country paying 3.5 percent of the taxes, it will not do a lot of good to the economy if we reduce that even further. We have to cut it in the area of wage earners who pay taxes. And so it is very clear to me that today's signing of the tax cut extension bill is a well thought out, good economic policy venture, which will continue, as has been shown throughout history, to provide for a stimulus for economic growth.

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

Mr. Speaker, I would just say to the gentleman from New Jersey and some of the previous speakers that if these Republican policies are so wonderful, and if it is so obvious that they work, then why have you been struggling for months trying to get a budget together? Why are we here debating a martial law rule to bring up a budget that nobody has seen yet because you are still trying to work out deals within your own party, because you do not have the votes within your own party to pass this? This goes back to the point I had made at the very beginning.

□ 1430

We can argue and argue about the policy, and that is totally appropriate. But how do you defend this process? I mean, how do you defend this process? And I think that that is a question that is yet to be answered.

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

Mr. MCGOVERN. I yield to the gentleman from Florida 20 seconds.

Mr. PUTNAM. Well, I thank the gentleman for his generosity.

Mr. Speaker, I would ask the gentleman, in his use of the term martial law, the fact that we are here in a democratic process arguing about it for an hour and then going to have a vote on it, under which chapter and verse of Webster's is that martial law where there is debate, discussion, transparency, and a vote?

Mr. MCGOVERN. Well, I would say to the gentleman, I define this as a martial law rule because what it is doing is enabling the leadership of this House to bring a budget to the floor that nobody has seen. And I don't think that is democratic. I don't think that is respectful of the deliberative process here in this House. I don't think that that is something, if the shoes were on a different foot, the gentleman would want to tolerate. And I hope that, given the opportunity to be able to take control of this House, that we can demonstrate a different standard on some of this stuff.

Mr. Speaker, I yield 2½ minutes to the gentleman from Wisconsin (Mr. KIND).

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

Mr. KIND. Mr. Speaker, I thank my friend from Massachusetts for yielding me this time.

Mr. Speaker, just in quick response to my good friend and colleague from New Jersey and his income tax chart, that really shouldn't be surprising to anyone here in this Chamber, because the whole basis of our income tax system is based on progressivity. Meaning, those who can afford more, those who are most wealthy, are asked to contribute more, and that is the fair and decent thing to do in our society.

But the one thing that that chart does not show is one of the most regressive taxes in the entire country, which is the payroll tax, the FICA tax, which is cut off at $90,000. And that is something that everyone under that 50 percent category is paying taxes on based on every single dollar that they earn. Yet they conveniently ignore that fact, and the fact that they are robbing those trust funds right now, both Social Security and Medicare, which comes from the FICA tax in order to help pay for the tax breaks for the most wealthy.

I agree with my friend from Florida, who I serve on the Budget Committee with, that we do have a challenge with entitlement spending. We have to lock arms in a bipartisan fashion to get those growing costs under control. But his party has forfeited any basis of fiscal responsibility related to entitlement spending by passing the largest expansion of entitlement funding in over 40 years with the new prescription drug plan, something that is not paid for, something that in fact has no cost containment measures in; it specifically prohibits any price negotiation with the drug companies, and it is blowing a hole in the Federal budget. And that is outrageous.

And what is even more outrageous is something that my ranking member on the Budget Committee, Mr. SPRATT, pointed out on page 122, and that is the fifth increase in the debt limit ceiling in the last 6 years. This has been the largest, the fastest expansion of national debt in our Nation's history under this Congress and this current administration. And what is even more alarming is we no longer owe this debt to ourselves. China is the number one purchaser of our government deficits today, and they are soon to be followed by Russia and Saudi Arabia. Why? Because of the petro dollars that are flowing to those two countries and who are

in turn starting to buy more of our debt.

The amount of debt that is being accumulated is truly staggering, and deficits do matter. And this is something I am going to point out during general debate, because of who suffers when we run deficits? I will tell you who suffers. It is the children and the students of this country who are suffering, when we are going to see another $4.5 billion worth of cuts based on current funding levels for higher education programs under this budget, where they are defunding special education funding, going from 17.8 percent down to 17 percent when the bipartisan goal has been funding it at a 40 percent federal cost share. Those are the people who are suffering when we run deficits. We have a better alternative with the Democratic substitute, a substitute that pays-as-we-go and I hope our colleagues support that.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 5 minutes to my friend and colleague from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I rise in support of the rule and support of the budget, and I support the budget for a number of reasons. But I do want to say, as I listen to the arguments from the other side, they are a little bit all over the place. And yet that is not unusual, because if you are in the minority party, you can pick and choose your relevancy. And generally the message that we are hearing from that side is it cuts too much here, it doesn't spend enough there, I don't like this, I don't like that. And yet they don't have a unified plan except to vote ''no'' on everything. We won't pick up a vote, you guys know that. The only thing they are unified by is a ''no.'' They cannot even within their own caucus support a budget that could get a majority. And we would like to work with them.

We just heard they don't like the Medicare prescription drug benefits, so they are, I guess, against the Medicare prescription drug benefit and want to return to the days when seniors were choosing between food on their table and medicine that they needed from their doctor.

We have heard they are supporting a Social Security tax increase. Well, I had a lot of Social Security town meetings; I didn't hear anybody who wanted to increase taxes on Social Security. I don't know if that is an official view or just one Member, but I do know that in terms of Social Security, there again it was a big ''no'' vote because they did not want to participate.

Now, what they also don't like is the economic prosperity that we are enjoying right now, because their whole view is if somebody is making money, then they are bad and they are evil, because they have this obsession with the wealthy in our society; unless they are a union, business agent, or a Barbra Streisand and some of the big wheels of Hollywood who fund their coffers, then it is okay to be rich and wealthy.

The interesting thing, though, is that under Republican Party policy, the economy has done so well. And think about this: that the domestic gross product grew by 8 percent the first quarter of 2006, and in the month of April alone 138,000 new jobs were created. We know, because it is an economic fact, that since our tax reductions went into play for farmers and small businesses, that 5 million new jobs were created. And there is a very important thing in there, business expensing, that allows the bicycle shops back home and the clothes store and the pet shops to expand and get a tax deduction for doing so. I know the Democrat Party doesn't like business, which would include small business. I think it is okay to have a healthy distrust of some of the big Wall Street guys. Some of those firms, after all, are Democratic. So we should kind of distrust some of those. They were big Clinton supporters, as I remember some of that crowd. But small businesses need this, because they can grow, and we need to give them some tax incentives.

In terms of tax receipts, as I sit in the Appropriations Committee, and bill after bill the Democrats want to spend more on and they want to take away this mythical tax cut for the rich, and the idea is because the rich are paying their taxes that the deficit is down. And yet the Treasury Department has reported that the receipts are up $137 billion, that is 11 percent, in the first 7 months of the year, of the fiscal year of 2006 which started October 1. So receipts are up 11 percent and yet taxes are down.

Now, why is that? Well, you could put it this way. If a business was doing three or four transactions a day and we were getting a tax on each transaction, now they are doing eight or nine, ten transactions a day, and we are still getting that tax. So we are taxing more because there is more activity and there are more transactions in the business world. And, again, because of that, the revenues are up $137 billion.

Now, last year they were up $274 billion, or an increase of 14.6 percent in fiscal year 2005. That is very significant for folks to remember. And, as Mr. SAXTON said, President Kennedy, President Reagan, and now President Bush have shown the American people spend their money better than we do in Washington. And, again, I want to speak as an appropriator. I am in these meetings and I am convinced the American people can do better with their own money than we can. It stimulates the economy, it creates jobs, it is good for all of us. And then, in Washington, we do get more revenues.

Do I want to cut spending? Yes, I do. Do I think we need to reform entitlement? Yes, I do. I want to work on a bipartisan basis to do that, though, because I think that is the way the American people want to see us cooperate.

Mr. MCGOVERN. Mr. Speaker, may I inquire how much time remains on both sides?

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Massachusetts has 1½ minutes remaining, and the gentleman from Florida has 9 minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I again rise in strong opposition to this martial law rule. We have rules and procedures in this House, and today by bringing this martial law rule to the floor and by bringing a budget bill to the floor, sight unseen, we are breaking those rules. We are basically making a mockery of the procedures that are in place to ensure that Members of Congress, at a minimum, know what in fact they are voting on when some of these bills come to the floor.

This is not a trivial matter. The budget is a big deal. It sets out our priorities. And it is totally appropriate for people to be able to debate all different issues openly and on the House floor. And I would again, after listening to the gentleman from Georgia, I guess my question to him is, again, if things are so wonderful, why can't you even get Members of your own party to get behind a budget?

But putting that aside, this vote we are about to have is on process, it is on whether or not Members of Congress, Republicans and Democrats, should have the right to read what is in the proposed budget. I don't think that that is too much to ask for. I don't think that is unreasonable. I think most Americans who are watching this debate are scratching their heads saying, why can't you show us what is in this bill? What is the big secret? When are we going to have this budget available to us? When are we going to know what is in it? When are we going to find out what deals have been negotiated behind closed doors? I don't think that is unreasonable.

So I would urge my colleagues to vote ''no'' on this martial law rule, and let us demand that we have a process in place in this House and have some integrity.

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

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

Mr. Speaker, I thank my friend from Massachusetts. He does have a way with words and continues to refer to a process whereby, in order to waive the rules of the House, you must come to the floor, introduce a resolution, it must be given an hour of debate, which we have been engaged in very vigorously, and be voted on. I mean, Pinochet and Castro would laugh at the notion that that has anything to do with martial law. This is a process under our rules that requires a vote. It requires debate. It requires transparency.

The simple fact of the matter is we have to move a budget. This Nation needs the spending blueprint, it needs the discipline, it needs the restraint

that a budget provides. Then the appropriators, as my friend from Georgia has discussed, the appropriators take over. And they can pass within that box that we have put Federal spending in, in the Federal budget, 11 different bills that deal with each component of government: defense, veterans, transportation, energy and the environment, military quality of life, the whole range of issues that then are debated again in committee, in subcommittee, on this floor, in the conference with the Senate.

This is a transparent process, a patently transparent process where people are free to watch their Members actively, aggressively, work to take language out of bills, to put language in the bills, to shift formulas around to benefit high-growth States or to protect low-growth States from having those monies shifted around; to put more money into veterans and less for the arts, or more into the arts and less for the Corps of Engineers, or more for the Corps of Engineers because of Katrina; to set aside emergency funds because we know that every year there will be a drought or a wildfire or a hurricane or an earthquake. All of those huge issues that are embodied in over $2 trillion in Federal spending are here today in the form of the Federal budget.

This bill, this resolution, allows us to move forward with that process that began months ago, that began on a bipartisan basis in the Budget Committee, that was debated extensively in the Budget Committee, that was marked up in the Budget Committee, and will end up on the floor of this House today.

This is an open process, it is a transparent process. Anyone who has observed this debate can see that it involves a great deal of viewpoints about a great deal of very important issues. And that is the position we find ourselves in here today. It is a healthy process because it is a fundamental decision about the direction that Americans' hard-earned tax dollars will be taken.

□ 1445

Will those tax dollars find their way into bloated bureaucratic programs? Will they find their way into duplicative programs? Will they find their way back into a surging economy? Will they find their way into investments in the cure for cancer and Lou Gehrig's disease and a whole host of other ailments? Will they fund our troops in the theater of war?

That is the decision we are positioned to move forward on here today.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

FOREST EMERGENCY RECOVERY AND RESEARCH ACT

The SPEAKER pro tempore (Mr. CONAWAY). Pursuant to House Resolution 816 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4200.

□ 1446

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (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, with Mr. FOSSELLA (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 4 printed in House Report 109–467 by the gentleman from New Mexico (Mr. UDALL) had been postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. RAHALL of West Virginia.

Amendment No. 2 by Mr. DEFAZIO of Oregon.

Amendment No. 3 by Mr. INSLEE of Washington.

Amendment No. 4 by Mr. UDALL of New Mexico.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. RAHALL

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from West Virginia (Mr. RAHALL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 189, noes 236, not voting 7, as follows:

[Roll No. 147]

AYES—189

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carnahan
Carson
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
Eshoo
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Pelosi
Petri
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Sweeney
Tauscher
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—236

Aderholt
Akin
Alexander
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)

DeFazio
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Etheridge
Everett
Feeney
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Schmidt
Scott (GA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Barton (TX)
Cleaver
Evans
Kennedy (RI)
Larson (CT)
Payne
Stupak

□ 1512

Mrs. EMERSON and Messrs. COBLE, SODREL, EVERETT, BURGESS, HOLDEN and CAMP of Michigan changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. DEFAZIO

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 184, noes 240, not voting 8, as follows:

[Roll No. 148]

AYES—184

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boucher
Brady (PA)
Brown, Corrine
Capps
Capuano
Cardin
Carnahan
Carson
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
Eshoo
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Pelosi
Price (NC)
Ramstad
Rangel
Reichert
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—240

Aderholt
Akin
Alexander
Baca
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Chabot
Chocola
Coble
Conaway
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Etheridge
Everett
Feeney
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Schmidt
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Barton (TX)
Cleaver
Cole (OK)
Evans
Kennedy (RI)
Larson (CT)
Payne
Stupak

□ 1521

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. INSLEE

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. INSLEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 191, noes 231, not voting 10, as follows:

[Roll No. 149]

AYES—191

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra

Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carnahan
Carson
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gonzalez
Gordon
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tauscher
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—231

Aderholt
Akin
Alexander
Baca
Bachus
Baird
Baker
Barrett (SC)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Everett
Feeney
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Schmidt
Schwarz (MI)
Scott (GA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Barton (TX)
Cleaver
Davis (FL)
Evans
Green, Al
Kennedy (RI)
Larson (CT)
Musgrave
Rush
Stupak

□ 1529

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. UDALL OF NEW MEXICO

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico (Mr. UDALL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 197, noes 228, not voting 7, as follows:

[Roll No. 150]

AYES—197

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Bilirakis
Bishop (NY)
Blumenauer
Boehlert
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carnahan
Carson
Case
Castle
Chandler
Clay
Clyburn
Conyers
Costa
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kelly
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tauscher
Taylor (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Woolsey
Wu
Wynn
Young (FL)

NOES—228

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Barrett (SC)
Bass
Beauprez
Berry
Biggert
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Everett
Feeney
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder

Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Schmidt
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—7

Barton (TX)
Cleaver
Evans
Kaptur
Kennedy (RI)
Larson (CT)
Stupak

□ 1537

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN (Mr. FOSSELLA). There being no other amendments, the question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. REHBERG) having assumed the chair, Mr. FOSSELLA, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (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, pursuant to House Resolution 816, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. INSLEE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 4200 will be followed by a 5-minute vote on adoption of House Resolution 815.

The vote was taken by electronic device, and there were—ayes 243, noes 182, not voting 7, as follows:

[Roll No. 151]

AYES—243

Aderholt
Akin
Alexander
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Etheridge
Everett
Feeney
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Schmidt
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—182

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carnahan
Carson
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
Eshoo
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Frelinghuysen
Gerlach
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Sweeney
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOT VOTING—7

Barton (TX)
Cleaver
Evans
Kennedy (RI)
Larson (CT)
Myrick
Stupak

□ 1557

Mr. MURTHA and Mr. LINDER changed their vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

The SPEAKER pro tempore. The pending business is the vote on adoption of House Resolution 815 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 227, nays 195, not voting 10, as follows:

[Roll No. 152]

YEAS—227

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—195

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—10

Brady (TX)
Cleaver
Evans
Granger
Hensarling
Kennedy (RI)
Larson (CT)
Marshall
Stupak
Wu

□ 1608

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2567

Ms. BALDWIN. Mr. Speaker, I ask unanimous consent to have my name removed from H.R. 2567.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 9 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1745

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. KUHL of New York) at 5 o'clock and 45 minutes p.m.

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

Mr. PUTNAM, from the Committee on Rules, submitted a privileged report (Rept. No. 109–468) on the resolution (H. Res. 817) 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, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5386, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Mr. PUTNAM, from the Committee on Rules, submitted a privileged report (Rept. No. 109–469) on the resolution (H. Res. 818) providing for consideration of the bill (H.R. 5386) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 817 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 817

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the concurrent resolution (H. Con. Res. 376) establishing the congressional budget for the United States Government for fiscal year 2007 and setting forth

appropriate budgetary levels for fiscal years 2008 through 2011. The amendments printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. The concurrent resolution, as amended, shall be considered as read. No further amendment shall be in order except those printed in part B of the report of the Committee on Rules. Each amendment 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 40 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. All points of order against the amendments printed in the report are waived except that the adoption of an amendment in the nature of a substitute shall constitute the conclusion of consideration of the concurrent resolution for amendment. After the conclusion of consideration of the concurrent resolution for amendment and a final period of general debate, which shall not exceed 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, the Committee shall rise and report the concurrent resolution, as amended, to the House with such further amendment as may have been adopted. The previous question shall be considered as ordered on the concurrent resolution and amendments thereto to final adoption without intervening motion except amendments offered by the chairman of the Committee on the Budget pursuant to section 305(a)(5) of the Congressional Budget Act of 1974 to achieve mathematical consistency. The concurrent resolution shall not be subject to a demand for division of the question of its adoption.

Sec. 2. After adoption of House Concurrent Resolution 376, it shall be in order to take from the Speaker's table Senate Concurrent Resolution 83 and to consider the Senate concurrent resolution in the House. All points of order against consideration of the Senate concurrent resolution are waived. It shall be in order to move to strike all after the resolving clause of the Senate concurrent resolution and to insert in lieu thereof the provisions of House Concurrent Resolution 376 as adopted by the House. All points of order against that motion are waived. If the motion is adopted and the Senate concurrent resolution, as amended, is adopted, then it shall be in order to move that the House insist on its amendment to the Senate concurrent resolution and request a conference with the Senate thereon.

The SPEAKER pro tempore. The gentleman from Florida (Mr. PUTNAM) is recognized for 1 hour.

Mr. PUTNAM. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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

Mr. PUTNAM. Mr. Speaker, House Resolution 817 is the rule that provides for debate on House Concurrent Resolution 376, which is the Federal budget, the bill that establishes the Federal spending priorities for the United States Government for fiscal year 2007, and setting forth the appropriate budgetary levels for the outyears in 2008 through 2011.

As a member of both the Rules Committee and someone who serves on the Budget Committee, I am pleased to bring this resolution to the floor for the House's consideration. This rule makes in order three substitute amendments, three different viewpoints on the direction that Federal spending should take for the coming fiscal year.

Each of those will be debatable for 40 minutes. The rule waives all points of order against consideration of the concurrent resolution.

I come to the floor today, Mr. Speaker, with a resolution that allows us to complete the debate and passage for the House budget resolution for fiscal year 2007. It is a work product over many, many weeks, beginning with Chairman NUSSLE and Ranking Member SPRATT in the Budget Committee, along with all of the Members of this House to bring it to fruition here today.

The resolution continues policies that have helped to continue a strong U.S. economy. We have included savings for working Americans with $228 billion in further tax reforms. We account for the tax cut, the tax reforms, that this House passed last week by a vote of 244–185 to extend 2001 and 2003 tax relief and preventing automatic tax increases from taking place.

That bill was signed into law today by the President, again preventing tax increases from coming on the backs of the American people. Those provisions included alternative minimum tax relief, that insidious tax that was proffered under Chairman Rostenkowski's reign at the Ways and Means Committee under Democratic rule, that is now taking into its arms, grasping within its reach millions of middle-class Americans who unknowingly are being swept into a net of higher taxation; House-passed pension bill; and other tax relief.

The continuation of these successful economic policies is generating record revenue levels for the Federal Government without increasing taxes. In other words, a strong and growing economy is bringing additional revenue into the Federal Government as a result of enhanced economic activity brought about by lower tax barriers.

While working to give Americans back some of their hard-earned dollars, we also enact a responsible spending plan that exercises control and restraint. I am proud that once again this House has delivered a budget that practices conscientious spending. Our goal is to stem the ever-expanding outflow of Federal dollars.

We hold nonsecurity discretionary spending to a near freeze and create mandatory savings, mandatory being that portion of the budget which now makes up over 55 percent of Federal spending. It is essentially on automatic pilot, and if it is not brought under control, it will consume two-thirds of Federal spending within the decade.

We bring about mandatory savings of nearly $7 billion over 5 years. Together these policies, the policies of economic stimulation and fiscal restraint, will reduce the deficit by more than half, from the $521 billion projected in 2004 to under $200 billion in 2009.

House Concurrent Resolution 376 has an overall discretionary spending level that is equal to the President's budget at $873 billion.

As is the case with our bifurcated budgeting and appropriations process, the discretion lies with the House Appropriations Committee to determine the final allocation of these funds.

This budget essentially freezes nonsecurity discretionary spending with only a .1 percent increase over last year's level, and as an additional savings method, this budget caps the advance appropriations.

In the area of mandatory spending, we provide a total of $1.5 trillion in entitlement spending. In an effort to control this automatic outflow of Federal dollars, the budget resolution calls for mandatory spending reforms from a number of different committees, allowing regular order to reign, along the authorizing committees, to find the proper waste, fraud, duplication and inefficiencies using their own expertise in the various subject matters. These savings total $6.75 billion over 5 years.

Mr. Speaker, I am pleased that this year the Budget Committee included an emergency reserve fund to help Congress plan for unforeseen costs that arise in the future. Every year somewhere in America there is an earthquake or a flood, or a hurricane, or a wildfire, or a drought, or a massive snowstorm that requires Federal spending that was unforeseen.

But the fact that it happens every year means that we ought to be able to foresee that something bad is going to happen. We may not know exactly what it will be, it may not rise to the level of Katrina in scale and scope, and, heaven help us, we hope that it does not, but we know that emergencies will arise.

This budget plans for those emergencies, and we set aside in addition $50 billion toward what we anticipate will be a wartime supplemental request, and again set aside nearly $6.5 billion for other emergencies stemming from natural disasters.

Mr. Speaker, I am proud of the work of this Budget Committee, Chairman NUSSLE, Ranking Member SPRATT, for pushing forward a budget that has fiscal discipline, restraint. It incorporates real reforms on the mandatory side as well as providing for the tools that allow this economy to continue to grow and strengthen.

Mr. Speaker, I urge the House to support the rule and the underlying bill.

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

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

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

Mr. McGOVERN. Mr. Speaker, we waited months for this? The fact is what we have before us is a sham. What the Republicans have come up with is essentially a shell game. Under this so-called grand compromise, moderate Republicans can increase spending on domestic programs, but only if they cut other domestic priorities.

In other words, if you want more money for children's immunizations or more money for No Child Left Behind, you have to cut funding for Medicaid or further cut student aid. This is the classic definition of robbing Peter to pay Paul.

So to the moderates, let me say after all of us, you have got some words, but in reality you have got nothing. Do not be a cheap date. The responsibility is to the people of this country to make sure that their needs are met, not to saving face. Heaven forbid that the richest in this country do not get their capital gains tax cuts so that we can adequately fund health care and veterans benefits and education.

No, those precious tax cuts are protected. So tonight the crowd on Wall Street can have champagne and caviar at Tavern on the Green while the people who work on Main Street are scratching their heads with disbelief and asking why has their government forgotten them?

The misplaced priorities demonstrated in this budget are astounding. Last month we had a debate on the first rule for the fiscal year 2007 budget resolution. My friends on the other side of the aisle laid out their plans and did their best to defend their priorities.

Unfortunately, Mr. Speaker, their plans are misguided, and their priorities are out of step with the American people. This is a major reason why it has taken weeks and weeks for the Republican leadership to try to jam their budget through this House. Under the Republican budget, our Nation's deficits get worse, not better.

Remember, under Republican policies, the 5 largest deficits in the history of the United States of America will have occurred in 5 consecutive years.

Further, this budget provides only $50 billion for the wars in Iraq and Afghanistan. I cannot figure out if they have forgotten about these wars or somehow stumbled onto an exit strategy. The truth is that we know the administration will request hundreds of billions of dollars for these wars in the next few years, but this budget makes no mention of that.

Under the Republican budget, up is down, down is up, and the war we see every day is not really happening. The Republicans once again underfund port security, despite their rhetoric of the Dubai Ports deal. Recently the Republicans followed the Democrats' lead and opposed President Bush's approval of the United Arab Emirates control of American ports.

□ 1800

But when faced with the opportunity to follow through on their rhetoric, they decided to cut port security by over $6 billion over the next 5 years.

Under this budget resolution, the Republicans make $228 billion available for new tax cuts, but in the process cut important education, health, and environmental programs.

Cutting these programs for tax cuts is deplorable. Deceiving the American people about future funding for the wars in Iraq and Afghanistan is flat wrong. But the most egregious thing about this budget is the way it disrespects our veterans.

My friend from Florida is fond of saying that facts are a stubborn thing. Indeed they are, and here are just a few facts:

According to the Department of Defense, there are almost 297,000 troops currently stationed in Iraq and Afghanistan. Since 2003, the beginning of the war in Iraq, more than 1.2 million troops have served in Iraq and Afghanistan. These are troops that are most likely to need the services of the Veterans Affairs health care systems. These are the troops that will need the most help from this Congress. The costs of their treatment are substantial, yet the Republican budget actually cuts the funding that supports the veterans health care systems. The truth is there are two parts of the veterans funding in this budget, mandatory funding that is guaranteed to be there, and discretionary funding that is subject to appropriations. When mandatory funding is subtracted from the overall funding level, the truth is revealed; and the truth is that after fiscal year 2007 the amount of funding for veterans decreases by $4 billion. The administration claims they can live with these decreases because the number of veterans will decrease over the next few years. Well, the truth is that there was a 21 percent increase in the number of Iraq war veterans using the VA health care system in the first 3 months of 2006 alone. As of March 14, 2006, the VA had already treated 144,426 veterans, 33,858 more than the administration projected would use the VA system over the entire year.

The administration projected that it would treat 18,000 veterans from the Iraq and Afghanistan wars for post-traumatic stress disorder for fiscal year 2006, but as of March 14, 2006, VA data shows that it is already treating 20,638 veterans for PTSD, an increase of 2,638 before the middle of March.

How then with good conscience can they claim that the number of veterans needing care through the VA health systems will go down in the future? This is either dangerously naive or deliberately misleading. And the claim that the VA could get by with reduced funding would be laughable if it didn't have such serious ramifications.

Just look at what happened last year. The Republican leadership in the House provided $1.5 billion less than what the veterans services organizations recommended for the VA. For months we were told by the Republicans that, don't worry, everything will be fine. But finally in November the leadership finally relented and provided the amount needed to provide care for our veterans because they saw what was going on.

Well, it is deja vu all over again. The Republicans are calling for cuts to the VA system, but we all know we are going to need to provide more funding to meet the demand of the current soldiers who will be the veterans of tomorrow.

Mr. Speaker, the Democrats have alternatives. We have a plan that is simple. Besides reducing the deficit, reinstating the pay-as-you-go-system, and properly funding education, health care, and homeland security, we give the veterans the services and respect that they deserve. Our budget provides $6 billion more than the Republican budget does for veterans health care.

My Republican friends charge the Democrats believe enough is never enough. Well, Mr. Speaker, when it comes to America's veterans, I strongly believe that enough is enough only when veterans have timely access to quality health care that they were promised. I believe enough is enough only when our veterans are not forced to wait 6 months for a doctor's appointment. I believe enough is enough only when our veterans and our veterans' families are cared for with the utmost respect and are not shortchanged. We can and we must do better.

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

Mr. PUTNAM. Mr. Speaker, obviously this is one of the most important debates of the year as it lays out the blueprint, the outline for Federal priorities. Where we place our priorities is generally where we allocate funding, and the Republican budget divides those priorities between creating incentives for people to continue to grow their businesses, to create an atmosphere of record low unemployment which we enjoy in this country today of 4.8 percent, creating incentives for people to purchase a new piece of equipment, add a new assembly line, add a new store, take on a new employee, fiscal restraint to go along with that economic growth.

Fiscal restraint on the discretionary side where there is a near freeze in discretionary spending, and on the mandatory side which is gobbling up the budget at a record rate, where we for the second year in a row, something that is unprecedented in modern budgeting history, for the second year in a row are looking for savings on that mandatory side of the ledger that so many previous Congresses have been afraid to touch, and bringing about important reforms so that people have confidence in where their hard-earned tax dollars are going.

Mr. Speaker, I see that my friend from Massachusetts has a number of speakers, and I will reserve the balance of my time and look forward to a thorough vetting of this important issue.

Mr. MCGOVERN. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York, the ranking Democrat on the House Rules Committee, Ms. SLAUGHTER.

Ms. SLAUGHTER. I thank the gentleman for yielding.

Mr. Speaker, every justification of the budget we have heard today presents it as a noble and responsible attempt to respond to the harsh economic realities facing our Nation and our people. But when we examine it objectively, we can't avoid seeing the reality behind the pretense.

The bill is designed to do everything it can to protect the record tax cuts for the richest of Americans. For the majority, that is more important than educating our children or providing health care to the veterans or helping Americans raise themselves out of poverty, or even protecting our country from the consequences of either national disasters or mounting national debt.

The authors and supporters of the legislation will tell us that if we wish to avoid increasing our national deficit, which they have already driven to unprecedented heights, we have no choice but to spend on the programs that Americans rely on the most while they are busily cutting out the revenues that come into the government.

But, once again, they are offering a false choice. For 5 years they have forced the massive tax cuts through the Congress. Last week they made the most recent down payment on the cuts. One was $70 billion. While President Bush signs that bill into law today, Republicans are asking us to pass this bill which adds another $158 billion to those cuts. So in 2 weeks, we have made those massive cuts, and any justification melts away when we realize who is benefiting from it. They are not for the poor, they are not for the working class, they are not for the middle class. They are for the oil companies. They won't spur our economy or help the average person afford their morning drive to work. They are instead the cuts for billionaires and millionaires, pure and simple. They are not going to help the economy, but they will indeed help people who don't need it, and that assistance will come at the expense of everyone else.

But as always the case, despite objections not just from Democrats but much of the American public, reducing or extending these cuts isn't even on the table here. It never is. They are considered too sacred to touch. And just tonight in the Rules Committee, once again, we turned down an opportunity to pay for more by taking away part of their tax cut.

What do we get in exchange for this giveaway? Well, the majority offered us a budget that will cut domestic spending between 1 and 2 percent every year. As a result, the party that tells us to support the troops is cutting veterans health care by $6 billion. And we worry and fear for the over 20,000 young soldiers in Iraq and Afghanistan who have been grievously life-altering wounded will not be able to get the care they need when they come back.

Republicans who promised to leave no child behind will be cutting education funding by $45.3 billion, and the budget of the Department of Education by $2.2 billion.

Now, not content to make education less rewarding in the present, they apparently want to make our students worry more about loan payments in the future. The bill eliminates all mandatory spending on student loans, leaving congressional appropriators to somehow find $600 million to meet the students' needs.

The majority wants to cut environmental protection efforts by $25 billion, and take over $1 billion from community development and social service initiatives which we desperately need.

The poorest of the poor won't find any relief at all in this legislation. In fact, they will find the opposite. The budget will underfund housing and child care assistance by $447 million over the next year, and over 5 years the funding for them will fall almost $15 billion short.

What will the results be? Well, consider the fate of the commodity supplemental food program which provides nutritious meals to 420,000 low-income elderly and 50,000 mothers and children at a cost of $111 million a year. The budget eliminates it entirely.

Mr. Speaker, it may make sense that they are forcing the cuts through Congress so they can afford the hand-outs to the rich, but perhaps that really is what today's Republican Party stands for. But apparently they also stand for something new, contrary to their rhetoric: irresponsible government spending. The legislation before us will increase our deficit without a vote by $410 billion over the next 5 years. At the same time, it increases the debt limit by over $650 billion. By 2011, the limit will stand at $9.6 trillion.

When the Clinton administration left office, the debt limit was about $4.5 trillion, and they left us the greatest surplus we have ever had. The majority claims the bill will make us more fiscally secure, but what they really do is sow the seeds of greater insecurity both now and for years to come. When we realize that it isn't necessity driving this bill, but rather a world view that puts the richest Americans ahead of everybody else, we are not left with much else to say but ''shame.''

We don't share these values. Democrats believe instead, as did that great Republican President Theodore Roosevelt and countless other Americans, that investing in the middle class, which is disappearing quickly, and guaranteeing broad prosperity is the surest way to ensure sustained economic growth.

Mr. PUTNAM. Mr. Speaker, the gentlewoman raised the issue of education funding. I would point out that the facts are a bit counter to her assertion. Take special education, something that has long been a priority of both sides of the aisle. Special education funding goes up for the sixth consecutive year, an increase of $100 million this year, which is an estimated $1,500 per student, reaching almost 7 million students who have special needs.

On Pell Grants, the budget provides $12.7 billion in available Pell Grant aid, for an average grant of nearly $2,500. More than 5.2 million students would be eligible for these grants, an increase of 60,000 students over the previous year.

Title I, those schools that serve the most in need, the resolution provides nearly $13 billion for title I grants to help schools in the high poverty communities move ahead with No Child Left Behind; $1 billion for the Reading First program, and increased funding for charter schools, magnet schools, voluntary public school choice, all substantial funding for these very important programs.

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

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. I thank the gentleman for yielding.

Mr. Speaker, today's time line reveals everything about the programs and the politics of the majority running this Congress. This afternoon they gathered at the White House. The President signed at a time of staggering deficits yet another tax cut skewed to help the most affluent while doing little to help those who needed help.

This evening in the middle of this debate, they are going to recess so they can go to a big fund-raising party and reap the special interest contributions of those who have benefited so much from their cash-and-carry government. And after that, they are going to come back to the floor of this House and vote to raise the national debt as part of this budget. That is right, raise the national debt as part of this budget.

I haven't heard Mr. PUTNAM say anything about the language in here that raises the national debt $653 billion. It was buried on the bottom of page 121 of their budget.

It is a mere 2 months since they last raised it. They raised the national debt in March, they pass the tax cut, they have a fund-raiser, and they come back to the floor of the House to raise the national debt again. In fact, it is the fifth time under this President that they have raised the national debt: June 2002, May 2003, November 2004, March 2006, May 2006. And do you know what? They are planning to raise it again once the election is over.

□ 1815

If there is any further clearer evidence that we have a totally irresponsible majority running this country into a fiscal ditch, that is requiring unending borrowing which will saddle

our children with a legacy of debt, I do not know what could more perfectly illustrate it than the events unfolding today.

Sign a tax cut, have a fund-raiser, raise the national debt again: That is the fiscal record of this majority. That is why this budget must be defeated.

Mr. PUTNAM. Mr. Speaker, I reserve my time.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, we are here today to observe a surrender. Once again, our moderate Republican colleagues will hand over their tin swords to the Republican leadership. They are very predictable, and they are my friends, and it is nice to have predictable friends. On every important issue, the moderate Republicans have an unfailing three-step approach to the issue: ineffectual protests, abject surrender, and denial.

Now, they told us for a long time that this budget did not have enough funding for important domestic programs. Indeed, as part of this rule, we have what is called a self-executing rule, which adopts a resolution to mollify the consciences of the Republican moderates. Those are easily mollified.

My colleague from Massachusetts said the gentleman from Florida said facts are stubborn things. Facts are very different from the moderate Republicans. They are the very opposite of stubborn things. They are among the most pliable thing known to man or woman.

So they have a resolution which says, in the summary, it recognizes the need to increase the President's Labor-HHS appropriation by not less than $7 billion. It recognizes it. It does not do it. It just recognizes it, and on the basis of being able to recognize what they claim is a defect, they are going to vote for this, and that is the deal that is made. Now, I would have liked to have debated their resolution, but it is self-executing.

People watching, I know we are not supposed to refer to them, but we do not address them directly, but we can explain things to them. It gets a little complicated. People might wonder what do we mean by a self-executing resolution. In this case, it allows the moderate Republicans to execute their own moral principles. That is what is self-executing. It allows them to come forward and say, we wish we had more money for poor people, and we have a resolution that says there is not enough money for poor people, and we will vote for that budget that does not have enough money for poor people because we said it does not have enough money. On that, some people consider themselves to have shown independence.

If that was the spirit of independence that motivated this country 250 years ago, that would be the British flag up there and the representative of the Crown. So I hope we defeat this sham, and maybe the moderate Republicans will grow some spines.

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

The gentleman from Massachusetts has had some very harsh words for some Members of this body. I would query the gentleman from Massachusetts, if he would agree, how much is enough spending for the gentleman from Massachusetts?

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

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

Mr. FRANK of Massachusetts. Mr. Speaker, well, I will say this. I would say enough would be what the moderate Republicans said, $7 billion more for Labor-HHS. The problem is that they said that was enough, but it is not there. So I would be satisfied if my moderate Republican friends simply lived up to their own declaration.

Mr. PUTNAM. Mr. Speaker, reclaiming my time, this negotiation, this process that yields this budget, recognizes that we have a number of challenges at this point in time, and all points of view recognize that we have to create an environment, a climate for economic growth and strength, and we have to have fiscal restraint.

There is not a blank checkbook, as some, perhaps some from Massachusetts or other parts, might suggest where it is just an ongoing, empty, bottomless pit of spending. You have to be responsible about the taxpayers' money. You have to draw lines around it and prioritize, and we have done that in this budget.

In the minority, you have the luxury of not having to rally behind any one particular proposal. In fact, that is why there are two different substitutes offered that offer at least two very different viewpoints from your own caucus.

We have the obligation, we have the responsibility to actually move a product that changes lives. We have the responsibility to actually pass a budget that implements spending controls on an over $2 trillion Federal budget and put us on a path to cutting the deficit while still securing a climate that allows economic growth and prosperity to continue.

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

Mr. MCGOVERN. Mr. Speaker, I yield the gentleman from Massachusetts (Mr. FRANK) 30 seconds so he can respond.

Mr. FRANK of Massachusetts. Mr. Speaker, again, I was simply quoting the moderate Republicans, for one thing.

Secondly, that claim for responsibility and this assumption that they would get the job done would be more impressive if we thought that they in the Senate were going to agree to something.

So, in fact, we had a problem earlier this year where bills passed in somewhat different form in the House and the Senate were signed into law despite the Constitution, and we now know why, because whether it is lobbying and ethics reform or the budget or immigration, the Republican House and the Republican Senate cannot get together.

I will have to say to the gentleman from Florida that beating of your chest and talking about how responsive you are as to beat the moderates into submission would be more impressive if I thought you had any chance of getting an actual budget signed by the Senate.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Appropriations Committee.

Mr. OBEY. Mr. Speaker, for weeks we have been wondering whether the Republican moderates were going to stick to their guns when they said they knew that it was wrong to pass a budget that provided $40 billion in tax cuts for people making $1 million a year while you are squeezing the guts out of education and health programs. We now know the answer. They are doing a poor imitation of Bert Lahr, the Cowardly Lion in ''The Wizard of Oz.'' I wish Bert were here. He would cry at their performance.

The fact is they are now selling out for a promise that if sometime in the deep, dark, distant future somebody does something to change this budget resolution, then there might be a table scrap or two left for additional education and health care. There is about as much chance of that happening as there is of the Chicago Cubs winning the pennant this year.

With respect to what the gentleman from Florida said on education, the fact is the Congress promised the States that on special education we would pay for 40 percent of the costs. Each year for the last 3 years, the Federal share of the cost of special education has been cut by budgets that you have voted for.

You talk about Pell Grants. The fact is it costs $3,400 more to go to a 4-year public college today than it did 5 years ago. The President wanted to solve that by adding $100 to the Pell Grant program. House Republicans said, no, that was too much. You cut it to $50, and then when you sent it to the Senate, you cut out the rest of the 50 bucks.

So, in 5 years you have not done one whit to make it easier for people to go to college by increasing the Pell Grants.

So do not give us your crocodile tears, and do not brag incidentally about how much you have increased education for the last 6 years, because there are $16 billion in the education budget today that would not be there if we had not dragged you kicking and screaming into supporting Labor-Health budgets that in the end were higher than the original House Republican budget.

So I do not mind if the gentleman wants to live in the Land of Oz. Just do not take us there with you.

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

It is becoming more and more clear that there is never enough spending, although we will undoubtedly hear from speakers later in the evening who will talk about how they would have fiscal restraint over here, more spending over here, more spending over here and more fiscal restraint over here. They have that luxury being in the minority.

But the bottom line is education funding has gone up year after year after year. Special education funding is at record levels, far higher than it was when the other team was in charge.

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

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding, and indeed, it does beg the question, how much Federal spending is enough?

I am reminded yet again that people are entitled to their own opinions, but they are not entitled to their own facts, and, Mr. Speaker, maybe we ought to get a few of the facts on the table. Let us just take a look in our rearview mirror over the last 10 years and see how much money the Federal Government has been spending.

International affairs is up 89.1 percent; natural resources and environment, 43.8 percent; commerce and housing credit, 28.4. Since we have been discussing education training and employment, in 10 years that budget has gone from $53 billion to $114 billion. That is an increase of 113 percent. I mean, Mr. Speaker, how much do we need here in Federal spending? Should it be a 130 percent increase in 10 years, 150, 200?

We have to remember, also, Mr. Speaker, where is this money coming from? Although maybe there is literally a printing press down the road, figuratively there is not one. All of this money is coming from some American family, and every time we are increasing some Federal program, we are taking it away from some family program. Right now, again, budgets are about values, and they are about dollars and cents, and ultimately, this debate does come down again to taxes and spending.

The Democrats have said that we are offering all these great tax cuts. I looked very closely in the budget. I am having a little trouble finding that. What I do find is that we are going to prevent a huge automatic tax increase engineered by the other side. It is very fascinating to me in the Federal city how spending is forever; yet tax relief seems to be temporary.

Our colleagues on the other side of the aisle decry any of the tax relief that has occurred under President Bush's watch. So that means they want to take it away. Well, what does that mean? It means, well, the lowest-income taxpayers will see that their taxes are increased 50 percent. It means we lose the 10 percent bracket. We go to the 15 percent bracket, a 50 percent increase on our lowest-income taxpayers.

Married taxpayers will see the marriage penalty return if they have their way and have their huge automatic tax increases. Taxpayers with children will lose 50 percent of their child tax credits. Taxes on dividends and capital gains could jump as much as 100 percent.

Again, you start to think, well, wait a second, where is all this money coming from? Well, it is coming from families. It is coming from small business.

So how do families all across America afford to send their children to college? How about their education programs? Already, Mr. Speaker, we are now spending over $22,000 per American household. Last year was the first time since World War II that we have reached that level of spending. All that spending has got to be paid for. It has got be paid for. It has got to be paid for by American families.

Now, again, our friends on the other side of the aisle want to decry all of the tax relief and say that somehow it is the root cause of the deficit, the increase in the national debt. Well, again, they are entitled to their own opinions. They are not entitled to their own facts.

I happen to have in my hand the latest report from the Treasury statement on revenues, which I would be happy to share with any of my colleagues on the other side of the aisle, that says, guess what, we have more tax revenue. We have more tax receipts. Last year tax receipts increased roughly 15 percent. This year we are on track to have tax revenues increase about 11 percent.

Guess what? Since we have allowed American families and small business to keep more of what they earn, they have gone out and they have created jobs, and people pay taxes, and all of the sudden we have more tax revenues. It is kind of hard to make the argument that somehow tax relief that created 5 million new jobs has somehow added to the national debt. Clearly we have a large challenge with our national debt.

Mr. Speaker, I would say it is not because the American people are undertaxed. In fact, I am surprised that our friends on the other side of the aisle are not applauding the President for really presiding over one of the largest tax increases in American history. Here it is right here. We are awash in new revenue, but we did it the right way, Mr. Speaker. We grew the economy. We created jobs.

Now, what happens if you start to take the tax relief away? Well, again, since we have had tax relief, 5 million new jobs have been created. We have the highest rate of homeownership in the entire history of the United States of America, and yet, if you start to take away the tax relief, if you have these automatic tax increases, you lose the jobs. That is just wrong, Mr. Speaker.

□ 1830

Mr. MCGOVERN. Mr. Speaker, I yield myself 10 seconds to just respond to the gentleman.

When President Bush came to office, we had a debt of $5.6 trillion. By the end of this year, it will be over $9 trillion. By the end of his term, he will have doubled it. So you have done such a wonderful job driving this country into deep debt that we are going to have to pass it on to our children and our grandchildren.

Pay as you go is what we are saying over here. You are the ones who are behaving fiscally irresponsibly.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I am sure my colleagues are familiar with the Kenny Rogers song which says you have to know when to hold and know when to fold. I sure would like to be in a poker game with the Republican moderates. They fold before they even see their cards. They got nothing out of this budget deal, and they are going to tell us how wonderfully they did. It is nothing but a promise, and it will be a promise that is not kept.

My colleague from Florida talks about the bottomless pit of spending. Talking about bottomless pits, let us talk about $8 billion in subsidies to the oil industry. Let us talk about another $7 billion in a windfall and not having them pay a royalty tax for the oil they take out of the ground. We just waived it for all of them. And they get a prescription drug bill which has nothing but massive subsidies for the pharmaceutical industry and for the insurance industry. That is where the bottomless pit is.

And you have a tax cut bill, $70 billion, and you cannot find it in your heart to do something for low-income families? I can tell you what people in this country don't know; that if you make $11,000 or less, you are not eligible for a child tax credit. But we see that some of the wealthiest people in this Nation get one very, very big tax break.

Let us take a look at what happened between last week and this week when the majority failed to muster the votes on the budget. Are we no longer staring down the barrel of a $2.2 billion in education cuts, $8.6 billion in cuts to veterans services, and $18.1 billion in health care costs? That is exactly what we are looking at.

And I will tell you, we could pay for this budget's $3 billion shortfall in education, health and workforce training programs with that tax cut's $4.8 billion in breaks that helps corporations like GE and Citicorp increase their profits overseas.

You know, Republicans today are wondering why the American people have lost all faith in their leadership. The goal of the budget ought to be to benefit the common good. That may seem like a novelty to this Republican majority, but the country is crying out for that leadership.

Mr. PUTNAM. Mr. Speaker, I would point out to the gentlewoman, who has apparently not had an opportunity to review the budget, that there is an additional $3.1 billion reserve fund for domestic priorities; $3.1 billion additional for Labor, Health and Human Services, and Education. And in addition to that, we budget for emergencies. We draw lines around the restraint that is necessary to keep the deficit on a path to be cut in half in 5 years. We keep the economy growing.

They rail against the $70 billion that were involved in tax reconciliation that prevents taxes from going up today, yet their own budget has $150 billion. Which is it? They talk about not having enough money in our side of the budget, and yet they rail about the deficit.

You can't have it both ways. Well, I guess you can if you are on the floor of the House arguing against a responsible budget plan.

This bill lays out a responsible roadmap towards shrinking the deficit, keeping the economy strong and growing, and being able to look constituents in the eye about the levels of spending. It does not open up a bottomless pit of spending, as some would prefer on the other side of the aisle, where enough is never enough. We recognize that trade-offs have to be made in businesses, in families, and in the Federal Government, and it is important that we look at both sides of the ledger, discretionary and mandatory.

The only thing that my friends on the other side of the aisle could find to clap about in the State of the Union Address was our President and our leadership's noble attempt to rein in mandatory spending, something that both parties' think tanks on each side of the ideological spectrum and administrations of each political party have agreed is in desperate need of help. Yet they can only take glee in the fact that they shut down the first real attempt to reform mandatory spending in a generation.

This budget lays out a framework for reform, restraint, and economic growth, and they are trying to have it not just both ways, but three or four or five different ways.

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

Mr. MCGOVERN. Mr. Speaker, I yield 5 seconds to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. The gentleman from Florida should not continue to fool the American public. There is no new funding in this bill for health, education and other programs.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Speaker, May is Foster Care Appreciation Month, when the Nation honors those who open their hearts and homes to America's most vulnerable children. These are children who cannot live at home because it isn't safe.

How ironic and out of touch that the Republican majority should choose May to bring out a budget that neglects America's neglected children by obliterating the funding for the Social Services Block Grant program. This program funds America's response to the SOS of neglected children who need us to protect them.

The Republicans have other priorities: Giving the rich more money. The Republicans believe a safe house for a child is a mansion for the rich, so they will cut $500 million out of these programs which help the poor in order to give away millions to the rich.

There is no home, no heart and no shame in this Republican budget. They take care of the top 1 percent. They cannot give enough to those people at the top. They cannot borrow enough to give to those people at the top. And they forget about everybody else, including the foster children. That is the American way for the Republicans.

I offered an amendment to change this. They turned it down. Vote ''no'' on this budget.

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

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Speaker, I speak tonight as a cochair of the Blue Dog Coalition, a group of fiscally conservative Democrats, and I speak tonight with some disappointment because I am one in this Chamber who knows how hard it is to put together a budget. It is a tough job that the majority has.

I am sorry that my friends who are moderate Republicans sold out so cheap. And I am even sorrier that my friends who are part of the Republican Study Committee did not get more of what they wished. But it is tough to put together a budget.

In all this blizzard of words and numbers we have been hearing about tonight, there is one central principle that should guide the Members here, at least the ones who are listening and not already at the big Republican fundraiser tonight, and that one central principle that should guide our deliberations is the principle that not only I hold dear, but Alan Greenspan, the former Chairman of the Federal Reserve, one of the great financial minds in this country, said was the single most important reform that this House could undertake. And what is that? It is called pay as you go.

We had it in this country from 1990, under the first President Bush, all the way through the second President Bush. We had it for 12 years, from 1990 to 2002, and then the Republican majority let it expire. But Alan Greenspan said it was the single most important thing we could do to regain our fiscal balance, our fiscal sanity. Yet there is no real pay as you go in the Republican budget. There is in the Democratic budget.

That is why on behalf of the Blue Dogs I urge all of our Members who care about Alan Greenspan, who care about pay as you go, who care about fiscal sanity to vote for PAYGO. Because that is the principle that every family back home understands. If you want something, pay for it.

That is what the Democratic budget does, and I am proud to vote for the Democratic budget tonight.

Mr. MCGOVERN. Mr. Speaker, at this time I yield 2 minutes to the distinguished gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, I thank the gentleman from Massachusetts for yielding 2 minutes.

Mr. Speaker, I served in the California Legislature for 24 years, half of which was spent in a leadership role, and I believe I know how to engage in a bipartisan process. Unfortunately this budget resolution is not a bipartisan process.

Rather than provide the House with an opportunity to engage in serious and meaningful budget discussions, we are left with this ''take it or leave it'' package. Today this body acts in a de facto parliamentary fashion. Rather than consider the constructive and realistic solutions to our budget problems, like the Blue Dog 12-point plan that was referenced by Mr. COOPER, that includes a pay-as-you-go provision, we are left with this proposal as our only option. It is a Hobson's choice, which I believe is no choice at all.

Rather than do what our constituents expect us to do, discuss, debate, and have meaningful oversight, make tough policy choices, we are left with a budget package within a failed budget process that is nothing more than a fig leaf to cover a host of fiscal policy shortcomings that have resulted in massive budget deficits over the last 5 years. It is a chronic case of wanting to have your cake and eat it, too.

We cannot continue to tell the American people they can have tax cuts, increased spending, and not impact our budget deficits, but that is what this budget resolution does. I do not believe that a majority of Americans support this way of doing the people's business. They expect us, as adults, to work together to solve the fiscal problems of our Nation. Unfortunately, that is not what is happening in this effort, and I unfortunately must oppose this budget resolution.

Mr. PUTNAM. Mr. Speaker, the gentleman from California and the speaker before him from Tennessee made reference to the Blue Dog budget, and, in fact, there was even reference to how difficult it is to produce a budget. Well, apparently it is so difficult they couldn't do it because there is no Blue Dog substitute.

I tip my hat to the Progressive Caucus. They managed to produce a budget that we will debate on this floor. It is an alternative view of where this Nation ought to be headed. I don't agree

with it, but they made the tough decisions to put it together, embody it in an amendment, and put it to debate on this floor. I tip my hat to Mr. SPRATT, the distinguished ranking member of the committee. They have a substitute amendment.

The Blue Dogs are all bark and no bite. No budget substitute was offered. Apparently putting together a budget that met their own internal divisions proved too difficult in the end.

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

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I rise and urge the defeat of this previous question.

It should come as no surprise to anyone in this country that Democrats and Republicans differ in their priorities for America. With the White House set to vote on the budget tonight, I as a Blue Dog oppose the majority party's misguided plan which will result in a staggering $10 trillion deficit by the year 2010.

The Blue Dog 12-step reform plan is a comprehensive, responsible alternative to the meager attempt to reform and contain the Republican budget. The Blue Dog plan is based on a commitment to resolving the fiscal problems facing our country that includes a call for a balanced budget, strict spending plan, and a pay-as-you-go rule, especially establishing a rainy day justification.

The budget resolution debated tonight will cut critical programs in order to pay for millionaire tax cuts, cuts to food stamps, the WIC program, the school lunch program, the breakfast program, student financial assistance, Community Development Block Grants, veterans health care, and funding to help local law enforcement, to name a few.

I ask our colleagues to defeat this budget. We need to help those poor and disadvantaged, our veterans, our health block grants, and students who need an education.

Mr. PUTNAM. I would ask the gentleman where the Blue Dog budget is? Where is the Blue Dog substitute amendment? We are looking for it. We can't find it. There is no Blue Dog substitute amendment. It is back on the porch. It is in the pound. It is in the kennel. I don't know where it is.

There is a progressive substitute. There is a Spratt substitute. There is no Blue Dog substitute.

Mr. BACA. There is a pay as you go.

Mr. PUTNAM. There is not a Blue Dog substitute.

Mr. BACA. Then you should look at the pay-as-you-go plan. You know that? It is there.

Mr. PUTNAM. Reclaiming my time, Mr. Speaker.

The SPEAKER pro tempore (Mr. KUHL of New York). The gentleman will suspend.

Mr. PUTNAM. There have been three references to a Blue Dog substitute that is mythical. It is as mythical as the $727 billion tax gap, Wizard of Oz smoke and mirrors that is in one of the other substitutes. It is as mythical as the numbers that they use to pay for their increased spending.

There is no such thing. There is not a substitute amendment.

Mr. BACA. That is why we are supporting the Democratic substitute amendment, and that is pay as you go. The Democratic substitute budget.

The SPEAKER pro tempore. The gentleman will suspend. The gentleman from Florida has the floor.

Mr. PUTNAM. Well, Mr. Speaker, I think it is pretty clear we made our point.

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

□ 1845

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

Mr. PUTNAM. Mr. Speaker, I yield 1 minute to my good friend from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I don't know if I would be happier if Americans are watching this debate, or if they are not watching the debate. I am an auctioneer and it sounds almost like an auction: no matter how much we spend it is not enough. But here is something I think all Members need to be aware of. Next year the taxpayers are going to generously provide this Congress and this Federal Government with a 12 percent increase in revenue. Over the next 5 years, the estimate is it will be at least an increase averaging 5.4 percent per year. Now that is at a time when we expect the inflation rate will be somewhere less than 3 percent. In other words, revenue to the Federal Government will be almost double what we project the inflation rate to be.

And Americans watching at home are asking a simple question: Why can't you live within your means? And that is what this budget is about. That is what this debate is about. And I think Americans watching at home must be wondering, how in the world, why is it with a 12 percent increase next year and a 5½ percent increase averaging over the next 5 years, why can't you figure it out to live within your means?

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

Mr. PUTNAM. Mr. Speaker, I yield 1 minute to the distinguished majority leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, let me first congratulate the chairman of the Budget Committee, Mr. NUSSLE. This is his sixth year chairing the Budget Committee. As I think most of my colleagues know, it has been six tough years, and Mr. NUSSLE has done a very, very good job in bringing us to this point. And I want to congratulate him and wish him well as he decides to leave the House and to pursue other political interests in the State of Iowa.

I think all of us know that we have been through a long, arduous process to bring this budget to the floor tonight. It has been months of conversations with Members, not always easy; certainly it has been very difficult. But the process has allowed us to better understand each other, understand our needs, and understand the needs of the American people.

As one of my colleagues earlier was pointing out, revenues to the Federal Government grew last year at over 11 percent. Revenues to the Federal Government this year are going to grow at over 12 percent, which really, I think, speaks volumes, that lowering tax rates does not necessarily mean lower revenues to the Federal Government.

If you look at what we did in the late 1990s when we balanced the budget, it was revenue growing to double digits rates and us holding the line on spending. And I know there is a lot of well-meaning, well-intentioned spending that people would like. But we can't continue to spend our kids' and their kids' inheritance every year, which has gone on here far too long. And if you look at what we are doing here, with revenues rising and holding the line on spending, we can, in fact, balance the budget in the next 4 or 5 years. It is very possible. And so I want to thank all of my colleagues for working with us to get to this point.

I want to yield to my colleague from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the majority leader for yielding to me, and I would just like to go through with him and for the edification of those who may not be that familiar with it, some of the negotiations that have been going on with respect to this.

First of all, there are those of us who were concerned about the President's budget, Mr. Majority Leader, and we called that to your attention early on. It is a little bit unusual to be dealing with this at budget time because we are basically with one of the appropriations. And I agree with you that the gentleman from Ohio has done a wonderful job on this. I don't always vote for his budgets, but he has certainly done a wonderful job dealing with this over the years.

But in this particular circumstance, what came down from the President was not satisfactory to some of us, and so I prepared an amendment to increase the Labor HHS Education allocation by $7.158 billion. We then entered into the negotiations.

I don't remember any time precedence for that in the time that I have been here which has happened at the level of dealing with a specific allocation when we are dealing with the budget. Basically, we were concerned about health accounts. We wanted them increased by $1.1 billion, education accounts by 4.6; LIHEAP by 1.3 was the primary focus here. I tried to bring it to 2006 funding plus 2 percent for inflation.

We had negotiations with you, sir; we had negotiations with the chairman of

the Appropriations Committee and other House leaders as well. And let me just thank you very much for that. That has not always been the case, and we are very appreciative of it.

Eventually, a decision was made by the leadership to transfer over $6 billion which was shifted from defense in foreign operations without raising the cap at all with respect to the 302(a) number and $4.1 billion of that went to Labor, HHS, Education, which is $843 million more than was received in 2006.

Obviously, this is an important budget to many of us because we are concerned about what happens at home. This relates to health research, which is vital to all of us I think, to IDEA, to Centers for Disease Control, after-school care, vocational education and the National Institutes of Health, just to name a few. And so we increased it by that particular amount of money.

In further negotiations with Mr. LEWIS and with you, we also established some other areas of concern that would be addressed, that is, community development block grants, the Byrne and COPS grants all would be at the 2006 levels, and the President's competitive initiative would be funded at his requested level. So all this was arranged as a matter of negotiation.

There was actually another billion dollars to homeland security and approximately $500 million to agriculture and $500 million to energy and water as part of this.

This is probably not ideal. And I am sure there are those who would get up and say, well, gee, why didn't you get the whole loaf? Well, I frankly don't know of anyone who has ever gotten this kind of change made in the budget after the budget has been introduced in terms of building to that.

And more importantly, we have an assurance from you, for whom I have a great deal of respect and trust, having worked with you and listening to your word on the Education Committee all these years, that this will be done, that we'll eventually get to the $7.158 billion, that we may get to it before we actually vote on the Labor, HHS, Education bill in the House or perhaps later when it might come out of conference. And that is very important as well. That has been repeated again and again and I think needs to be reiterated here today.

Then that raises the question of if this is an assurance or a sense of Congress, versus real money, which is what it really is when you get right down to it. We have received commitments that that additional $3 billion will not come from mandatory programs that serve the people we are trying to help, like Medicaid and Medicare, food stamps, foster programs and others. We want to make sure that any offsets are carefully crafted and our group of about 20 people that has been involved with this has no intentions of supporting reductions which would adversely affect the neediest among us who we are trying to help by this. And I think it is very important that everybody understand that we have had that discussion as well in terms of where we are going as far as the future is concerned. So I would like to thank you for the negotiations.

With that, I do support the budget; and, sure, I would like to have the whole loaf, so to speak, if we could. But I understand why we are not there now, and perhaps there will be other changes actually before we vote on this. I don't know.

Mr. BOEHNER. Reclaiming my time, I thank my colleague from Delaware for his willingness to work through these long several months. I think you have very accurately portrayed the agreements that we have come to. And it is important to understand that we were able to do this without spending $1 more than what the President asked for. The $873 billion, 302(a) discretionary cap remains in effect. But moving the priorities around to meet the needs of our various Members is how we were able to do this. And any additional spending on the Labor, HHS bill at the end of the day is either going to have to be offset or come from other 302(b) accounts.

And the commitment is that we will get there at the end of the day. We will work with Members across the spectrum in terms of how we get there. But the important thing is that we are able to meet the needs of all of our Members without exceeding the President's numbers.

So I want to thank my colleague, tell him how much I have enjoyed working with him and all of the members of our conference. I am just glad that we are here.

Mr. MCGOVERN. Mr. Speaker, I yield 30 seconds to the distinguished gentleman who is the ranking member on our Budget Committee, Mr. SPRATT.

Mr. SPRATT. I have great respect for the distinguished majority leader, but I have to take exception when he says if we hold the line on spending and let revenues continue, we will balance the budget in 5 years. The deficit this year without offsetting Social Security per this resolution for next year will be $545 billion. In 5 years, according to this resolution, it will be $428 billion.

During that same period of time between 2002 and 2011, the debt of the United States will grow to $11.3 trillion. That is twice its level when President Bush came to office. I don't think we are making the progress that we must make if we are really to get this problem under control.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I am still trying to decipher that colloquy. And it sure looked, smelled and felt like sleight of hand, so chances are it probably was.

But, Mr. Speaker, I rise tonight in support of the Democratic substitute, mainly for two reasons: because of the values and the priorities that are reflected in our budget, but also because of another important reason, and that is the budget disciplinary tool that we have called pay-as-you-go that they refuse to implement in their budget. Pay-as-you-go was something that worked very well in the 1990s, which gave us 4 years of budget surpluses where we were actually paying down the national debt, not becoming more dependent on China to be financing our deficits, which is the fiscal policy that they are pursuing. These are real choices that we have to make and pay-as-you-go is one real choice that is distinguished in the Democratic substitute.

The reason why their numbers don't add up is because there is a complete disconnect between their tax-and-spending policy. It is because too many of them believe in this concept of dynamic scoring which means four minus two equals three, not two. And if any third grader today taking their No Child Left Behind math test submitted an answer, four minus two equals three, they would fail and their school would be labeled as a failing school. And that is the problem with the fiscal policies under the majority today. They are failing the American people by leaving a legacy of debt for our children.

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

I have a great deal of respect for my friend from Wisconsin with whom we have worked on the budget. The challenges I see with the Democratic substitute are ones that we have pointed out earlier. They depend upon money that doesn't exist to make their numbers work, a tax gap of $727 billion that the IRS can't find.

Well, if the IRS can't find it, does the other side know where it is? If we have been looking for it for all this time, but they know where it is to the point that they have budgeted it, $727 billion to make their numbers work, then they must have some better insight as to where that gap is.

It is smoke and mirrors. The CBO won't even score it. The CBO scores it as a zero revenue raiser. And yet they are depending on it for $727 billion.

They only allocate $150 billion in their substitute for tax relief. And yet we have had opportunities on this House floor for half that amount that they have rejected. We had opportunities to prevent the AMT from impacting millions of middle-class Americans. Rejected. Preventing capital gains rates from going up which have allowed revenues to the government to increase, 11, 12 percent. Dividend taxes, preventing those from going up. They have rejected that. But they put $150 billion in their own substitute, which doesn't even cover the child tax credit, the marriage penalty, the death tax, the whole host of other issues. The numbers don't add up.

Ours is the responsible, comprehensive blueprint. We deal with a freeze, a near freeze on discretionary spending,

non-defense discretionary spending. We deal with the mandatory side of the ledger which is now over half of Federal spending, something that the Blue Dogs claim that they are concerned about, something that fiscal hawks on the other side claim that they are concerned about; and it is nowhere to be found in their substitute.

□ 1900

Ours is the only budget that is comprehensive, responsible, and honest about the challenges that are facing this great land.

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

Mr. MCGOVERN. Mr. Speaker, I yield 15 seconds to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, for the sake of clarification, there is no assumption in our budget resolution about a tax gap, realizing a tax gap. We did use that concept as an offset in the budget markup, but it is not in the budget resolution. There is no assumption to that effect at all.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time.

If the previous question is defeated, I will modify this rule to provide that immediately after the House passes this rule, it will take up legislation to restore fiscal responsibility to the congressional budget process.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, this bill will do two very important things. First, it will reinstate the pay-as-you-go requirement that was in the Balanced Budget and Emergency Deficit Control Act that expired in 2002. The bill will restore the PAYGO provision and extend it through the year 2011.

Mr. Speaker, the budget process may be complicated, but one thing is clear: We should be required to pay for new spending and tax breaks instead of running the highest deficits in the history of our country. The message is simple: If you want more tax breaks for millionaires, then pay for them. Our constituents have to take responsibility for their personal spending and their personal debt. So should we.

In addition, this bill will repeal rule XXVII, the House rule that blocks a direct vote on increasing the Federal debt limit, thereby shielding Members of this House from any responsibility for the massive rise in the debt ceiling. Under this rule, simply passing the budget effectively triggers an automatic increase in the debt ceiling. Members never have to get their hands dirty or explain to their constituents why our national debt continues to skyrocket to numbers that are so massive that they are almost impossible to comprehend. They never have to take a position or provide a reason. They can just pretend that it happened without any way to stop it. And to make this even worse, it only happens in the House. The Senate will still vote for the debt limit increase directly.

This Republican budget resolution calls for yet another increase in the debt limit by $653 billion, bringing our total debt limit to $9.6 trillion. Democrats believe that we should repeal House rule XXVII and require a straight up-or-down vote on raising the Federal debt limit.

I say to my colleagues, take responsibility. Show some backbone. Have some courage and explain to the American people why you are driving this country into debt.

I urge a ''no'' vote on the previous question.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. PUTNAM. Mr. Speaker, I rise to make two clarifications. One, to my friend from Massachusetts, I would clarify that the rule he seeks to repeal is commonly known as the Gephardt rule. Secondarily, I would clarify the clarification made by my friend Mr. SPRATT that on page 51, lines 13 through 19 of the legislation known as the Spratt amendment, there is tax relief that is provided; the additional revenue loss is offset such as through the recovery of a portion of unpaid revenue, commonly known as the tax gap, which we referred to. So that is a portion of their amendment.

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

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

Mr. MCGOVERN. Mr. Speaker, just for clarification, the so-called Gephardt rule expired, and then it was reinstated by the Republican majority; so it is now the Hastert rule.

Mr. PUTNAM. We like to give credit where credit is due, and being big fans of intellectual property rights, since we protect intellectual property, the real creative genius in that belongs to Mr. Gephardt.

To my friend from Massachusetts, we have had a speaker come in since I said to you that I had no further speakers, and I would inquire as to whether you objected to allowing him to speak for 2 minutes.

Mr. MCGOVERN. No, I would not object.

Mr. PUTNAM. Very well.

I would yield 2 minutes to my friend from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank my friend for yielding, and I thank my friend from Massachusetts as well.

I have to say I just got in on the tail end of this, but I wanted to come down and say I think that allowing these budgets to be discussed tonight is a good thing. The Democrats will have two budgets that they are offering. The Republicans will have one, and we had the other one; so I guess it is two to two. I know we would have 435 individual budgets if everybody could have something that they fully believed in. But, unfortunately, in a large body of 435 people where you have to have 218 votes or at least a plurality to get something done, you have got to leave behind some budgets.

And I think this is going to give us a night of some good debates. We will be able to discuss priorities, both priorities in spending and priorities in cutting and reducing and changing the face of government.

I want to point out that last year, and Mr. PUTNAM may remember, but I believe we passed the budget finally, and Mr. SPRATT might know, 214–212, which somewhat shows the precarious position of a dynamic body, that if you moved spending up a little bit, you would not have been able to pass it. If you reduced it a little bit, you would not have been able to pass it.

So in this large institution we had a budget that just was balanced as we could get it, and I think we are probably going to be heading in that direction again. And I do not think that is a bad thing. I think all this debating is good, and that our arguments that we will have tonight in a friendly spirit will also carry on to each of the 11 appropriation bills, I guess these days, 10 subcommittees, but these things will be carried on, and we will see them again and again in committee and subcommittee form.

The material previously referred to by Mr. MCGOVERN is as follows:

PREVIOUS QUESTION ON H. RES. 517, RULE FOR H. CON. RES. 376—THE FY07 CONCURRENT BUDGET RESOLUTION

At the end of the resolution add the following new sections:

''SEC. 3. Immediately upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House a bill consisting of the text specfied in Section 4. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 60 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget; and (2) one motion to recommit with or without instructions.

''SEC. 4. The text referred to in section 3 is as follows:''.

H.R.—

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 ''Restoring Fiscal Responsibility to the Congressional Budget Process Act of 2006''.

SEC. 2. REINSTATEMENT OF PAY-AS-YOU-GO REQUIREMENT.

(a) SECTION 252 AMENDMENTS.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking ''2002'' both places it appears and inserting ''2011''.

(b) SECTION 275 AMENDMENT.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking ''2006'' and inserting ''2015''.

SEC. 3. VOTING TO CHANGE THE STATUTORY LIMIT ON THE PUBLIC DEBT.

The Rules of the House of Representatives are amended by repealing rule XXVII and by redesignating rule XXVIII as rule XXVII.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusel of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule * * * When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

Descher's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

The SPEAKER pro tempore. All time for debate has expired.

The question is on ordering the previous question on the resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 7 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHIMKUS) at 8 p.m.

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

The SPEAKER pro tempore. The pending business is the vote on ordering the previous question on House Resolution 817 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 224, nays 193, not voting 15, as follows:

[Roll No. 153]

YEAS—224

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Chocola
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens

Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Cannon
Coble
Evans
Harman
Hinojosa
Jones (NC)
Kennedy (RI)
Larson (CT)
Matsui
Neugebauer
Sabo
Sanchez, Loretta
Stupak
Tiahrt
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2027

Mr. BISHOP of Georgia and Mrs. MCCARTHY changed their vote from ''yea'' to ''nay.''

Mr. WALSH changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. NEUGEBAUER. Mr. Speaker, on rollcall No. 153 I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. TIAHRT. Mr. Speaker, on rollcall No. 153. I was unavoidably delayed. Had I been present, I would have voted "yea."

Stated against:

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 153, had I been present, I would have voted "no."

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 226, noes 193, not voting 13, as follows:

[Roll No. 154]

AYES—226

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—13

Coble
Davis, Tom
Evans
Harman
Kennedy (RI)
Larson (CT)
Matsui
Moran (VA)
Sabo
Sanchez, Loretta
Stupak
Tiahrt
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 2037

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TIAHRT. Mr. Speaker, on rollcall No. 154, I was unavoidably delayed. Had I been present, I would have voted "yea."

N O T I C E

Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CLEAVER (at the request of Ms. PELOSI) for today before 6 p.m. on account of a death in the family.

Mr. LARSON of Connecticut (at the request of Ms. PELOSI) for today on account of a family medical emergency.

Mr. STUPAK (at the request of Ms. PELOSI) for today and the balance of the week on account of family obligations.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

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

Mr. DEFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MCDERMOTT, 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.

Ms. KAPTUR, for 5 minutes, today.

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

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

Mr. BISHOP of Utah, for 5 minutes, May 18.

Mr. DREIER, for 5 minutes, May 19.

Ms. FOXX, for 5 minutes, May 18.

Mr. BILIRAKIS, for 5 minutes, May 22.

SENATE BILL REFERRED

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

S. 879. An act to make improvements to the Arctic Research and Policy Act of 1984; to the Committee on Science.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1165. An act to provide for the expansion of the James Campbell National Wildlife Refuge, Honolulu County, Hawaii.

S. 1869. An act to reauthorize the Coastal Barrier Resources Act, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on May 16, 2006, she presented to the President of the United States, for his approval, the following bill.

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

ADJOURNMENT

Mr. POE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 14 minutes a.m.), the House adjourned until today, Thursday, May 18, 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:

7546. A letter from the Deputy Assistant Administrator for Operations, NMFA, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Emergency Secretarial Action [Docket No. 060209031-6092-02; I.D. 020606C] (RIN: 0648-AU09) received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7547. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Total Allowable Catch Amount for ''Other Species'' in the Groundfish Fisheries of the Gulf of Alaska [Docket No. 051116304-6035-02; I.D. 110805A] (RIN: 0648-AT92) received March 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7548. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Retention Standard [Docket No. 050607152-6070-02; I.D. 052605B] (RIN: 0648-AT04) received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7549. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 001005281-0369-02; I.D. 011106A] received April 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7550. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Specifications and Management Measures; Inseason Adjustments [Docket No. 051014263-6028-03; I.D. 040506A] received April 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7551. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 060216045-6045-01; I.D. 030906G] received March 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7552. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Polluck in Statistical Area 630 of the Gulf of Alaska [Docket No. 060216044-6044-01; I.D. 030906A] received March 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7553. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 001005281-0369-02; I.D. 030906E] received March 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7554. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction [Docket No. 001005281-0369-02; I.D. 022306B] received March 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7555. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Modification of the Yellowtail Flounder Landing Limit for Western and Eastern U.S./Canada Areas [Docket No. 040804229-4300-02; I.D. 121405A] received April 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7556. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Modification of the Yellowtail Flounder Landing Limit for the U.S./Canada Management Area [Docket No. 04011-2010-4114-02; I.D. 032406B] received April 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7557. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 060216045-6045-01; I.D. 040606B] received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7558. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Polluck in the West Yakutat District of the Gulf of Alaska [Docket No. 060216044-6044-01; I.D. 040706G] received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7559. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and

Aleutian Islands Management Area [Docket No. 060216045-6045-01; I.D. 040506C] received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7560. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish by Vessels Using Non-Pelagic Trawl Gear in the Red King Crab Savings Subarea [Docket No. 060216045-6045-01; I.D. 040406B] received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7561. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Trent 553-61, 553A2-61, 556-61, 556A-61, 556B-61, 556B2-61, 560-61, and 560A-61 Turbofan Engines [Docket No. FAA-2005-23031; Directorate Identifier 2005-NE-41-AD; Amendment 39-14467; AD 2006-03-03] (RIN: 2120-AA64) received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7562. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes [Docket No. FAA-2006-23703; Directorate Identifier 2005-NM-052-AD; Amendment 39-14465; AD 2006-03-01] (RIN: 2120-AA64) received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7563. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, MD-10-30F, MD-11, and MD-11F Airplanes [Docket No. FAA-2005-20034; Directorate Identifier 2004-NM-178-AD; Amendment 39-14463; AD 2006-02-11] (RIN: 2120-AA64) received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7564. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Models DG-100 and DG-400 Sailplanes and DG Flugzeugbau GmbH Models DG-500 Elan Series and DG-500M Sailplanes [Docket No. FAA-2005-22157; Directorate Identifier 2005-CE-44-AD; Amendment 39-14464; AD 2006-02-12] (RIN: 2120-AA64) received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7565. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Model 390 Airplanes [Docket No. FAA-2005-23221; Directorate Identifier 2005-CE-51-AD; Amendment 39-14459; AD 2006-02-51] (RIN: 2120-AA64) received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7566. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2005-22793; Directorate Identifier 2005-NM-161-AD; Amendment 39-14462; AD 2006-02-10] (RIN: 2120-AA64) received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7567. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arriel 1B, 1D, 1D1, 1S1 Turboshaft Engines [Docket No. FAA-2005-21242; Directorate Identifier 2005-NE-09-AD; Amendment 39-14460; AD 2006-02-08] (RIN: 2120-AA64) received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7568. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200 and A340-300 Series Airplanes [Docket No. FAA-2004-18565; Directorate Identifier 2003-NM-168-AD; Amendment 39-14461; AD 2006-02-09] (RIN: 2120-AA64) received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7569. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120, -120ER, -120FC, -120QC, and -120RT Airplanes [Docket No. FAA-2005-22871; Directorate Identifier 2005-NM-191-AD; Amendment 39-14454; AD 2006-02-02] (RIN: 2120-AA64) received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7570. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600 2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2005-22873; Directorate Identifier 2005-NM-197-AD; Amendment 39-14457; AD 2006-02-05] (RIN: 2120-AA64) received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7571. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601, and CL-600-2B16 (CL-601-3A, CL-601-3R, and CL-604) Airplanes [Docket No. FAA-2005-22917; Directorate Identifier 2005-NM-157-AD; Amendment 39-14456; AD 2006-02-04] (RIN: 2120-AA64) received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7572. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310-203, 0294, and -222 Airplanes, and Model A310-300 Series Airplanes [Docket No. FAA-2005-22810; Directorate Identifier 2005-NM-143-AD; Amendment 39-14458; AD 2006-02-06] (RIN: 2120-AA64) received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7573. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Model Hawker 800XP Airplanes [Docket No. FAA-2005-22749; Directorate Identifier 2005-NM-188-AD; Amendment 39-14455; AD 2006-02-03] (RIN: 2120-AA64) received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7574. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Model DH.125, HS.125, and BH.125 Series Airplanes; Model BAe.125 Series 800A (C-29A and U-125), 800B, 1000A, and 1000B Airplanes; and Model Hawker 800 (including variant U-125A), and 1000 Airplanes [Docket No. FAA-2005-20969; Directorate Identifier 2005-NM-017-AD; Amendment 39-14443; AD 2006-01-04] (RIN: 2120-AA64) received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7575. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Model HS 748 Airplanes [Docket No. FAA-2006-23799; Directorate Identifier 2004-NM-141-AD; Amendment 39-14475; AD 2006-03-11] (RIN: 2120-AA64) received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. PUTNAM: Committee on Rules. House Resolution 817. Resolution providing for further consideration of the concurrent resolution (H. Con. Res. 376) establishing the congressional budget for the United States Government for fiscal year 2007 an setting forth appropriate budgetary levels for fiscal years 2008 through 2011 (Rept. 109–468). Referred to the House Calendar.

Mr. BISHOP of Utah: Committee on Rules. House Resolution 818. Resolution providing for consideration of the bill (H.R. 5386) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2007, and for other purposes (Rept. 109–469). Referred to the House Calendar.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 5252. A bill to promote the deployment of broadband networks and services (Rept. 109–470). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mrs. JOHNSON of Connecticut (for herself, Mr. SHAW, Mr. SHAYS, Mr. RAMSTAD, Mr. FERGUSON, Mr. SIMMONS, Mr. TIBERI, Mr. FOLEY, Mr. ENGLISH of Pennsylvania, Mr. TOM DAVIS of Virginia, Mr. CASTLE, Mr. SWEENEY, Mrs. KELLY, Mr. REHBERG, Mr. SHERWOOD, Mr. LEACH, Mr. GERLACH, Mrs. JO ANN DAVIS of Virginia, Mr. DENT, Mr. BASS, Mr. BOEHLERT, Mr. UPTON, Mr. KIRK, Mr. SCHWARZ of Michigan, Mr. PORTER, and Mr. BILIRAKIS):

H.R. 5399. A bill to amend title XVIII of the Social Security Act to eliminate the Medicare prescription drug late enrollment penalty for months during 2006, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCRERY (for himself, Mr. ALLEN, Mr. MURPHY, Mr. PORTER, and Mr. BOOZMAN):

H.R. 5400. A bill to amend title XIX of the Social Security Act to permit States to obtain reimbursement under the Medicaid Program for care or services required under the Emergency Medical Treatment and Active Labor Act that are provided in a nonpublicly owned or operated institution for mental diseases; to the Committee on Energy and Commerce.

By Mrs. EMERSON (for herself, Mr. SKELTON, Mr. REHBERG, Mr. CLEAVER, Mr. HOLT, Mr. HULSHOF, Mr. MOORE of Kansas, and Mr. OSBORNE):

H.R. 5401. A bill to amend section 308 of the Lewis and Clark Expedition Bicentennial Commemorative Coin Act to make certain clarifying and technical amendments; to the Committee on Financial Services.

By Mr. CONAWAY:

H.R. 5402. A bill to provide for the establishment of a partnership between the Secretary of Energy and appropriate industry groups for the creation of a transportation fuel conservation education campaign, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, 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. DELAY (for himself, Mr. HERGER, Mr. STARK, Mr. CAMP of Michigan, Ms. NORTON, Ms. HART, Mr. CARDOZA, and Mr. ENGLISH of Pennsylvania):

H.R. 5403. A bill to improve protections for children and to hold States accountable for the safe and timely placement of children across State lines, and for other purposes; to the Committee on Ways and Means.

By Mr. DUNCAN (by request):

H.R. 5404. A bill to authorize the Administrator of the Environmental Protection Agency to advance cooperative conservation efforts, to reduce barriers to the formation and use of partnerships to enable Federal environmental stewardship agencies to meet the conservation goals and obligations of the agencies, to promote remediation of inactive and abandoned mines, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and Resources, 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. FEENEY (for himself, Mr. MEEKS of New York, Mr. SESSIONS, Mrs. MILLER of Michigan, Mr. HENSARLING, Mr. JONES of North Carolina, Ms. FOXX, Mr. GARRETT of New Jersey, Mr. STEARNS, Mr. TIAHRT, Mr. WICKER, Mr. ROYCE, Mr. PENCE, and Mr. FLAKE):

H.R. 5405. A bill to reduce the burdens of the implementation of section 404 of the Sarbanes-Oxley Act of 2002; to the Committee on Financial Services.

By Mr. GINGREY:

H.R. 5406. A bill to suspend the visa waiver program until certain entry-exit control requirements are met, and for other purposes; to the Committee on the Judiciary.

By Mrs. LOWEY:

H.R. 5407. A bill to amend the Internal Revenue Code of 1986 to expand deductions allowed for education-related expenses and to allow an earned tuition credit against income tax for qualified tuition and related expenses; to the Committee on Ways and Means.

By Ms. MCCOLLUM of Minnesota (for herself and Mr. OBERSTAR):

H.R. 5408. A bill to urge the Government of the Republic of Armenia to resolve the murder case of Joshua Haglund, a United States citizen, in Yerevan, Armenia, and to fund scholarships at the University of Minnesota in the memory of Joshua Haglund for study abroad and diversity training; to the Committee on International Relations, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MYRICK:

H.R. 5409. A bill to amend title II of the Social Security Act to require that the Commissioner of Social Security notify individuals of improper use of their social security account numbers; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 5410. A bill to provide for the treatment of the District of Columbia as a State for purposes of representation in the House of Representatives and Senate, 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. PEARCE:

H.R. 5411. A bill to direct the Secretary of the Interior to establish a demonstration program to facilitate landscape restoration programs within certain units of the National Park System established by law to preserve and interpret resources associated with American history, and for other purposes; to the Committee on Resources.

By Mr. REYES (for himself, Mr. KOLBE, Mr. ORTIZ, Mr. DOGGETT, Mr. GRIJALVA, and Mr. FILNER):

H.R. 5412. A bill to establish grant programs to improve the health of border area residents and for bioterrorism preparedness in the border area, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on International Relations, 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. SENSENBRENNER (for himself and Mr. CONYERS):

H.R. 5413. A bill to make improvements in the codification of title 46, United States Code; to the Committee on the Judiciary.

By Mr. SENSENBRENNER (for himself and Mr. CONYERS):

H.R. 5414. A bill to enact certain laws relating to public contracts as title 41, United States Code, ''Public Contracts''; to the Committee on the Judiciary.

By Mr. GERLACH:

H. Con. Res. 402. Concurrent resolution requiring certain committees of Congress to review and evaluate the activities and progress of the Government of Iraq in securing and stabilizing Iraq; to the Committee on Rules.

By Mr. HINCHEY (for himself, Mrs. BONO, and Mrs. CAPPS):

H. Con. Res. 403. Concurrent resolution expressing the sense of Congress with regard to the importance of Women's Health Week, which promotes awareness of diseases that affect women and which encourages women to take preventive measures to ensure good health; to the Committee on Energy and Commerce.

By Mrs. LOWEY:

H. Con. Res. 404. Concurrent resolution expressing the sense of the Congress concerning contraceptives for women; to the Committee on Energy and Commerce.

By Ms. MCKINNEY:

H. Con. Res. 405. Concurrent resolution opposing any agreement between the Government of the United States and the Government of Nigeria to deploy United States Armed Forces to Nigeria; to the Committee on International Relations.

By Mr. THOMPSON of Mississippi:

H. Con. Res. 406. Concurrent resolution expressing the sense of Congress that the needs of children affected by major disasters are unique and should be given special consideration in conducting disaster preparedness, response, recovery, and mitigation activities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WEXLER:

H. Res. 819. A resolution requesting the President and directing the Attorney General to submit to the House of Representatives all documents in the possession of the President and the Attorney General relating to requests made by the National Security Agency and other Federal agencies to telephone service providers requesting access to telephone communications records of persons in the United States and communications originating and terminating within the United States without a warrant; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. DINGELL introduced a bill (H.R. 5415) for the relief of Vernadette Bader; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

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

H.R. 9: Mrs. MILLER of Michigan, Mr. MORAN of Virginia, Mr. COSTELLO, Mr. FARR, Mr. BLUMENAUER, Ms. MCCOLLUM of Minnesota, Ms. SCHAKOWSKY, Ms. KAPTUR, Mr. MOORE of Kansas, Ms. SLAUGHTER, Mr. WEINER, Mr. DOGGETT, Mr. SPRATT, Mrs. DAVIS of California, Mr. SHERMAN, Mr. MEEHAN, Ms. ROYBAL-ALLARD, Ms. MATSUI, Mr. SABO, Mr. BOUSTANY, Mr. MCHUGH, Mr. REICHERT, Mr. BOYD, Mrs. CAPPS, Mr. DEFAZIO, Mrs. MCCARTHY, Mr. BOUCHER, Ms. SOLIS, Mr. LANGEVIN, Mr. CAPUANO, Mr. WEXLER, Mr. UDALL of New Mexico, Mr. COOPER, Mr. LEACH, Mr. LOBIONDO, Mr. STRICKLAND, Mr. WELLER, Mr. ORTIZ, Mr. SANDERS, and Mrs. BIGGERT.

H.R. 23: Mr. ALEXANDER.

H.R. 65: Mr. PORTER, Mr. BAKER, Mr. BLUNT, Mr. HEFLEY, and Mr. FITZPATRICK of Pennsylvania.

H.R. 147: Mr. WHITFIELD and Mr. GRAVES.

H.R. 213: Mr. BISHOP of New York.

H.R. 269: Mr. BARROW.

H.R. 311: Mr. BOYD.

H.R. 376: Mr. GEORGE MILLER of California.

H.R. 503: Mr. HOSTETTLER.

H.R. 559: Mr. FILNER, Ms. WOOLSEY, and Mr. BROWN of Ohio.

H.R. 583: Mrs. EMERSON and Mr. FILNER.

H.R. 602: Ms. ROYBAL-ALLARD.

H.R. 698: Mr. HAYES and Mr. SHAYS.

H.R. 717: Mr. WEXLER.

H.R. 752: Mr. HIGGINS.

H.R. 898: Mr. LEVIN and Mr. CARDIN.

H.R. 1000: Mr. SCOTT of Georgia.

H.R. 1080: Ms. MCKINNEY.

H.R. 1107: Mr. CARDOZA.

H.R. 1188: Mr. RANGEL, Mrs. JONES of Ohio, and Mr. SANDERS.

H.R. 1217: Mr. INSLEE.

H.R. 1298: Mr. FERGUSON.

H.R. 1351: Mr. BARROW.

H.R. 1356: Mr. WELDON of Pennsylvania.

H.R. 1358: Mr. STRICKLAND.

H.R. 1384: Mr. DELAY

H.R. 1426: Mr. CLAY.

H.R. 1582: Mr. BILIRAKIS.

H.R. 1589: Mr. HONDA and Ms. NORTON.

H.R. 1806: Mr. BISHOP of New York.

H.R. 2037: Mrs. DAVIS of California, Mr. SHERMAN, Mr. BISHOP of New York, and Mrs. MUSGRAVE.

H.R. 2051: Mr. RAMSTAD.
H.R. 2178: Mr. FARR, Mr. GUTIERREZ, Ms. KAPTUR, Mr. HONDA, Mr. MILLER of North Carolina, Mrs. CAPPS, Ms. PELOSI, Mr. SANDERS, Mr. KENNEDY of Rhode Island, and Mr. KANJORSKI.
H.R. 2231: Mr. WELDON of Pennsylvania, Mr. ETHERIDGE, Mr. BEAUPREZ, Mr. BACHUS, Mr. JOHNSON of Illinois, Mr. WATT, Ms. MATSUI, Mr. AL GREEN of Texas, and Mr. SALAZAR.
H.R. 2305: Mr. BISHOP of New York.
H.R. 2306: Ms. CORRINE BROWN of Florida and Ms. BERKLEY.
H.R. 2369: Mr. MURTHA, Mr. HALL, and Mr. ALLEN.
H.R. 2421: Mr. TOWNS and Mr. MURTHA.
H.R. 2561: Mr. KUHL of New York and Mrs. MCCARTHY.
H.R. 2567: Mr. MURTHA.
H.R. 2717: Mr. EDWARDS.
H.R. 2730: Mr. ISRAEL, Mr. MEEKS of New York, Ms. HERSETH, Mr. BROWN of Ohio, Mr. BOYD, Mr. LINDER, Mrs. DAVIS of California, Mr. FRANKS of Arizona, Mr. DAVIS of Alabama, and Mr. BISHOP of Georgia.
H.R. 2828: Ms. MCCOLLUM of Minnesota and Mr. JEFFERSON.
H.R. 3255: Mr. SIMMONS and Mr. PRICE of Georgia.
H.R. 3284: Mr. SMITH of Washington.
H.R. 3407: Mr. ANDREWS.
H.R. 3427: Mrs. JOHNSON of Connecticut and Mr. REYNOLDS.
H.R. 3478: Mr. DANIEL E. LUNGREN of California and Mr. PEARCE.
H.R. 3540: Mr. MORAN of Virginia.
H.R. 3547: Mr. ENGLISH of Pennsylvania.
H.R. 3584: Ms. WOOLSEY and Mr. MARKEY.
H.R. 3616: Mr. SANDERS.
H.R. 3658: Ms. JACKSON-LEE of Texas.
H.R. 3702: Mr. REYES.
H.R. 3836: Mr. SOUDER.
H.R. 3858: Mr. GALLEGLY and Ms. DEGETTE.
H.R. 3949: Mr. BARROW, Mr. GONZALEZ, and Mr. CONYERS.
H.R. 4042: Mrs. JO ANN DAVIS of Virginia.
H.R. 4063: Mr. PITTS.
H.R. 4098: Mr. EVERETT.
H.R. 4183: Mr. ABERCROMBIE.
H.R. 4188: Ms. MATSUI and Mr. CUMMINGS.
H.R. 4197: Mr. MCGOVERN.
H.R. 4211: Ms. MCKINNEY.
H.R. 4217: Mr. BRADLEY of New Hampshire.
H.R. 4236: Mr. MARSHALL.
H.R. 4239: Mr. CHOCOLA and Mr. NORWOOD.
H.R. 4381: Mr. BOUSTANY, Mr. JONES of North Carolina, and Mr. BURGESS.
H.R. 4416: Mr. SANDERS, Mrs. LOWEY, Ms. HARRIS, and Mr. BLUMENAUER.
H.R. 4450: Mr. FEENEY and Mr. HOEKSTRA.
H.R. 4452: Ms. LINDA T. SÁNCHEZ of California and Mr. VAN HOLLEN.
H.R. 4469: Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. GRIJALVA, Ms. ROYBAL-ALLARD, Mr. CONYERS, Ms. LINDA T. SÁNCHEZ of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. NAPOLITANO, Mr. GUTIERREZ, Mr. ORTIZ, Mr. PASTOR, Mr. GONZALEZ, Mr. CUELLAR, Mr. BACA, Mr. SERRANO, Mr. DOGGETT, Mr. BROWN of Ohio, and Mr. STARK.
H.R. 4550: Mrs. WILSON of New Mexico, Ms. MCCOLLUM of Minnesota, and Mr. STARK.
H.R. 4576: Mr. WICKER.
H.R. 4597: Mr. BURGESS, Mr. SESSIONS, Mr. EDWARDS, Mr. HEFLEY, Mr. BONILLA, and Ms. BERKLEY.
H.R. 4600: Mr. LANTOS and Ms. WOOLSEY.
H.R. 4621: Mr. SOUDER.
H.R. 4651: Mr. LANGEVIN.
H.R. 4730: Mr. WEXLER and Mr. WOLF.
H.R. 4740: Mr. CASTLE.
H.R. 4747: Mr. MOORE of Kansas, Mr. DAVIS of Illinois, Mrs. TAUSCHER, Ms. WOOLSEY, Mr. RUSH, Mrs. MALONEY, Mr. TOWNS, Mr. LYNCH, Mr. BOEHLERT, Mr. CARDIN, Mr. CUMMINGS, Mr. OBERSTAR, Mr. LANTOS, Mr. FRANK of Massachusetts, Mr. ALLEN, Mr. WYNN, Mr. ENGLISH of Pennsylvania, Mr. THOMPSON of Mississippi, Ms. WATSON, Mr. GERLACH, Mr. KING of New York, and Mr. HOLDEN.
H.R. 4751: Mr. WELDON of Pennsylvania, Mr. PETERSON of Pennsylvania, and Mr. HAYES.
H.R. 4755: Mr. SCOTT of Georgia, Mr. FERGUSON, Mr. LEWIS of Georgia, Mr. SHUSTER, and Mr. TERRY.
H.R. 4761: Mr. THOMPSON of Mississippi.
H.R. 4824: Mr. MOORE of Kansas.
H.R. 4843: Ms. HERSETH.
H.R. 4859: Mr. CASTLE.
H.R. 4873: Mr. LANGEVIN.
H.R. 4903: Ms. ZOE LOFGREN of California.
H.R. 4913: Mr. BARTLETT of Maryland and Mr. PAUL.
H.R. 4945: Mr. CARDIN.
H.R. 4974: Mr. JINDAL, Mr. LINDER, and Mr. HENSARLING.
H.R. 4985: Mr. HERGER.
H.R. 4992: Mr. WEXLER and Mr. REYES.
H.R. 5005: Mr. MARSHALL.
H.R. 5013: Mr. MCCRERY, Mr. PICKERING, Mr. NEY, Mr. HOLDEN, and Mr. STEARNS.
H.R. 5022: Ms. HERSETH and Mr. SANDERS.
H.R. 5047: Ms. MCKINNEY.
H.R. 5056: Mrs. MILLER of Michigan, Mr. DAVIS of Kentucky, Mrs. BIGGERT, Mr. MCCAUL of Texas, Mrs. KELLY, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 5058: Mr. MOORE of Kansas.
H.R. 5072: Mr. GRAVES.
H.R. 5099: Mr. BISHOP of Georgia and Mrs. MUSGRAVE.
H.R. 5106: Mr. BACA, Ms. SOLIS, Mr. SERRANO, Mr. GONZALEZ, Mr. BECERRA, Mr. MCGOVERN, and Mr. FRANK of Massachusetts.
H.R. 5108: Mr. AL GREEN of Texas, Mr. CARTER, Mr. CULBERSON, Mr. BONILLA, Mr. BURGESS, Mr. CONAWAY, Mr. SESSIONS, Mr. MCCAUL of Texas, Mr. DELAY, Mr. BARTON of Texas, Ms. JACKSON-LEE of Texas, Mr. GENE GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAUL, Mr. ORTIZ, Mr. REYES, Mr. DOGGETT, Mr. NEUGEBAUER, Mr. GOHMERT, Mr. THORNBERRY, Mr. BRADY of Texas, Mr. MARSHALL, Mr. SAM JOHNSON of Texas, Ms. GRANGER, Mr. HALL, Mr. HENSARLING, Mr. CUELLAR, Mr. GONZALEZ, Mr. HINOJOSA, Mr. EDWARDS, and Mr. SMITH of Texas.
H.R. 5121: Mr. FORTUÑO, Mrs. CAPITO, Ms. GINNY BROWN-WAITE of Florida, Mr. ISRAEL, Mr. PEARCE, Mr. LATOURETTE, Mr. ROSS, Mr. DAVIS of Kentucky, Mr. FOLEY, Mr. PORTER, Mr. RENZI, Mr. NEUGEBAUER, Mrs. JO ANN DAVIS of Virginia, Mr. ANDREWS, Mr. SANDERS, Ms. PRYCE of Ohio, and Mr. FEENEY.
H.R. 5134: Mr. FRANK of Massachusetts, Mr. BISHOP of Utah, Mr. DAVIS of Tennessee, Mr. BISHOP of Georgia, Mr. MILLER of North Carolina, Mr. PEARCE, and Mr. SANDERS.
H.R. 5145: Mr. GIBBONS.
H.R. 5147: Mr. DEFAZIO, Mr. OWENS, Mrs. MALONEY, Mr. PAYNE, Mr. ROTHMAN, Mr. MCGOVERN, and Ms. WOOLSEY.
H.R. 5149: Mr. SAXTON, Mr. RANGEL, and Mr. COSTA.
H.R. 5170: Mr. DAVIS of Kentucky.
H.R. 5171: Mr. BROWN of Ohio and Mr. RYAN of Ohio.
H.R. 5182: Mr. HINOJOSA, Mr. PETERSON of Minnesota, Mr. BACHUS, Mr. DOGGETT, Mr. BISHOP of Georgia, Ms. HERSETH, Mr. RAHALL, Mr. HOYER, Mr. UDALL of Colorado, Mr. RAMSTAD, Mr. TERRY, Ms. FOXX, Mr. MOLLOHAN, Mr. KUHL of New York, Mrs. CAPITO, Mr. RYAN of Ohio, and Mr. FORTENBERRY.
H.R. 5190: Mr. CUMMINGS, Mr. WYNN, Mr. JEFFERSON, and Mr. GONZALEZ.
H.R. 5201: Mr. STARK, Mr. MEEKS of New York, Mrs. MALONEY, Ms. SLAUGHTER, Mr. KING of New York, and Mr. SHUSTER.
H.R. 5206: Mr. BEAUPREZ, Mr. SANDERS, Mrs. MCCARTHY, Mr. ROTHMAN, and Mr. MCINTYRE.
H.R. 5220: Mr. HULSHOF.
H.R. 5229: Mr. FRANK of Massachusetts, Mr. MCNULTY, Mr. SAXTON, Mr. BROWN of South Carolina, Mr. LANTOS, Mr. KILDEE, and Ms. MATSUI.
H.R. 5230: Mr. HOEKSTRA.
H.R. 5252: Mr. BACA, Mr. DAVIS of Tennessee, Mr. BARROW, Mr. HAYES, Mr. MACK, and Mr. BISHOP of Georgia.
H.R. 5255: Mr. MILLER of Florida, Mr. ROGERS of Alabama, and Mr. NORWOOD.
H.R. 5262: Mr. LEWIS of Kentucky, Mr. BURTON of Indiana, Ms. GINNY BROWN-WAITE of Florida, Mr. SIMPSON, and Mr. SESSIONS.
H.R. 5278: Mr. MILLER of Florida, Mr. CHOCOLA, and Mr. TERRY.
H.R. 5280: Mr. LATHAM.
H.R. 5286: Mr. OBERSTAR, Mr. CROWLEY, and Mr. MCHUGH.
H.R. 5291: Ms. GINNY BROWN-WAITE of Florida, Mr. SESSIONS, and Mr. JINDAL.
H.R. 5318: Mr. CHABOT.
H.R. 5319: Ms. GINNY BROWN-WAITE of Florida.
H.R. 5333: Mr. SMITH of New Jersey, Ms. NORTON, Mr. CARNAHAN, Mr. MICA, and Mr. SMITH of Washington.
H.R. 5336: Mrs. JO ANN DAVIS of Virginia.
H.R. 5339: Mr. GRIJALVA and Mr. WELDON of Pennsylvania.
H.R. 5341: Mr. FEENEY, Mr. PAUL, and Mr. MCHENRY.
H.R. 5348: Mr. FRANK of Massachusetts, Mr. TOWNS, and Mr. WAXMAN.
H.R. 5351: Mr. WELDON of Pennsylvania, Mr. SMITH of Texas, Mr. MCCOTTER, Mr. BRADY of Texas, Mr. CRENSHAW, Ms. JACKSON-LEE of Texas, Ms. HARRIS, Mr. ANDREWS, Mrs. LOWEY, and Mr. DENT.
H.R. 5368: Mr. WELLER.
H.R. 5373: Mr. PETERSON of Minnesota.
H.R. 5382: Mr. BROWN of Ohio.
H.R. 5383: Ms. BORDALLO, and Mr. CONYERS.
H.R. 5388: Ms. DEGETTE, Mr. HIGGINS, and Mr. CUMMINGS.
H.J. Res. 39: Mr. BARROW, Mrs. JO ANN DAVIS of Virginia, Mr. DAVIS of Kentucky, and Mr. GOODE.
H.J. Res. 53: Mr. MCCOTTER.
H. Con. Res. 336: Mr. CONYERS.
H. Con. Res. 346: Ms. LORETTA SANCHEZ of California, Mr. STEARNS, Mr. TERRY, Mr. BARTON of Texas, and Mr. MCCAUL of Texas.
H. Con. Res. 348: Ms. CARSON.
H. Con. Res. 384: Ms. WATERS, Mr. DAVIS of Alabama, Mr. WEXLER, Mr. EVANS, Ms. MILLENDER-MCDONALD, and Mr. LANTOS.
H. Con. Res. 393: Mr. BROWN of Ohio.
H. Con. Res. 401: Mr. VAN HOLLEN, Mr. BROWN of Ohio, Ms. KAPTUR, Mr. WAXMAN, Mr. DOGGETT, Mr. JEFFERSON, Mr. HINCHEY, Mr. STRICKLAND, Mr. LARSON of Connecticut, Mr. DELAHUNT, Mr. WYNN, Ms. JACKSON-LEE of Texas, Mr. MCNULTY, and Mr. MCDERMOTT.
H. Res. 230: Mr. PAUL and Mr. LEACH.
H. Res. 490: Ms. CARSON and Mr. GONZALEZ.
H. Res. 526: Mr. SHERMAN.
H. Res. 690: Mr. COLE of Oklahoma.
H. Res. 723: Ms. BERKLEY and Mr. KUCINICH.
H. Res. 749: Mr. RUSH.
H. Res. 760: Mr. HIGGINS and Mrs. MCCARTHY.
H. Res. 773: Mr. RANGEL.
H. Res. 777: Mr. OWENS, Mr. HASTINGS of Florida, Mrs. MCCARTHY, and Mr. RUSH.
H. Res. 785: Mr. YOUNG of Florida, Ms. DEGETTE, and Mr. KUCINICH.
H. Res. 790: Mr. GRIJALVA and Mr. HASTINGS of Florida.
H. Res. 795: Mr. FORTENBERRY.
H. Res. 804: Mr. AKIN, Mr. MCNULTY, Mr. BURTON of Indiana, Ms. HART, Mr. FERGUSON, Mr. MCGOVERN, Mr. CANTOR, and Mr. GORDON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 2567: Ms. BALDWIN.

AMENDMENTS

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

H.R. 5386

OFFERED BY: MR. PALLONE

AMENDMENT NO. 3: At the end of the bill (before the short title) insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available in this Act may be used to promulgate in final form, issue, implement, or enforce the Environmental Protection Agency's Toxics Release Inventory Burden Reduction Proposed Rule published in the Federal Register on October 4, 2005 (Volume 70, Number 191) at pages 57822 and following or the Toxics Release Inventory 2006 Burden Reduction Proposed Rule published in the Federal Register on October 4, 2005 (Volume 70, Number 191) at pages 57871 through 57872.

H.R. 5386

OFFERED BY: MR. CHABOT of Ohio

AMENDMENT NO. 4: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to plan, design, study, or construct a forest development road in the Tongass National Forest for the purpose of harvesting timber by private entities or individuals.

H.R. 5386

OFFERED BY: MR. BEAUPREZ

AMENDMENT NO. 5: In title III of the bill under the heading ''WILDLAND FIRE MANAGEMENT (INCLUDING TRANSFER OF FUNDS)'', insert after the first dollar amount the following: ''(increased by $28,700,000)''.

In title III of the bill under the heading ''NATIONAL ENDOWMENT FOR THE ARTS—GRANTS AND ADMINISTRATION'', insert after the first dollar amount the following: ''(reduced by $30,000,000)''.

H.R. 5386

OFFERED BY: MR. RAHALL

AMENDMENT NO. 6: At the end of the bill (before the short title) insert the following new section:

SEC. _____. LIMITATION ON USE OF FUNDS FOR SALE OR SLAUGHTER OF FREE-ROAMING HORSES AND BURROS.

None of the funds made available by this Act may be used for the sale or slaughter of wild free-roaming horses and burros (as defined in Public Law 92–195).

H.R. 5386

OFFERED BY: MRS. MUSGRAVE

AMENDMENT NO. 7: At the end of the bill (before the short title), add the following:

TITLE ____—ADDITIONAL GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. ____. None of the amounts made available in this Act may be used for review or study by the United States Geological Survey of Preble's meadow jumping mouse (Zapus hudsonius preblei) or of any subspecies of such species.

H.R. 5386

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 8: Page 28, line 14, strike ''; and of which'' and all that follows through ''*Provided further*,'' on line 22.

H.R. 5386

OFFERED BY: MR. MEEHAN

AMENDMENT NO. 9: At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. No funds appropriated under this Act may be used to finalize, issue, implement, or enforce the proposed policy of the Environmental Protection Agency entitled ''National Emissions Standards for Hazardous Air Pollutants'', Docket ID No. EPA–HQ–OAR–2004–0094 or any proposed or final rulemaking or policy change replacing the policy described in the May 16, 1995 EPA memorandum (''Potential to Emit for Maximum Achievable Control Technology (MACT) Standards—Guidance on Timing Issues,'' May 16, 1995, from John Seitz, Director, Office of Air Quality Planning and Standards, to EPA Regional Air Division Directors).

H.R. 5386

OFFERED BY: MR. CANNON

AMENDMENT NO. 10: Page 46, line 8, after the dollar amount insert ''(reduced by $18,000,000)''.

Page 47, line 1, after the first dollar amount insert ''(increased by $16,000,000)''.

H.R. 5386

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 11: Under ''MINERALS MANAGEMENT SERVICE—ROYALTY AND OFFSHORE MINERALS MANAGEMENT'', after the first dollar amount insert ''(increased by $1,000,000) (reduced by $1,000,000)''.

H.R. 5384

OFFERED BY: MR. GUTKNECHT

AMENDMENT NO. 13: At the end of the bill (before the short title), insert the following new section:

SEC. 7___. (a) LIMITATION ON USE OF FUNDS.—None of the funds appropriated or otherwise made available by this Act shall be used to implement the limitation in section 720 of this Act.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amounts otherwise provided by this Act are revised by reducing the amount made available for ''AGRICULTURAL RESEARCH SERVICE—BUILDINGS AND FACILITIES'' and the amount made available for ''COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—RESEARCH AND EDUCATION ACTIVITIES'' by $65,319,000 and $16,681,000, respectively.

H.R. 5384

OFFERED BY: MR. JOHNSON OF ILLINOIS

AMENDMENT NO. 14: Page 82, after line 14, insert the following:

SEC. 853. The Secretary of Agriculture shall request the Institute of Medicine of the National Academy of Sciences to conduct a study of the specific food consumption and the nutritional value of foods purchased by households that participate in the food stamp program. The National Academy of Sciences shall issue recommended guidelines based on the results of the study for the creation of a nutritional food list for use by such households for potential food purchase incentives.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, WEDNESDAY, MAY 17, 2006 No. 61

Senate

The Senate met at 9:15 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 Lord, the giver of life, teach us how to become our best selves. Activate us with noble impulses that will produce helpful speech and faithful actions. Lead us ever on the side of the gracious and good as we strive to be instruments of Your peace.

Today, sustain our Senators through the challenges they face. Infuse them with the humility that will motivate them to serve. May their thoughts, words, and deeds be acceptable to You.

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.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. GREGG. Mr. President, this morning, on behalf of the leader, let me make a statement.

This morning we will immediately return to the consideration of the comprehensive immigration bill. Senators KYL and CORNYN have an amendment pending on which we hope to get a short time agreement. Senators have had overnight to review the language, and I expect us to lock in a time certain for a vote.

The chairman has been working on a lineup of amendments, and the leader encourages Senators to be ready with amendments when it is their time. We want to keep the bill moving, and the leader anticipates votes throughout the day.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

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

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

The legislative clerk proceeded to call the roll.

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

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

CONGRESSIONAL OVERSIGHT OF THE NSA PROGRAM

Mr. REID. Mr. President, last week USA Today reported that the Bush administration may be collecting the phone records of millions of Americans. The administration's efforts to monitor activities of American citizens appeared to be far broader than President Bush had previously acknowledged.

Not surprisingly, Democratic and Republican Members of Congress have expressed concerns about this report and indicated they have sought more information about this program. Several Members made it clear that General Hayden would be required to answer questions about this program as part of his confirmation process.

Late yesterday, the Senate was informed that the administration agreed to brief all members of the Senate Intelligence Committee on the President's authorization of NSA warrantless surveillance programs, including clarifying whether the reports in USA Today are accurate. This new overture to the Senate on one aspect of the administration's overall efforts is a welcome development. I hope this action has more to do with a newfound interest to keep Congress fully informed than about its concerns regarding their nomination for CIA Director. I am surprised it has taken so long, and so much tugging and pulling, to get the administration to at least this point. It is, quite simply, required by law under the National Security Act of 1947 and by the Senate's own rules. So it really is about time.

Chairman ROBERTS approached me on the floor yesterday to tell me about these new developments. The Senator from Kansas and I have had our differences and will continue to have those differences over the conduct of the Intelligence Committee's investigation of the administration's misuse of intelligence on Iraq. Senator ROBERTS and I spent many good years together as the chairman and vice chairman, back and forth—whatever the leadership was in the Senate—on the Ethics Committee. We had a good relationship. That is going to override all the negativity we have had on this Intelligence Committee stonewalling we have had.

In the instance about this NSA wiretapping, I appreciate Chairman ROBERTS' acknowledgment that the Senate needs more information on these programs and the role the President has played in this. I appreciate very much the work by the Chairman and the hard work by Vice Chairman ROCKEFELLER to step forward to allow all members of the Intelligence Committee to know what is going on or attempt to get to know what is going on. It is important

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

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for everyone in this Chamber and for the administration to recognize that this briefing on this single issue is very necessary but not sufficient for the American people to have confidence that their Government is not only protecting them from terrorists but also respecting their constitutional rights.

Clearly, Senators need to know a lot more about the domestic surveillance program, and I hope today's briefing accomplishes that objective. But just as clearly, Senators need to know a lot more about other important issues: misuse of intelligence, selective leaking, damage to the CIA.

I hope the administration's offer yesterday is the first of their efforts to inform Congress, not the last.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2611, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2611) to provide for comprehensive immigration reform and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Kyl amendment No. 4027, to make certain aliens ineligible for adjustment to lawful permanent resident status or Deferred Mandatory Departure status.

Mr. SPECTER. Mr. President, I think we made good progress yesterday. We just had a brief discussion in the well of the Senate. I believe we are prepared to proceed.

I ask unanimous consent that we next take up the Kyl-Cornyn amendment, with no second-degree amendments in order, with 30 minutes equally divided.

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

Mr. SPECTER. Mr. President, I further ask unanimous consent that the amendments beyond Kyl-Cornyn be as follows—Senator SESSIONS, Senator VITTER, Senator OBAMA, and Senator INHOFE. I ask unanimous consent that sequence be agreed to.

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

Mr. MCCAIN. Mr. President, will the manager yield for a question?

Mr. SPECTER. Yes.

Mr. MCCAIN. How soon does the manager anticipate voting on Kyl-Cornyn?

Mr. SPECTER. At 10:01.

Mr. MCCAIN. I thank the Senator.

Mr. SPECTER. Mr. President, may we proceed with the final argument on Kyl-Cornyn?

AMENDMENT NO. 4027

The PRESIDENT pro tempore. The amendment is pending. Who yields time?

The Senator from Texas has 15 minutes.

Mr. CORNYN. Mr. President, it looks like we are beginning to make some progress. About 4 weeks ago, this amendment was introduced in its original form, and unfortunately debate was derailed. We were unsuccessful in moving on for further amendments and debate. Fortunately, it looks as if things have gotten back on track. We are starting to see votes and debate on amendments. I don't necessarily like the way all of the votes are turning out, but this is the Senate and majority rules and I accept that.

All of us who are interested in comprehensive immigration reform want to see this bill continue to move, to have amendments laid down, debated, and have them voted on. I am very pleased that it appears that we are very close to having, if not unanimous agreement, at least majority support on a bipartisan basis for the amendment that Senator KYL and I laid down about a month ago and which has now been modified slightly to bring more people on board.

This amendment, quite simply, is designed to make sure that convicted felons and people who have committed at least three misdemeanors do not get the benefit of the legalization track contained in the underlying bill, whatever it may be. There will be other amendments later on that perhaps won't share the same sort of bipartisan and majority support. But this one at least seems to have gathered a solid group of Senators to support it.

In addition to convicted felons, those who have committed at least three misdemeanors would not be given the benefit of earned legalization under the bill. It would also exclude absconders. By that, I mean people who have actually had their day in court and have been ordered deported from the country but have simply gone underground, hunkered down in the hope they might be able to stay.

There have been some motions made regarding this amendment for waiver by the Secretary of the Department of Homeland Security for extraordinary circumstances. For example, if someone is able to establish that they didn't actually get notified, then as a matter of fundamental due process considerations they ought to be able to revisit that and to show that they did not get notice of the removal proceedings. We agreed that would be a fair basis to waive this provision.

Finally, it also appears that the other basis for waiver would be if the alien's failure to appear was due to exceptional circumstances beyond the control of the alien—a very narrow exception; and, finally, if the alien's departure from the United States 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 permitted to have permanent status.

We move it in the right direction. It is a fundamentally fair and commonsense amendment. I am pleased to support it and announce what appears to be a growing consensus that it should be accepted.

I reserve the remainder of our time.

The PRESIDENT pro tempore. Who yields time?

Mr. KENNEDY. Mr. President, I yield such time as the Senator from Arizona may need.

The PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, for the benefit of my colleagues, I would like to point out that we spent the better part of yesterday negotiating with Senator KYL and Senator CORNYN, along with Senator KENNEDY and others, a group of us. We have been trying to modify the original Kyl-Cornyn amendment so that it would be broadly acceptable. I think we have succeeded, thanks to the goodwill of all parties concerned.

Fundamentally, the purpose, which we are all in agreement with, is we don't want people who are convicted felons or criminals guilty of crimes to be eligible for citizenship in this country. We have enough problems without opening up that avenue. Yet, at the same time, we didn't want to go too far to exclude people from eligibility for citizenship who, frankly, may have committed incidental crimes or the crime was associated with their attempt to enter this country.

For example, in order to obtain asylum, when people flee oppressive and repressive regimes in which their lives are at risk, and they had to use a bogus or counterfeit document in order to expedite their entrance into this country, of course, we don't think that should make them ineligible for citizenship or application for citizenship.

I think we have reached a careful balance. There are categories of people under conditions of extreme hardship or danger who are seeking asylum and would be exempted, but at the same time the thrust of the Kyl-Cornyn amendment, which is the prevention of people who have committed felonies and numbers of misdemeanors and other crimes would not be eligible for a path to citizenship as outlined in the legislation that would apply to the others who have not committed crimes.

I am aware there is some concern about this on both sides of this issue. I want to assure everyone that this is the product of a long, arduous series of negotiations and discussions among all involved in this issue.

I hope there is an understanding that we have come up with what most of us think is a reasonable compromise to address very legitimate concerns on both sides. People who are fleeing oppression may have used a bogus document, and on the other side of the coin, obviously, someone who has committed

serious crimes or a series of misdemeanors we would not want to have them eligible for citizenship.

I thank Senators KYL, CORNYN, KENNEDY, and others who have actively negotiated and come up with what we agree is a reasonable compromise.

By the way, that is the trademark of the progress of this legislation. That gives me optimism that we will be able to successfully conclude it in a reasonable period of time.

I yield the floor.

The PRESIDENT pro tempore. Who yields time?

Mr. KENNEDY. Mr. President, I yield such time as the Senator from South Carolina needs.

Mr. GRAHAM. Mr. President, I would like for a moment to showcase the staff of all Senators involved who have been working for hours to try to get this right. It is important to get this right. For me, this is sort of the model for where we go from here as a Nation and how we address immigration issues. Senator KENNEDY and his staff have been terrific.

The goal, as Senator MCCAIN said, was to make sure that our country is assimilating people who potentially add value to our country. If you are a thug, if you are a crook, if you are a murderer or a rapist or a bunco artist or a felon, you don't really add any value, and the only person you can blame is yourself. So I have no sympathy for your cause because your misconduct, your mean, hateful, cheating behavior has disqualified you—and too bad. You don't add value.

With three misdemeanors, as defined in the bill and as we have it under Kyl-Cornyn, you have had one chance, two chances, and the third time you are out. You have nobody to blame but yourself.

I think every Democrat and every Republican should come to grips with the idea that when we give people a second chance—whatever you want to call this process we are about to engage upon—there are certain people who do not get that second chance based upon what they did, either once or three times.

I think that is a good addition to this bill. It expands the base bill, and Kyl-Cornyn has done a good service to the body in that regard. But there is another side of this story. It is a group of people who haven't committed crimes other than violating immigration laws—nonviolent crimes or who, as Senator MCCAIN said, is one step ahead of a death squad in some bad part of the world and have come here to start a new life.

On the civil side, there is a group that split—the absconders. If you have been given an immigration deportation order and you just ignore it, then you are not subject to being eligible either because you have had your day in court. You lose and there is no use retrying your case.

However, if you fall into a category of people who had no knowledge or notice of the order for deportation, then it is not fair to hold you accountable to comply with something you didn't know about. So we are going to look at that case anew.

Within that population of people who have been issued deportation orders, some of the people we are talking about come to our country one step ahead of death squads or repressive governments. A humanitarian argument could be made in a few cases that we are going to listen to. For that small group of people, we will have a waiver requirement. We will waive the ineligibility if to deport you would reenforce a system that would have led to a tragedy.

If you had not gotten into the program using fraudulent documents—if I had to choose between my family's demise or forging a document to get away from a oppressive government, I would forge the document. I am willing to give those folks a chance to make the case that they add value.

On the humanitarian side, if you have a child or a member of a family who is an American citizen and you receive a deportation order, I am willing to allow a case to be made that it is not in the best interests of this country or justice to break up that family. There is a limited class of cases. That is just as important to me as dealing with the criminal because if you can't deal with hard cases that have some a sympathetic element, then you have hardened your heart as a body.

I don't mind telling a criminal: Too bad, you have nobody to blame but yourself. But I am proud of the body listening to people who deserve to be listened to and creating a waiver process that will bring about a just result and to allow people to add value to the country if they can prove they can.

Senator KYL and Senator CORNYN have been great to work with. I hope we get nearly 100 votes. I say to Senator KENNEDY's staff, it would not have been possible without you.

This body should be proud of this product because you break people into groups because of what they did in their individual circumstances. To me, that has been part of immigration reform. One size does not fit all.

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank Senators KENNEDY, KYL, and CORNYN, as well as Senator MCCAIN and those who are responsible for putting this together.

This is a dramatic improvement over the original version of this amendment.

I associate myself with the remarks of the Senator from South Carolina. I think of these laws and amendments in human terms that we deal with every day in our Senate offices. Almost 80 percent of all of the case work requests for help that we receive in my offices in Illinois relate to immigration. Every day, we have new situations and new family challenges that we are forced to confront. Some of them are heartbreaking.

I think specifically of the Benitez family in Chicago. Mr. Benitez is an American citizen. He works hard. He has lived in this country for many years. He is a wonderful man. I see him in downtown Chicago regularly when I am going around. It is always good to see such a fine man who has worked so hard and who really believes in his family. His wife came to this country on a visa, overstayed the visa, married him, and continued to live in the United States undocumented. They have four children. Mr. Benitez and his four children are all American citizens.

The mother of his undocumented wife died in Mexico. She went back to Mexico to the funeral of her mother. When she came back into the country, she was stopped at the border. Because of that, she has had an outstanding order of deportation. She made it back to the United States in an undocumented status with an outstanding order for deportation.

Is it justice in this case that this woman would somehow be deported from the United States at this moment if her husband and four children, all American citizens, are living here? They are good people, working hard, paying their taxes, speaking English, doing everything we ask of them. That is not fair.

We have added in this amendment an opportunity for Mrs. Benitez to appeal for a humanitarian waiver for family circumstances. The language of this amendment bears repeating so the intent is clear. We give to those aliens who would be subject to deportation an opportunity to petition in cases of extreme hardship if the alien spouse, parent, or child is a citizen of the United States or an alien lawfully admitted for permanent residence.

We have created a family unification, humanitarian waiver, nonreviewable, but at least it gives Mrs. Benitez and people like her a chance to say: Let me keep my family together. Let me stay in the United States. Give me a chance to become legal.

That is sensible. That makes good sense. I am glad Senators CORNYN and KYL have agreed to this and we have come together. There are some people who will not be protected, those subject to orders of deportation who are currently single and do not have any relatives within the United States who would qualify under these provisions. This may not apply to them. But certainly for the family circumstance I just described, this humanitarian waiver is on all fours. This affects these families in a very positive way and gives them the chance they have been praying for for so long.

I commend Senator KENNEDY and all who brought this together.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator will note that only 3 minutes remain. There was 15 minutes per side, and the time remaining is 3 minutes on the Democratic side.

Mr. KENNEDY. Mr. President, would the Senator from Texas yield me a couple of minutes on his time?

Mr. CORNYN. I would be happy to.

Mr. KENNEDY. I thank the Senator.

Mr. President, just so the membership has a good understanding of where we are, I will summarize this provision. I thank Senator CORNYN and Senator KYL for working with us, and Senator GRAHAM and Senator MCCAIN for their great help and assistance, and my wonderful assistant, Esther, for all of her good work. Senator DURBIN has illustrated the human terms which are involved in this issue as well.

Let me very quickly point out what the language provides. People should understand now what the sense of this whole proposal is about. We want to keep those who can harm us, the criminal element, out of the United States or for the consideration of being able to adjust status and be able to continue to work and live here. Those who can benefit the United States ought to be able to remain.

This is what we were attempting to do with this particular language. That is more complicated than it might seem.

Effectively, the Kyl-Cornyn amendment would make the various classes of aliens ineligible for the earned legalization program: Any person who is issued a removal order, failed to deport, or deported and subsequently returned; any person who was ordered to leave the country under the visa waiver program is subject to expedited removal; any person who fails to depart under a voluntary departure agreement; any person convicted of a serious crime inside or outside the United States; any person who has been convicted of a felony, or three misdemeanors.

That is the operative aspect of the amendment. The compromise reached yesterday strengthens the waiver so that aliens under the final orders of removal will still be eligible for earned legalization if they did not receive a notice of their immigration hearing, obviously, through no fault of their own—we know what the agency itself has missed, as the GAO report indicated—or it is established they failed to appear at their hearing because of exceptional circumstances, which are certainly understandable; or, three, that they can establish extreme hardship to their spouse or child or parent who was a U.S. citizen or a lawful permanent resident. Senator DURBIN gave the excellent examples of that provision. Those are the kinds of examples we are all familiar with in the Senate.

The waivers are available to immigrants who entered without inspection or those who fell out of status or who used false documents but not to criminal aliens or aggregated felons. We believe the waiver will cover many of the current undocumented who otherwise would be excluded under the original Kyl-Cornyn amendment.

We believe it is important progress. It is not the way, certainly, some Members would have drafted this proposal, but we understand the concerns that have been expressed by the proponents. We believe this is language which will for all intents and purposes treat individuals fairly, welcome those who should be welcome and exclude those who should be excluded.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. I ask unanimous consent Senator LANDRIEU be added as a cosponsor to this amendment.

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

Mr. KYL. Mr. President, I will take a moment, before we vote to again thank the folks I thanked last night: Senator KENNEDY; Senator MCCAIN; my colleague, Senator CORNYN, who worked on this amendment for a long time; and Senator LINDSEY GRAHAM, among others, for working together to arrive at a consensus on how this amendment should be drafted, to achieve the things the Senator from Massachusetts was just talking about.

We all agree on the significant benefits that can result from legislation of this kind, including, potentially, citizenship, for a lot of people. It should be limited to those who came here and otherwise worked honestly in this country, and it should never be available to those who have deliberately abused our laws, our process, or been convicted of serious crimes. As a result of this amendment, it will make certain that benefits of the legislation, however they are ultimately defined, are not available to that class of people we do not want to count as fellow citizens when this is all over with.

I hope my colleagues will join in voting yes on the amendment. I thank my colleagues.

Mr. LEAHY. Mr. President, Senator KYL opened debate on this amendment last night by noting that when an earlier version of this amendment was offered a few weeks ago to S. 2454, it was a ''somewhat different'' amendment. I understand and appreciate this understatement, but I also appreciate that Senator KYL and his lead cosponsor Senator, CORNYN, were willing to compromise and make improvements to their original text.

I wish to express my appreciation to the Democratic leader, Senator REID. He was right to insist that the original version of the Kyl-Cornyn amendment—a much broader version that some Senators wanted to adopt almost immediately when it was introduced a few weeks ago—deserved review and should not be rushed through the Senate to score political points. He was right, as the latest version of the amendment attests. In addition, in the immigration debate prior to the April recess, Senator DURBIN recognized and described several drafting flaws in the original amendment that would have swept in hundreds of thousands of immigrants, perhaps unintentionally. With a little time, and thanks to a lot of hard work, the amendment has been significantly changed, narrowed, and improved.

Among the modifications, the amendment now includes a waiver of its provisions. It allows the Secretary of Homeland Security to waive certain conditions of ineligibility to participate in the earned legalization program in title VI of the bill. A negative impact on family members, or humanitarian concerns such as harsh conditions in the immigrant's home country, should allow participation in the earned legalization program. An alien's failure to obey an order of deportation may be based upon the alien's trepidation over leaving behind his U.S. citizen children. An immigrant may have had to use false documents to gain entry into the U.S., such as the case of an asylum seeker who is fleeing persecution.

There is a humane way to treat otherwise law-abiding immigrants. This is consistent with American values. I wish that the Kyl-Cornyn amendment could be modified further so that its exclusions were more specifically focused on criminals. That is what we have done in our bill and in underlying law.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I ask unanimous consent Senator THUNE be added as an original cosponsor of the amendment.

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

Mr. CORNYN. Mr. President, 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. CORNYN. Mr. President, we yield back the time on both sides, if Senator KENNEDY is amenable.

Mr. KENNEDY. We yield back the balance.

The PRESIDING OFFICER. Is the Senator from Texas yielding back all time?

Mr. CORNYN. That is correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—99

Akaka	Dole	Martinez
Alexander	Domenici	McCain
Allard	Dorgan	McConnell
Allen	Durbin	Menendez
Baucus	Ensign	Mikulski
Bayh	Enzi	Murkowski
Bennett	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Graham	Obama
Boxer	Grassley	Pryor
Brownback	Gregg	Reed
Bunning	Hagel	Reid
Burns	Harkin	Roberts
Burr	Hatch	Salazar
Byrd	Hutchison	Santorum
Cantwell	Inhofe	Sarbanes
Carper	Inouye	Schumer
Chafee	Isakson	Sessions
Chambliss	Jeffords	Shelby
Clinton	Johnson	Smith
Coburn	Kennedy	Snowe
Cochran	Kerry	Specter
Coleman	Kohl	Stabenow
Collins	Kyl	Stevens
Conrad	Landrieu	Sununu
Cornyn	Lautenberg	Talent
Craig	Leahy	Thomas
Crapo	Levin	Thune
Dayton	Lieberman	Vitter
DeMint	Lincoln	Voinovich
DeWine	Lott	Warner
Dodd	Lugar	Wyden

NOT VOTING—1

Rockefeller

The amendment (No. 4027) was agreed to.

Mr. KENNEDY. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, under our sequencing, we are about to go to the amendment of the distinguished Senator from Alabama, Mr. SESSIONS. We are trying to get time agreements. Senator SESSIONS believes this is a very complex and important matter, which I agree that it is, so I propound a unanimous consent request for 3 hours equally divided.

The PRESIDING OFFICER. Is there objection?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, could I, just for a moment, ask the leader to withhold the request and see if I can clear this with the leadership here? Could you withhold the request?

Mr. SPECTER. Mr. President, I do withhold the request. In the interim, while Senator KENNEDY is reviewing the matter, we can start the debate with Senator SESSIONS and look forward to counting the time, which we start now, on Senator SESSIONS' ultimate hour and a half, if we may.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, perhaps as we go forward, we can finish up in less time than that. Maybe our colleagues on the other side will yield back some time. I think this is an amendment that we need to talk about in some significant way. This amendment deals with barriers at the border. I think this is something for which there is a growing appreciation, and it is not in the bill today.

Before I go into that, let me say to my colleagues and those who may be listening that we need to spend yet more time with this legislation. It is a 614-page bill. Few of our Senators have had the opportunity to study it or to understand in any significant degree the breadth of it. There are things in it that absolutely do not represent good policy and need to be reconsidered. I hope our colleagues will do that.

The vote last night on the Bingaman amendment was a very important one. It took the maximum number of people who could enter our country under the so-called guest worker provisions from around 130 million over 20 years, at a maximum, down far below that to probably 9 million. That is in only one provision of the bill. However, I remind my colleagues that while that was one of the most egregious provisions in this entire legislation, this legislation still calls for massive increases of legal immigration into our country, even with that change we effected last night.

My staff worked hard on this, and I don't think anybody has even considered the numbers until the last week or the last few days. That analysis concludes that as the bill is now written——

Mr. SPECTER. Mr. President, if I may interrupt the Senator from Alabama to propound a unanimous consent request.

Mr. SESSIONS. I will yield if I can reclaim the floor.

Mr. SPECTER. Mr. President, I ask unanimous consent that we set a 3-hour time limit, with an hour and a half under the control of Senator SESSIONS, 45 minutes under the control of Senator KENNEDY, and 45 minutes under my control, with the time of the vote to be determined by the leaders. I do not anticipate a 1:30 vote, which would be inconvenient. We will respect Senator REID's position of taking the amendments one at a time and not setting them aside. But we can do that consistent with stacking the votes until later in the afternoon.

Starting this morning, it was hard to get all of the people in, and we started the vote a little earlier than anticipated. So we did not maintain our time structure on the first vote. But we are going to insist on observing the rule of 15 minutes and 5 minutes over, or if votes are stacked, 10 minutes and 5 minutes over, to see if we can move the bill along. So I ask unanimous consent for that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I add to that agreement no second-degree amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3979

Mr. SESSIONS. Mr. President, I call up amendment No. 3979.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for himself, Mr. SANTORUM, Mr. NELSON of Nebraska, Mr. VITTER, and Mr. BUNNING, proposes an amendment numbered 3979.

Mr. SESSIONS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To increase the amount of fencing and improve vehicle barriers installed along the southwest border of the United States)

Strike section 106, and insert the following:

SEC. 106. CONSTRUCTION OF STRATEGIC BORDER FENCING AND VEHICLE BARRIERS.

(a) TUCSON SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Tucson Sector located proximate to population centers in Douglas, Nogales, Naco, and Lukeville, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas, except that the double- or triple-layered fence shall extend west of Naco, Arizona, for a distance of 10 miles; and

(3) construct not less than 150 miles of vehicle barriers and all-weather roads in the Tucson Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(b) YUMA SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Yuma Sector located proximate to population centers in Yuma, Somerton, and San Luis, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas in the Yuma Sector; and

(3) construct not less than 50 miles of vehicle barriers and all-weather roads in the Yuma Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(c) OTHER HIGH TRAFFICKED AREAS.—The Secretary shall construct not less than 370 miles of triple-layered fencing which may include portions already constructed in San Diego Tucson and Yuma sectors and 500 miles of vehicle barriers in other areas along the southwest border that the Secretary determines are areas that are most often used by smugglers and illegal aliens attempting to gain illegal entry into the United States.

(d) CONSTRUCTION DEADLINE.—The Secretary shall immediately commence construction of the fencing, barriers, and roads described in subsections (a), (b), and (c) and shall complete such construction not later than 2 years after the date of the enactment of this Act.

(e) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress that has been made in constructing the fencing, barriers, and roads described in subsections (a), (b), and (c).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such

sums as may be necessary to carry out this section.

Mr. SESSIONS. Mr. President, I ask unanimous consent that my colleagues, Senator SANTORUM, Senator BEN NELSON, Senator VITTER, and Senator BUNNING be made original cosponsors of the amendment.

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

Mr. SESSIONS. Mr. President, my colleagues need to know that we still, after the positive step we took last night, are looking at increasing immigration into our country by a significant amount. Those totals will range, depending on how it plays out, from a minimum of 63 million to 93 million. That is 3 to 5 times the current number we now allow, and would expect to allow, over 20 years, which is 19 million people allowed to come into our country legally. This would raise that number to between 63 million and 93 million. It is better than where we were yesterday, but I still submit that it is a number that has not been carefully thought out. We have not analyzed how to do this with a number that is still too great, in my opinion.

We hear over and over that this is a guest worker proposal, it is a guest worker plan. There is nothing ''guest'' about it. Every person who comes in under this legislation, as it is now written, as it is now on the floor of the Senate, will be able to enter for a significant period of time. They will be able to apply for a green card shortly thereafter. That means you are a legal, permanent resident. After 5 years, you can apply for citizenship. So this is not temporary.

As President Bush mentioned yesterday several times—a temporary worker program—it is not temporary. It is a permanent move for people to enter our country to become citizens, and that is a matter far more significant than some have suggested to us. I think it is important for us to all know that. Please, we need to know that. Anybody who says ''temporary worker'' in discussions with the media or on the floor of the Senate ought to have their hand spanked a little bit.

Next, the legislation continues and accelerates an emphasis on low-skilled workers. All of the economists that we have heard testify in the Senate Judiciary Committee—and we have not had a lot—agreed that low-skilled workers tend to be a net drain on the economy and utilize more in Government benefits, welfare, and health care than high-skilled workers. Any program that we pass ought to emphasize high-skilled workers. This bill doesn't do that. This bill does nothing about the chain migration in which people who work their way to citizenship can bring in their parents, their brothers and sisters, adult children, regardless of the needs of the United States for workers, regardless of what skills they may have and whether we need them in the United States. Under this bill, citizenship is an automatic right. That ought to be confronted. The economists and public policy experts we have heard from raise that point and say other countries are not that way.

So this is the Senate. We are supposed to be the thoughtful branch. This is one of the most important issues this Senate has faced in decades. The people of the United States really care about this. They are concerned about it. They want us to do the right thing. That will include creating a legal system that is enforceable and will increase the number of legal immigrants into our country.

But how will we do it? Will we do it in a principled way that is helpful to our Nation's future or will we continue to willy-nilly provide, in effect, entitlements to people from all over the world to come here regardless of the needs of the United States?

Some say: We just need to pass something. Don't be nitpicky, SESSIONS, just pass something. We will get it to conference and somehow it will be fixed there.

I have my doubts about that, No. 1. No. 2, this is the Senate. We will be casting votes on this legislation, and we ought not vote for anything that we know is not good public policy.

A critical part of the immigration reform that we need to effect for our country is to make sure that our legal system, which is so utterly broken on this issue, is repaired. It needs to work. Can anyone dispute that? Today, we understand that 1 million people come into the country legally each year. The estimates are that 500,000 to 800,000 will be coming in illegally each year—almost as many legal immigrants.

I see Senator VITTER in the Chair, who is such a knowledgeable and articulate spokesman on this issue. I happened to see the mayor's debate in New Orleans last night, and Hard Ball asked them what about illegal immigrants? They had to have them to do the work in New Orleans. There was a discussion about it. What is the answer to that? Of course, you don't need illegal immigrants to do the work. Of course, if we craft a good immigration bill, when you have a crisis like Hurricane Katrina, we would be able to have temporary workers come in in whatever numbers are necessary to do that work. That is what a good bill would do.

That is a crisis that calls for an unusual amount of workers. Why don't we draft something that would actually work in that circumstance? Not anybody, no one, should come in and justify illegality. If the law is not adequate, let's fix it. The truth is, I think it is adequate today.

A critical part of moving us to an effective, enforceable, honorable, decent, legal immigration system is to send the message to the world that our border is not open, our border is closed. There are a number of ways to do that. I think that is important because we need to reach a tipping point where the people who want to come to our country know without doubt that coming here illegally is not going to be successful, and their best way to come here is to file the proper application and wait in line. Isn't that the right policy?

So how do we go from this lawless system, a system that makes a mockery of the laws of this great Nation, the United States of America, to a system that works? We send some signals and we do some things appropriately. President Bush did one of them the night before last when he said we were going to use the National Guard. That is a signal to the world that business as usual has ended, that we are going to create a legal system that works. We want him to follow through on that and with all of the other requirements that go with it. But it is a good step and a good signal, and it will help us improve that system.

Another way is to have more Border Patrol agents. We need that. We have authorized some more in this bill but not enough. It is a matter of critical importance, and we will need to fund that—the Senate and House—and not just to authorize it. Isn't that an essential part of it if we are going to change from a lawless system to a lawful system?

Another thing that we absolutely need, and every expert knows, is to increase the retention space. We have to end the catch and release. When you catch someone who comes into this country through Mexico or Canada from a country that is other than Mexico or Canada, where they are not contiguous to the United States, how do you get them home?

How do you return them? You have to put them on a boat or train or plane, and that is not always easy to do. So do you know what has been happening, friends and neighbors? They catch them around the border, and they are released on bail and asked to come back at a certain time so they can be taken out of the country. How many do you think show up to be deported? They violated the law to come here, so we release them on bail and ask them to show up so they can be deported. How laughable is that? One reporter did an analysis in one area of this system, and 95 percent did not show up. Surprise, surprise. Why do we release them? Why do we not hold them until they can be deported? Because we don't have sufficient bed space.

Part of reaching a tipping point in creating a legal system is to make sure we don't eviscerate the work of our law enforcement agents by having them turn loose the people they just went out in the desert to catch. How simple is that? But it is critical, and it is not there yet. So people who say they want a stronger border have to support, in my view, more detention spaces.

This amendment also deals with a critical component of creating a legal system that works, and that is fencing. It sends a signal that open border days are over, and it will greatly enhance

enforcement. It will pay for itself many times over the years. It is a reasonable proposal. It does not overreach. It builds on the provisions that are in the bill.

Senator KYL in committee had a number of provisions dealing with Arizona and fencing along that border. It builds on those provisions and keeps that language in the bill but provides and directs that we have 370 miles of fencing and 500 miles of barriers sufficient to keep vehicles from crossing the border. We are at a point where we need to take this step if we are serious.

The bill before us today, S. 2611, is the fundamental base bill from which we are working. Its language calls for repair and construction of additional fencing in very limited areas along the southern border, mostly in Arizona, as I just mentioned. But for the most part, this provision simply calls for the repair of fences that already exist in the Tucson and Yuma sections of Arizona.

Other than this limited amount of fencing, provisions contained in title I of this bill call only for the Secretary of the Department of Homeland Security to develop a comprehensive plan for the systematic surveillance of the border, and section 129 calls for only a study to assess the necessity, feasibility, and economic impact of constructing physical barriers along the border. Just a study.

This amendment attempts to go forward and create a real solution to the problem. It directs that the Secretary of Homeland Security construct at least 370 miles of triple-layered fencing, including the fencing already built in San Diego, and 500 miles of vehicle barriers at strategic locations along the southwest border.

These are not extreme numbers in any way. In fact, they are the numbers given to a number of Senators in a briefing a few weeks ago by Secretary Chertoff himself, President Bush's Secretary of Homeland Security. He said this is what he believes at this point in time he needs. It directs that this be done. It sends a signal to our appropriators that it should be funded, and it authorizes the President and the executive branch to go further than this and build such other fences as they may find appropriate.

We will have objections for reasons I am not sure why, but I suspect we will have objections. One of the points I have been making for some time when it comes to fixing our immigration system is that we have quite a number of Members of the House and Senate and members in the media who are all in favor of reforms and improvements as long as they don't really work. If it really makes a difference and will actually tilt the system from one that is illegal and will change the status quo and move us to a legal system, somehow, someway, there will be objections to it.

I submit that we are going to have objections to this modest proposal to build 370 miles of fencing and 500 miles of barriers according to the request of the Secretary of Homeland Security because it is going to work. That is why. We will have a lot of other reasons, such as it might send a bad signal. But good fences make good neighbors. Fences don't make bad neighbors. Go to the San Diego border and talk with the people. There was lawlessness, drug dealing, gangs, and economic depression on both sides of the border. When they built the fence and brought that border under control, the economy on both sides of the fence blossomed, crime has fallen, and it is an entirely different place and a much better place. That is just the way it is. We have to do this, and it is time to move forward.

A state-of-the-art border security system should be robust enough that it would not be easily compromised by cutting, climbing, tunneling, or ramming through with a vehicle, when combined with high-tech detection devices, motion sensors, body sensors, and seismic or subterranean sensors. A good barrier should make intrusion time consuming enough that a border unit could respond to the attempted intrusion before they are successful. That is what a fence does. To be worth our efforts, it does not need to be 100 percent impenetrable; it simply needs to improve significantly the status quo, and I am confident this amendment will do that.

Mr. President, it is great to see my colleague, Senator BEN NELSON, in the Chamber. He is dealing with a number of important issues today, but he has understood the importance of security at the border from the beginning. He has articulated clearly and effectively his vision for that and has recognized that unless we demonstrate to the world and to our own people that we have border security done first, then nothing else is going to be meaningful, and we will be right back where we were in the beginning.

I know Senator NELSON has to leave, and I am pleased to yield to him such time as we have remaining to speak on this amendment. I have been pleased to work with him on this issue.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Mr. President, I thank my colleague, the Senator from Alabama, for his incredible work on this border-security-first issue and his work on this particular amendment. It is a pleasure for me to join with him to support securing our borders.

Senator SESSIONS has made a very strong argument as to why we need to secure the border first to pursue this whole question of how do we deal with border security and with the immigration issues of those who are already here illegally.

The key is to prevent not only illegal pedestrian and vehicular traffic crossing the international border of the United States for people coming here to work, but it also includes a great concern, a growing concern about the number of people who are smuggling drugs into the United States, as well as those who are crossing the border for other illegal purposes, such as gang membership in communities across this country.

We have a multisituation with which we have to deal, but it is all handled in the same way in terms of securing the border first. Whether it is to prevent illegal people coming for purposes of work or whether it is for other purposes, most of which would be criminal in nature, we need to secure that border.

I never thought I would be proposing a security system that would include a border fence and a surveillance system that would protect our borders to the south or requiring a border study for the northern border as well. But I never expected that we would end up with the problem we have today.

If we go back to 1986 when the first amnesty bill was dealt with and President Reagan signed it and promised that the U.S. Government would continue to enforce border security, we had between 1 and 2 million people in the United States illegally. Of course, that was, by comparison to the 11 to 12 million today, a much smaller number, obviously, but a much smaller problem in terms of the numbers to deal with.

Today, the problem has continued to worsen, and as a result of the debate in the Senate and without action to secure the borders first from 3 weeks to 4 weeks ago, the number of border crossings is increasing percentagewise. The numbers continue to increase because there is an expectation that when they get here, somehow the U.S. Government, Congress, will find a way to bless it, find a way to excuse it, find a way to accept it, find a way to make it legal, and everything will be OK. That is because we haven't taken the opportunity to secure our borders first. Then, when we have those borders secured with this fence, with this barrier against pedestrian and vehicular traffic, we will be in a position to deal with the 11 to 12 million people in this country illegally and find solutions through a comprehensive approach.

My colleague has made it very clear and I believe it is very obvious that if we continue to pursue a multiapproach in the Senate, as opposed to border security, and try to solve all the problems with a do-everything bill, that if this bill then passes and goes to conference, it will be easier to square a circle than it will be to square the Senate bill with the House bill. I am not going to excuse the dealings we have with the people already here, but if we can't put the proper order in place, we are not going to be able to solve this problem. I believe that is a given.

When I first announced my border security bill last fall along with Senator SESSIONS and Senator COBURN, people across the country were talking about

securing our borders, but there wasn't any action. The truth is, that was last fall, and here we are in the spring, and there is still no action, people are still coming across the border in significant numbers. We must, in fact, focus on how to deal with this problem in a commonsense and effective way.

Sometimes it is great to talk about a comprehensive approach, and sometimes it makes a great deal of sense to talk about what might be involved in a comprehensive approach, but when we don't have a comprehensive approach on the House side—and we have to, through conference, be able to make the Senate bill work with the House version. We have to be practical and recognize that these are two, in many ways, diametrically opposed approaches and there is no real way to square them.

I believe we ought to take the approach that makes the most sense, and that is to pass a border-security-first bill, adopt this amendment, and continue to work toward securing the borders so that once we get that done, we can get a bill to the House, to conference, and we can get that accomplished, and then we can spend the time necessary to figure out how we square the problems in the United States today with people who are here illegally. Before we jump to conclusions that will enable others to come here legally or illegally, let us figure out what the needs of the United States might be for workers before we decide to allow people to come on their own initiative, whether they fit the needs that exist for workers in the United States at the present time or the future.

We don't have to be mean-spirited dealing with this issue. We don't have to be divisive among one another to solve this problem. What we have to do is apply some common sense as to what is going to work and how we can get that accomplished. If we do that, then we can sit down and work our way through the other problem we have of the President's points 1 and 2 in terms of border security. We can figure out a way, if we are going to close the back door to illegal immigration, to open the front door to legal immigration, whether it is through guest workers or emergency situations where we have emergency needs that would require workers to come in on a guest-worker basis. We can resolve those issues. We can resolve that. What we cannot do is we cannot resolve all of this at the same time in one package effectively and get anything done.

I am an optimist on most occasions, but I have to tell you that I am very concerned what will happen is that the Senate will pass this comprehensive, do-everything version of a bill, and then it will go to conference and nothing will happen. Actually, nothing will happen on the legislation because it won't be able to be squared with the House version.

But let me tell you what will happen. If we don't have that border secured sufficiently, there will be an influx of more illegal immigrants coming to get here while they can, while nothing occurs on the legislation. That is unacceptable to the American people. The American people want to secure the borders. They want to find a comprehensive solution. But they know it doesn't make any sense for the problem to get bigger in terms of the numbers while nothing happens on our legislation once it is passed by the Senate and goes to the conference committee.

I wish it were different. I wish I could say all we have to do is pass a good version in the Senate and send it over to the House and somehow the whole process will work and everybody will come together and we will have a bill and then it will all be taken care of and we can all say: Well, we have solved that problem. It just doesn't work that way here. We all know that.

Why don't we admit the practicality of where we are and resolve the border security first, and then we can begin the very laborious and the necessary task of working with the people who are here and do it in an appropriate fashion, rather than rushing our way through with one amendment after another amendment after another amendment, and see at the end of the day what we have? When you make a pie a slice at a time, it isn't necessarily a comprehensive approach.

I appreciate and I thank my good friend from Alabama for the opportunity to speak on this issue today.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS. Mr. President, the Senator from New Hampshire wanted to speak on a different subject, and I believe he has cleared that, and it would not count against the time on this amendment. I would be pleased, if there is no objection, to allow him to speak on that subject now.

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

Mr. SESSIONS. I ask unanimous consent that I be able to claim the floor afterward.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent to speak for 20 minutes and the time not be charged to this amendment and that Senator SESSIONS be recognized upon completion of my statement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GREGG. Mr. President, I wish to talk about border security. Obviously it is a topic of hot discussion here in the Chamber, and I just wanted to try to put in perspective what has actually happened and what may happen, especially in light of the President's presentation on Monday night.

I have the good fortune, I guess, to chair the appropriations subcommittee which has responsibility for border security. I took this over 2 years ago, a year and a half ago, I guess. When I took the committee over, it became immediately apparent to me that the priorities within the Department of Homeland Security were not necessarily focused on what I consider to be the primary threat. So we reoriented the funding within the Department to look at threat first, the highest level threat being, of course, a weapon of mass destruction which might be used against America. So we started to increase funding immediately in that account.

In my opinion, the second highest level of threat was the fact that our borders were simply not secure. They were porous. We didn't know who was coming in. We especially didn't know who was leaving. We knew that we weren't in control of the southern border relative to those folks coming in, and we knew that on the northern border, although we don't have the human-wave issue of illegal immigrants coming into the country, we do have a very serious issue of people who might come across the northern border represent clear and present threats to us, probably even more so than across the southern borders, in some cases. So we reoriented funding within the homeland security programs through the first bill that I was in charge of.

At that time, the administration sent up a proposal which essentially continued what I would call the benign neglect of the border security effort in our country. Their proposal in that budget was for 210 additional border agents and essentially no increase in technical capability or in the capacity of infrastructure or the capacity of ICE. There was a proposal in the Coast Guard area, but it was anemic. So we took that proposal which came from the administration and we reoriented that, too. We said: We are going to increase the number of border security agents on the border by 8,000. We are going to spend about 4 years to 5 years doing that. We had to begin slowly because the training facilities simply weren't there for this type of a huge increase in border security staff. So we began with a supplemental number of 500, and then we followed that up with 1,000 additional agents in the next regular bill that came through. So we added 1,500 new agents.

In addition, agents aren't the only issue. Boots on the ground is not the only issue. Technology is an issue, but probably even more important is the issue of what you do with an illegal immigrant who has come across our border once you capture that individual on our side of the border. Most of them are Mexican, on the southern border—about 85 percent—and they are immediately put on a bus and taken back across the border. In many instances, they just come back the next day or a week later. But a number of them are non-Mexicans, and those folks were given what was called a catch-and-release status, where you essentially

gave them an indictment which said they must return to be heard in a hearing 2 or 3 weeks later, maybe a month later, and then you released these individuals. Of course most of them never come back. Sixty-six percent never return to that hearing. That wasn't working, so we believed we should significantly increase the number of detention beds so we would have the capacity to actually hold people, especially non-Mexicans, who were coming across our border and whom we couldn't immediately return by bus to their country, as we could with the Mexicans. So we started to expand the number of beds, and we increased the number of beds by about I think 2,000 in that first budget cycle.

After having done that, it was ironic, and I guess appropriate, that the White House came forward and said: What a great idea. That is our idea. Let's take credit for this idea. So they held a press conference and said: What a wonderful idea you had to increase the number of border agents by 1,500 people and the number of beds by a couple thousand, and we would actually be taking the money and putting it toward border security. That was a year ago.

Now the new budget came up again, and this time the administration sent up a budget which was oriented toward border security in that they represented that they were going to increase the number of agents by another 1,500 and the number of beds by another 6,000, and they were going to begin to put more money into the Coast Guard initiative called deepwater. But it is not really deepwater; it would be better called protecting our coastline from threat. ''Deepwater'' makes people think it is somewhere out in the middle of the ocean. It may occur in the ocean, but actually this is threat protection along our coast.

So they made these commitments within the budget they sent up. What they failed to do, however, was fund those commitments because they sent up really a hollow budget in that they put in that budget a system for paying for these new Border Patrol agents and these new beds by increasing the fees on people who are traveling on airplanes by about $1.2 billion. Of course, that fee proposal had been rejected the year before. The Chairman of the committee that has jurisdiction over that proposal had rejected it out of hand this year when that budget was sent up, and everybody knows that it is not going anywhere, so it is what is called a plug. It happens around here. People send up a budget, and they will put a plug in it, which is basically a number they know they are never going to get, but they put it in to make the budget look correct. This was a plug. Clearly, airline fees, if they are going to be increased, that revenue should go toward airline traffic protection, which is basically TSA activity, maybe some visa activity, but it is not appropriate to put an increase on the airline passenger, on people using the airlines, and then take that revenue and put it on the border. If you want to use a fee on the border, put a fee on the border. Put a 50-cent charge as if you are going through a toll gate. If people want to come across the border, maybe it should cost people 75 cents.

But in any event, that wasn't proposed. What was proposed was to raise the airline fee, which everybody knew was not going to be done. It was a plug number. So even though they sent up a budget number to increase the Border Patrol agents by 1,500 and the beds by about 6,000, as a practical matter, it would be very hard for us to do that with the numbers they sent up to back up those commitments, but at least the commitment was there.

As the chairman of that appropriations subcommittee, it put me in a very difficult position because basically I have to go out and find that $1.2 billion to fill that hole, to get the additional funding to get those agents, which we wanted to do or had intended to do. That means I have to convince the Chairman of the committee, Senator COCHRAN, to take money from some other subcommittee in order to do that within the confines of the budget—obviously a challenge to Senator COCHRAN and clearly a position he shouldn't have been put in, but he has been, as have I.

Now, because of the fact that, as we looked hard at the border patrol issue and the securing of the border issue, it became very apparent that not only were boots on the ground an issue but actual physical capital assets were a huge issue—for example, the planes that are flown by the Customs Department, the Customs agents, are 30 to 40 years old and 20 years past their useful life. The helicopters being flown by the Border Patrol agents are 20 years past their useful life. The Coast Guard has a fleet which is very aged and which is not fast. They have one or two planes that are up to snuff, but most of their planes need to be refurbished. In addition, the unmanned technological activity along the border, specifically unmanned aerial vehicles—there was one, but regrettably it crashed 3 weeks ago. That has been discussed a lot on this floor. So there are actually none right now, and there won't be a new one until August. In fact, the surveillance fleet is so bad that about a month ago, the entire fleet was grounded, so we had no planes in the air.

Then you have the vehicle issue. These vehicles wear out very quickly because they are used very aggressively in very difficult terrain. Then you have the issue of just simply the training facilities because as you dramatically expand the number of people you are trying to put in the Border Patrol, you need training facilities to do that. Those training facilities are being upgraded and have been upgraded, but they need to be upgraded further to handle the even more people we are going to put in there.

So I suggested about a year and a half ago that we do a capital infusion into the border security effort which would essentially accelerate the Coast Guard refurbishment, taking it from completion in the year 2026, which I thought was a little long to wait for the Coast Guard to be refurbished, down to 2016. It would get the new planes for the Customs Agency; get new helicopters for the Border Patrol; and instead of having one Predator, which no longer exists, in the air on the border, have three or four Predators on the border. There are other technologies which are a lot cheaper, actually, than using that vehicle which probably should be pursued, and doing the technology along the border relative to land-to-land detection.

In addition, the capital infusion would give the Border Patrol the physical facilities so that when we get all of these Border Patrol agents together in their various facilities, they have a place to sit down, they also have desks at which to work, and they have vehicles that allow them to go out in the field and do their job.

To accomplish that kind of refurbishment was in, our estimation, about a $1.9 billion effort. So I initially put that forward in the Defense bill last year. It got knocked out. It went in on the Senate floor, went to conference, and it got knocked out. I then put it in the reconciliation bill, and it got knocked out. I then put it in, with the support of the Senate—the strong support of the Senate—actually Senator BYRD has been a pleasure to work with as the ranking member on this subcommittee. I then put it into the most recent supplemental that came across the floor, $1.9 billion for capital activity. Well, then we had a presentation by the President on Monday night which suggested we bring in the National Guard to basically, I guess, as I understand it, free up Border Patrol agents from desk jobs and get them out in the field—to simplify the statement of what they will be doing, although they will be doing more than that, I am sure—essentially is funded by taking the $1.9 billion and moving it from capital refurbishment over to operational exercises. That, in my opinion, is not necessarily—well, I will let people assess where that is.

In any event, it would mean the capital initiative would no longer exist and the dollars would go to pay for the National Guard and for other activities that are operational in nature, including adding an additional 1,000 Border Patrol agents on top of the 1,500, which we did plan to add this year. This would be good if we could actually accomplish that. However, there are technical restrictions on the ability to hire—it takes about 35,000 applications to get 1,000 agents—and the capacity to train is extremely limited. It is limited, not extremely limited—but it is limited so you probably can't do 2,500 agents in the timeframe this proposal has put forward. Maybe you can. I

doubt it. The track record of this department in this area is not stellar.

Essentially what is happening is that $1.9 billion which was supposed to go to capital improvements to get the planes, so they could fly the helicopters, fly the predators—so they could be up in the air, and the vehicle so they can drive around the border doesn't exist anymore. I was told by the Chairman of the conference yesterday: Good luck in getting this money. If you want to break the President's hard number of $94 billion and claim it as an emergency, you can get the money and get it that way.

Of course, as the Chairman of the Budget Committee, when I put this proposal forward I hadn't actually paid for it, and that was the key. I took it out of the across-the-board cut from defense. It was not my first choice on how to pay for it, but at the request of Senators STEVENS and WARNER, I did that. But, obviously, I am not going to put forward a proposal that exceeds the $94 billion and is unpaid for and there is no way to pay for it from the money paid to the Defense Department in this supplemental as an add-on to the initial $1.9 billion. We need, obviously, $3.8 billion at that point. So this capital improvement exercise is essentially dead as a result of the money being moved, migrated over to the operations side relative to the National Guard.

The practical effect of that also will be that the out-year pressure on the budget, on the appropriations account relative to this account, will be significantly higher because we will be putting in place a budget item essentially paying for the National Guard, or the people who replace the National Guard, which will be at least $1.9 billion in costs annually on top of the present appropriated plan. So to do it correctly we should not only use this $1.9 billion for this operational activity, but there should have been a supplemental request for the budget of the homeland security agency, the Department of Homeland Security, to reflect what you might call the expense that is going to be generated by the ongoing cost of putting this type of initiative in the field, if you are going to be sure that initiative will continue and will be robust.

I would be very much in support of that, obviously, because clearly that number is going to have to be paid for. As I mentioned earlier in this discussion, I already have a $1.2 billion hole in that budget which I have to pay for in order to get the full 1,500 complement in place of additional agents. Now I will have a $1.2 billion hole plus a $1.9 billion hole on the operational side. And in addition, of course, I will have a $1.9 billion hole on the capital expenditure side because we still have these airplanes that have to be replaced, helicopters that have to be replaced, unmanned vehicles that have to be put in the air, and a Coast Guard that really should not have to wait until 2026 to adequately defend our coastline.

I want to outline the specifics of where we are now on the dollars relative to border patrol and border security. When you get down to it, this is not a complex issue, securing our border. We all know that with 8,000 more agents, about 10,000 more detention beds, with decent technology on the border relative to unmanned vehicles and sensors, with a Coast Guard that is up to snuff, with airplanes that are up to snuff, we can essentially control the border to the extent you can control it without a guest worker program in place. A guest worker program still, in my opinion, is critical to any long-term resolution of this program because human nature says people are going to cross the border if they are getting paid $5 in Mexico and $50 in the United States for a day's labor and they have a family to support. So that is an element of it.

But the first element to which I think everybody has agreed is decent border security. Decent border security only requires resources. We have the capacity to do it; we have the technology to do it. It would be nice if the Defense Department would share a little more aggressively with Homeland Security, or Homeland Security would, on the other hand, go out more actively to try to get the Defense Department to share it, but we have all the parts sitting there in the box. What we have to do is pay the price of taking them out of the box and putting them in the places they should be.

I just wanted to outline where we stand relative to the issue of resources because I think there has been considerable confusion, especially in light of the speech by the President on Monday.

Mr. KENNEDY. Will the Senator be good enough to yield for a question?

Mr. GREGG. Of course, I am happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. We have before us now an amendment in terms of building some 350 miles of additional fence. It is going to be a triple fence. The best estimates—the Senate, I am sure, will hear from the Senator from Alabama—but the best estimates we have been able to see is approximately $4 billion.

I am just listening to the Senator talk about allocating resources to renew technology between border guards, between helicopters, unmanned aerial vehicles, other infrastructure improvements, and the pressure that we are under in terms of the appropriations. Having listened to the Senator from New Hampshire, and listened to how he had to allocate $1.9 billion, is he prepared to make any comment if we add another authorization for another $4 billion or $5 billion on fencing, where that money would be available?

Mr. GREGG. In response to the Senator from Massachusetts, neither he nor Senator SESSIONS is going to like my response. I come down on the middle on this one. We can have, in that capital allocation, money for a fence. I believe additional fencing is important, especially in the urban areas where the crossing points are basically stepping across a street corner, and you have to put up significant fencing to accomplish that. I honestly don't know the number of miles. But clearly there is going to be a significant cost. I am of the view that we ought to listen to the department as to what the number is relative to the miles of fence that is needed. I would very much oppose a fence that ran the whole length of the border. I think that would be a waste of money, it would be inappropriate, and it would be extremely inhospitable to Mexico.

But there are areas of the country that the only way you can do it is by fence. Certainly, the San Diego fence proved to us that fences do work in urban areas. What the distances should be and what the numbers should be, I don't know the answer to that question.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. If the Senator could yield for another question? Could the Senator have 3 more minutes to just yield for a question?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KENNEDY. I must say I agree with the Senator—we will have a chance, when I have my own time, to talk about Secretary Chertoff—that there are appropriate areas. I agree with the Senator as well. But just extending a fence all along the border does not make sense. I think his response is certainly one with which I agree, and I thank him for his comments.

Mr. GREGG. I thank the Senator and yield the floor and appreciate the courtesy of the Senator from Alabama and the Senator from Massachusetts for allowing me to speak.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from New Hampshire because it is very important that we have, as the chairman of our Budget Committee, someone who can add and someone who has a memory. We forget how things happen around here, and Senator GREGG has a way of reminding us of how we get in these fixes. It is very valuable to us.

I would respond to my colleague from Massachusetts that $4 billion to $5 billion is an estimate for the fence across the entire 1,980 miles of border. This amendment calls for 370 miles, some of which has already been built. It is called for by the Secretary of Homeland Security. It does, indeed, focus mostly on urban areas, and it gives him great flexibility in deciding where to put it.

Does it cost some money? Yes. But I want to tell every Member of our Senate community that the American people expect this. If it takes a sequester

across the board and takes a half of 1 percent of every budget to get this thing done and fix immigration, that is what they want us to do.

I am delighted that Senator VITTER of Louisiana is here and also wants to speak on this issue. He is an original cosponsor.

I would also note, and add for the RECORD, that Senator GRAHAM, our Presiding Officer, and Senator INHOFE wish to be original cosponsors, as does Senator KYL from Arizona. I ask that be part of the RECORD.

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

Mr. SESSIONS. I yield such time as Senator VITTER uses.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise in strong support of this amendment. First, let me congratulate my colleague from Alabama for putting together this very essential amendment. I am proud to be an original cosponsor, and I want to strongly support it.

I also want to suggest that based on the discussion we just heard involving the chairman of the Budget Committee and the Senator from Massachusetts, everyone in this Chamber, based on their statements, should support this amendment. Based on what the Senator from Massachusetts just said, he should embrace this amendment because, if you look at the details of what this amendment does, it is perfectly consistent with those statements, and it is perfectly consistent with what the President said on Monday night. It is utterly consistent with what Secretary Chertoff says he wants and needs as a crucial element of border security. It is not the only element, not the only silver bullet, there is no magic wand, but it is a crucial element of border security.

Unfortunately, the underlying bill does not provide enough authorization and demand for fencing in this regard. The underlying bill, particularly section 106, only calls for a very limited and modest repair and construction of fencing along very limited parts of the southern border of Arizona. That is basically fencing that largely already exists in the Tucson and Yuma sections of Arizona.

What this amendment would do would be to expand that provision in a very reasonable and cost-effective way. What this amendment would say is that the Secretary of Homeland Security would construct at least 270 miles of triple-layered fence, including the miles of fence already built in San Diego, Tucson, and Yuma, and 500 miles of vehicle barriers at strategic locations.

Again, I underscore that this is not building a wall or a fence across the entire Mexican border. This is not the cost cited by the Senator from Massachusetts. This is something far more focused, that will be a great force multiplier as we put more agents at the border, and that is an absolutely critical part of truly defending the border.

As the chairman of the Budget Committee said, in highly urban areas there is simply no way around the need for a fence. To avoid a fence in highly populated areas would literally require a border agent every few feet to monitor the border because you are talking about a border running through the middle, essentially, of an urban neighborhood. That is an impossible enforcement situation without some sort of physical barrier. These 370 miles would go into those highly populated areas.

I underscore that this is exactly consistent with what virtually everybody has been talking about. Monday night the President talked about border security. He wasn't quite as strong on border security as I would have liked. He wasn't quite as focused on border security, first, before we move on to other elements of this bill, as I would have liked, but he explicitly mentioned the need for significant fencing for those highly populated areas. This amendment simply does that.

The President's own Secretary, Mike Chertoff, has met with Members of this body, and he specifically talked about exactly the same need and specifically talked about 370 miles. That is where this number in this amendment comes from. This number didn't come from out of the blue. It wasn't just a wild guess. It wasn't just a pretty number. It came from discussions with Secretary Chertoff.

The chairman of the Budget Committee, when asked by the Senator from Massachusetts would he support fencing, said we absolutely need it as a piece of our enforcement puzzle for highly populated areas—for urban neighborhoods.

That is exactly what this amendment addresses. Again, the 370 miles is exactly focused on that type of need—highly populated areas where to patrol the border without any physical structure would literally require a border agent every several feet, which is completely impractical and cost prohibitive.

I think this is an absolutely essential amendment to the bill. Really, this is the sort of amendment that will test how serious folks really are about enforcement.

This whole immigration debate is pretty interesting. We have wildly divergent views and strong passions on the issue from one end of the spectrum to the other. Yet if you listen to speakers on this floor, no one is in favor of amnesty and everyone is in favor of border security. Of course, it depends on how you define ''amnesty'' and how you define ''border security.''

In terms of border security, this amendment is a simple test on whether you are really serious in what you say. This is a gut check that the American people can understand very simply. If border security means anything, it surely means, among many other items, this 370-mile fence. If a Member of the Senate votes against this really quite narrowly tailored, limited in some ways, modest amendment, I think the American people will get it. They will surely know that Member isn't serious in any way about border security.

In closing, let me thank the Senator from Alabama again for this very necessary amendment. If border security is to mean anything, if it is to possibly work—and I have serious reservations about whether the plan in this underlying bill will be allowed to work, will be enforced, if the appropriations will happen to make it work, but if it is to have a chance to work, surely it has to include this modest 370-mile fence, the sort of fencing President Bush specifically talked about and the number of miles his Secretary of Homeland Security specifically mentioned in meetings with Members of this body.

I yield the floor.

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 45 minutes.

Mr. KENNEDY. Mr. President, I yield such time as I might use.

Over the course of the discussion and debate on immigration reform, those of us who have been strong supporters of it have pointed out what the President of the United States pointed out; that is, this is about four major aspects of having this program work. They are all interrelated. That is what we call comprehensive. One of them is border security.

Those of us who support strong immigration reform strongly support border security. We voted for the enhancement and the increase in the supplemental.

We just listened to the Senator from New Hampshire who outlined how he allocated $1.9 billion. It is very interesting that we have some allocation for a San Diego fence in that, but he also talked about using new technology and using recent technological breakthroughs as being the most effective way to provide security at the border. He reiterated that today.

The chart behind me illustrates border enforcement which is in S. 2611 at the present time: 12,000 new border agents; high-technology, virtual fence which was favorably and positively commented on by the Senator from New Hampshire when he had responsibility to take the $1.9 billion and look at how he was going to allocate it over the period of time.

It talks about the new roads, vehicle barriers at the border, and about fencing in strategic locations.

Do you understand fencing in strategic locations? That is a part of S. 2611.

I was at the briefing with Mr. Chertoff. I understand he was talking about building a fence at strategic locations, but 400 miles of urban area is on the border.

Let us be serious—400 miles. That is almost a quarter of the southern border stretching from California to the Gulf of Mexico. And we are trying to

convince the Member from Massachusetts that is an urban area? Come on.

We recognize there are going to be certain strategic areas for fencing. That is in this bill.

Authorization for permanent highways in the legislation, and we are all familiar with that. Who can get that bumper sticker up the highest? Let us put up another 30,000 border guards. I dare you to vote against that and I will show that you are not interested in border security. Let us put another 1,800 miles of fence down there and triple wiring to show how tough we are on it.

Is that the challenge out here when we are trying to deal with a comprehensive program? I don't think so.

What we are trying to do is do what is necessary.

The Senator from New Hampshire talked about the limitations in recruitment. You have to get 40,000 in order to get 1,000 in terms that will be qualified for border security. He talks about the limitations in training programs. He talks about the technological kinds of limitations.

I thought he made a very responsible presentation.

If there were additional needs, we were prepared.

We have had the opportunity to work on this issue on border security. We have also recognized that part of border security is enforcement in terms of those who would be coming into the United States as guest workers to make sure we are not going to have exploitation. If they are not going to be able to get that job which they are able to get today, there will be less pressures on the border.

All of that is entirely relevant. If they have the ability to go back and forth, there will be less pressure on the border as well. These are all entirely relevant. That is the result of the extensive hearings we had. These are all the items which we have included.

I am for Secretary Chertoff working through those particular areas. With his charts and maps, he demonstrated areas where he thought it made some sense to put some fencing and other areas where he thought it was completely unnecessary. There is nothing in the current legislation. In fact, there is sufficient authorization. So if the Secretary wants to use resources that are allocated to him to meet the responsibility, he has the power today to do it. There is no suggestion that he does not have the power and does not have the flexibility in terms of the budget to be able to do that today in the selected areas.

But the idea to effectively fence a quarter of the border on the south, that is the downpayment for fencing the whole border.

There are Members of this body who believe that is the way to go. Let us put the fence all down there. Then we are going to have guards going all along that. We will back that up with the National Guard.

I don't know whether we have enough men and women in the National Guard or if we are going to have a sufficient number of men and women in the military to do that.

Then we are going to look at our northern border, as the Senator from New Hampshire pointed out and as we have heard in our committee. If you are looking at security issues, there is as much concern about the northern border as there is about the southern border—so 4,200 miles up there as well. It is unlimited. Let us get more border guards up there. Let us get 4,200 miles of fencing up there as well.

We should secure our borders. To do that, you need a multidimensional approach. You need effective enforcement. You need enforcement in terms of here at home for employers that are going to bring undocumented aliens to their companies and corporations. And you need a process which is going to be vigorous in enforcement. We provide that as well.

I wish to mention a couple of items in terms of the fencing we have seen that I think are also related. If we look at what has happened at the border crossings over the last several years, let us recognize that we are all committed to doing more on the border. But the idea that border security in and of itself with fencing or not is going to solve the problem just defies all recent history.

Forty-thousand came across the border 20 years ago, and 400,000 10 years ago. Mr. President, $20 billion—23 times the number of border agents we have put on in the last 10 years, and it is probably double that today. You just can't spend enough money on those. You can't get enough agents. You have to look beyond that. You have to look at what is happening here in U.S. in terms of employment and tough enforcement. That is what we are about in this legislation.

Let me point out what this chart says. These are deaths due to unauthorized border crossings. You go from 1996 with 315 to 1998 with 491. The list goes on, 391, 371, 412, 369, 443. These are the deaths primarily in the desert.

We can ask ourselves, Why do we have a significant increase in 1997 to 1998? Why did it go from 129 to 325?

Do you know what happened during that period of time? The fence went up in southern California. There is 67 miles of fencing at the present time.

In the legislation, there are key areas which have been identified as urban areas, and we also provide the resources for targeted areas in Arizona.

That is what has happened. During the building and construction of that fence, we were driving these individuals who wanted to come to the United States to take the jobs which employers offered to them—and they shouldn't have offered it if we had an effective system—they had to travel across the great desert, they had to travel across the mountains at dramatically higher risk in terms of their own safety and in terms of their own security. The totality of the pressure for coming here was not reduced and the totality of the people who got in here was not reduced.

There was a dramatic increase in the cost of lives. That may mean something to some people and it may not mean much to others.

Again, as the Senator from New Hampshire pointed out, he talked about the new technology, and he talked about the unmanned aerial vehicles that we need to get and bring on board. He talked about new kinds of technology, which he pointed out, and which I believe, and as the testimony presents itself, is really effective in developing the virtual wall, the virtual wall of technology, the virtual wall that can provide the security which this Nation needs. I support that. I will support certainly the resources to be able to do it.

But this is a feel-good amendment. We need to do things which are serious and which are important in terms of the border. This doesn't happen to meet that particular requirement.

I hope the Senate will accept it. I withhold the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, the time is under the control of Senator SESSIONS, who asked I take the floor next.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KYL. Mr. President, let me first of all note that I very strongly support this amendment for one reason: It embodies the entirety of an amendment which I offered in the Senate Judiciary Committee which was agreed to. When the Senator from Massachusetts defends the underlying bill, he is defending that amendment.

That amendment provides for about half of what we are talking about. In fact, all of the language of that amendment is also included in the amendment of Senator SESSIONS. Why do I know about that? It was my amendment because it deals specifically with the State of Arizona. What did we do? We went to the Border Patrol and we said: You will have aircraft, sensors, cameras, border patrol, vehicles, fencing, all of those things working in combination to try to secure the border.

What do you need, specifically? What are you recommending for the fencing part of that? This is what they said: First of all, we need to tear down some of the existing fencing because it is not very effective. It is the old surplus landing mat. It is solid steel. It stood vertically. The National Guard built that fencing and that is what exists in the urban areas.

I wish my colleague from Massachusetts could visit the border in Arizona and see how that solid-steel fencing has divided communities. It is an ugly eyesore. It is an ineffective way to prevent people from crossing, right in the middle of Nagales, AZ. On the other side from Naco-Sonora, separated by this fence, we have a huge 30-foot-high or

20-foot-high barrier of solid steel. It is ugly. It is ineffective. People can climb up the other side, and our Border Patrol cannot see them because it is solid steel.

What the Border Patrol would like is a double fencing that you can see through so they can see who is on the other side and what they are about to do. Moreover, the biggest part of violence now is the rock throwing that occurs. They cannot see what is on the other side of this steel barrier.

The first point is they want to replace this landing mat fencing with modern, up-to-date fencing that is probably double. That is to say, there are two fences involved, as there are in California. That has been extraordinarily effective to keep people out because you have a patrolling in the middle. People may get over one fence, but by the time they get over that fence the cameras spot them and are able to direct Border Patrol to the area. They are not able to get over the second fence so they cannot quickly melt into the rest of our society. That is why this double fencing actually works.

In the area of San Diego, I am told that still no one has crossed over the double or triple fencing. No one. In that sector of the border, the apprehensions have gone down. This is good news because it means there are not people crossing—from some 600,000 now down to 100,000. And that is the entire sector of San Diego. In the specific area where there are 26 miles of fencing, no one gets across. That is what we are trying to achieve in the urban areas.

The Senator from Massachusetts said all that has done is to drive them out into the desert, where it is more dangerous and deaths have increased. What is the point of that argument? Is the point that we should simply provide an invitation for those who would like to cross our border illegally, to do it in the same way as the urban area?

What the Border Patrol says works is a combination of things. Fencing in the urban area, where large numbers of people congregate at one time. We have seen the pictures of them rushing the border through the San Diego port of entry, where 200 or 300 people at a time congregate, rush the border, rush through, intermingle with the cars waiting to get through. It is impossible to apprehend more than a handful of them. That is one of the techniques.

We have to try to stop that. One way we do that in the urban area is to have this fencing. Frankly, if I can get my colleagues from New England or other States to come down, Members would agree it is not very sightly. From an environmental standpoint, it is not good. And from a good neighbor standpoint, it is not good to have this ugly fencing. We would like something that looks good and does the job.

What the amendment in the underlying bill does, and it is the same thing in Senator SESSION's amendment, it says we are going to replace that landing mat fencing with the kind of fencing the Border Patrol believes would be more effective. That is part of the reason for the 370 miles of fencing.

The Senator from Massachusetts derided the amendment as suggesting that it was not just for the urban areas because, after all, 370 miles of fencing is a lot of fencing. That is a big piece of the whole border. Now, let's calm down and do the math. There are several hundred towns along the border. As one should not argue against oneself when one supports the underlying bill, here is what one is supporting. What you are supporting is fencing in the urban areas, approximately 10 miles extended in either direction. The urban areas are maybe 5 or 6 miles and 2 or 3 miles beyond that. That is what the underlying bill provides.

I will read briefly from parts of the underlying amendment:

> (1) replace all aged, deteriorating, or damaged primary fencing in the Tucson Sector located approximate to population centers in Douglas, Nogales, Naco, and Lukeville, Arizona with double- or triple-layered fencing running parallel to the international boundary . . .

To extend it for a distance of not less than 2 miles beyond urban areas except it shall extend west of Naco for a distance of 10 miles. Then we talk about the Yuma Sector of Yuma, Somerton, and San Luis, so there are 15 communities in the State of Arizona.

If you proximate 10 miles on either side of the midpoint of the community, that comes out to 140 miles of fencing. If you add to that, there is at least 26 miles in the San Diego area. I don't know how much beyond that. If you add the 26 miles, that is 176 miles. There are many other communities in California, but let's say there are four or five. That gets you half of the 370 miles, and you have not even talked about the longest part of the border in New Mexico and Texas.

My point is, if all you do is extend, to a modest degree, for more than 10 miles on either side of the communities that are on the border, you are easily up to 326 miles of fencing.

Why did the Border Patrol say it needed 326 miles of fencing? Because they did the math. They counted up all of the communities and figured how much fencing they needed in each of these urban areas and that is what they asked for. This amendment simply takes the underlying bill, which my colleague from Massachusetts is supporting, and adds essentially the fencing for Texas, New Mexico, and California to that, and the sum total we get is about 370 miles to replace existing fencing and add fencing strictly in the urban areas, which will be effective as the fencing in San Diego has been.

The Senator from Massachusetts says we need to secure the border, but we should do it in a serious way. I submit that a virtual fence is not a fence. A serious way means building some miles of actual fence. That is what keeps the illegal immigrants from crossing illegally into the United States. In combination with UAVs, helicopter, fixed-wing surveillance—there is surveillance actually in other ways, as well, which we do not need to get into—there are sensors, there are cameras, there are people on patrol on horseback, on three-wheeled vehicles, on four-wheeled vehicles, and you put all of those things together, and we can build a combination of actual and virtual fencing that creates the ability to control the border. This is what you do if you are serious about controlling the border.

Finally, in the Judiciary Committee, we held hearings about what was necessary to secure the border. We heard from the head of the Border Patrol, David Aguilar. We heard from the former head of the Border Patrol, we heard from the U.S. attorney from Arizona, we heard from a couple of sheriffs on the border in Texas and Arizona. And we asked them what was going on at the border and what they need to control the border. Here are a couple of examples. David Aguilar said that over 10 percent of the people now apprehended coming into the country illegally had criminal records. They were serious criminal records. We are not talking about defacing public property. We are talking about murder, rape, kidnaping, violent smuggling, drug crimes, and the like. More than 10 percent. These people are deterred by fencing, and they need to be stopped. So we are not talking about people trying to come into the country to work.

The U.S. attorney for Arizona testified that crime, in the last year, in terms of assaults in the border areas, has increased by 108 percent. The reason is because the Border Patrol is finally getting to be a sufficient number, and the fencing is doing a good enough job that we are contesting the territory of the drug cartels, the smugglers, the coyotes, and the criminals are fighting back to try to regain the territory with weapons. Do not think rocks are not a lethal weapon. As a result, we are seeing that there is some progress being made, but it has increased the violence. The Border Patrol desperately needs more fencing in order to protect their agents from these criminals on the other side of the border.

It is beyond me why someone would deride a recommendation of the Border Patrol for a little bit of fencing in the urban areas to protect our officers who are out there trying to do their job, among other things, to prevent violent criminals from entering the United States, to prevent contraband drugs from entering the United States.

This is why we are adding a little bit of fencing. The border is 2,000 miles, roughly, and we are talking 370 miles, representing essentially the area of urban communities on the border. Bear in mind, these are communities that straddle the border. In Douglas, until a few years ago, there was a corral in the middle of town, and the border ran

through the middle of the corral. There was nothing but a corral. In places right outside of town, there is a barbed-wire fence that is old and rusty and now does not even have three strands. That is the border.

These are communities in which people work and live on both sides, they cross frequently, and they are now subjected to a huge amount of crime because of the elements that have moved into those communities to transport drugs, to make a lot of money transporting illegal immigrants, and to come across the border from countries other than Mexico because they are criminals, and they figured out this is a good way to get into the United States to do their crime. Who knows what terrorists might be thinking.

The point of this amendment is to add, simply, a little bit more fencing to what is already in the underlying bill in the urban areas of the country to effectively secure the border which, after all, is what we ought to be about here, to protect the people who live in the vicinity of the fencing and to protect the officers we have put into harm's way to do the job we want them to do.

I will conclude with this point. It has become very fashionable now for everyone to say: We must secure the border. What this amendment says is, if you are serious, if you really mean that, here is a very modest little thing you can do, what the Border Patrol has recommended it needs, to have a modest amount of real fencing which they say protects themselves and protects American citizens.

I don't have the statistics on the top of my head, and maybe Senator CORNYN does, but at the hearing we held in our subcommittee, the testimony was that crime in the San Diego area where this fencing had gone up had gone way down, but that San Diego and the Mexican citizens on the other side of the border, likewise, have been subjected to a huge increase in crime until that fence was built. Once the coyotes and the cartels knew they could not come across in that area, they left. And so did the crime.

This is a great amendment. It should be supported by all Members. Crime in San Diego dropped by 56.3 percent between 1989 and 2000. If you can cut the crime in half in a community by building this double fence, and they did, and I don't hear anyone objecting to the double fence in the area of San Diego, why shouldn't the other communities? If anyone would like to come to the Senate and say that it was a mistake to build that double fence in the area of San Diego, I would like to ask them to please do it. I would love to hear the reason why that is not a good idea.

All we are asking is that in the other urban areas along the border, the same kind of fencing be built to protect our law enforcement officials and the citizens of those areas and to help prevent this kind of smuggling across our border—nothing more, nothing less. This is a modest amendment, and it should be unanimously agreed to by the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS. I thank the Senator from Arizona. There is no more harder working, no more knowledgeable Senator in this Senate on the issues involving the border than he. I thank him for his eloquent remarks.

I am pleased to yield such time as he may consume to Senator CORNYN of Texas who, like myself, is one of the most knowledgeable people in this Senate who has been engaged in this debate from the beginning and whose advice and recommendations I have valued throughout. So I will yield to Senator CORNYN for such time as he may choose to use.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, may I inquire how much time remains on our side?

The PRESIDING OFFICER. Thirty-eight minutes.

Mr. CORNYN. Mr. President, I assure my colleagues, I will not use but a fraction of that time.

I think one of the things that makes this issue of fences and walls along the border so controversial is because walls and fences are powerful symbols. Indeed, I know, in talking to some of our friends on the other side of the border, they worry what the message is America would send if we were to build, let's say hypothetically, a 2,000-mile wall between America and Mexico.

Well, suffice it to say that I think, as we have had this debate both in the Judiciary Committee and now here on the floor of the Senate—and as a lot of us have been working to try to better understand what is actually needed by the Border Patrol to secure our borders—our thinking has evolved.

Indeed, I was one of those who initially was somewhat skeptical of the idea of a wall or a fence. But now I find myself supporting this amendment. I would like to explain just for a minute why.

We sometimes joke among ourselves that if, in fact, Congress was to authorize and the Department of Homeland Security was to build a 2,000-mile wall, 50-feet high, across the border, it would probably see a boom in the sale of 51-foot ladders or what we would see is a lot more of those tunnels like we have seen in the news recently in California and elsewhere, people going through a tunnel.

We all know, if you do not go over a wall or a fence, and you do not go under a fence, you might go around the sides of the fence. So I have wondered whether this is, in fact, the most effective way to deal with the problem.

As I have told my colleagues, coming from a State that has 1,600 miles of common border with the country of Mexico, I hope you will go look at it and see what we are talking about. I fear sometimes when people talk about the border they are relying more on their recollection, perhaps, of a movie they have seen or a novel they have read. It is a tough and difficult place to deal with, and you can appreciate, when you go to the border, the challenges the Border Patrol has and why it is so easy, relatively speaking, for people who want to come across that border into the United States, notwithstanding our efforts to try to secure it.

But I do not believe we ought to seal the border. I do not believe we ought to close the border. But I do believe we ought to secure the border. And I believe now that some strategic barriers—and, yes, even some fencing, such as Senator KYL and Senator SESSIONS have described—would be helpful.

Now, how did I arrive at that conclusion? Well, because we held a number of hearings. As chairman of the Immigration and Border Security and Citizenship Subcommittee of the Judiciary Committee, we have had a number of hearings, including the experts who have told us that, yes, it would be helpful in some areas along this 2,000-mile border to have some strategic barriers, some fences, some ways to funnel traffic so that the Border Patrol can have an easier job trying to actually detain people who come into the country illegally.

I would point out that under Senator SESSIONS' amendment, it would authorize the building of up to about 370 miles of fence. About 70 miles is already in place. So really we are talking about 15 percent of that 2,000-mile border which would be authorized to be built subject to the good judgment and discretion and professional decisions of the folks who are in charge. The Border Patrol, the Department of Homeland Security, they would be the ones deciding it because, frankly, I do not think we here in Washington are in any position to decide where it ought to go. We ought to leave it to the experts.

But the fact is, it is expensive. This leads me again to remind my colleagues that we can pass some pretty expansive legislation here, we can talk in grandiose terms about border security, worksite verification, and dealing with this great challenge that confronts us, but sooner or later we are going to have to pay for it. And the $1.9 billion the Senator from New Hampshire succeeded in getting appropriated in the supplemental appropriations bill is a mere downpayment on what it is going to cost. So I hope Senators who talk in very sincere terms, no doubt, about making sure this bill is enforceable will be just as emphatic when it comes to paying for these measures.

Let me say that we are not just talking about putting up some fencing in order to secure our borders. We are talking about doubling the number of Border Patrol agents. This is the primary law enforcement agency that is responsible for providing border security. The President announced on Monday night that he was going to authorize up to 6,000 National Guard troops to assist the Border Patrol on a stopgap

basis, not to perform law enforcement per se but to provide support to the Border Patrol while we recruit and train more Border Patrol agents.

Now, one thing I do not understand is why we are told that the Border Patrol can only train 1,500 Border Patrol agents a year. We need more, and we need them faster. In the last 3 years, the United States and the coalition partners have trained a quarter of a million Iraqi security officers and police and army. Why we can train, with the assistance of our coalition partners, 250,000 Iraqis but we can only train 1,500 Border Patrol agents a year is beyond me. We need to find out why that is and fix it.

But I sincerely believe what we need is a combination of more boots on the ground—we need human beings. We need to roughly double the number of Border Patrol agents to about 20,000. And just by way of a footnote, let me point out in New York City alone there are about 40,000 police officers. So we are talking about half the number of law enforcement agents along our 2,000-mile border than they have in New York City. But they need some help.

We need the force multiplier that comes with technology. I know others have talked about this, but a couple days ago I went out to Fort Belvoir, VA, out to the Army's night vision lab and their sensor lab where they actually develop this technology for use by our military in places such as Iraq and Afghanistan and elsewhere. What they demonstrated for me is some of the technology that is relatively inexpensive that is already being used by our military in places such as Afghanistan and Iraq that could be easily used by the Department of Homeland Security along the border. And this ranges from unmanned aerial vehicles that are airplanes, basically, with cameras on them that weigh about 10 pounds that can stay in the air for up to 4 hours at a time, which can also tie into ground sensors and cameras, thermal imagery, radar, and other things that could be used to be a force multiplier for our Border Patrol.

I think what we need is a combination of things to provide that security along the border. I do not favor a 2,000-mile wall, but I do not see what the objection is to using the necessary tools that are required in order to provide some chance of stopping the flow of humanity across our border.

Last year alone, 1.19 million people were detained coming across our southern border—1.1 million people. And people wonder why we have a problem? People wonder why we have a problem with controlling our borders when we do not have enough people, we do not have the technology, we do not have the strategic barriers there?

Well, part of the problem is we only have about 20,000 detention beds—20,000. That is the reason the Department of Homeland Security is engaged in this flawed idea of catch and release. In other words, you catch 1.1 million people, you send people back home more or less immediately who come from Mexico, a contiguous nation. But if they come from other countries, then we have to make arrangements to send folks back where they came from. That requires them to be detained somewhere for a while.

With only 20,000 detention beds, and 250,000, roughly, people coming from countries other than Mexico last year alone, you can see the problem. So people are released on their own recognizance and asked to come back for their deportation hearing 30 days hence. And guess what. Most of them do not show up. It makes you kind of wonder about the ones who do, knowing, as they must, that we do not have the people, the technology, and the infrastructure in place actually to enforce the law. Well, that is what we are trying to fix here.

So let me say, in conclusion, I think we have all evolved in our understanding of what it is going to take to solve this problem. I believe we have seen some good movement across the aisle on a bipartisan basis to try to come up with solutions. And I have been led to conclude—as a result of all the discussions and debates we have had, the hearings we have had in the Judiciary Committee, listening to the experts who are in a position to know—that this is what they need.

Secretary Chertoff of the Department of Homeland Security told a number of us this is what he needed in order to get the job done. I believe we have an obligation to give our law enforcement officials the tools they actually need to get it done, and to do otherwise would be some sort of cruel joke, to pretend we are actually serious about dealing with this problem but yet failing to provide those same officials the tools they need in order to get the job done.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Illinois.

Mr. DURBIN. Madam President, I am not opposed to fences and vehicle barriers. They are included in the bill. It is our understanding there are some places where fencing can be effective to stop illegal immigration into America. But what we have here has become a symbol for the rightwing in American politics: the symbol of a fence, a fence between America and Mexico.

If you have been a student of politics for a few minutes or a few days, you will know where this is going to end. This proposal by Senator SESSIONS would construct a fence of about 370 miles in length. The House Republicans want to build a fence that is 2,000 miles long. So what will likely happen, should this amendment pass the Senate and go to conference, is we will split the difference, and we will end up with a fence that is over 1,000 miles long on America's southern border. And perhaps, as Senator KENNEDY has suggested, it will be the downpayment for a fence that would stretch for 2,000 miles.

They have come down from their original request of a 700- or 800-mile fence. That was going to be the first thing asked for, when somebody suggested that would be a fence the distance of which could stretch from the Washington Monument to the Sears Tower in Chicago. That is the distance we are talking about—700 or 800 miles—but that could be the ultimate result here.

The obvious question we have to ask ourselves—I think two questions—No. 1, will it work? If you build a fence like this, will it work? Will it hold people back or will it become our ''Maginot Line''? The Maginot Line was the line of defense built by France after World War I to stop the Germans should they ever want to attack again. And the French invested a great sum of money and all of their national security in the idea they could build a line that the Germans could never cross. They waited, knowing they were secure, until World War II began and the German panzers just crushed the Maginot Line and came roaring over it, destroying all of their feelings that they were safe forever.

I feel the same way about this fence. What fence is it that we will build that cannot be tunneled under, that you cannot go over or around? Is this really going to be an effective deterrent?

What we have suggested in the bill, which is completely full of ideas on enforcement, is to use technology. It may not be this high fence they want to build is the best thing for us. The technology we have available might be much better. We can have a virtual fence which achieves much more than a fence, which would cost us millions of dollars and be easily overcome. So in the first instance, I am concerned where this will end, how long this fence will be, and whether, in the end, we will be safer in building it.

The second thing is the image it creates of a country, that our relationship with Mexico would come down to a barrier between our two countries. I believe we should have a more positive outlook toward where we are going to be. Working with the Mexican Government, working with them toward the goal of stopping illegal immigration, is far better than the confrontation of a fence or a wall. I think it could bring us to a day when we will have our borders under control, with all we invest in this bill, with what we do by way of enforcement at the border and in the workplace, and with what we do with those who are currently here in the United States. It is a coordinated and comprehensive approach. It isn't just a matter of building a fence. It isn't a matter of enforcement alone. It is enforcement as a starting point.

My concern about this fence, which is likely to end up being over 1,000 miles long, is that it will not protect America. It will not stop the illegal flow of immigration. It would create an image of America which I am not sure we would be proud of in years to come. I will oppose this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Madam President, I want to bring some relevant and important facts to the debate. As we have pointed out, we are for security of the border. We have outlined, in my earlier comments, the provisions in this legislation which would help to achieve that. I want to point out some of the history of the building of a fence and the cost of the building of a fence.

When the first fence was going to be built, Congressman HUNTER, the House's largest proponent of fencing, originally estimated the cost of completing the 14 miles of fencing in San Diego at $14 million, the same as the current estimate, I believe, of the Senator from Alabama. Fencing was completed over 11 miles, and the cost was more than 200 percent over budget, costing $42 million. The real cost of construction ended up being more than $3.8 million per mile. At that rate, a complete fence across the U.S.-Mexican border would cost $7.6 billion.

As was referenced, the House of Representatives position calls for a 700-mile fence. Congressman HUNTER boasts of securing an additional $35 million for the last 3 miles of fencing in San Diego, approximately $12 million per mile. These costs are significantly higher because of difficult terrain. Much of the U.S. border with Mexico crosses mountain terrain such as these 3 miles, potentially driving up the cost of borderwide security.

Let's look at what happened in terms of people. Currently, there are 70 miles of fencing along the U.S.- Mexican border, including 40 miles in California and 25 in Arizona. Partial fencing of the U.S.-Mexican border shifted migrant traffic from one area to the other. The apprehensions dropped in San Diego from a high of 450,000 in 1994, when fencing construction began, to a low of 136,000 in 2005, a reduction of 70 percent. Over the same period, the apprehensions in the Tucson sector, covering most of Arizona, rose from 137,000 in 1994 to 489,000, almost an exact shift in migrant traffic from San Diego to Arizona. So the number of apprehensions along the U.S. border from 1994 to 2005 has barely fluctuated, ranging from 900,000 to well over a million per year.

What the facts show is that having large-scale fences has been grossly inadequate, if we are talking about security. We need to have real, effective security, as we discussed earlier, the virtual fence, using the latest in technology, and also enforcement of laws in the workplace which will discourage people from coming and which those who have studied this believe to be the most effective.

We are talking about a cost of billions of dollars for something that has not been shown to be effective in achieving an outcome. There are ways of securing the border, but this is not the way to do so, for the reasons I outlined earlier and the reasons I cited at this time. We have evaluations of fencing in our legislation. We ought to find out what is the most effective way, whether we use the virtual fence, the newer technologies, what is having the best and most positive result, and invest in that. That is what we ought to do.

What we are doing this afternoon is a good-feeling vote, in terms of trying to give some assurances to the American people, which history has shown is highly costly, and in terms of the amount of resources we are likely to expend has not been effective.

For the reason of raising the kinds of conflicts that we are going to have with our neighbors to the south rather than working with them effectively, there are better and more effective ways of securing the border.

I hope this amendment will be defeated.

As I understand it, there is a desire to vote at 2:30. I think I have used about all my time. I would be glad to yield back the time, maybe move on to another amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, we are talking about a possible 2:30 vote. The day is badly fragmented with a signing ceremony at the White House at 1:45, a briefing by Director Negroponte at 3, and a social at the White House at 5. It is pretty hard to see how we get any business done when we dodge in and out of the raindrops in a hurricane. But we are talking about a 2:30 vote. If we are to have it, I wanted to stack three votes at that time. We are going to respect what Senator REID wants to do, to take them up one at a time, but we are asking Senator VITTER to come over right now because we are about to wrap up. Senator SESSIONS wants 10 more minutes. I will speak briefly. Then we will yield back the remainder of the time. Then after Senator VITTER's amendment is heard—we have already argued Senator INHOFE's amendment—we may be in a position to stack three votes at 2:30 or very close to that time. That is what we are looking toward.

I yield to Senator SESSIONS for his final 10 minutes and yield back the remainder of the time to move on to Senator VITTER's amendment.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, we are at a point where everybody in this body—and overwhelmingly, the American people—wants to see a lawful system of immigration in America. We can all disagree about what to do about the people who have come here illegally already. There are a lot of ideas about that. We can disagree about what our policy should be in the future, but we pretty well have been unified on that point. The 370 miles of fencing that we are talking about, plus barriers for vehicle traffic in a larger amount, has the support of Secretary of Homeland Security Chertoff and the administration. They believe it is a good expenditure, and they are prepared to help find the money to fund it because it will save money in the long run. It is a one-time expenditure and will be a multiplier of the effectiveness of every single Border Patrol agent.

As we have heard from Senators CORNYN and KYL, who have visited the border on a regular basis, we have borders that run right through the middle of towns and communities. How could we possibly put enough agents at every corner, every street to guard it? We need to do better and we can do better.

I am amused by my colleague from Illinois, Senator DURBIN, saying there is going to be 1,000 miles of fencing. I had originally offered in committee 700 miles. That is what the House passed. We have now come in and listened to the administration and proposed a modest figure of 370 total, counting portions of the fence already built in San Diego, and those being refurbished in Arizona. The House is at 700. So the argument that it is going to be a fence across the whole border or the argument that we are going to build 1,000 miles of fence is not very plausible. Frankly, if the Senate is at 370 and the House is at 700, we are not likely to come out with a compromise at 1,000. What kind of argument is that?

Then we heard the argument that it is going to bankrupt America. We spend over $800 billion a year. We can't find a billion dollars to fix this problem? We certainly can. They ask: Will it work? I say let them go to San Diego. Let them go there and talk to the people on both sides of the border where the whole county showed a 56-percent reduction in crime, and on both sides of that fence the economy is booming. It is safe and secure. The smugglers and dope dealers are gone, and things are much better off. It is a positive development. Why are we having opposition to it?

Senator KYL came close to the truth when he said: Whenever anything gets proposed—I am paraphrasing—that might actually work, we get an objection to it. What about a good identifier card? They say something like that makes sense, but every time we get close to having a good biometric identifier card that would actually work, we get all kinds of objections.

There is no doubt that some people believe in open borders. There are people who do not want to see this immigration system become a lawful system. I will repeat, we are a nation of immigrants. We are going to increase the number of immigrants. I will support increasing the number of lawful immigrants into our country by a reasonable amount, not three to five times the current level that is in this bill today, even after we reduced the numbers last night. Three to five times is way out of the range of what should be accepted. But we are going to increase immigration. We are not against immigration. I reject that. We want to travel across the border, particularly our

Mexican border. It is a very busy place. Senators KYL and CORNYN are familiar with that border, and they wouldn't support anything that would back that up.

I am confident we are on the right track. We have checked with a series of contractors and looked at the numbers. The best estimate we get is that the kind of premier fence we are talking about would be at most $3.2 million per mile, and that would, at 296 miles of new fencing cost approximately $940 million, not $14 billion. Where did that come from? That is not so. It will probably cost around a billion dollars.

Remember, as Senator CORNYN reminded us, 1.1 million people are being arrested each day at that border, 1.1 million. How much does it cost to detain and process those people and deport them and move them out of the country or release them or catch and release, in which they then abscond and don't show up to be deported? Is it not better to reduce the number of arrests by creating an effective system that prevents crossing the border rather than all the expense of detecting and apprehending and deporting?

We have had some good discussion. We have talked about these issues in a number of ways. With regard to the San Diego fence, according to the FBI crime index, crime in that county dropped 56.3 percent between 1989 and 2000, after the fence was erected. Vehicle drive-throughs in the region have fallen between 6 to 10 per day before the construction of the border infrastructure to only 4 drive-throughs in 2004 for the year. And those occurred only where the secondary fence is incomplete.

According to the numbers provided by the San Diego sector of the Border Patrol, in February of 2004, apprehensions decreased from 531,609. The American people need to hear this as well as Senators. In 2004, the apprehensions on the San Diego, CA, sector of the border only were 532,689 apprehensions. How expensive is that? Those figures were in 1993. And in 2003, after the fence was built, it dropped to 111,000 across that whole sector.

So the idea that the fence had no impact and everybody went around it is not true. It sent a message that we were serious about creating a border that works, and it reduced by four-fifths the numbers of arrests. How much money did that save? How much time did that save? And it left the Border Patrol officers available to do a lot of different things.

In 1993, authorities at the San Diego border apprehended over 58,000 pounds of marijuana coming across the border from Mexico. In 2003, after the fence, the tide of drugs was reduced and only 36,000 pounds of marijuana were apprehended, and cocaine smuggling decreased from 1,200 pounds to 150 pounds. That is some of the progress that was made.

This is a narrow amendment, concentrating on the most important 800, 500, or 350 miles of fencing, with 500 miles of barriers. It is focused and it is what the Department of Homeland Security says they need. It is reasonable in cost. It will save money considerably over the long run. It is a one-time expenditure, but it can save us from having thousands of permanent investigators, permanent prison bed spaces, and things of that nature. The key to it is to change the perception and the reality of how we are doing business.

Let me conclude with that thought. It is important for this country to make clear to our own citizens and to the world that a lawful system is going to be created, that this is no longer any open border. Once that happens, and once that is absolutely clear, we are going to have fewer people attempt to come in. It is that simple. How do you do it?

Well, the President's call out to the National Guard is one signal that things have changed. Business as usual is over. Utilizing fencing is important. Increasing bed spaces and increasing agents along the border are important. All those things can help us reach a tipping point, a magic point on the seesaw or the balance scale. When it tips, it is going to tip so that people will find out it makes more sense to apply to come here legally, according to our laws, rather than coming in illegally. It will add to the workplace enforcement on top of that, and you will become serious about immigration.

We can do this. It is not hopeless or impossible. For a reasonable cost, we can tip the scales from illegality to legality. That is what the American people are asking us to do. A vote for this amendment is a step in that direction.

I thank the Chair and yield the floor.

Mr. LEAHY. Madam President, when the Judiciary Committee met to consider a comprehensive immigration reform bill, we adopted an amendment by Senator KYL on limited fences and barriers along the border. I supported that amendment. It called for replacing and repairing barriers in certain border towns.

Now Senator SESSIONS is offering an amendment to correct what Senator KYL had included in the Judiciary Committee bill and that was incorporated in the underlying bill now before the Senate. I had thought that the Senator from Arizona had consulted with the administration and, in particular, with the Department of Homeland Security before offering his amendment and that the committee action would have been sufficient. Apparently Senator SESSIONS and his cosponsors, which include a number of Republican Senators on the Judiciary Committee, think that the Kyl amendment was inadequate. They say that their discussions with Secretary Chertoff, the Border Patrol, and Homeland Security lead them to seek a needed change and correction.

As Senator KENNEDY noted, the fact may well be that the Secretary and the administration have all the legal authority they need without this amendment to do what they think needs to be done. That they have not done more before now was not for the lack of authority as far as I know. Nor has Congress refused to provide such authority as may have been necessary or that has been requested by the administration.

On this point, I quote a column from today's Roll Call authored by Norman Ornstein. He concludes:

> For nearly five years, we drastically have underfunded our first responders while failing to coordinate plans across state and regional lines. We still do not have interoperable communications among first responders. We have underfunded border security despite warnings that immigration issues were intertwined with basic security issues. No wonder this issue has exploded on the national scene, and no wonder we are seeing this belated move to ''solve'' the problem with a National Guard presence.
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> Where has Congress been in all of this? For nearly five years, absent without leave. It's been AWOL on oversight, AWOL on serious legislation to deal with either the lapses in the department or the broader problem of border security, AWOL on serious deliberations about broader immigration issues, AWOL on seeking bipartisan solutions for difficult problems that need some consensus in the middle. And it's been worse than AWOL in making sure that we have institutions of governance after the next massive attack. Congress' approval rating is 22 percent? That seems too high.

Sadly, there is much truth in what Mr. Ornstein writes. During Republican congressional control they have slavishly taken their cues from the Republican administration and defended its every misstep.

With respect to the Sessions amendment I have questions, questions about its value and whether it is meant to signal some kind of ''fortress America'' approach to real world problems. I also have questions about its cost and how the Senator from Alabama intends to pay for its additional costs. He said during the course of the debate that he estimated that it would cost an additional billion dollars. On the day that the President is signing into law billions of dollars of additional tax breaks for the wealthiest Americans, I wonder whether we might not have been wiser to set aside a billion dollars from those tax breaks being provided millionaires to help fund enforcement measures for America's border security.

The Congressional Budget Office says that this bill will require more than $54 billion in expenditures. The Sessions amendment will add additional costs. Is it several hundred million dollars, a billion dollars, as the Senator from Alabama has estimated, or more? The Senator from Texas has said that this bill is merely a downpayment on what it will cost to secure our borders. I wonder what the Senator from Texas believes this will eventually cost. I wonder how he intends to pay for these measures. Under Republican leadership we are already running the largest annual deficits in history and have turned a $5 trillion surplus into a projected debt of somewhere between $8 trillion to $10 trillion.

Earlier today the Republican chairman of the Homeland Security Appropriations Subcommittee came to the Senate to make an extraordinary statement. I am sorry he spoke to an almost empty floor. I urge all Senators to consider his remarks. The Senator from New Hampshire is someone I have worked with to provide interoperable communications to law enforcement along the shared border of our States. He is one of the most straight-talking Members of the Senate and he demonstrated that again today. He said today that the $1.9 billion capital account he had sought to establish for border security improvements is gone, that it has been transferred to operational needs. In addition, he expressed regret for having had to structure his amendment to the emergency supplemental appropriations bill to take funds from military accounts in order to allocate it to border security.

In that regard, the Democratic leader has been proven right in his amendment that would have provided the $1.9 billion without taking funds from our troops. Now the Senator from New Hampshire says that he understands that his amendment will not survive the House-Senate emergency supplemental appropriations conference. The Democratic leader was right to offer his amendment and the Senate would have been wiser had it adopted it to fund border security with real dollars. As matters now stand, if Senator GREGG is correct, it appears there is no money in the budget or available to fund these measures. Let us not make false promises to the American people about border security. Let us not call for measures that we will not be able to pay for but wish to trumpet.

I ask unanimous consent that the article to which I referred be printed in the RECORD.

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

[From Roll Call, May 17, 2006]

CONGRESS' NEGLECT OF IMMIGRATION IS WHY WE'RE STUCK TODAY

(By Norman Ornstein)

Why do we need members of the National Guard patrolling our borders? It is a question, frankly, that doesn't have a very edifying answer. The National Guard is spread way too thin as it is, and I am not sure how many members are eager to go from two tours of duty in Iraq and Afghanistan to a new tour in Nogales.

If the response to that is, ''Well, we are just sending token numbers''—6,000—the counter-response is, ''Why mess with the Guard for token purposes when the results will include sharper tension with Mexico over the issue of militarizing the border and fodder for Hugo Chavez and our other hemispheric adversaries to dump on the imperialist and militaristic USA?'' Then there's the issue of whether anything in the training of the National Guard prepares them for border patrol work, whether on the front lines or back in the office doing paperwork.

Of course, we know the less edifying answers. The president needed a symbol of his determination to toughen the borders in order to pacify his base and to get conservatives in Congress to consider the immigration plan advanced by Sens. John McCain (R-Ariz.) and Edward Kennedy (D-Mass.) to legalize many of the illegals who have been in the country for years without having to expel 12 million people or more.

This is necessary because the House Republican leadership will not move a bill that has broad bipartisan support if it comes at the expense of losing even a sliver of the party's ideological base. There is another reason. We need some supplements for the undermanned border patrol forces who are themselves spread way too thin. The failures of the border patrol—not just caused by inadequate numbers but also by dysfunction within their agency and a continuing set of problems with coordinating responsibilities with federal customs and immigration officials—have led to serious public unhappiness in border states, especially Arizona, New Mexico and Texas, and a need for some kind of governmental response.

I find it more disturbing to dwell on the dynamics of this issue after seeing the film United 93 over the weekend. It is a superb movie, and the one-word description of it given by virtually everyone who has seen it—''harrowing''—is accurate. But to a student of government, the harrowing part goes well beyond reliving the Sept. 11, 2001, terrorist attacks and watching a graphic portrayal of a suicide-hijacking mission. The movie portrays a government in near-chaos, with the limited communication between the Federal Aviation Administration, air traffic controllers and the military filled with misinformation and nearly inexplicable delays. The military was unable to scramble any significant force to protect the airspace around Washington, D.C., for a long time after it became clear that the capital—and the Capitol—were obvious targets of the terrorist attack.

Perhaps others left the theater with a belief that the chaos was understandable; after all, who would have imagined a broad-based, concerted effort by suicidal terrorists to kill thousands of people in coordinated attacks on American soil? Most moviegoers probably felt a small sense of relief that at least now, more than four years later, we have learned some lessons, beefed up the communications among these agencies and the rapid response necessary when another attack occurs. But I did not.

The response by the federal government since Sept. 11 has been reluctant, halting and generally ineffectual in most areas of homeland security. I have no reason to believe that we have had a systematic effort to improve communications and coordination—not just between the FAA and the Pentagon but among other agencies that might be on the front lines in the next attack, which is not likely to come from commercial airliners.

I also know that the creation of the Department of Homeland Security—long after it was clear that the office setup in the White House was inadequate to the task—was done in a textbook fashion, specifically a textbook showing how not to do a major reorganization. Instead of focusing on the problems in border security by integrating the jobs of border patrol, customs, immigration and the Coast Guard, and instead of focusing intensely on crafting a strong bureaucratic culture around their shared missions, the White House and Congress brought together 20 disparate units in a massive reorganization that hasn't come close to working and will take many more years to become functional.

We saw what happened with Hurricane Katrina, and the problems with the Federal Emergency Management Agency are manifest in the border area and many others. We are woefully unprepared to deal with a biological attack, a pandemic, a massive natural disaster or another broad-based terrorist attack. One is coming—we just don't know when. United 93 underscores the ominous reality that al-Qaida takes a long time doing its planning before making its move. It is surely planning the next one as I write.

For nearly five years, we drastically have underfunded our first responders while failing to coordinate plans across state and regional lines. We still do not have interoperable communications among first responders. We have underfunded border security despite warnings that immigration issues were intertwined with basic security issues. No wonder this issue has exploded on the national scene, and no wonder we are seeing this belated move to ''solve'' the problem with a National Guard presence.

Where has Congress been in all of this? For nearly five years, absent without leave. It's been AWOL on oversight, AWOL on serious legislation to deal with either the lapses in the department or the broader problems of border security, AWOL on serious deliberation about broader immigration issues, AWOL on seeking bipartisan solutions for difficult problems that need some consensus in the middle. And it's been worse than AWOL in making sure that we have institutions of governance after the next massive attack. Congress' approval rating is 22 percent? That seems too high.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, the issue of border security is obviously a vital matter. The assurances that we will be able to check the flow of illegal immigrants will materially aid in the passage of this bill, a comprehensive bill—if assurances can be given that the border is secure and also with employer sanctions.

I think the Senator from Alabama has submitted a good amendment. It does not have the overtone of the enormous fence along the entire border, stretching 2,000 miles. It is targeted. We have been advised by the administration, by Secretary Chertoff, that there is support for the amendment of the Senator from Alabama. That is about what they are looking for. They have made a detailed analysis. Secretary Chertoff met with the Judiciary Committee on a very extensive briefing 2 weeks ago. We talked about this at length. For those reasons, I plan to support the Sessions amendment.

Madam President, I am prepared to yield back all time if Senator SESSIONS and Senator KENNEDY are prepared.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. If we can yield back time, we are prepared to go on to another amendment. We are trying to structure it so we will have three votes in the range of 2:30.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Madam President, I have not yielded back my time. I may yield back my time. I will have to get a short quorum call if we are going to ask consent on establishing—unless our leaders have agreed to have the series, I would have a short quorum call until we can clear that.

Mr. SPECTER. Madam President, while the Senator from Massachusetts

is working out the questions, I have discussed with him setting aside temporarily the Sessions amendment so that we can proceed to the Vitter amendment and not waste any time. Madam President, I have discussed it with Senator VITTER, who is agreeable with an hour and a half equally divided. I have made that suggestion to Senator KENNEDY. He is going to run it by his leadership to see if it is acceptable on his side. Why don't we proceed as if it is so that Senator VITTER is recognized now and starts to talk, and it will count against his time when we finally get the agreement.

The PRESIDING OFFICER. Is all time on the Sessions amendment yielded back?

Mr. KENNEDY. Yes, I yield back my time.

Mr. SPECTER. I yield back my time and Senator SESSIONS yields back his time.

The PRESIDING OFFICER. All time is yielded back.

Mr. SPECTER. I think the record is closed on the Sessions amendment, and we are now proceeding to the Vitter amendment, and we will await Senator KENNEDY's comment as to the unanimous consent request on an hour and a half. I thank the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

AMENDMENT NO. 3963

Mr. VITTER. Madam President, I call up amendment No. 3963.

The PRESIDING OFFICER. Without objection, the Sessions amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Mr. VITTER) proposes an amendment numbered 3963.

Mr. VITTER. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To strike the provisions related to certain undocumented individuals)

Strike sections 601 through 614.

Mr. VITTER. Madam President, I bring before the Senate an important amendment, I believe, which goes to the heart of so many American concerns about the bill before us.

I must say, in the beginning discussion of this amendment, that I have grave concerns about this bill. I think it is a mistake in many aspects. I think it ignores history and ignores very specific, concrete experience. Not too long ago, in 1986, Congress passed similar measures, albeit on a much smaller scale, which ultimately and clearly failed to solve the immigration problem.

I am very fearful that we are repeating history, only on a much broader, much bigger, much more dangerous scale. My amendment goes to the heart of those concerns, goes to the heart of the matter, goes to the absolute heart of what so many Americans find most objectionable about the bill on the floor. That is what I would characterize what tens of millions of Americans characterize as amnesty provisions in this bill.

In introducing this amendment, let me thank the many coauthors I have who are in strong support of it: Senators GRASSLEY, CHAMBLISS, and SANTORUM. Also, I ask unanimous consent that Senator COBURN be added to this list of original cosponsors.

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

Mr. VITTER. All of us join together with tens of millions of Americans to simply say we cannot have amnesty provisions in this bill. We cannot have anything approaching amnesty in this measure. So my amendment would very clearly, very simply, withdraw those provisions from the bill.

Madam President, as I noted while speaking on another amendment about an hour ago, this is an interesting debate. The country, including the Senate, is widely divided on the question in many respects. Passions run deep from one end of the argument to the other. Yet to listen to the debate, particularly on the Senate floor in the midst of a fundamental disagreement, it is interesting that nobody says they are for amnesty, and everybody says they are for enforcement.

But, of course, the devil is in the details. Of course, it depends on what you mean by amnesty, what you mean by enforcement. And what I mean by amnesty certainly covers many provisions of the underlying bill, which my amendment would strike. More importantly, what tens of millions of Americans know through common sense, basic reasoning is amnesty is included in this underlying bill and we must take it out.

Maybe we can begin the discussion with what is amnesty. Well, the President, in his speech 2 nights ago, said that he is not for amnesty and ''they''—meaning illegal aliens—''should not be given an automatic path to citizenship.'' What is an automatic path to citizenship? The President himself, again, 2 nights ago, pointed to this distinction: ''that middle ground''—the one he is advocating—''recognizes that there are differences between an illegal immigrant who crossed the border recently and someone who has worked here for many years and has a home, a family, and an otherwise clean record.''

So what the President points to, in terms of why the provisions in this bill are not amnesty, is that distinction between folks who crossed the border illegally very recently and those who have been here for some time. I think it is very important, if we think about that distinction, to look at the details of the bill.

I encourage my colleagues to actually read this bill. The devil is in the details. If that were ever true, it is true in terms of this legislation. It is important to read the bill and understand the details. Yes, this bill does make a distinction between those who have been in the country 5 years or longer and those who have been in the country less than 5 years, and some other distinctions, 2 years and between 2 and 5 years. But again, the devil is in the details.

How does an illegal immigrant prove that he has been in the country over 5 years? You would assume the proof required is specific documentation which has been verified by the Government or other authentication sources. Those documents are certainly accepted, but they are not required, because if an illegal immigrant doesn't have those sources of documents—objective evidence—he or she can do something else. He or she can get a piece of paper, declare that he or she has been in the country over 5 years, sign his or her name to it, and that is it. That is all that is required.

Well, if the President's argument that this is not amnesty in large part hinges on this big distinction that we are not giving a path to citizenship for those who have been in the country a shorter period of time, should it not matter what documentary evidence is required? Doesn't it make a farce of the whole distinction if that immigrant can simply sign a piece of paper declaring otherwise? That obliterates the entire distinction. That means, in fact, that we are making available this fairly automatic path to citizenship to virtually everyone in the country illegally.

The President also points to four requirements: This is not amnesty because there is a penalty the immigrant has to pay because they have to pay their taxes, because they have to learn English, and because they have to be in a job for a number of years.

Again, I say to my fellow Senators and everyone watching this debate, the devil is in the details. Let's look at this bill. Let's look at what it requires.

No. 1, a penalty. It is true, the underlying bill means a person has to pay $2,000—$2,000—which is less, in some cases far less, than many legal immigrants pay to go through the legal process. Is it a penalty when the amount of money required is the same or, in many cases, less than a person who is following all the rules, doing everything we ask of them, following the law, living by the law, becoming a legal immigrant and a full citizen through the legal process?

No. 2, pay all their taxes. Well, not all their taxes. A person doesn't have to pay all of their back taxes. They have to pay a certain number of years; they do not have to go back for the entire length of time that person was in the country. Again, they are being treated better than the folks who have lived by the rules from the word go than the folks who are citizens through the legal immigration process who have had to pay taxes every step of the

way. Those folks who live by the rules have to pay all their taxes. These folks do not have to pay all their back taxes by any stretch of the imagination. The devil is in the details.

No. 3, learn English. Well, not necessarily learn English. The actual requirement can be met simply by being enrolled in an approved English language and history program. Again, the requirement can be met simply by being enrolled in a program with no test at the end of the program about proficiency or anything else.

And No. 4, work in a job for a number of years. Well, not the full period for a number of years, only 60 percent of the time for a handful of years.

Again, the devil is in the details, and I suggest that when the American people look at those details and ask themselves, is this amnesty, is this a fairly automatic path to citizenship, the answer will clearly be yes.

What does this sort of amnesty program do? We can debate about that, we can bring up hypotheticals, we can say I think it is going to do this, may do that, but the sure answer is to study history—and not ancient history, but recent history, going back only to 1986 because the last time Congress acted on this matter in a major way, it put together a package strikingly similar to this general package before us, which included an amnesty provision for agricultural workers.

One of the most interesting exercises I performed in thinking about this issue, in getting ready for this floor debate, was to go back to that time period, the mid-1980s, and read some of the arguments made in this Chamber, including the arguments of the folks who were for that immigration reform proposal of 1986.

The arguments they made are strikingly similar to the arguments being made by the proponents today: We need to do something comprehensive; it can't be enforcement only; we need to do this provision for earned citizenship, once, this one time, and then the problem will be solved forever because we will have border security and will have dealt with illegal immigrants then in our country.

What is the bottom line on that experiment doing exactly what we are debating doing again? The bottom line is not very hopeful in terms of solving the problem once and for all. The bottom line is back then the flow of illegal aliens was 140,000 per year, and now the flow is 700,000 per year. So it didn't exactly stop the problem.

The bottom line is back then the number of illegal aliens in the country was perhaps about 3 million, and today, by conservative estimates, it is 12 million. It didn't exactly solve the problem.

Mr. SPECTER. Madam President, will the Senator from Louisiana yield for a unanimous consent request?

Mr. VITTER. I will be happy to yield.

Mr. SPECTER. Madam President, we have now worked out that we will conclude Senator VITTER's amendment, then we will go to Senator OBAMA's amendment, which I believe we can accept.

I ask unanimous consent that between now and 2 o'clock, the time will be equally divided between Senator VITTER on one side and Senator KENNEDY and myself on the other.

Mr. KENNEDY. That is fine.

Mr. SPECTER. Senator KENNEDY and I will divide the time evenly, and we are agreed we will have two votes at 2:30 p.m. or perhaps 3 p.m. if the Obama amendment is to have a vote, but I do not expect it. And we preclude second-degree amendments.

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

Mr. SPECTER. I thank the Chair.

Mr. VITTER. Reclaiming my time, Madam President.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, there have been significant studies since 1986 that have looked specifically at the impact of what Congress did then. What do these studies show?

A 2000 report by the Center for Immigration Studies states:

> INS estimates show that the 1986 amnesty almost certainly increased illegal immigration, as the relatives of newly legalized illegals came to the United States to join their family members.

Again, these are INS statistics, not some think tank on the conservative side. These INS statistics show that even though 2.7 million illegal aliens were granted lawful citizenship through the amnesty program—and by the way, that was far more than anticipated—within 10 years, a new illegal alien population had replaced all of those and had grown to 5 million. That growth only continued.

Again, that growth today has gone from 140,000 illegal aliens streaming across the border per year back in 1986 to 700,000 per year today. That growth has been 3 million illegal aliens in the country going back to 1986 to at least 12 million today.

There was another study in 1992, 6 years after the agricultural amnesty program was passed. The Commission on Agricultural Workers issued a report to Congress—so a specific report to Congress that studied the effects, again, of the 1986 agricultural amnesty program. First, the Commission found that the number of workers amnestied under the bill had been severely underestimated. So the numbers that were talked about, in fact, the true numbers were well more than that.

Second, the Commission found that the agricultural worker amnesty only exacerbated existing problems:

> Six years after IRCA was signed into law, the problems within the system of agricultural labor continued to exist. . . . In most areas, an increasing number of newly arriving unauthorized workers compete for available jobs, reducing the number of work hours available to all harvest workers and contributing to lower annual earnings. . . .

Again, the bottom line is very clear. We had the same arguments back then as today: Let's do this once, the problem is solved forever; we will get tough with enforcement, we promise; really, we mean it. And what happened? That 140,000 per year increased to 700,000 per year. The problem of 3 million illegal aliens has increased to at least 12 million. We do need to study history and see what the impact of this amnesty program in this bill will be.

This threat is particularly grave, and I think it is absolutely certain that this will exacerbate the problem for the following simple reason: In terms of border security, everyone—everyone—on the floor of this body, everyone agrees that true border security cannot and will not happen overnight. The best case, if we are sincere about it, if we follow up this debate with adequate appropriations, the money, the manpower, the resources, the focus, the best case is that we will get a handle on our border in several years, perhaps 2 to 3 years, absolute minimum. But, of course, the other elements of this bill would be passed into law and would go into effect immediately. That is repeating the exact mistake of 1986. It would be one thing to consider an amnesty program down the road after we have acted on border security and proven that we have executed meaningful border security.

I don't think I could be for it even in that circumstance. That would be one thing. But what this bill does is something far different and even far more dangerous. What this bill does is put that program into effect now, immediately, move forward with that amnesty track immediately, even though everyone agrees, best case, we will only have meaningful border security in several years. So we establish the magnet to draw more illegal aliens into the country before anyone pretends that we have adequate border security or workplace security.

That is an even clearer reason that this is a big mistake and repeating the mistakes of the past, particularly in the era around 1986, on a much grander and, therefore, more troublesome scale.

Another point I wish to make is the overall numbers these provisions will lead to because I think there has been a lot of fuzzy math and a lack of attention to detail on this question. Again, the devil is in the details. Let's read this bill. Let's look at this bill and understand the full consequences of this bill, including the amnesty program.

The number folks toss around most commonly on the floor of the Senate, as well as in the wider debate around the country, is 12 million illegal aliens are currently in this country. Most experts seem to think that is a pretty minimum number. It could be significantly above that. Again, we need to look at the bill, and we need to understand the details because that is not the total number who may be eligible for citizenship.

The bill is very liberal and very broad in granting this citizenship path to an extended definition of family

members of these folks. So in fact, as a direct, immediate result of this bill, we could well have about 30 million folks on that citizenship path, getting on that path very quickly.

Over an extended number of years, that number will be far larger. Estimates, for instance, by Robert Rector over a 20-year period after enactment of this underlying bill is that it would mean a minimum of 103 million new folks gaining citizenship, possibly much higher. Again, the devil is in the details. Let's look hard at the numbers. Let's add it up. We are not talking about 12 million, we are talking about 30 million immediately. We are talking about huge numbers, 100 million or more over 20 years.

Finally, the argument that is most often put up against avoiding this sort of amnesty program is that we can't make felons of all these millions of illegal aliens in the country. We can't round them up and deport them. It is impractical. It may not be a good idea, even if we could do it. President Bush made this specific argument 2 nights ago. Many of my colleagues on the Senate floor have made the same argument.

The truth is that is not the alternative. That is a straw man, an easy argument to push aside and defeat. That is not the practical alternative at all. The practical alternative to rushing toward an amnesty program is to do meaningful things with regard to enforcement and other measures in the country that on their own can decrease the illegal alien population in this country over time.

Let me mention six items in particular: Secure the borders through Border Patrol agents, increase fencing, substantially increase detention space and do that before we do anything else. Some provisions are in this bill, but it is not being done before we move on to other aspects of the bill.

No. 2: Implement strong and serious worksite enforcement measures and, again, do that before other aspects of the bill are implemented.

No. 3: Eliminate document fraud through the use of biometrics, immigration documents, and secure Social Security cards.

No. 4: Reform existing laws to reduce the incentive to work illegally by providing the IRS with increased resources to investigate and sanction both employers and illegal aliens for submitting fraudulent tax returns, requiring the Social Security Administration to share information with DHS when no match letters are sent to employers, and barring illegal workers from counting work performed illegally toward Social Security.

No. 5: Encourage State and local law enforcement to enforce immigration laws themselves by giving them authority and by requiring the Feds to reimburse them for expenses directly related to that enforcement, and enhancing coordination and information sharing between the State and local law enforcement and Federal immigration authorities.

No. 6: Provide the Department of Homeland Security and the Department of Justice with the necessary resources to perform their jobs.

Madam President, these six things, without an amnesty program, would, in fact, lower the population of illegal aliens in this country over time. Why would it lower it? Because it would remove the incentives for those folks to stay here. It would remove the mechanism by which they can successfully stay in this country and gain employment.

So again, it is a straw man to talk about making all of these people felons. My amendment doesn't do that. We are not proposing that on the floor of the Senate. It is a straw man to talk about rounding up 12 million people around the country. It is a completely false argument to suggest that the only alternative to essentially amnesty is to have to do that and deport all 12 million of these people.

The practical alternative, which we can absolutely do, is avoid amnesty while implementing steps such as these six things. And that will provide real border security and real workplace security by demanding absolute requirements that ensure that folks getting jobs are legal immigrants, not illegals. That is the practical alternative which, over time, can dramatically reduce the illegal population in the country.

I don't know of any single aspect of this bill before us on the floor of the Senate that has Americans more concerned than these amnesty provisions. It goes to the heart of this debate. It goes to the heart of Americans' concerns that, once again, we are talking a good game about enforcement, but we are not demanding that it happen before considering other aspects of the bill. It goes to the heart of our experience in 1986, when that agricultural worker amnesty program clearly—clearly—was a huge part of the failure of that attempt to get our hands around illegal immigration. It was a huge part of the flow across our border, ballooning from 170,000 per year to 700,000 per year, and a huge part of the illegal population in our country skyrocketing from about 3 million to over 12 million.

So this is an important amendment that goes to the heart of so many Americans' concerns about the bill which are reflected in townhall meetings and discussions I have all across Louisiana. It is also reflected in every major national public opinion poll on the subject. Over and over again, Americans make very clear the huge majority want enforcement. There is a legitimate debate about a temporary worker program, but a huge majority have fundamental problems with these provisions which they know, using common sense, particularly when they understand the details of the bill, amount to absolute amnesty.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. THUNE). Who yields time?

Mr. MCCAIN. Mr. President, I ask unanimous consent to yield myself such time as I may consume.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Mr. President, if I could clarify the request to understand that under our previous unanimous consent agreement on this amendment, it will come out of the time of the opposition.

Mr. MCCAIN. Mr. President, in a moment of seriousness, what is the parliamentary situation? How much time on either side?

The PRESIDING OFFICER. The time until 2 o'clock is divided between the Senator from Louisiana and the Senators from Massachusetts and Pennsylvania.

Mr. MCCAIN. Then I ask unanimous consent to be recognized for 10 minutes, taken from the time of the opposition to the amendment, which is the time of the Senator from Pennsylvania and the Senator from Massachusetts.

The PRESIDING OFFICER. Without objection, the Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I appreciate the remarks of my friend from Louisiana. Of course, it is not amnesty. Of course, it is not amnesty. I urge my colleagues, as well as specifically my colleague from Louisiana—next time up, I am going to bring a dictionary out here to confirm the definition of the word ''amnesty.'' The definition of the word ''amnesty'' is forgiveness. We did that in the 1980s and it didn't work. And to call the process that we require under this legislation amnesty, frankly, distorts the debate and is an unfair interpretation of it. I might add that the President of the United States, in a very powerful statement to the American people, called it what it is, and that is earned citizenship.

Now, I understand why the opponents of what we are trying to do would call it amnesty. That is a great idea. Call it amnesty. Call it a banana, if you want to. But the fact is that it is earned citizenship. The reason why the opponents of this legislation keep calling it amnesty is because they know that in poll after poll after poll, the majority of the American people say let them earn their citizenship. And when it is explained to the American people what we are requiring: A criminal background check, payment of back taxes, payment of a $2,000 fine, 5 or 6 years before getting in line behind everyone else in order to get a green card and then another 5 years or more, depending on how this legislation comes out, before eligibility for citizenship, it is a perversion of the word ''amnesty.'' Frankly, I am growing a little weary of it. I am growing a little weary of it. We ought to be debating this issue on its merits and only on the merits and not by labeling it something it is not.

Again, the definition of amnesty is forgiveness—forgiveness. We are not forgiving anything. We are trying to

find the best option—the best option—for an untenable situation bred by 40 or 50 years of failed Government policies.

What are the options we have with these 11 million or 12 million people? What are the options? One is the status quo. No one believes that the status quo is acceptable, to have 11 million or 12 million people washing around America's society with no protection of our laws, no accountability, no identity. It is terrible for America and our society. I believe the sponsors of this amendment and those of us who vehemently oppose it, because basically it guts the entire proposal, including the fact it is in direct contradiction to the leader of our party, the position of the President of the United States on it—but having said that, the status quo, I think my friend from Louisiana would agree, is unacceptable.

So what is the other option? The other option is to round up 11 million people and find some way to transport them back to the country from which they came. Many of them have been here since yesterday. Some of them have been here 50 or 60 years. Some of them have children who are fighting in Iraq. I am not interested—I wonder if the Senator from Louisiana is interested—in calling a soldier in Iraq and saying: By the way, while you are fighting today, we are deporting your parents. I don't think we want to do that. I don't think we want to do that.

And by the way, the columnist George Will pointed out the other day it would take some 200,000 buses from San Diego to Alaska in order to transport these people at least back to Mexico, and then I don't know how you get them back to other places.

So here we are with the option of the status quo, rounding up 11 million or 12 million people, or making it very clear that because they have broken our laws, they must pay a very severe penalty—a very severe penalty. And according to the Hagel-Martinez compromise, those people who have been here less than 5 years will have to go back. And in the case of 2 to 5 years, they will have to go back to a port of embarkation. If they have been here since January 1, 2004, then they have to go back completely—completely. If they have been here more than 5 years, then obviously we have given them a way to earn citizenship.

We passed an amendment that we supported that was the Kyl-Cornyn amendment, supported by me and Senator GRAHAM and Senator KENNEDY and others, that would prevent felons from ever being on the path to citizenship. So what does that say? What this proposal now says is anyone who came here innocently, who came here to work, which is the reason why the overwhelming majority of them did, will have a chance to earn their citizenship. And every time—every time—that the word ''amnesty'' is mentioned, I am going to try to get back on the floor and refute that because the description in no way fits the word.

So here we are now with a comprehensive approach to immigration reform which, probably, according to at least most polls, the American people are, overall, supportive of, and a President of the United States who gave what I think is one of the finest speeches of his presidency on this issue, and we are now considering an amendment which would fundamentally gut the entire proposal.

I want to quote from the President, again:

> It is neither wise nor realistic to round up millions of people, many with deep roots in the United States, and send them across the border. There is a rational middle ground between granting an automatic path to citizenship for every illegal immigrant, and a program of mass deportation. That middle ground recognizes that there are differences between an illegal immigrant who crossed the border recently and someone who has worked here for many years and has a home, a family, and an otherwise clean record. I believe that illegal immigrants who have roots in our country and want to stay should have to pay a meaningful penalty for breaking the law: To pay their taxes, to learn English, and to work in a job for a number of years. People who meet these conditions should be able to apply for citizenship, but approval would not be automatic, and they will have to wait in line behind those who played by the rules and followed the law. What I have described is not amnesty. It is a way for those who have broken the law to pay their debt to society and demonstrate the character that makes a good citizen.

I could not say it better than what the President of the United States says.

Fundamentally, Americans are decent, humane, wonderful people, and they recognize that these are human beings. They recognize that 99 percent of these people came here because they couldn't work, feed their families and themselves where they came from. As former President John F. Kennedy wrote, we are a nation of immigrants. We are all a nation of immigrants. I urge my colleagues to take a look at the words that were written back in the early 1960s by then-President Kennedy and that apply to the world today. It has a unique and very timely application. I intend to read from it as we proceed with the consideration of this bill.

I understand that there are differing viewpoints about how to handle this issue of illegal immigration. There is no State that has been more burdened with the consequences of illegal immigration than mine. We have broken borders. We have shootouts on our freeways. We have safe houses where people are jammed in, in the most inhumane conditions. We have the coyotes who take someone across the border and say: Tucson is right over the hill. And more and more people every year are dying in the desert. We understand that. That's why we understand that there has to be a comprehensive approach to this issue and only a comprehensive approach will reach the kind of resolution to this issue which has plagued our Nation and, frankly, my State of Arizona, for a long period of time.

I hope my colleagues will understand that this is basically an eviscerating amendment we are considering. Have no doubt about it. If you agree with the President of the United States and the majority of Americans—poll after poll shows that the overwhelming majority of Americans believe that we should allow people who are here illegally, after a certain period of time, to earn their citizenship—then you will vote against this amendment. If you believe that the only answer to our immigration problem is to build a bigger wall, then I would argue you are not totally aware of the conditions of the human heart and that is that all people, wherever they are, who are created equal, have the same ambitions for themselves and their families and their children and their grandchildren that we did and our forebears did. Our forebears, whether they came with the Mayflower or whether they came yesterday, all have the same yearnings to breathe free.

I hope my colleagues will understand the implications of this amendment. I hope my colleagues on this side of the aisle will understand the implications for the Republican Party of this kind of an amendment. Because what this is saying to millions and millions of people who have come here is: I am sorry, you are leaving.

I hope we can appeal to the better angels of our nature and turn down this amendment and move forward with a comprehensive solution to this terrible problem that plagues our Nation.

I believe my time has expired.

The PRESIDING OFFICER. Who yields time? The Senator from Louisiana.

Mr. VITTER. Mr. President, I ask for 5 minutes to respond to some of the arguments of the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, what is amnesty? I'll tell you what Merriam-Webster's dictionary says:

> [T]he act of an authority (as a government) by which pardon is granted to a large group of individuals.

What we are talking about is a large group of individuals illegally in the country. And the main consequence of that, under present law, is to leave the country. Surely, under this provision, we are pardoning them from that main consequence. Surely, this is a pardon from what present law states must happen to folks who have come into this country illegally, who stay in this country illegally.

The Senator from Arizona made several points, all of which I essentially rebutted in my comments before. There is a big distinction in this bill between those who have been here over 5 years and those under. There is on paper. And guess what. An illegal alien can satisfy the requirements of the bill that they have been here over 5 years and get all of the benefits of this amnesty program

by simply signing a piece of paper himself that it is so. It makes a mockery of the distinction.

The other requirements—a penalty. Yes, a penalty, which is less money than many immigrants pay to go through the legal process. Is that a penalty?

Paying back taxes—well, not all of them. Paying some back taxes. That is certainly less than folks who have gone through the legal process have had to do.

Learning English—well, not exactly. Being enrolled in a program is good enough, not proving any proficiency.

And working in a job solidly for a number of years. Well, not solidly for a number of years; 60 percent of the time is good enough.

The devil is in the details. I invite Members to look at the definition of amnesty. I invite Members to study the details of this bill because the American people certainly will and will come to the clear conclusion that is what it is and is a repeat of the mistake of past experience.

I would now like to yield 10 minutes to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 10 minutes.

Mr. CHAMBLISS. Mr. President, before I give my remarks, I would like to extend a thank you to the Senator from Arizona and to the Senator from Massachusetts. During the debate on this issue a couple of weeks ago, it became pretty obvious that there were some Members in this body who did not want to see the Senate function the way it always has, with respect to legislation, and that is to give all Members of this body the opportunity to debate an issue, to submit amendments, and to ultimately have a vote on those amendments and a vote on the legislation. Were it not for the efforts of Senator MCCAIN and Senator KENNEDY, we would have been at a deadlock, once again, and those of us who object to this underlying bill would not have had the opportunity to see the Senate work its will. So I do extend a thank you to these Senators for the very professional way in which they handled themselves during the course of the debate a couple of weeks ago, as well as right now.

I rise in strong support of Senator VITTER's amendment, and I am proud to be a cosponsor of it. I think this amendment crystalizes the whole debate we are having in the Senate on this bill. It all comes down to the simple question of whether you oppose or you favor amnesty.

I think the way Senators vote on this amendment will tell you where they stand on this issue, so I hope the American people will take careful note of how every Senator in this body votes on this amendment. I am in favor of a comprehensive immigration reform bill. The way I see it, there are three areas that must be addressed in accomplishing comprehensive reform. The first and foremost is border security. If we do not have operational control of our borders and serious interior worksite enforcement, then there is no point in trying to address the other issues relative to comprehensive reform.

The second key component we must address is to have a viable temporary guestworker program for those outside of the country who want to come to this country and work in a job that needs to be filled that cannot, or will not, be filled by an American worker.

The third component we must address is the reality of the 11 million, 12 million—whatever the number is—of illegal immigrants who are currently in the United States.

I think we can address all three of these issues without providing a new path to citizenship for those who are currently here illegally. There have been a number of alternative approaches mentioned throughout this debate. I had one for agricultural workers, for example, which would have allowed those workers to remain working for a period of 2 years before returning to their home country and have them reenter the United States on a valid and viable guest worker program. This would allow employers to structure their workforce in a way that they can send their illegal workers home and have them return in a manner that does not result in a complete work stoppage on our Nation's farms.

My main opposition to amnesty is that it has been tried before and it has been proven that it does not work.

As chairman of the Senate Agriculture Committee, my main focus in this debate has been on agricultural workers. I firmly believe that an amnesty is not in the best interests of agriculture in the United States. The agricultural amnesty in this bill is so similar to the Special Agricultural Worker Program that was enacted as the mechanism for the 1986 amnesty bill that it is really startling. We have heard many Senators talk about all that illegal aliens have to do in order to adjust their status. However, I don't think many people realize that the requirements are not the same for illegal agricultural workers, under the base bill. For illegal agricultural workers to take advantage of the amnesty in this bill, they must have worked at least 150 hours in agriculture over a 2-year period, ending in December of 2005. Meeting that threshold requirement will allow the illegal worker to obtain a blue card.

Once in possession of a blue card—which is a new process, a new card—that currently illegal worker has a choice of two different paths to a green card. In addition to paying back taxes, he can work 100 hours per year for 5 years or work 150 hours per year for 3 years and get a green card. There is not even a requirement to learn English for agricultural workers to take advantage of the amnesty provision in the base bill.

I think the requirements for illegal workers to take advantage of the agricultural amnesty are so low that I fear a repeat of what happened, and failed, in 1986. We should not repeat the mistakes we made before.

I am not the only one who feels this way. Several months ago, as we were ramping up toward bringing this bill to the floor, I had the opportunity to speak to 135 brand new American citizens who came from 125 different countries. They were sworn in at the Federal building in Atlanta, GA. After my comments to them and their swearing-in ceremony, I had about two dozen of these 133 individuals come up to me, one at a time, and say: Senator, whatever you do, please don't allow those folks who came into this country illegally to get a pathway to citizenship that is different from the path I had to follow.

In some instances, these individuals took 5 years; in some instances 8; in some instances 12. In one instance, 22 years that individual had to work to become a citizen of the United States. For all 133 of those individuals who stood up that morning and raised their right hand and swore to uphold the Constitution of the United States, it was the proudest day of their lives. You can understand why they do not want somebody who came into this country illegally to get a leg up on people who were in the position that they were in for so many years, trying to earn citizenship.

The people I saw at that naturalization ceremony truly did earn their citizenship, and it means something to them, as it should to everybody who becomes an American citizen. It does not seem fair to me to call the process those newly naturalized individuals followed earned citizenship and also call the provision for illegal agricultural workers in this bill earned citizenship. There is a fundamental difference between the two that should be recognized in the rhetoric of this debate.

Another problem I have with the agricultural amnesty provision is that it does not remedy the problem with fraud that was prevalent in the 1986 Special Agricultural Worker Program. Under the 1986 program, illegal farm workers who did at least 90 days of farm work during a 12-month period could earn a legal status. The illegal immigrants had to present evidence that they did at least 90 days of farm work, such as pay stubs or a letter from an employer or even fellow workers. Because it was assumed that many unauthorized farm workers were employed by labor contractors, who did not keep accurate records, after a farm worker had presented evidence that he had done qualifying farm work, the burden of proof shifted to the Government to disprove the claimed work.

The Government was not prepared for the flood of SAW applicants and had little expertise on typical harvesting seasons. Therefore, an applicant who told a story such as: I

climbed a ladder to pick strawberries, had that application denied, while those who said: I picked tomatoes for 92 days in an area with a picking season of only 72 days was able to adjust.

Careful analysis of the sample of applications from the 1986 worker program in California, where most applications were filed, suggests that most applicants had not done the qualifying farm work, but over 90 percent were nonetheless approved.

The propensity for fraud is not remedied in this bill and compounds bad policy with the ability for unscrupulous actors to take advantage of it.

I think the most important lesson to learn from the 1986 program is that providing illegal immigrants who work on the farms of this country does not benefit the agricultural workforce for long. History shows that the vast majority of illegal workers who gain a legal status leave agriculture within 5 years. This means that under proposed agricultural amnesty, those who questionably performed agricultural work in the past will work at least 100 or 150 hours in agriculture per year for the next 3 to 5 years. But after that, particularly in light of the changes made to the H–2A program, I expect us to be in the same situation in agriculture that we are today.

It is worth noting that the Immigration Reform and Control Act of 1986 created a Commission on Agricultural Workers, an 11-member bipartisan panel comprised of growers, union representatives, academics, civil servants, and clergy, and tasked it with examining the impact the amnesty for special agricultural workers had on the domestic farm labor supply, working conditions, and wages.

Mr. President, I ask for an additional 3 minutes.

Mr. VITTER. I have no objection and will be happy to grant the Senator an additional 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 5 minutes.

Mr. KENNEDY. What is the time situation, Mr. President?

The PRESIDING OFFICER. The Senator from Massachusetts has 12 minutes.

Mr. KENNEDY. The other side?

The PRESIDING OFFICER. The Senator from Pennsylvania has 12 minutes—the other side has 6 minutes.

Mr. KENNEDY. I thank the Chair.

Mr. CHAMBLISS. Back 6 years after the Immigration Reform and Control Act was passed, the Commission found that the same problems in the agricultural industry persist; the living and working conditions of farm workers had not improved; wages remained stagnant; increasing numbers of new illegal aliens are arriving to compete for the same small number of jobs, thus reducing the work hours available to each worker and contributing to lower annual earnings; and virtually all workers who hold seasonal agricultural jobs are unemployed at some point during the year.

I think the experience of the SAW program should serve as a lesson to the Senate as we grapple with how to handle our current illegal population. I believe the amnesty in this bill is far too similar to the SAW Program in 1986 and will likely have the same result.

We know from past experience that agricultural workers do not stay in their agricultural jobs for long, especially when they gain a legal status and have the option to work in less back-breaking occupations. Therefore, the focus on agricultural immigration should be on the H–2A program. This is the program that regardless of what the Senate does with amnesty, will be relied upon by our agricultural employers across the country in the near future.

Let me conclude by saying that while I do support a lot of the provisions in the underlying bill, there is one basic concept in the underlying bill that is baffling to me; that is, why do we have to connect a pathway to citizenship for those who are here illegally to meaningful immigration reform? There are a lot of these people—whether it is 11 million or 20 million, whatever the number may be—who came here for the right reason, that reason being to improve the quality of life for themselves and their families. We need to show compassion for those individuals.

Does that mean we ought to give them an automatic pass to citizenship that they may, or may not, want? We have no idea how many of these people will actually want to be citizens. Why do we grant that privilege which we cherish so much and those 133 individuals in Atlanta, GA, cherished so much on the day they were sworn in as American citizens? Why don't we simply leave the law on citizenship exactly the way it is today and let people who want to earn it earn it in the way that current law provides?

Let us look out for these 11 million or 12 million or whatever the number is. We have methods by which we can deal with those individuals and at the same time accomplish real, meaningful border security, as well as provide our employers in this country with a meaningful, quality supply of workers that they know are here for the right reasons and that they know are here legally.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield 6 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, thank you. I thank the distinguished Senator from Massachusetts for his continued leadership. I don't believe there is anyone in the Senate who has worked harder or done more or who understands the issue better than Senator KENNEDY.

We are dealing with a very complicated, difficult issue. It is complicated and difficult for many reasons. Partly it is complicated and difficult because we have deferred this issue for years. We have refused to take a responsible position on all the different aspects of immigration reform.

I hear with interest from some colleagues that 11 million to 12 million illegal aliens don't deserve a pathway to legal status and ultimately citizenship. They, however, do not come forward with alternatives. Obviously, border security is the core, the beginning of immigration reform. I am not aware of any Senator who has questioned or contested that point.

In fact, the underlying bill that we are debating today is replete—absolutely—in its focus on border security, enforcement of that border, doubling the border agents, doubling the budget, doubling the unmanned vehicles, doubling the technology, doing more in the fencing and physical protection of those borders.

That is not the debate. The debate, of course, resides around the difficult issues, the 11 or 12 million illegals now in this country.

This debate elicits great and deep emotions and passion—and it should. We were sent here to deal with the great challenges of our time, to resolve the issues, find solutions, not give speeches, not go halfway—just if we had a better border, if we could enforce our border in stronger or more effective ways, and the rest of it just sorts its way out. It doesn't sort itself out. That is leadership. That is what you saw from President Bush Monday night in his speech of 17 minutes; he laid it out clearly, succinctly. The American people could understand it.

It is a national security issue. It is an economic issue. It is a societal issue. You can take pieces of each and pick and choose which might make you more comfortable politically, but it doesn't work that way. It is all wrapped into the same enigma. It is woven into the same fabric. That is what we are dealing with.

On this issue of amnesty, I find it astounding that my colleagues who are straight-faced would stand up and talk about amnesty. Let me tell you what amnesty is. Some of you might recall 1978 when President Jimmy Carter pardoned those who fled this country, who refused to serve their country in Vietnam—unconditional forgiveness. That, my friend, is amnesty. This is not amnesty. So let us get the terms right.

The American people deserve an honest debate and exchange. Come on, let's stop the nonsense. If you have a better answer, step forward and give me a better answer for it. But let us at least be honest with the American people in what we are talking about. This is not amnesty. You all know what we are talking about. This is dealing with a set of criteria that people would have to follow in order to just get on a pathway.

Let me ask this question: Are we better off just to continue to defer this

and not allow the illegals in this country an opportunity to step out of the shadows? Who wins? Is it really protecting the security of this country? Is it really doing more in the way of enhancing our economy and our society to keep pushing these people back into the shadows? Where are we winning? How is this getting to the point, to the issue? How is this dealing with the issue that we must deal with? It is not. It is not.

I said this is a complicated, difficult issue. It is. There is not a perfect solution, or any solution we can come up with which is imperfect. Most solutions are imperfect. Most are imperfect. But it is going to take some courage from this body.

I don't think the American public sees a great abundance of courage in this town, in this Congress, in politicians today. Read the front page of the Washington Post today and read any poll.

But in this case, the President and the Congress are showing some courage to step forward in the middle of a difficult political year, where my own party, the President's party, is divided on this issue. But this is courage and leadership. It is leadership to take on the tough issues. What we are trying to do today and tomorrow and next week is find the common ground of responsible governance to deal with this issue.

This is one of those issues which tests and defines a society. It tests and defines a country. And the precious glue that has been indispensable in holding this country together for over 200 years has been common interests and mutual respect. I don't know of an issue that is facing our country today that is more important, that is framed in that precious glue concept more precisely than this issue.

I hope my colleagues will vote against the Vitter amendment. It is irresponsible. It doesn't present an alternative. I think what we have before us is an alternative.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I thank the Senator from Nebraska for his excellent presentation. He laid out as effectively as one could the reasons against this amendment. Effectively, the Vitter amendment undermines the whole concept of a comprehensive immigration bill. But having said that, it is not a constructive or positive solution to the challenges we are facing with the 11 million or 12 million undocumented individuals who are here at the present time.

First of all, our bill says if you are going to be able to earn citizenship, you have to pay a penalty. So you have to pay the penalty. You have to be continuously employed. You have to meet a security background check. You must learn English. You must learn U.S. History. You must pay all back taxes, and then you get in the back of the line of all of the applicants waiting for green cards. Effectively, it takes 11 years for them to be able to earn citizenship. That is the earned legalization program.

For those who say this is 1986, they are either distorting the record or haven't read it clearly. This is what we are talking about for those 11 million or 12 million people: They have to earn it—the end of the line, pay the penalty, work hard.

We have seen some of them join the Armed Forces of our country. That is the earned legalization.

What is Senator VITTER's answer? Do you know what is going to happen? You are going to have the 11 million or 12 million individuals continue to be exploited in the workplace. You are going to drive down the wages and, therefore, undermine working conditions for Americans. They are going to be exploited. They are going to be threatened in the workplace: If you do not do this job that I am asking you to do, I am going to call the immigration service and have you deported.

They are threatened. That is happening every single day all across this country to these individuals.

Third, if you are a woman you are going to suffer exploitation, you are going to suffer abuse, and you are going to suffer sexual harassment. That is the record. Those are the things that are happening, and at the end of the day you are going to have a two-tiered society. That is something that we, as Americans, have avoided. We take pride that we are a singular society and we struggle to create equality for all the people of our society.

If you accept the Vitter amendment, you are going to have a two-tiered society; that is, a permanent underclass. That is the United States of America. That is going to be the result if we are going to follow the recommendations. There is even the suggestion it was going to be for deportation.

We have heard different approaches to these 12 million. Our friends in the House of Representatives have effectively wanted to criminalize every 1 of these 12 million. We are going to criminalize them and stain them for the rest of their lives. We have rejected that.

We have, on the one hand, people prepared to play by the rules. By and large, these are the people who are devoted to their families, who want to work hard, who want to play by the rules. There are 70,000 permanent residents now serving in the Armed Forces in Iraq and Afghanistan and around the world, willing to do so. Many of them have died in Iraq and Afghanistan. They are prepared to do so. They want to be part of the American dream, as our forebears from other nationalities have been part of the American dream. They want to participate. We are saying to them, that is the choice: a permanent subclass, permanent underclass, permanent exploitation of 11 million or 12 million, or have them earn their way, go to the back of the line, show they are going to be good citizens, learn English, pay their back taxes, and demonstrate they are committed to the American dream.

That is the choice we have made. That is the choice which is clearly in the interest of our country. That would be altered and changed and dramatically undermined with the Vitter amendment. I hope it is not accepted.

I withhold whatever time remains.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I yield 3 minutes to the Senator from South Carolina.

Mr. GRAHAM. Mr. President, quickly, while Senator VITTER is speaking for a lot of people who believe we should not do this together, we should have border security and come back and look at a different way of doing this with 11 or 12 million people, that does not mean you are hateful, that does not mean you don't understand there is a problem. They have a problem with the citizenship path, and I understand that.

I agree with the President, Senator MARTINEZ, Senator HAGEL, Senator SPECTER, Senator KENNEDY, 70 percent of the American people—we have to do both. We are not going to put everybody in jail. That is off the table. It is not going to work. We are not going to deport 11 million or 12 million people. What do we do? Of these 11 or 12 million people, how many have children who are American citizens? How do you get them out of the shadows effectively to get control of the problem?

If we want to control the borders, control employment. If we do not control employment, we can build the biggest fence in the world, and it will not work. People will keep coming here until we get a grip on employment.

How do you control employment? Make sure you know who is being employed, and punish employers who cheat. Give them a chance to participate in the system that will work. The way to control employment is get people out of the shadows, sign up for a system we can control.

If you make them felons, they are not going to come out of the shadows. If you deport the parents and leave the children behind, they are not coming out.

If you think it is silly not to beef up the border, you are right. If you think it is wise to separate these issues and have a system where no one will participate by punishing people for coming out of the shadows, you are dead wrong. You can punish them in a fair-minded way after they come out of the shadows, with an incentive for them to come, put them on probation. We are talking about a nonviolent offense.

We need the workers. We have 4.7 percent unemployment. We have 11 million people here working. They are not putting people out of work; they are adding value to our country. Some

will make it to citizenship, some won't. Those who make it will have learned to speak English and will always have a job for 45 days. They will have a hard road but will have earned it if they get to the end. And some will not make it.

To deny they exist and to have a solution that will not get control of employment is just as irresponsible as not doing something about the border. That is why the President has chosen to get involved with a comprehensive solution that does two things at once—controls the employment and does something about the 11 million in a fairminded way—and also controls the border. If we separate these issues, we will fail again as a country.

I look forward to passing a bill that does both—deals with the employment problems, the border problems, and treats people fairly, punishes them fairly, and makes them pay their debt to society fairly. But I believe deep in my heart that some of the 11 million people will make it and some won't. They can add value to my country. And my friend from Florida is a value to my country, and he was not born here.

Mr. SPECTER. I yield 3 minutes to the Senator from Florida.

Mr. MARTINEZ. Mr. President, I rise in agreement and opposition to the Vitter amendment.

I must say I am delighted that the President on Monday sort of laid out the game plan. He laid out the vision. The vision is of a strong border, one that secures admittance into the country and does not permit illegal entry but understands we have a dynamic country, that we have a growing economy, that we have employment needs which today are being met by what is largely, in terms of this force, illegally here.

The fact is, we have tried to craft a compromise, which is what Senator HAGEL and I added to what was excellent work by Senator SPECTER in his work, and Senators MCCAIN and KENNEDY, who earlier than that came up with a concept to create a two- or three-tier system for those already here.

For those 10 million people who are in our country illegally working, those people need to be treated differently. We set up a three-tier system. Five years and more, and you are more established, you have been here a long time. The President talked about this on Monday night. He spoke of this very concept. Those people would have one path to permanency and to earn legalization very much along the lines of what Senator KENNEDY described—step after step after step.

Those who have been here less than 5 years but more than 2 years have to reenter the country legally. They have to go to an entry point and come back in legally. We will then know who they are. As a matter of fact, when those people do that, they then go back in and have the same requirements of those who have been here more than 10 years before they get a green card or before they become citizens. Then there are those more recent arrivals, and they do not get a benefit from the bill. Those are people who presumably have only come in the last couple of years to take advantage of what is currently perceived to be an opportunity.

As to all of those people, who are they and what are they doing? In my State of Florida, they are working in agriculture, they are working in construction, and they are working in a number of other enterprises. They are working in the tourism industry. They are building homes. If you are a home builder in Florida, you depend on this labor force and these workers to be there. You depend on them for you to make a good living, for your company to prosper, for your economy to continue to grow. In Florida, we virtually have no unemployment. In fact, we have labor shortages in some sectors of our economy. These demands are being met by this illegal system.

What we seek to do in this bill is to create a legal system, a system that can be compatible with our ideals and concepts of a nation of laws and also a nation that has for so many years been a nation that has welcomed immigrants. I am proud to be among them.

I understand the opportunity the American dream can provide to us all. I am very mindful of the openness and the love I felt in this country by the welcoming of people here who allowed me to make a way myself. This is what we are seeking for these people. After a long and projected trajectory, they have a path to citizenship. They, too, will have a stake in this country. They will have a stake in the outcome. We are not relegating them to a second-class citizenship; we are welcoming them as part of the whole.

I yield the floor.

Mr. SPECTER. How much time remains?

The PRESIDING OFFICER. The Senator from Pennsylvania has 5 minutes 45 seconds.

Mr. SPECTER. That is all the time that remains?

The PRESIDING OFFICER. The Senator from Louisiana has 2 minutes 45 seconds.

Mr. SPECTER. Mr. President, I oppose the amendment by the Senator from Louisiana because it makes enormous changes in the committee bill by eliminating the citizenship track.

I understand the point of the Senator from Louisiana. He does not want to see the 11 million undocumented immigrants on the citizenship track. But I believe we should not have a fugitive class in America, that it is necessary, in order to bring these immigrants out of the so-called shadows—they are out of the shadows for many purposes, and they are identifiable, working constructively in the American economy—to have them come forward, we are going to have to provide incentives for them to do so.

We have had a great deal of debate on whether there is amnesty in the committee bill. My own view is that we ought to tone down the rhetoric on that subject, not accuse one side of amnesty, trying to give away something that ought not to be given away, and in return not charging that amnesty is an evil argument.

We ought to deal with what the facts are. The issue is whether it is in our national interest, considering all the factors, to grant citizenship to these 11 million undocumented immigrants when they go to the end of the line if they perform certain tasks, if they meet certain criteria. The criteria are substantial and onerous: the payment of a fine, the payment of back taxes, the criminal background checks, learning English, the learning of American history, working a substantial period of time, and then 6 more years at the end of the line.

In a very realistic way, there is not really a lot of choice as to what we are going to do. It is totally impractical and unrealistic to think about deporting 11 million people. The question is, What do we do with them? How do we handle them?

It has been said in the Senate repeatedly but not too often that we are a nation of immigrants. Many of the Senators who speak start off by referencing their own backgrounds, as I have.

My father came to this country in 1911 at the age of 18. He came from czarist Russia. The czar wanted to send him to Siberia. As I have said in the past, he chose Kansas. It was, perhaps, a close call, I say in a facetious way. My mother came at the age of 6 with her family, settled in St. Joe, MO, and my parents have contributed to the American way of life. My father served in World War I and was wounded in action. In my Senate office, I proudly have their wedding picture. He was in uniform, and she was a beautiful bride of 19. They raised four children who contributed to our country and many grandchildren and many great-grandchildren and many great-great-grandchildren, so far.

This situation is a test of our humanity as a nation and the values in which we believe in the United States. We do not condone the breaking of the law, the breaking of the rule of law, but we are dealing with a very difficult situation in the best way we can.

With respect to the Senator from Louisiana, if his amendment were agreed to, we would not have comprehensive immigration reform. I believe comprehensive immigration reform is what is needed.

I yield the floor and reserve the final minute for perhaps some rebuttal.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. In closing the debate on this amendment, I thank all of the Members who have participated on both sides. It is a very important debate.

I wish to make three closing points.

First of all, I find it a little bit amusing and quite telling, the extreme reaction that erupted from some of the

Senators at my suggestion that this is amnesty. It sort of reminds me of the famous line ''Thou doth protest too much.''

I offered a textbook definition of amnesty, and I heard no rebuttal to the fact that these provisions match that definition. Here is an even better definition from ''Black's Law Dictionary,'' which specifically cites as an example:

The 1986 Immigration Reform and Control Act provided amnesty for undocumented aliens already present in the country.

What is the comparison between that 1986 act and this bill? The comparison is laid out, and it is very striking. Penalties were there in both cases. Learning English? Guess what. That was required in 1986. Working in a job for certain periods of time? Guess what. That was in 1986 as well. The parallels, the comparison is striking.

Second, again, it is a straw man to suggest there is absolutely no way to deal with the 12 million illegal aliens presently in the country but the provisions of this bill. There are alternatives. I laid out an alternative. Senator CHAMBLISS laid out an alternative offering these folks the ability to work as temporary workers but not an automatic guaranteed path to citizenship.

This is not about whether we deal with the problem; this is about how we deal with the problem. And amnesty, in my opinion, is exactly the wrong way to deal with the problem. Recent history has proven that.

Third, and finally, I do not offer this amendment ignoring the values behind American citizenship, ignoring the enormous devotion to those values that so many Americans have, perhaps most of all those who have recently become American citizens. I offer this amendment because of those values and my commitment to honor them because I truly believe the provisions of this bill, which amount to amnesty, will erode the concept of citizenship and will erode those very values.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Pennsylvania has 1 minute.

Mr. SPECTER. Mr. President, the essence of the argument from the Senator from Louisiana is when he says ''automatic guaranteed path to citizenship.'' Well, it simply is not so. There is nothing automatic when you have to fulfill the requirements of paying a fine and learning English and paying back taxes and working for a protracted period of time. There is nothing guaranteed about it. It is earned. And that is the hallmark of American values: to earn it.

That concludes my argument, Mr. President.

Mr. VITTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment there is not a sufficient second.

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, as soon as Senator KENNEDY returns to the floor, I will make it official on asking unanimous consent locking in the two votes at 2:30.

I am informed there is agreement by authorized representatives of the leader of the Democrats. And we are now awaiting the arrival of Senator OBAMA, who is reportedly due here momentarily.

So until he arrives, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent to be able to speak for 2 minutes.

The PRESIDING OFFICER. Without objection, the Senator is recognized for 2 minutes.

Mr. SESSIONS. Mr. President, on the Vitter amendment, I thank Senator VITTER for his amendment. Yesterday, Senator DORGAN offered an amendment to remove the guest worker program in its entirety, and I supported that because I believed it was flawed. Eventually, last night, we came back with an amendment that pretty much fixed it, that whole guest worker program, which I thought was good.

I think Senator VITTER's amendment points out and allows us to focus on the fact that this amnesty provision in the bill or regularization provision in the bill—whatever the fair way to describe it is—also has serious flaws. By supporting this amendment, it would be my intention to say let's make it better because I do believe we are not going to reject the people who are here and try to eject all of those people who have come illegally. We need to treat them in a decent and fair and caring way.

But also the rule of law is important. I think we ought not to develop a procedure that essentially provides every benefit to someone who came illegally that we would provide to those who come legally. So I will be supporting the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, when we complete debate on Senator OBAMA's amendment, we will then have two votes at 2:30. And then, after the votes, it is our desire, subject to Senator INHOFE's agreement, to come and debate his amendment. That may take a substantial period of time. I am advised by Senator KENNEDY they would like 2 hours equally divided. So that will take us fairly far into the afternoon. We will stay in session even though Director Negroponte will be having a session upstairs. This bill needs to be moved, so we will stay in session on the Inhofe amendment during that period of time.

Mr. President, I ask unanimous consent that the Senator from Idaho be given 2 minutes to debate the Vitter amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Idaho is recognized for 2 minutes.

Mr. CRAIG. Mr. President, I do have to stand in opposition to the Vitter amendment and hope my colleagues will oppose it. We are all finding out that what we are attempting to do is phenomenally complicated, with all the different kinds of categories of work status and reality that we as the Senate and the American people are awakening to.

There is one reality. We have a lot of undocumented foreign nationals in our country. By definition, they are illegal. Some—and many—have been here 5 and 6 years or more or less. They are law abiding. They are hard working. They have not violated the laws, other than they walked across the border. And they did violate a law when they did that.

Earned adjustment is an attempt to bring some reality to this by saying, if you have been here and you worked a while, then you can stay and work: You will pay a fine, you will have a background check, but we will provide you with a legal status to stay and to work—not citizenship. If you want citizenship, you go to the back of the line and you qualify.

But we are talking about a legal work status. Some call that amnesty. I call it earned adjustment because we are beginning to find out who is here, why they are here. There is a background check. Are they legal in the sense, did they violate laws, other than walking across the border? And I do not mean to take that lightly.

The Vitter amendment wipes out all of that. It wipes out the work of the committee. It wipes out how you deal with 10 million undocumented people in our country in a systematic, legal, and responsible fashion.

I urge my colleagues to oppose the Vitter amendment. There may be a better idea than earned adjustment. But after having worked on this issue for 5 years and attempting to work with all of the interest groups to bring about some equity, stability of workforce—assuring that those who are out in the field now working or in our processing plants working can stay and work and keep our economy moving—I ask my colleagues to oppose the Vitter amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that at 2:30 we proceed to the Sessions amendment for a

15-minute vote, and thereafter we proceed to the Vitter amendment for a 10-minute vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. Mr. President, we have Senator OBAMA on the floor ready to offer his amendment. There is some issue as to whether it has been worked through on all of the aspects of being modified. But I think we are very close. So what I would suggest we do is proceed to consider the Obama amendment, subject to some minor change which may be made on modification. And I ask unanimous consent that the time be equally divided between now and 2:30.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The time between now and 2:30 will be equally divided.

The Senator from Illinois.

Mr. OBAMA. Thank you very much, Mr. President.

AMENDMENT NO. 3971, AS MODIFIED

Mr. President, while the staff is consulting—we thought that the modifications had been agreed to—what I would like to do is tell you the essence of the amendment that I plan to offer. As soon as we get the go-ahead, we will offer it for immediate consideration.

Mr. President, I rise today to discuss amendment No. 3971, which pertains to the guest worker provisions in the bill. I have some significant concerns with respect to the guest worker provisions. I am concerned that the guest worker provisions are premised on the idea that American workers are not available to fill the jobs that are currently being filled by undocumented workers or foreign guest workers. I am not certain that is the case.

Recently, I was on vacation in Arizona. I was staying at a hotel, and I noticed that all the individuals who were serving drinks and lunch at the swimming pool appeared to be from the West Indies. So I asked one of them: Where are you from? He said: I am from Jamaica. I asked: Are all the guys here from Jamaica? He said: Yes. I asked: How do you come here? He said: Well, I work for a company that essentially brings us in for 9 months during the high season. Then during the low season of vacation we will go back. And they take care of all their paperwork and handle all their immigration issues.

And he said: Did you notice that all the women who are cleaning the rooms are from China? I said: You know, I happened to notice that.

It turned out they have the same arrangement.

What it indicated was essentially you have a situation in which international temp agencies are being set up where workers will come in for 9 months, doing jobs that I think many Americans would be willing to do if they were available.

Now, having said that, there are some industries in which guest workers and agricultural workers are absolutely necessary. So the question is: How do we create this program but make sure it is tight enough that it does not disadvantage workers? To do that we are going to have to make the prevailing wage requirements of this bill real for all workers and all jobs.

We have to ensure that communities where American unemployment rates are high will not experience unnecessary competition from guest workers. So to that end, I will be offering an amendment, as modified, along with Senators FEINSTEIN and BINGAMAN, to strengthen the prevailing wage language and to freeze the guest worker program in communities with unemployment rates for low-skilled workers of 9 percent or greater.

This amendment would establish a true prevailing wage for all occupations to ensure that guest workers are paid a wage that does not lower American wages. The bill on the floor requires that employers advertise jobs to American workers at a prevailing wage before offering that job to a guest worker. And it requires that employers pay guest workers a prevailing wage. But the bill, currently, without the amendment, does not clarify how to calculate the prevailing wage for workers not covered by a collective bargaining agreement or the Service Contract Act of 1965, which governs contracts entered into by the Federal Government. That leaves most jobs and most workers unprotected.

The bill currently before us simply states that an employer has to provide working conditions and benefits such as those provided to workers ''similarly'' employed. So as a consequence, a bad employer could easily game the system by offering an artificially low wage to American workers and just count on those workers not taking the job. The employer could then offer that job at below-average wages to guest workers, knowing they would take it to get here legally.

That is not good for American workers, and it is not good for guest workers.

My amendment fixes that language. It directs the employer to use Department of Labor data to calculate a prevailing wage in those cases in which neither a collective bargaining agreement nor the Service Contract Act applies. That would mean an employer would have to make an offer at an average wage across comparable employers instead of just an average wage that she or he is willing to pay. The amendment also would establish stronger prohibitions on the guest worker program in high unemployment areas. The bill currently bars use of the program if the unemployment rate for low-skilled workers in a metropolitan area averages more than 11 percent. Our amendment would lower that unemployment rate to 9 percent of workers unemployed with a high school diploma or less. There is no reason any community with large pockets of unemployed Americans needs guest workers.

This is a good, commonsense amendment which is endorsed by SEIU, the Laborers Union, the AFL–CIO Building and Construction Trades Department, and the National Council of La Raza. I urge my colleagues to support it.

I will actually call up the amendment to be read as soon as it comes back. I think there are some discussions taking place right now.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, we are still working on a modification. I am advised that it is a minor modification, but until we get it, 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. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my friend from Illinois for bringing this to the attention of the Senate. I rise in strong support of the amendment. One of the dynamics of a comprehensive approach is legality and fairness. What we want to make sure is that when jobs are advertised for Americans first, Americans should be able to take advantage of the opportunity. But if they are going to go, by and large, to Hispanic individuals who come here, they ought to be treated at fair wages. There are protections that are included in the bill at the present time. The amendment offered by the Senator from Illinois addresses that issue and strengthens it. I hope we will find a way to accept it.

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

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

Mr. OBAMA. Mr. President, we have been having some discussion. My understanding is that the concerns that have been raised have to do with the underlying bill and not my amendment. As a consequence, I ask unanimous consent to send to the desk amendment No. 3971, as modified, and ask for its immediate consideration.

I also ask unanimous consent to add Senators LIEBERMAN and LANDRIEU as cosponsors of the amendment.

The PRESIDING OFFICER. Is there objection to setting the pending amendments aside?

Without objection, the pending amendments are set aside. Does the Senator have a modified version?

Mr. OBAMA. Yes.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. OBAMA], for himself, Mrs. FEINSTEIN, Mr. BINGAMAN, Mr. LIEBERMAN, and Ms. LANDRIEU, proposes an amendment numbered 3971, as modified.

Mr. OBAMA. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend the temporary worker program)

Beginning on page 266, strike line 13 and all that follows through 267, line 3, and insert the following:

''(C) PREVAILING WAGE LEVEL.—For purposes of subparagraph (A)(ii), the prevailing wage level shall be determined in accordance as follows:

''(i) If the job opportunity is covered by a collective bargaining agreement between a union and the employer, the prevailing wage shall be the wage rate set forth in the collective bargaining agreement.

''(ii) If the job opportunity is not covered by such an agreement and it is in an occupation that is covered by a wage determination under a provision of subchapter IV of chapter 31 of title 40, United States Code, or the Service Contract Act of 1965 (41 U.S.C. 351 et seq.), the prevailing wage level shall be the appropriate statutory wage.

''(iii)(I) If the job opportunity is not covered by such an agreement and it is in an occupation that is not covered by a wage determination under a provision of subchapter IV of chapter 31 of title 40, United States Code, or the Service Contract Act of 1965 (41 U.S.C. 351 et seq.), the prevailing wage level shall be based on published wage data for the occupation from the Bureau of Labor Statistics, including the Occupational Employment Statistics survey, Current Employment Statistics data, National Compensation Survey, and Occupational Employment Projections program. If the Bureau of Labor Statistics does not have wage data applicable to such occupation, the employer may base the prevailing wage level on another wage survey approved by the Secretary of Labor.

''(II) The Secretary shall promulgate regulations applicable to approval of such other wage surveys that require, among other things, that the Bureau of Labor Statistics determine such surveys are statistically viable.

On page 273, line 7, strike ''unskilled and low-skilled workers'' and insert ''workers who have not completed any education beyond a high school diploma''.

On page 273, line 9, strike ''11.0'' and insert ''9.0'', and on line 4, after ''immigrant'', add ''is not agriculture based and''.

Mr. OBAMA. I already explained the amendment, Mr. President. My suggestion would be that if the manager of the bill has no objection, we go ahead. I want to make sure I am going in the appropriate order, given the manager's fine job of keeping this process moving.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have no objection to proceeding to consider the amendment, as modified. There are still Senators on this side of the aisle reviewing it. We are not yet prepared to take a position. I think it is entirely appropriate to consider the discussion. I believe, as I said to Senator OBAMA privately, that we will work it out.

I yield to the Senator from Illinois for further debate.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. As I indicated, this amendment essentially says that the prevailing wage provisions in the underlying bill should be tightened to ensure that they apply to all workers and not just some workers. The way the underlying bill is currently structured, essentially those workers who fall outside of Davis-Bacon projects or collective bargaining agreements or other provisions are not going to be covered. That could be 25 million workers or so which could be subject to competition from guest workers, even though they are prepared to take the jobs that the employers are offering, if they were offered at a prevailing wage. My hope would be that we can work out whatever disagreements there are on the other side. This is a mechanism to ensure that the guest worker program is not used to undercut American workers and to put downward pressure on the wages of American workers.

Everybody in this Chamber has agreed that if we are going to have a guest worker program, it should only be made available where there is a genuine need that has been shown by the employers that American workers are not available for those jobs. Without this amendment, that will not be the case, and we will have a situation in which we have guest workers who are taking jobs that Americans are prepared to take, if, in fact, prevailing wages were provided for. I don't know anybody here—and I have been working closely with those who are interested in passing a bill—who wants to see a situation in which we are creating a mechanism to undermine the position of American workers.

I ask that this amendment be considered, and I will hold off on asking for the yeas and nays until we have had a chance to discuss it further.

The PRESIDING OFFICER. Under the previous order, the hour of 2:30 having arrived, the vote is to occur in relation to the Sessions amendment No. 3979.

Mr. SPECTER. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. SPECTER. 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. SPECTER. Have the yeas and nays been ordered on the Vitter amendment?

The PRESIDING OFFICER. Yes, the yeas and nays have been ordered on the Vitter amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama, Mr. SESSIONS.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 16, as follows:

[Rollcall Vote No. 126 Leg.]

YEAS—83

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Mikulski
Baucus	Dorgan	Murkowski
Bayh	Ensign	Nelson (FL)
Bennett	Enzi	Nelson (NE)
Biden	Feinstein	Pryor
Bond	Frist	Reid
Boxer	Graham	Roberts
Brownback	Grassley	Salazar
Bunning	Gregg	Santorum
Burns	Hagel	Schumer
Burr	Harkin	Sessions
Byrd	Hatch	Shelby
Carper	Hutchison	Smith
Chafee	Inhofe	Snowe
Chambliss	Isakson	Specter
Clinton	Johnson	Stabenow
Coburn	Kerry	Stevens
Cochran	Kohl	Sununu
Coleman	Kyl	Talent
Collins	Landrieu	Thomas
Conrad	Leahy	Thune
Cornyn	Levin	Vitter
Craig	Lincoln	Voinovich
Crapo	Lott	Warner
Dayton	Lugar	Wyden
DeMint	Martinez	

NAYS—16

Akaka	Inouye	Murray
Bingaman	Jeffords	Obama
Cantwell	Kennedy	Reed
Dodd	Lautenberg	Sarbanes
Durbin	Lieberman	
Feingold	Menendez	

NOT VOTING—1

Rockefeller

The amendment (No. 3979) was agreed to.

Mr. SPECTER. I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPECTER. Mr. President, for 1 minute.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

AMENDMENT NO. 3971, AS MODIFIED

Mr. SPECTER. Mr. President, before moving on to the next vote, we have the pending amendment by the Senator from Illinois, Mr. OBAMA, which we are prepared to accept. I ask for a voice vote.

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

Under the previous order, the yeas and nays have been ordered on the Vitter amendment, and it is scheduled for a vote at the conclusion of this vote. The Senator from Pennsylvania has asked unanimous consent that prior to that vote the Obama amendment be considered by a voice vote. Is there objection? Without objection, it is so ordered.

The question is on agreeing to Obama amendment No. 3971, as modified.

The amendment (No. 3971), as modified, was agreed to.

AMENDMENT NO. 4018

The PRESIDING OFFICER. Under the previous order, a vote will now

occur in relation to the Vitter amendment.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent that we call up the Stevens, Leahy, Murkowski, Jeffords, Coleman, Stabenow, Collins, and Levin amendment No. 4018 to extend the implementation deadline for the Western Hemisphere initiative by 18 months. I ask unanimous consent that it be allowed to be called up. It will simply be a voice vote.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. STEVENS, for himself, Mr. LEAHY, Ms. MURKOWSKI, Mr. COLEMAN, Mr. JEFFORDS, Ms. STABENOW, Ms. COLLINS, and Mr. LEVIN, proposes an amendment numbered 4018.

Mr. LEAHY. 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 extend the deadline given to the Secretary of Homeland Security for the implementation of a new travel document plan for border crossings to June 1, 2009)

At the appropriate place, insert the following:

SEC. ___. TRAVEL DOCUMENT PLAN.

Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended by striking ''January 1, 2008'' and inserting ''June 1, 2009''.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4018.

Mr. DOMENICI. What is the amendment?

Mr. LEAHY. The amendment simply extends for 18 months the Western Hemisphere travel initiative on the northern border.

Mr. VITTER. Mr. President, I object to proceeding with the amendment.

The PRESIDING OFFICER. Objection is heard.

Mr. LEAHY. Mr. President, the amendment has been called up. There is to be a voice vote by consent. A voice vote is still allowed to go forward. The Senator can vote against it, of course.

The PRESIDING OFFICER. By unanimous consent, the amendment has been considered. Under the previous order, a vote is now to occur in relation to the Vitter amendment on which the yeas and nays have been ordered.

Mr. LEAHY. Parliamentary inquiry, Mr. President: What happens to the amendment that was brought up by unanimous consent, amendment—

The PRESIDING OFFICER. That amendment is the pending amendment.

Mr. LEAHY. I thank the Chair. So does that mean that amendment becomes the pending amendment following the disposition of the Vitter amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. I thank the Chair.

Mr. SPECTER. Mr. President, parliamentary inquiry: Isn't it true that we have the unanimous consent agreement to take up the Inhofe amendment after we have the vote on the Vitter amendment?

The PRESIDING OFFICER. No. The Inhofe amendment has not been agreed to be considered under any previous order.

Mr. SPECTER. Mr. President, then I ask unanimous consent that the Inhofe amendment be taken up following the amendment referenced by the Senator from Vermont.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object, as I understand, at the time they are going to have the consideration of the Inhofe amendment, there may be a side-by-side amendment, and I hope that perhaps we would move to Inhofe. I would also hope that the Senator might withhold his unanimous consent request, at least until we have the full package, so that the Senate understands exactly the way we are going to proceed.

Mr. SPECTER. Mr. President, that is agreeable.

VOTE ON AMENDMENT NO. 3963

The PRESIDING OFFICER (Mr. MARTINEZ). The question is on agreeing to the Vitter amendment No. 3963. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The result was announced—yeas 33, nays 66, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—33

Allard	Crapo	Lott
Allen	DeMint	McConnell
Bennett	Dole	Nelson (NE)
Bond	Ensign	Roberts
Bunning	Enzi	Santorum
Burns	Grassley	Sessions
Burr	Hatch	Shelby
Byrd	Hutchison	Talent
Chambliss	Inhofe	Thomas
Coburn	Isakson	Thune
Cornyn	Kyl	Vitter

NAYS—66

Akaka	Durbin	McCain
Alexander	Feingold	Menendez
Baucus	Feinstein	Mikulski
Bayh	Frist	Murkowski
Biden	Graham	Murray
Bingaman	Gregg	Nelson (FL)
Boxer	Hagel	Obama
Brownback	Harkin	Pryor
Cantwell	Inouye	Reed
Carper	Jeffords	Reid
Chafee	Johnson	Salazar
Clinton	Kennedy	Sarbanes
Cochran	Kerry	Schumer
Coleman	Kohl	Smith
Collins	Landrieu	Snowe
Conrad	Lautenberg	Specter
Craig	Leahy	Stabenow
Dayton	Levin	Stevens
DeWine	Lieberman	Sununu
Dodd	Lincoln	Voinovich
Domenici	Lugar	Warner
Dorgan	Martinez	Wyden

NOT VOTING—1

Rockefeller

The amendment (No. 3963) was rejected.

Mr. DORGAN. Mr. President, I would like to explain my reasons for my vote on the Vitter amendment No. 3963.

It is estimated that there are currently around 12 million illegal immigrants in this country. And I do not support the proposition that everyone of those 12 million illegal immigrants currently in the United States should be given the right to a green card and eventual citizenship.

However, there are certain cases where illegal immigrants have been here for a very long time—in some cases, for decades. Some of these people have families here and deep ties to their local communities.

The Vitter amendment would have made no exception for such cases at all. And I do think that we need some flexibility for humanitarian reasons.

For this reason, I voted against the Vitter amendment. But I would like to emphasize that I am not in favor of a broad, blanket amnesty for illegal immigrants.

AMENDMENT NO. 4018

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I think we are ready to go on the amendment.

Mrs. HUTCHISON. Mr. President, if I could ask the distinguished manager if I, along with Senator CORNYN, could be added as cosponsors to Senator LEAHY's amendment since it applies to both the northern and southern borders?

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have no objection to that. It fairly states it. This would apply to both borders and, of course, simply extends the time after which we have to have the kind of ID that would be called for in previous legislation. It would extend to both the northern and southern border. I will be glad to have both Senators from Texas as cosponsors.

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

Mrs. HUTCHISON. I thank the Senator.

Mr. STEVENS. Mr. President, I offer an amendment to the Western Hemisphere Travel Initiative. This initiative is based on the 9/11 Commission's recommendations and was authorized in ''The Intelligence Reform and Terrorism Prevention Act of 2004.'' It requires the Department of Homeland Security—DHS—to implement a new documentation program by January 1, 2008. Once this program is in place, all U.S. citizens crossing the Canadian or Mexican border into our country must have a passport or other accepted documentation, such as a passcard, in order to verify their citizenship.

The Department of Homeland Security and the State Department are now in the process of developing the rules needed to implement this initiative. The air and sea portion of this initiative could be implemented as early as next January.

The Department of Homeland Security and the State Department are

evaluating two options for this initiative. The first would require a person entering the United States to present a passport. However, passports are expensive and require weeks to acquire. The second option is a passcard, which would be slightly cheaper, but would still require a background check and could only be used for travel between our country, Canada, and Mexico.

We must tighten our border security, but many have raised serious concerns about both of these options. It is unlikely the State Department will be able to process the flood of requests for passports and passcards that will come from this initiative by the deadline. The travel and business activities of millions of people will be adversely affected.

Take a military family reassigned from the lower 48 to Eielson Air Force Base, Alaska. They must drive from the lower 48 through Canada with all of their belongings, and they may not have the opportunity or funds to acquire the passports this initiative will require.

Our State is the only State in the Nation which cannot be accessed by land without passing through a foreign country. Alaskans are very concerned about the impact this initiative will have on travel to and from our State.

Every year, a large number of people travel to Alaska from the lower 48 on the Alaska-Canada highway, Also known as the Al-Can. Each summer we routinely see RVs on the road with license plates from New York, Pennsylvania, Florida, California, and elsewhere. These visitors will now need a passcard or a passport to drive to our State. I worry about how this will affect our tourism industry and the challenges it will create for Americans who want to visit one of the most beautiful places in our country.

These are just some of the issues which must be considered before implementing this plan. I believe the department of homeland security and the State department are operating under an unrealistic timeframe. We must ensure they have enough time to properly test and implement this system, which includes biometrics and new border security equipment.

Those of us in Alaska share a special relationship with our friends in Canada. It would be unfortunate if a hastily imposed initiative negatively affected movement in and out of Canada, or negatively affected our relationship with our neighbors.

The deadline Congress gave the Department of Homeland Security is fast approaching. Little progress has been made. We must pass this amendment to give them more time.

There is just too much at stake to rush this, and I urge my colleagues to support this amendment.

Mr. LEAHY. Mr. President, when the Congress passed the intelligence reform bill in 2004, it included measures that were intended to help secure our borders. These provisions, called the Western Hemisphere Travel Initiative, require that any person, including a U.S. citizen, present a passport or its equivalent, when they enter the United States from neighboring countries, including Canada or Mexico.

We have long enjoyed less-formal immigration policies with our neighbors, and especially with Canada. These policies encourage tourism and trade and promote goodwill between our nations.

The impact of the Western Hemisphere Travel Initiative on Northern Border states could be extremely harmful. Last year, Vermont exported $1.516 billion worth of products to Canada. And in 2003, more than 2 million Canadians visited Vermont, spending $188 million while here. Other northern border States enjoy similar trade and tourism benefits with Canada and face what could be significant downturns in their economies if this law is not implemented smoothly.

States like Alaska and Minnesota have unique challenges under the law because in Alaska all or in Minnesota some residents have to cross into Canada before entering the continental U.S. by land. In addition, several southern States could experience negative impacts. Florida and Nevada welcome significant numbers of Canadian tourists. Other States have strong economic ties to Canada and depend on the efficient movement of products across international borders.

We all know that the economic health of many small towns along the border depends upon their access to neighboring Canadian towns. In some cases, these towns share emergency services, grocery stores and other basic services. Residents sometimes cross the border on foot several times a day. This is true in Vermont, and I am sure that it is true for communities in many border States.

The State Department is developing a lower cost passport alternative—called the PASS Card—but that program has serious problems and potential for delay. The two Government agencies responsible for these PASS Cards are still arguing over what technology to embed in the card.

This issue alone indicates that DHS cannot meet the January 1, 2008 deadline when all U.S. citizens will need this card, or the more expensive traditional passport, to cross the northern border at land ports of entry.

I have worked in recent months with Senators STEVENS, JEFFORDS, COLEMAN, STABENOW, MURKOWSKI, CORNYN and LEVIN to extend the implementation date for this program to June 2009. That would give the U.S. and Canada an extra 18 months to prepare for a smooth transition. The bipartisan amendment we offer today should be non controversial and I hope all Senators will support it.

No one is suggesting that we should repeal the Western Hemisphere Travel Initiative altogether, but in order to protect our economy and to preserve community ties, we should intervene now to ensure that the Government can implement this law in a rational manner. An extension is the sensible way to proceed. We need to be smart about border security, not just to sound ''tough'' about it.

Mr. SPECTER. Mr. President, we are ready to have a voice vote on the pending Leahy-Stevens amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4018) was agreed to.

Mr. SPECTER. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4000

Mr. SPECTER. Mr. President, I will now ask for consideration of the Santorum amendment, amendment No. 4000, which has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM], for himself, Mr. FRIST, and Ms. MIKULSKI, proposes an amendment numbered 4000.

Mr. SANTORUM. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To allow additional countries to participate in the visa waiver program under section 217 of the Immigration and Nationality Act if they meet certain criteria)

On page 306, strike line 13 and insert the following:

SEC. 413. VISA WAIVER PROGRAM EXPANSION.

Section 217(c) (8 U.S.C. 1187(c)) is amended by adding at the end the following:

''(8) PROBATIONARY ADMISSION.—

''(A) DEFINITION OF MATERIAL SUPPORT.—In this paragraph, the term 'material support' means the current provision of the equivalent of, but not less than, a battalion (which consists of 300 to 1,000 military personnel) to Operation Iraqi Freedom or Operation Enduring Freedom to provide training, logistical or tactical support, or a military presence.

''(B) DESIGNATION AS A PROGRAM COUNTRY.—Notwithstanding any other provision of this section, a country may be designated as a program country, on a probationary basis, under this section if—

''(i) the country is a member of the European Union;

''(ii) the country is providing material support to the United States or the multilateral forces in Afghanistan or Iraq, as determined by the Secretary of Defense, in consultation with the Secretary of State; and

''(iii) the Secretary of Homeland Security, in consultation with the Secretary of State, determines that participation of the country in the visa waiver program under this section does not compromise the law enforcement interests of the United States.

''(C) REFUSAL RATES; OVERSTAY RATES.—The determination under subparagraph (B)(iii) shall only take into account any refusal rates or overstay rates after the expiration of the first full year of the country's admission into the European Union.

''(D) FULL COMPLIANCE.—Not later than 2 years after the date of a country's designation under subparagraph (B), the country—

''(i) shall be in full compliance with all applicable requirements for program country status under this section; or

''(ii) shall have its program country designation terminated.

''(E) EXTENSIONS.—The Secretary of State may extend, for a period not to exceed 2 years, the probationary designation granted under subparagraph (B) if the country—

''(i) is making significant progress towards coming into full compliance with all applicable requirements for program country status under this section;

''(ii) is likely to achieve full compliance before the end of such 2–year period; and

''(iii) continues to be an ally of the United States against terrorist states, organizations, and individuals, as determined by the Secretary of Defense, in consultation with the Secretary of State.''.

SEC. 414. AUTHORIZATION OF APPROPRIATIONS.

Mr. SANTORUM. Mr. President, I congratulate my cosponsor, Senator MIKULSKI, for the excellent work we did as a team on this amendment. It took a long time to work this through the process, but we are very pleased today this amendment will be accepted.

Mr. President, when a country is a staunch defense ally and partner in the war on terror, they should have the opportunity to participate in the Visa Waiver Program on a probationary basis while they work to come into full compliance. I previously introduced and called up a similar amendment, No. 3214, cosponsored by Senator MIKULSKI. After consultation with the Judiciary Committee and the Department of State, this modified version seeks to address some of the concerns that have been raised.

I believe it is time that we allow average citizens from our allies in the war on terror to come to the U.S. for weddings, birthdays and funerals without the arbitrary determination of an embassy bureaucrat. This amendment provides an opportunity—just an opportunity—for our allies to allow their citizens to visit here for average events that we all take for granted. It does not provide an open-ended opportunity, just a 2-year window.

Any country that meets the probationary criteria then must come into full compliance within 2 years—if not, they are terminated from the program. This amendment also addressed a particular concern related to certain countries with a Cold War history where even in the post-Cold War era is held accountable for decades-old problems. This provision ensures that overstay and refusal rates are based on current issues after the country's admission into the European Union, and not its past history.

Finally, the amendment provides a one-time option to the Secretary of State to extend a country's probationary status under certain specific criteria. After researching countries that could meet the criteria of the amendment, my staff indicates that the only country currently meeting the eligibility requirements is Poland.

Poland has been a strong ally to the United States at a critical time in history. Poland was a staunch ally to the U.S. in Operation Iraqi Freedom. Poland has committed up to 2,300 soldiers to help with ongoing peace efforts in Iraq, and currently assumes command of the Multi-National Division—MND—Central South in Iraq. Poland demonstrated its commitment to global security by becoming a member of NATO. Poland also just recently became a member of the EU. And in 1991, Poland unilaterally repealed the visa requirement for U.S. citizens traveling to Poland for less than 90 days. Today, more than 100,000 Polish citizens travel to the United States annually.

On February 10, 2005, I introduced S. 348 designating Poland as a visa waiver country, with Senator MIKULSKI. This bill designates Poland as a visa waiver country. Under this amendment, Polish citizens visiting the U.S. within a 90-day period would not need to apply for a visa. Representative NANCY JOHNSON introduced identical legislation March 8, 2005 in the House, H.R. 635. Cosponsors of the bill are Representatives CROWLEY, JACKSON-LEE, HART, LAHOOD, SHIMKUS, LIPINSKI and WEINER.

I wrote a letter on February 9, 2005 to Secretary of State Rice urging the State Department's support for this legislation. Following up on that letter, I had conversations with Secretary Rice in the Spring of 2005. Then in February 2006, I again wrote to Deputy Secretary Zoellick urging his support for this legislation and offering to address any concerns the State Department may have. To date, and despite my staffs continued outreach, they have failed to take us up on the offer.

So instead of working for a compromise, we continue not to move forward on a bill to support the allies that have supported us. On August 31, 2005 Poland celebrated the 25th anniversary of the 1980 shipyard strikes in Gdansk and the creation of the Solidarity Trade Union. I was an original cosponsor of the Senate-passed resolution. The Senate passed a resolution commemorating this anniversary. I had the incredible privilege of meeting with Lech Walesa in October 2004 upon introduction of my bill designating Poland as a member country of the Visa Waiver Program. He is ''the symbol of the solidarity movement.'' Since the demise of communism, Poland has become a stable, democratic nation. Poland has adopted economic policies that promote free markets and economic growth.

When President Bush and then-Polish President Kwasniewski met in February 2005, they affirmed the goal of Poland entering the Visa Waiver Program—VMP, and agreed to a ''roadmap'' of mutual steps to advance this goal in conformity with U.S. legislative criteria. Through pressure from Congress and advocacy groups this issue has been advanced further than ever before, making this ''road map'' possible. Although the State Department has assured me it is working hard to implement a ''clean slate'' so immigration violations before 1989 will not render them ineligible for a U.S. visa, we know that a key element will be the 2006 review of visa overstay rates based on new 2005 data from Poland's first year in the EU. Another part of the agreement includes the U.S. working with Poland to meet the visa waiver requirements, particularly with regard to refusal and overstay rates, and exploring the provision of technical assistance to bring Poland's passports in compliance. I hope the cooperation that has begun will continue in earnest to ensure that Poland comes into full compliance in the 2-year window under this provision.

The current roadmap is a step in the right direction, but it continues to move at a very slow pace. We can and should do more for those that have stepped up to the plate and been incredible allies in the war on terror. Today, as we consider who should be allowed to immigrate to our country and how, we are focused on how to ensure security and the rule flaw for those that have come into our country illegally. For a moment I propose to turn the discussion to how to help those who have stood with us—indeed those who have fought and died with us—a preferred legal way to obtain a visa to come to this country.

I am here to stand with the Polish people in asking each of you to support bringing Poland into the Visa Waiver Program. Why is it that countries such as Brunei, Liechtenstein and San Marino are in the Visa Waiver Program, but not Poland or other allies in the war on terror? Polish troops have fought alongside American and British and Australian troops from day one of the war in Iraq. Just like Congress did in 1996 when it legislatively brought Ireland in as a full participant in the Visa Waiver Program, it is time for us to take a stand and support our allies in the war on terror.

As a country, we look forward to continuing our strong friendship with Poland and its new President Lech Kaczynski. Is this then a country that we don't want to allow its citizens to come to this country? Is this a country we want to say ''thanks for your help'' but we won't help your citizens come to the U.S.? I think there is a better course of action. Colleagues, this is an to opportunity for us to strengthen that relationship in a real and substantial way. Open a pathway for those that have supported us to come visit our country. In that way—in this small way—we can reach back the hand of an ally that has reached out to help us in the War on Terror. I urge my colleagues to support the Santorum-Mikulski-Frist amendment.

Ms. MIKULSKI. Mr. President, I rise today to continue the fight to right a wrong in America's visa program. It is time to extend the Visa Waiver Program to Poland. I am pleased to have formed bipartisan partnership with

Senator SANTORUM and Senator FRIST to introduce this amendment to get it done.

In September 2004, Senator SANTORUM and I met with a hero of the cold war, Lech Walesa. When he jumped over the wall of the Gdansk shipyard, he took Poland and the world with him. He told us that the visa issue is a question of honor for Poland. That day we introduced a bill to once again stand in solidarity with the father of Solidarity by extending the Visa Waiver Program to Poland.

Two months ago, I had the honor of meeting with Poland's new President, Lech Kaczynski. We reaffirmed the close ties between the Polish and American peoples. And we heard loud and clear that the Visa Waiver Program remains a high priority for Poland.

The people of Poland don't understand, and frankly neither do I, why France is among the 27 countries of the Visa Waiver Program but Poland is not. Poland, whose troops joined us in the opening days of war in Iraq. Nine hundred Polish troops stand with us there today. Seventeen Polish soldiers have been killed in Iraq and 27 wounded. Poland, whose troops are preparing to deploy to Afghanistan, sending 1,000 Polish soldiers to help lead NATO's mission there. The United States is blessed with few allies as stalwart as Poland. But we tell a grandmother in Gdansk she needs a visa to visit her grandchildren in America.

This amendment will allow Poland and any other European Union country with troops in Iraq or Afghanistan today to join the Visa Waiver Program for 2 years on probationary status. It will allow Polish citizens to travel to the U.S. for tourism or business for up to 60 days without needing to stand in line for a visa. Shouldn't we make it easier for the Pulaskis and Marie Curies to visit our country?

We know our borders will be no less secure because of this amendment. But we know our alliance will be more secure. I thank my colleagues for their support.

I am glad the Santorum-Mikulski amendment is being considered. It shows that when we work together we can get a lot done. I thank both Senators from Pennsylvania for their help and cooperation to get this amendment agreed to.

This amendment rights a wrong in America's visa program.

It is time to extent the visa waiver program to Poland. I am pleased to have formed bipartisan partnership with Senator SANTORUM and Senator FRIST to get it done.

In September 2004, Senator SANTORUM and I met with the hero of the cold war—Lech Walesa. When he jumped over the wall of the Gdansk shipyard he took Poland and the world with him. He told us that the visa issue is a question of honor for Poland. That day, we introduced bill to once again stand in solidarity and with the father of Solidarity by extending the visa waiver program to Poland.

Two months ago, I met with Poland's new President, Lech Kaczynski. We reaffirmed close ties between the Polish and American peoples. We hear loud and clear that the visa waiver program is a high priority for Poland.

Why is it important?

The people of Poland don't understand, and frankly, neither do I, why France is among the 27 countries of the visa waiver program but Poland is not. Poland, whose troops joined us in the opening days of war in Iraq, has had 900 troops stand with us there today. Mr. President, 17 Polish soldiers have been killed in Iraq and 27 were wounded. Polish troops are preparing to deploy to Afghanistan. One thousand Polish soldiers help lead NATO's mission there.

The United States is blessed with few allies as stalwart as Poland, but we tell a grandmother in Gdansk she needs a visa to visit her grandchildren in America.

What will it do?

This amendment will allow Poland and any other EU country with troops in Iraq or Afghanistan today to join the visa waiver program for 2 years on probationary status.

It will allow Polish citizens to travel to the United States for tourism or business for up to 60 days without needing to stand in line for a visa.

Shouldn't we make it easier for the Pulaskis and Marie Curies to visit our country? We know our borders will be no less secure because of this amendment, but we know our alliance will be more secure.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4000) was agreed to.

Mr. SANTORUM. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I think we are prepared to go with the amendment by the Senator from Texas, Mr. CORNYN. I ask unanimous consent that we have a 2-hour time agreement on the Cornyn amendment equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Mr. President, reserving the right to object, it is my understanding that we have under unanimous consent my amendment and then a Democratic amendment and then the Ensign amendment. Is the Senator talking about changing that order?

Mr. SPECTER. Mr. President, I am talking about changing the order. When the Senator from Oklahoma and I last talked, Senator KYL had asked for more time and there were discussions. It is my understanding that we were trying to work through to simplify the action once it got to the floor. My interest is finding an amendment which I can bring to the floor and debate and vote. I am prepared to go any direction practicable to achieve that. We now have Senator VITTER on the floor who has another amendment. But may we hear from the Senator from Oklahoma as to what his concerns are?

Mr. INHOFE. Mr. President, I believe we are ready with our amendment, and under the unanimous consent we would be next. We are making some modifications right now. We could use a little time. We are ready to go in our place in line, unless it works out by unanimous consent that Senator ENSIGN and I change places so that my amendment would come up after the next Democratic amendment. That is what I will be willing to do.

I ask unanimous consent that we stay on the current unanimous consent request, with the exception that Senator ENSIGN's amendment be traded with mine, and I will take his place after the next amendment.

Mr. KENNEDY. Mr. President, reserving the right to object, we have been ready to go, urging relatively short time agreements. We have a whole series of proposals from that side and virtually none from here. This has been sort of a jump ball. We are trying to adopt to that. We have a Democratic amendment that we are prepared to go to. I am more than glad to work out with the floor manager as to time limits. The Cornyn amendment we had not expected would come up. It reaches the heart of the issue, and our side needs at least an hour for it. I know the Inhofe amendment has been a matter that has been discussed. We were trying to work out a time agreement for consideration of a side-by-side. There has been a good deal of discussion and desire to try to work out a relatively limited amount of time. We are not interested in prolonging that discussion and debate. I think people would like some time to try to figure that out. I think when they have that, we could have a relatively short period of time for the consideration of it. I am familiar with the Ensign amendment. Senator VITTER and Senator CORNYN have amendments. We are prepared to have a short time agreement.

Our concern is that we have a whole series of Republican amendments, and we are not having Democratic amendments. We want to try to work this thing through. We have had a short time. I have every intention of suggesting to our side that we have short

times. But we need to at least try to work out with the floor manager some opportunity for the consideration of our side.

Mr. SPECTER. Mr. President, do I understand the Senator from Massachusetts to mean he would be prepared to go, if we revert to the original schedule, with Senator INHOFE and take the Inhofe amendment now under a time agreement?

Mr. KENNEDY. Mr. President, I am glad to do the Inhofe amendment. I understand there is going to be a side-by-side, but I can't enter into a time agreement on that until that thing is finished. I know what the Senator's amendment is. I know people want to debate it. But in terms of limiting the time, until we have the side-by-side, I cannot enter into a time agreement. When we have a side-by-side, we would enter into a short time agreement—I think an hour or an hour and half evenly divided. There isn't any desire to prolong this. We are going to be on this bill—I understand there are 16 more amendments on that side which are serious amendments. We are going to be on this legislation. We made good progress today. I am glad to make some progress. That happens to be the reality on this. Maybe later in the afternoon we could get a short time agreement. But until we work out the side-by-side language on it, I would not be able to enter into a time agreement at this time on the Inhofe amendment.

Mr. SPECTER. Mr. President, it would be my suggestion, if we can't work out a time agreement on the Inhofe amendment, subject to an agreement on all sides, that we try to get the side-by-side before the afternoon is up so we can take up the Inhofe amendment first thing tomorrow morning, hopefully, on a limited time agreement. Would that be acceptable?

Mr. INHOFE. No. I respectfully say to the chairman that we are ready to go with our amendment, and the unanimous consent request propounded by the minority leader has a Democratic amendment prior to mine. I don't know. Is that still in the order? I ask if it is. If it is not, I ask for regular order.

Mr. SPECTER. Mr. President, is there a unanimous consent agreement setting up the Inhofe amendment?

The PRESIDING OFFICER. The previous agreement has been negated.

Mr. SPECTER. Will the Chair repeat that?

The PRESIDING OFFICER. The previous agreement has been negated.

Mr. INHOFE. The previous unanimous consent has been negated; is that my understanding?

The PRESIDING OFFICER. The Senator is correct.

Mr. INHOFE. How, might I ask, did that happen?

The PRESIDING OFFICER. By a subsequent unanimous consent request.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I ask unanimous consent that we proceed to the Cornyn amendment with a time agreement of 2 hours, equally divided. There has been a suggestion by Senator CORNYN that he can take less time. Perhaps Senator KENNEDY can take less. But the consent agreement is for 2 hours, equally divided, with no second degrees.

The PRESIDING OFFICER (Mr. COBURN). Without objection, it is so ordered.

Mr. SPECTER. Then I ask unanimous consent that we proceed to the Vitter amendment for 45 minutes, equally divided, with no second-degree amendments.

Mr. KENNEDY. I am glad, when we get to the Vitter amendment, to go for 45 minutes, but I think it is our turn after disposing of the Cornyn amendment. Senator LIEBERMAN has an amendment, the Lieberman-Brownback amendment. We can agree to a short time limit on that. We would want to go back and forth.

Mr. SPECTER. Can we have a time agreement on Lieberman-Brownback, 45 minutes equally decided?

Mr. KENNEDY. I suggest an hour. I think we can get it done in 45.

Mr. SPECTER. One hour equally divided, no second-degree amendments.

Mr. ENSIGN. Reserving the right to object, may I hear the unanimous consent request?

Mr. SPECTER. The unanimous consent request is to go next to the Lieberman-Brownback amendment for 1 hour, equally divided, with no second-degree amendments.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. Reserving the right to object, we already have a unanimous consent to go to the Cornyn amendment.

Mr. SPECTER. We already had the unanimous consent to go to the Cornyn amendment.

Mr. President, I ask consent that we then lock in the Vitter amendment next in sequence, for 45 minutes, equally divided.

Mr. INHOFE. Reserving the right to object, the problem is, I say respectfully to our chairman, we are being left out of this queue. If we are going right now to a Democratic amendment, under the regular order I should be the next amendment. As it is now, it would be the Cornyn amendment and then the Democratic amendment.

Mr. SPECTER. I modify the request. Senator VITTER is moved. After Lieberman, we go to the Inhofe amendment, and perhaps by that time we can have them laid down, side by side, and before we begin debate, have a time agreement.

Mr. ENSIGN. Mr. President, we have been trying to get in the amendment queue for a couple of days. We would love to get locked in, along with this.

Mr. SPECTER. We will move to get Senator ENSIGN in the queue, but we can start on the Cornyn amendment, and we will talk about this in the cloakroom.

Mr. KENNEDY. Mr. President, I have no objection. I think for the time being we have an order now for the next three. I have no objection to going at sometime to Ensign. I expect that would be the regular order. But for all intents and purposes, we agree to the three outlined here. I can understand they will probably follow along, but for all intents and purposes, we agree to the three.

Mr. SPECTER. Senator KENNEDY is correct. May we proceed?

The PRESIDING OFFICER. Without objection, it is so ordered. The requests are agreed to.

The Senator from Texas.

AMENDMENT NO. 3965, AS MODIFIED

Mr. CORNYN. I send a modification to amendment 3965 to the desk for consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN], for himself and Mr. KYL, proposes an amendment numbered 3965, as modified.

Mr. CORNYN. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment (No. 3965), as modified, is as follows:

On page 295, strike lines 14 through 16 and insert the following:

''(B) by the alien, if—

''(i) the alien has been employed in H–2C status for a cumulative period of not less than 4 years;

''(ii) an employer attests that the employer will employ the alien in the offered job position; and

''(iii) the Secretary of Labor determines and certifies that there are not sufficient United States workers who are able, willing, qualified, and available to fill the job position.

Mr. CORNYN. Mr. President, the bill in the Senate is a massive piece of legislation creating a number of new programs within our immigration system. Obviously, we have talked a lot about border security and ways we can tighten our border to make sure we know who is coming into the country and why they are here.

Second, we also need to make sure we have a successful worksite verification program to make sure people who present themselves for employment in the United States are, indeed, legally authorized to work in the United States.

This is an enormously important comprehensive approach. While I hope it is clear that there are some segments of the approach I differ with and we are trying to improve, from my perspective, I do support the approach of

comprehensive immigration reform because we need to deal with the security demands of this problem, and we also need to deal with the economic demands of the problem.

One of the ways the underlying bill purports to do that is by creating what is called a guest worker program. One component of the guest worker program is as follows. For people who are not yet in the United States but who want to come in the future, this plan creates a guest worker program, but what it fails to do is to match up willing workers who want to qualify within this program with an actual job. In other words, what it does is creates a phenomenon whereby individuals who participate in the program can literally self-petition without having an employer sponsor that petition for them to get a green card—in other words, to become a legal permanent resident and be put on a pathway to American citizenship.

This amendment strikes that position of the underlying bill which would allow individuals participating in this guest worker program to self-petition; that is, without an employer being there to sponsor them and acknowledge and attest that no American worker is willing or has indicated a willingness to perform that job.

This is a fundamental worker protection provision which I hope my colleagues will support. If we don't agree to this amendment, it means individuals can come to the United States as a guest worker and then self-petition without having an employer there to sponsor their application for legal permanent residency and can thereby be on a path to become an American citizen and end up competing with American workers for those jobs.

We all understand America is a compassionate country. We want to make sure we do this immigration reform plan correctly. One of the things we do not want to do is actually hurt American workers. Unless we strike the self-petition provision, we will be doing exactly that. We need to make sure before someone can come in and get a job that, No. 1, they have a job and have not just self-petitioned and then become self-employed and perhaps even become a burden on the American taxpayer through various welfare benefits they might receive. We need to make sure before someone gets a job that the employer acknowledges and attests that they put it up, they advertised it, and they sought American workers to fill that job, but, in fact, no American worker has come forward. Only under those circumstances do I believe a guest worker ought to be able to fill that job. This underlying bill does not provide for that.

This amendment would say that after 4 years of cumulative employed status as an H–2C worker, before someone can apply for and receive a green card, they must do two things: No. 1, they have to find an employer willing to sponsor them; and No. 2, they have to attest that no American worker has stepped forward when that job has been offered to the public at large; otherwise, we will find this guest worker program in direct conflict with the needs of native, American-born workers and otherwise legal immigrants. That would be a terrible direction for us to head down.

This is one of those provisions of the bill with which, since it is 600 pages long, many Members may not be intimately familiar. I hope by filing this amendment and by having this debate they can inform themselves and hopefully agree to support this amendment which is designed to protect American workers and to put the interests of American workers first. Then and only then can a participant in this guest worker program get the job that an American had an opportunity to get but decided not to apply.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. I yield such time as I might use.

We will look at exactly who these individuals are who are going to come into the United States and what the process is.

First, we will find out that an employer needs a particular kind of function to be able to continue their business—maybe it is related to the employment of other individuals. They search around to try, for some 60 days, to see if there is an American prepared to take that job at that salary. They cannot find an American prepared to take that job, and they still need to have that particular function filled. So they find out there is a willing person from overseas prepared to take that particular job, get paid the particular wages mentioned for that particular profile, and that individual then comes to the United States and works for that particular employer.

Under the current legislation, we are saying that after a period of 4 years—or even before the 4-year-period—if the employer wants to petition for a green card for that particular employee, they can go ahead and do that. That is in the law at the present time.

Senator CORNYN's amendment does not do that. We provide after 4 years that if the individual wants to make a petition for that particular job, they ought to be entitled to do so. They will still have to wait the 5 years in order to become a citizen. That is a total of 9 years to be able to become a citizen. Senator CORNYN does not want that particular right for that particular worker.

One of the things we have seen over the period of years, going back to the Bracero issue in question where we had individuals who came into the United States and were extraordinarily exploited—they were exploited all the way through by unscrupulous employers because those particular workers did not have any rights in order to be able to protect themselves. In the 1960s, we got rid of the Bracero because it was such a shameful aspect in this country's employment history.

We want to avoid the same circumstance with this new legislation. We have tried to learn from 1986, when we had amnesty. We also should have had the prosecution of employers employing individuals who should not have been employed, but that was never enforced.

Now we have the earned citizenship. Now we have protections for workers to come in here.

Now, we have strengthened border security. We have learned from the past. One of the important experiences of learning from the past is not to permit these workers to be exploited. One of the best ways to ensure that is to give them—at least after 4 years of working in the United States—the opportunity of getting on the path for a green card and eventually citizenship.

Now, the Senator from Texas does not want that. He wants to leave all of the power with the employer. Well, I do not buy that. The employer starts out saying: Look, I need a worker. I can't get a worker. I really need you. You come on in here. I will really look out after you. But I want to tell you something: unless you are going to work those extra hours—and I might not pay you overtime—unless you are going to do this or unless you are going to do that, I will never petition for you. And you are not going to be able to petition for yourself.

So I think it is an issue about whether we are going to respect individuals and have as much respect for employees as we have for the employers.

It is interesting that under this legislation, if an employee comes in, and the employer likes that person, they can go ahead and make the petition now for the green card. They have the power to do that in the first year, the second year, the third year, and the fourth year. So we are just swinging all of this power into the hands of the employers.

If you accept the Cornyn amendment, you are effectively leaving people high and dry on that. I do not think that is what we are trying to do.

We are trying to have fairness in the legislation. We are trying to have legality, strong border security. We are trying to have an employer-employee relationship where the employer is going to know that employee, has the documents and, therefore, will not go out and hire other employees who are here illegally and give them depressed wages, which will depress the wages on Americans and American workers, which is the current case.

We are saying we want to stop the exploitation of both those individuals and what is happening to American workers. But we want to at least say that after 4 years, where this individual has filled an important slot that no American worker was prepared to fill, and they want to be a part of the whole American dream, play by the

rules, pay their taxes, do what any citizen would do in the United States but the employer said: No, I am not going to do it, and then they have to go back to their country, it leaves all the power with the employer and denies the employee respect, which I think will invite further kinds of exploitation.

We do not want to go back to the Bracero period. And this is starting us back down that road. I think it is the wrong way to resolve this particular issue. I hope the amendment will not be accepted.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I want to make sure our colleagues understand exactly what this amendment does. It is very short. Let me read from it. What it says is one can qualify for a guest worker program if ''the alien has been employed in H–2C status'' and maintained that ''for a cumulative period of not less than 4 years. . . .''

Let me make clear, that was part of a negotiation that Senator MCCAIN and Senator GRAHAM and others and I entered into before we offered the modification because they felt it would be fairer. I agreed that was a reasonable request on their part. I would hope that others would feel the same way.

But the second and third parts are the guts of this amendment. It also requires that:

> An employer attests that the employer will employ the alien in the offered job position; and—

And this is the most important part. This is the American worker protection—

> the Secretary of Labor determines and certifies that there are not sufficient United States workers who are able, willing, qualified, and available to fill the job position.

Now, this underlying bill provides a lot of protection for guest workers who qualify under this program. And I agree that they should be protected from exploitation. That is one of the reasons this law has been created. But it does not create exploitation at the hands of an employer any more than any other employee in America is subjected to exploitation by their employer. In other words, this does not bind the guest worker to a particular employer. Indeed, they can get this certification from any employer who has a job they want to fill subject to the requirement that the Secretary of Labor provide this attestation that there are not sufficient U.S. workers ''able, willing, qualified, and available to fill the job position.''

This amendment does not say these individuals cannot eventually get a green card if they otherwise qualify, having been sponsored by an employer, and for a job that no American has stepped forward to fill. So it does not tie a worker to a particular employer. It does not limit that. It does not say these guest workers cannot ultimately get a green card.

Ultimately, this is not so much about protections for the guest worker as it is protections for the American worker. Indeed, one of the attributes of sovereignty is that the United States has to regain some control not only of our borders but of our broken employment system which, right now, employs millions of people who cannot legally work in the United States. We are trying to fix that. But it does not fix the problem to say that individuals can continue to come into the United States and compete with American workers.

We ought to be all about trying to work out a system that protects American workers and yet allows guest workers who qualify to fill the gaps that American workers cannot fill. I suggest to my colleagues if you believe the rights of this guest worker are paramount and the rights of the American worker are subservient—if you really believe that, then you ought to vote against the amendment. But if you believe we ought to protect the rights of American workers first, and then, in the event the Secretary of Labor certifies there are not sufficient American workers, allow guest workers to work—if you think that is a better system, then you should vote for this amendment.

In no sense does this subject any guest worker to exploitation. They are protected under this bill by the labor laws that protect all American workers. All it does is protect American workers from having to compete against guest workers for jobs that would be rightfully theirs and available except for the fact that someone has self-petitioned and taken a job that an American would otherwise want and would be able to do.

I yield the floor and reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I have difficulty following the logic of my good friend from Texas because American workers are protected when the temporary worker is protected.

Now, let me give you a possible factual situation: An employer has one of these temporary workers. They have gone out and petitioned and can't find an American to do this job. They can't find an American to do the job. Then they have the foreigner who comes in and works for them, and works for them for 4 years.

Now, under our proposal, after the 4-year period, if they have paid their taxes, if they have not gotten into trouble with the law the rest of the way, they can petition for a green card. Then, if they follow all the procedures, pass the naturalization exam, they can become a citizen 5 years after that—9 years.

Now, this is what Mr. CORNYN, the Senator from Texas says: Look, after the 4 years, we are going to take away the right of that person—unless the employer is going to petition for them, unless the employer is going to do it.

Now, you tell me what is going to happen in a lot of the workplaces. The employee says: Look, Mr. Employer, when are you going to petition for me? I have worked for you for 4 years. Under the old bill, they used to be able to say I could petition. But they passed the Cornyn amendment, and it says, no. I am completely dependent upon you.

Well, the employer says: Don't ask for a raise. Take a wage cut. Take a wage cut for a couple of years. Don't complain about unfair working conditions. Don't complain about it. Don't complain about working a little longer, working Saturdays, maybe a few hours on Sunday. If you complain about it, I am not going to petition for you. You are going to be left high and dry.

You tell me how that protects American workers. Once you get the exploitation of the temporary worker, we see what happens, as we have seen today: Employers are employing the undocumented and they are paying them a good deal less. That is an adverse impact and effect on American wages. If you raise those wages and give them the protections we have under our legislation, that is going to protect American workers.

I fail to understand—when you give the whole deck of cards to the employer, and tell the employer he can do anything he wants with that employee—how that employee is protected and how an American worker is protected. I just do not get it. I just do not see it. It defies history. It defies the history of the old employment. It can work very well for that particular employer because he has that employee right by the throat because if that employee complains, does not do what the employer says, that person is on their way back to whatever country they came from, or they will disappear into the community. That is not good. That is what we are trying to avoid—exploitation.

I think this is what we have tried to do throughout the bill both in terms of the exploitation of workers, in terms of the legal system, the legal structure, and in terms of the border security, and the others. I have difficulty in following the rationale and the reasoning that if you give one person in the employer-employee relationship all of the cards, that somehow inures to the benefit of the employee. It never has in the history of the relationship between workers and employers, and it will not. And it will not if that is the outcome of the Cornyn amendment.

Mr. President, I yield the floor.

Mr. CORNYN. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. KENNEDY. Sure. Yes.

Mr. CORNYN. Mr. President, I ask the distinguished Senator from Massachusetts whether there is a requirement that an employer sponsor a guest worker when they first enter the country under the H–2C program?

Mr. KENNEDY. The answer to that is affirmative, yes.

Mr. CORNYN. I would ask, if I may, Mr. President, if the Senator will yield for one more question, whether it is true that, for example, high-skilled workers, H–1B workers—people with math, science, engineering degrees, and the like—whether there is a requirement that there be an employer who actually sponsors those workers before they can receive one of those types of visas?

Mr. KENNEDY. The answer is affirmative, yes.

Mr. CORNYN. I thank the Senator very much.

Mr. KENNEDY. Mr. President, it is a very fundamental reason why. You are talking about the H–1B. You are talking about the most highly skilled, highly educated, and highly competent individuals in the world—H–1B—going on to universities, going into the high-tech areas, individuals for which the world is their oyster. They do not suffer the kind of exploitation, the kind of humiliation that other workers suffer. These workers are taking jobs that American workers will not take.

There is a big difference between that and going to the top companies of America and working for the CEO, when you have all the education, the professional degrees. Those individuals are not the ones being exploited. They never have been, and they are not today. It is an entirely different situation.

We are talking about the tough, difficult work that no American will take. We are talking about the history of these kinds of jobs. We have seen it. We have read about it. We have experienced it. I did, certainly, in the early 1960s, going across the Southwest in the Bracero Program. Exploitation is one of the sad aspects of American employment history. We do not want to go there.

The H–2Bs in my State are doing very well at universities and colleges and enormously successful businesses. The idea behind the H–2Bs was getting the very able and gifted people. As history has shown, that results in the hiring of additional people because of their abilities. They end up, as a result of these programs, adding key elements of success to various businesses and employment expands. Generally, those are good jobs with good benefits and good retirement. That is an entirely different situation. I am glad we were able to clear that up.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I appreciate the Senator from Massachusetts candidly responding to the questions I asked. What his answers established was that in order for guest workers under his proposal to come into the country in the first place, they have to have an employer, someone who has indicated that there is a job available for them. Under the amendment, they could work in that job for a cumulative period of up to 4 years. But for some reason, under the current bill, after 4 years, you would no longer have to have an employer who would certify that they had a job available for that guest worker to do and that no American was available to do it.

I also appreciate the Senator's candor in answering the question about highly skilled workers. As his answer indicated, highly skilled workers cannot come into the country unless there is an employer who is willing to sponsor them. My point is that we ought to make our immigration law uniform across the employment spectrum, whether you are a high-skilled worker or whether you are a low-skilled worker.

The Senator mentioned the Bracero Program and reports of exploitation of workers in America's past. I won't debate that with him. I have read of reports of problems with the Bracero Program. While the program as a whole was pretty good, I won't debate whether there were some problems associated with it. But America, in 2006, is not America in the 1950s. The legal protection that is available for guest workers under this program, the vigilance of the media and advocacy groups, will make it virtually impossible for the kind of exploitation the Senator talks about to occur. What happens is, in spite of the protections offered to the guest workers under our labor laws and despite the vigilance of the media and advocacy groups that would likely disclose any problems with a relationship between a guest worker and that employer, what we are finding out is that the one who ultimately has to pay the price for this concern, that I believe will not be realized and is not real, is the American worker who can't find a job because we have offered that job to a guest worker who has come into the United States.

At bottom, we ought to be as sure as we possibly can that whatever we do doesn't create more problems for American workers. The answer is, let's give American workers every opportunity to find jobs and then, if we can't find a sufficient workforce, let's give guest workers an opportunity to fill in those gaps. That is a worthy objective. But we should not be blind to the potential dangers to American workers losing jobs to guest workers under this program, unless the protections in this amendment are adopted—that an employer attest that the employer will employ the alien in the offered job position and the Secretary of Labor determines and certifies that there are not sufficient U.S. workers who are able, willing, qualified, and available to fill the job position.

I don't know whether there are others who want to speak either for or against the amendment. I know we agreed to an hour between us. Depending on whether the distinguished manager of the bill on the minority side would be interested in yielding time back, I think we have had a chance to cover the merits of this particular amendment. I am prepared to yield the remainder of our time back, if he is likewise prepared to yield the remainder of his time.

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

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

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I believe the Senator from Texas, before he went to a necessary meeting at the White House, indicated he was prepared to yield back his time if I yielded back my time. I am prepared to yield back my time.

Mr. President, I withhold my request. I yield 5 minutes to the Senator from Nebraska, if I have it.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

(The remarks of Mr. HAGEL are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the time has been yielded back by Senator CORNYN and Senator KENNEDY on the Cornyn amendment. We are now ready to proceed with the Lieberman-Brownback amendment. If they will come to the floor, we can move ahead.

In the absence of any Senator seeking recognition, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, we had expected the Cornyn amendment to take 2 hours, which was the time agreement. Time was yielded back. Senator VITTER has now come to the floor. We are unable to proceed with the amendment in regular form, but I do think it would be appropriate to have Senator VITTER discuss his amendment, which could abbreviate the time which we would need when he lays it down. So, if I may, I would like to yield the floor to the Senator from Louisiana for purposes of having him discuss his amendment.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

AMENDMENT NO. 3964

Mr. VITTER. Mr. President, I thank the distinguished chairman of the committee for creating this opportunity to begin to discuss this amendment.

This is amendment No. 3964. This amendment would close some very serious invitations for fraud that are contained in the bill as it now stands.

I said on the floor before that I have some very serious reservations with this bill. One of those is that it is riddled with loopholes and invitations for fraud. There are many of these, in my opinion. As I have said many times over, the devil is in the details. Senators need to read this bill. Senators need to look at the details and understand how it would work, or more accurately how it would not work in practice, because this is not just an esoteric debate on the Senate floor. This would be law which would be put into practice, and we need to think about the hard nuts-and-bolts issues of how this would work or how it would not work in practice.

Unfortunately, I believe these loopholes, these invitations to fraud, and these other detail problems are numerous in the bill. My amendment, No. 3964, simply highlights and hopefully will correct, if adopted, a couple of these specific provisions. These are among the most important invitations for fraud and problems. In particular, there are glaring loopholes contained in section 601 of the bill.

We have heard over and over how this bill does not contain amnesty. It is not amnesty, the proponents say. And one of the reasons they say that illegal aliens are put into different categories is according to how many years they have been in the country. They are treated differently according to how many years they have been in the country. President Bush made this point on Monday night specifically, that folks should be treated differently if they have been in the country for many years, if they have put down roots, if they have family here, et cetera, versus if they have just come into the country and have been here a clearly shorter period of time. That is a reasonable argument.

The problem is, when you look at the details of the bill, when you actually read the bill, again the devil is in the details. The details of this bill make a mockery of that distinction. Why do I say that? It is because under the provisions of the bill that say how an illegal alien may prove how long he has been in the country, there are many different types of proof which are acceptable—certain documents, certain sworn affidavits from employers, certain records. But another form of acceptable proof is nothing more than a statement by that illegal alien himself, signed by that person, a piece of paper saying: I have been in the country some years, under these circumstances; here is my signature.

Again, for this to be an acceptable method of proof to put an illegal alien in the best category that offers the best track to citizenship, a program I would absolutely characterize as amnesty, obviously means that these distinctions, depending on how long you have been in the country, are meaningless. In practice, all a person has to do to put himself in the best category, the most lucrative category that will lead to this amnesty, is to sign a piece of paper saying it is so. That is an enormous invitation to fraud. That is a huge loophole which will make all of the related provisions of this bill completely unworkable.

There are other aspects of the bill that are similar. There are other distinctions between having been in the country 2 years, less than 2 years versus between 2 and 5 years. Again, the devil is in the details. When one looks at the proof required for these various categories, again a simple affidavit signed by any third party is acceptable in that case. Again, that makes the whole system unenforceable. That makes all of these distinctions meaningless and, in fact, ridiculous.

We need to close these loopholes. We need to require more significant proof and documentary evidence than a simple affidavit signed either by the illegal alien himself or any third person. That is what my amendment would correct. If a Senator wants to be half serious about making this work, if a Senator wants to put any meaning behind his or her words in favor of enforcement, clearly we need to fix these glaring deficiencies in the bill.

In summary, my amendment would close just some of the loopholes in section 602 of the underlying bill. These loopholes would not only allow fraud but create incentives for illegal aliens to commit fraud.

My amendment would strike the language allowing an alien to prove employment history by providing a self-signed sworn declaration—nothing more than a piece of paper with the illegal alien's own signature.

My amendment would require that sworn affidavits from nonrelatives who have direct knowledge of the alien's work be corroborated by the Secretary of the Department of Homeland Security and include contact information of the affiant, the nature and duration of the relationship, his name and address, and the phone number of the affiant's relationship. In other words, these types of affidavits can at least be checked. At least the Secretary of the Department of Homeland Security and his personnel can put some rigor into the process to see if these statements by third persons are true.

My amendment would make the types of other documents provided to prove work history the same for those illegal aliens who have been living in the United States for over 5 years and those who have been here between 2 and 5 years, bringing some more rigor, some more demand for objective evidence into the enforcement mechanism.

My amendment would clarify that the alien has the burden of proving his or her employment history by a preponderance of the evidence.

Again, I am very fearful that the Senate is doing on this matter what we do all too often. We have these debates. We get very involved in words and arguments. Yet we ignore where the rubber really hits the road—the details, the practicality of enforcement: is this system really going to work? Are these promises really going to be borne out to the American people? The devil is in the details. We need to have a system that is workable.

We have lived this history before. The 1986 experience was an utter failure because the enforcement mechanism was completely unworkable. Are we going to repeat that history or are we going to have enforcement that is workable, that is meaningful?

If we are going to make these distinctions, they have to be able to be meaningful in practice. If an illegal alien can put himself in the best category on that path to amnesty versus the category in which he truly belongs based on the number of years he has truly been in the country, then all of these promises by the proponents of the bill are utterly meaningless and the enforcement mechanism will be utterly unworkable. We need to fix these sorts of glaring loopholes and invitations to fraud in the bill.

Let me not oversell my amendment. My amendment does not fix all of those loopholes, it does not close down all of those outright invitations to fraud, but it does address two of the most important, two of the most serious. I invite all Senators on both sides of this debate to come together to pass this amendment.

Again, I think this is one of these gut-check amendments. This is one of the basic threshold test amendments, like the security fence amendment was. If a Senator isn't willing to close this sort out of outrageous loophole, then that Senator, in my opinion, is not serious in the least about making enforcement work. This is an absolute minimum to begin closing these serious loopholes.

I look forward to coming back to this amendment tomorrow when I will be able to present it formally on the floor and have the entire Senate take it up. I look forward to Senators from both sides of the aisle—in fact, both sides of this debate—coming together in support of my amendment because it is a basic gut-check amendment. It is an absolute minimum that needs to be done to begin to close these outrageous loopholes and invitations to fraud in the bill.

Mr. LEAHY. Mr. President, I oppose the Cornyn amendment because I believe it undermines the careful balance between American workers and business that is contained in the bill.

The Comprehensive Immigration Reform Act, S. 2611, allows guest workers under the new H–2C visa to work initially on a temporary visa and to apply later for a green card if their work is needed over a long period of time. Under the program, after 1-year the employer of the immigrant guest worker could petition for a green card. Alternatively, after 4-years the immigrant guest worker could petition on his or her own for permanent resident status.

The Cornyn amendment would strike the right of immigrant guest workers to self-petition. This is a dangerous proposal. One of the reasons that guest worker programs have failed in the past is that prior programs did not provide labor rights to the temporary workers. By placing the rights of petition exclusively in the hands of employers, unscrupulous actors have the ability to manipulate or abuse workers by controlling the workers' access to legal immigration status.

The bill before us is a compromise package that seeks to balance the rights of American business and labor, and that enhances our economy and national security by bringing illegal workers out the shadows. The balance depends in part on treating all workers equally, including giving immigrant workers the same labor rights that are available to U.S. citizens. If all workers possess the same rights, then employers cannot depress wages by preying on illegal workers, or workers whose status is held hostage by their employers. The business community understands this issue and therefore the Essential Worker Coalition, a broad coalition of employers and associations calling for comprehensive immigration reform, is opposed to the Cornyn amendment.

Under the bill, immigrants who decide to self-petition will have to meet all of the other requirements for a green card. In the new guest worker program, these requirements include a work requirement, passing security and background checks, demonstrating that the immigrant is learning English and civics, and undergoing medical exams.

The self-petition provision in the bill is not a backdoor or a short cut to citizenship. It should not be stricken by the Cornyn amendment.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I ask consent that the vote in relation to the Cornyn amendment occur at 6 o'clock this evening; provided further that the amendment be temporarily set aside to allow Senator INHOFE to offer an amendment; and finally, I ask consent that Senator CORNYN be recognized for up to 2 minutes on his amendment prior to the vote.

Mr. CONRAD. Reserving the right to object, I am not the manager of this bill, but I have been called into service because the manager on our side is not immediately available. I apologize for that.

Senator KENNEDY's staff informs me apparently Senator LIEBERMAN will not go forward with his amendment and Senator KENNEDY would like to have an amendment on our side before we go back to the other side. Perhaps that can be worked out with the managers.

At this point, I am constrained to object to setting the amendment aside.

Mr. SPECTER. In light of that objection, perhaps we can start with some discussion by Senator INHOFE in the absence of setting aside the amendment and having him lay down the amendment so we do not waste more time.

I ask consent the vote be set at 6 o'clock.

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

The Senator from Oklahoma is recognized.

Mr. INHOFE. If I could ask the acting majority leader a question, it is my understanding the Lieberman amendment that was to be the Democratic amendment between the two Republicans amendments is now not going to be offered, at least at this time; that being the case, would the Senator object to setting the current amendment aside for me to bring mine up for consideration? Is this what the Senator is objecting to?

Mr. CONRAD. Yes, the Senator is correct. I apologize to the Senator. I'm not the manager of this bill. I am simply standing in for the manager of the bill on our side who is not available at this moment. That is what I have been asked to do on behalf of the manager.

Mr. INHOFE. Will the Senator yield?

Mr. CONRAD. I am happy to yield.

Mr. KENNEDY. The Kennedy amendment you are talking about putting up now, would that be considered next after this vote takes place on the Cornyn amendment?

Mr. CONRAD. That is my understanding.

Mr. INHOFE. Is there any time that has been scheduled for his amendment?

Mr. CONRAD. Not that I know of.

I apologize to the Senator. We are in this bit of a situation where we have to have a manager of our bill here before those agreements can be made.

The PRESIDING OFFICER. The Senator from Oklahoma is currently recognized.

Mr. SPECTER. Mr. President, in an effort to not lose any more time, we had an amendment by Senator LIEBERMAN, which he decided not to offer. It is more time to discuss the rules as to whether that constitutes the Democratic amendment, but the suggestion has been made that the Democrats are be agreeable to setting aside the Cornyn amendment on the condition that a Democratic amendment will be considered before Senator INHOFE's amendment is considered further, but Senator INHOFE would be permitted to lay down his amendment and speak for a few minutes. Is that acceptable?

Mr. CONRAD. With that understanding, that is entirely acceptable on this side.

Mr. SPECTER. I ask consent for that.

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

The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I would like to ask one more question. After the Cornyn amendment, we will go to the Kennedy amendment. I am locked in after that; is that our understanding?

Mr. CONRAD. It is the understanding of this Senator.

Mr. INHOFE. And this Senator.

It is our understanding, then, after we dispose of the Kennedy amendment, then we come to my amendment; is that correct?

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

AMENDMENT NO. 4064

Mr. INHOFE. I ask unanimous consent to set aside the current amendment and bring up amendment No. 4064.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE], for himself, Mr. BYRD, Mr. SESSIONS, Mr. ENZI, Mr. CHAMBLISS, Mr. COBURN, Mr. BURNS, and Mr. BUNNING, proposes an amendment numbered 4064.

Mr. INHOFE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend title 4 United States Code, to declare English as the national language of the United States and to promote the patriotic integration of prospective US citizens)

On page 295, line 22, strike ''the alien—'' and all that follows through page 296, line 5, and insert ''the alien meets the requirements of section 312.''.

On page 352, line 3, strike ''either—'' and all that follows through line 15, and insert ''meets the requirements of section 312(a) (relating to English proficiency and understanding of United States history and Government).''.

On page 614, after line 5, insert the following:

SEC. 766. ENGLISH AS NATIONAL LANGUAGE

(a) IN GENERAL.—Title 4, United States Code, is ''amended by adding at the end the following:

''CHAPTER 6—LANGUAGE OF THE GOVERNMENT

''161. Declaration of national language
''162. Preserving and enhancing the role of the national language

''§ 161. Declaration of official language

''English is the national language of the United States.

§ 162. Preserving and enhancing the role of the national language

''The Government of the United States shall preserve and enhance the role of English as the national 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 made, that does not create a legal entitlement to additional services in that language or any language other than English. If any forms are issued by the Federal Government in a language other than English (or such forms are completed in a language other than English), the English language version of the form is the sole authority for all legal purposes.''.

(b) CONFORMING AMENDMENT.—The table of chapters for title 4, United States Code, is amended by adding at the end of the following:

''6. Language of the Government .... 161''.

SEC. 767. REQUIREMENTS FOR NATURALIZATION.

(a) FINDINGS.—The Senate makes the following findings:

a. Under United States law (8 U.S.C. 1423 (a)), lawful permanent residents of the United States who have immigrated from foreign countries must, among other requirements, demonstrate an understanding of the English language, United States history and Government, to become citizens of the United States.

b. The Department of Homeland Security is currently conducting a review of the testing process used to ensure prospective United States citizens demonstrate said knowledge of the English language and United States history and government for the purpose of redesigning said test.

(b) DEFINITIONS.—For purposes of this section only, the following words are defined:

(1) KEY DOCUMENTS.—The term ''key documents'' means the documents that established or explained the foundational principles of democracy in the United States, including the United States Constitution and the amendments to the Constitution (particularly the Bill of Rights), the Declaration of Independence, the Federalist Papers, and the Emancipation Proclamation.

(2) KEY EVENTS.—The term ''key events'' means the critical turning points in the history of the United States (including the American Revolution, the Civil War, the world wars of the twentieth century, the civil rights movement, and the major court decisions and legislation) that contributed to extending the promise of democracy in American life.

(3) KEY IDEAS.—The term ''key ideas'' means the ideas that shaped the democratic institutions and heritage of the United States, including the notion of equal justice under the law, freedom, individualism, human rights, and a belief in progress.

(4) KEY PERSONS.—The term ''key persons'' means the men and women who led the United States as founding fathers, elected officials, scientists, inventors, pioneers, advocates of equal rights, entrepreneurs, and artists.

(c) GOALS FOR CITIZENSHIP TEST REDESIGN.—The Department of Homeland Security shall establish as goals of the testing process designed to comply with provisions of [8 U.S.C. 1423(a)] that prospective citizens:

a. Demonstrate a sufficient understanding of the English language for usage in everyday life;

b. Demonstrate an understanding of American common values and traditions, including the principles of the Constitution of the United States, the Pledge of Allegiance, respect for the flag of the United States, the National Anthem, and voting in public elections;

c. Demonstrate an understanding of the history of the United States, including the key events, key persons, key ideas, and key documents that shaped the institutions and democratic heritage of the United States;

d. Demonstrate an attachment to the principles of the Constitution of the United States and the well-being and happiness of the people of the United States; and

e. Demonstrate an understanding of the rights and responsibilities of citizenship in the United States.

(d) IMPLEMENTATION.—The Secretary of Homeland Security shall implement changes to the testing process designed to ensure compliance with [8 U.S.C. 1423(a)] not later than January 1, 2008.

Mr. INHOFE. I know we will have a vote at 6 o'clock, so I will paraphrase a few things so everyone will know in advance what we are doing.

This is English as the national language amendment. We talked about it at length last night. It has been very popular and enjoyed the support of most of the Members in the Senate today.

We heard the other night when the President made his speech, among other things:

> . . . an ability to speak and write the English language is very significant . . . 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.

He also said:

> Every new citizen of the United States has an obligation to our customs and values, including liberty and civic responsibility, equality under God and tolerance for others and the English language.

I recall President Clinton standing on the floor and making the statement about the responsibility of new people coming into this country. He said:

> . . . they have the responsibility to enter the mainstream of American life. That means learning English and learning about our democratic system of government.

Many others have been quoted, going all the way back to Teddy Roosevelt, that we must also learn one language. That language is English.

This has been aired quite a number of times. In 1997, Senator SHELBY offered the amendment and never got a vote on the amendment, but he did have a number of Democrats and Republicans as cosponsors of the amendment. We currently have Senators BYRD, BUNNING, BURNS, CHAMBLISS, COBURN, ENZI, and SESSIONS as cosponsors of this amendment, and we have not made an effort to get more cosponsors which we will do prior to bringing it up after the Kennedy amendment.

The time has come to go ahead and do it and quit talking about it. This time is now.

There has been a lot of polling data that shows that the vast majority of Americans, the most recent one being the Zogby poll only a couple of months ago, 84 percent of Americans want this as the language. Interestingly enough, when they segregate out the Latinos who responded to the polling, over 70 percent in many polls—which I will go over when there is more time—support this as our national language.

Mr. CONRAD. Will the Senator yield for a question, briefly?

Mr. INHOFE. Of course.

Mr. CONRAD. Could the Senator share with this Senator and colleagues, what is the upshot of the Senator's amendment? What is the force and effect that would be provided in law if the Senator's amendment were agreed to?

Mr. INHOFE. We would be joining 51 other countries that have English as their language; 27 States have used this language in the State legislature to make this their language.

Mr. CONRAD. Would it be that English would be the official language of the country?

Mr. INHOFE. The national language, yes.

Mr. CONRAD. Are there legal requirements as to how that would apply?

Mr. INHOFE. There are, yes. There are some.

First of all, there are some exceptions. Our language says ''except where otherwise provided in law.'' There are some exceptions. For example, before the Court Interpreters Act, passed in 1978, defendants did not have the right to an interpreter. It was up to the court's own discretion. In 1978, they said that they did. This has not changed that. This leaves that in place. We also have the bilingual ballots requirement, Voting Rights Act. That is not changed by this. Maybe it should be changed, but that should take special legislation that addresses the Voting Rights Act.

The national disaster emergency evacuation provides if you had something in California, for example, where there was a tsunami, you could use the Chinese language in Chinatown, in places where it is appropriate. It leaves those common sense things in place.

Mr. CONRAD. Could I say to the Senator, speaking for myself, I am very interested in his legislation. If he could provide a copy of that legislation and an interpretation to my office, I might well be a cosponsor of the Senator's legislation.

My family came here as immigrants from Scandinavia. The first thing they wanted to do was to learn English. My wife's family came here as immigrants from Italy. The first thing they wanted to do was learn English. I don't think we do people any favors by not having a requirement in place.

The PRESIDING OFFICER. Under the previous order, the time of 6 o'clock has arrived, and the Cornyn amendment is the matter before the Senate. It will be brought to a vote.

Mr. CONRAD. Mr. President, again, I thank the Senator.

Mr. INHOFE. Mr. President, I thank the Senator. I also would like to say, our family came from Germany, and that is the first thing they did, too.

AMENDMENT NO. 3965, AS MODIFIED

Mr. MCCAIN. Mr. President, I ask unanimous consent to speak for 1 minute on the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona is recognized for 1 minute.

Mr. MCCAIN. Mr. President, I wish to tell my colleagues that we had some

good-faith negotiations with Senator CORNYN. I am sorry I was unable to talk to him before this vote. I know he had a previous engagement down at the White House. But the Kennedy amendment will probably be a side-by-side since there are still areas of the Cornyn amendment we have difficulty agreeing to.

So I wish I could have talked with Senator CORNYN since I think our differences are minimal, but we still have not resolved them.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the Cornyn amendment.

Mr. CONRAD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Mr. KOHL) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 128 Leg.]

YEAS—50

Alexander	Dole	Nelson (NE)
Allard	Domenici	Roberts
Allen	Ensign	Santorum
Bennett	Enzi	Sessions
Bond	Frist	Shelby
Bunning	Grassley	Smith
Burns	Gregg	Snowe
Burr	Hagel	Stabenow
Byrd	Hatch	Stevens
Chambliss	Hutchison	Sununu
Coburn	Inhofe	Talent
Cochran	Isakson	Thomas
Coleman	Kyl	Thune
Collins	Lott	Vitter
Cornyn	Martinez	Voinovich
Crapo	McConnell	Warner
DeMint	Murkowski	

NAYS—48

Akaka	Dorgan	Lincoln
Baucus	Durbin	Lugar
Bayh	Feingold	McCain
Biden	Feinstein	Menendez
Bingaman	Graham	Mikulski
Boxer	Harkin	Murray
Brownback	Inouye	Nelson (FL)
Cantwell	Jeffords	Obama
Carper	Johnson	Pryor
Chafee	Kennedy	Reed
Clinton	Kerry	Reid
Conrad	Landrieu	Salazar
Craig	Lautenberg	Sarbanes
Dayton	Leahy	Schumer
DeWine	Levin	Specter
Dodd	Lieberman	Wyden

NOT VOTING—2

Kohl	Rockefeller

The amendment (No. 3965), as modified, was agreed to.

Mr. CORNYN. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPECTER. Mr. President, the Senate is coming in at 9 o'clock tomorrow, as I understand it. As soon as we go on the bill tomorrow, the first amendment will be offered by Senator KENNEDY. Then the second amendment will be offered by Senator INHOFE. The third will be offered by Senator AKAKA. The fourth will be offered by Senator ENSIGN. The fifth will be offered by Senator NELSON. The sixth will be offered by Senator VITTER. The seventh will be offered by Senator DURBIN. The eighth will be offered by Senator KYL. And then our next amendment, after a Democratic amendment, will be by Senator CHAMBLISS.

What we would like to do is have the Senators present promptly, and we would appreciate it if we get people down here about a half hour before their amendment comes up. We had some dead time today because we had nobody on deck. But we want to give people notice so we can proceed expeditiously. We have a great many amendments, and we want to move on them.

I ask unanimous consent that the time agreement on Senator KENNEDY's amendment be 10 minutes equally divided.

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

Mr. SPECTER. So we will have an early vote tomorrow morning to get us started.

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

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

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that I be allowed to speak for up to 10 minutes as in morning business.

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

HONORING DR. KIRBY GODSEY

Mr. CHAMBLISS. Mr. President, I rise today to pay tribute to a man who has earned a place in Georgia history and, in my opinion, will be unmatched for many years to come. My good friend, Dr. Kirby Godsey, has served as the president of Mercer University since 1979. He is currently the longest serving university president, not only in Mercer history, but in Georgia history as well. He has presided over 250 graduation ceremonies. He will retire on the 30th day of June of this year.

Kirby Godsey has achieved so much, I simply don't know where to begin. He is the embodiment of a great educator, a dedicated community leader, public servant, spiritual advisor, problem solver, and the list goes on. His accomplishments are endless.

My wife Julianne and I have had the privilege of knowing Dr. Godsey for many years. In fact, my son Bo received his undergraduate and law degrees from Mercer University and Mercer Law School not too long ago. During my years in the Congress, I have always appreciated his expertise and knowledge on the issues that he has discussed with me during his visits to Washington, as well as in Macon, on many complex matters relevant to education and otherwise.

Dr. Godsey has been named three times among the top 100 most influential Georgians by Georgia Trend magazine for his commitment to quality education, to economic growth, and to the needs of Georgians. He has received this honor multiple times for good reason, his impact on the State is extensive.

During his presidency, Mercer University has become one of the leading and most comprehensive universities of its size in the Nation, with 10 schools and colleges. When Dr. Godsey became president of Mercer in 1979, the enrollment was 3,800, the budget was $21.3 million, and the endowment was $16.5 million. Back then, the university's economic impact on Georgia was more than $21 million. Today, Mercer's enrollment is more than 7,300; the budget is $175 million, and the endowment is close to $200 million, with more than $200 million expected to be received in the near future from planned gifts.

But if you ask Kirby Godsey about the legacy that he will leave behind with his upcoming retirement, he won't point to any of those things. To him, it is not about bricks and mortar and money. To Kirby, it is about the students, the graduates of Mercer University who are making the school a proud institution through their professions and service to others—and their contributions to the greater good.

To Kirby Godsey, service learning is a key priority. Mercer's reputation for scholastic excellence, rigorous academic programs, innovative teaching, and time-honored values has earned its designation in 2005 as a ''College with a Conscience'' by the Princeton Review and Campus Compact. For 16 consecutive years, Mercer has been recognized as one of the leading universities in the South by U.S. News & World Report.

Dr. Kirby Godsey is a workhorse, and I will share a few examples. When Middle Georgia leaders asked him to establish a medical school, he traveled throughout the State, talking with community and State leaders and developing vital partnerships. Accepting only Georgia residents in its doctor of medicine program, Mercer School of Medicine opened in 1982 with a mission to educate more physicians to serve Georgians.

Today, Mercer graduates practice in 112 towns and cities and 87 counties in Georgia and handle more than 1.3 million patient visits each year. Instead of developing a separate teaching hospital, Dr. Godsey developed strong partnerships with the Medical Center of Central Georgia in Macon and Memorial Health University Medical Center in Savannah. Those partnerships have enabled Macon and Savannah to become major hubs of health care services in Georgia.

He has established a Center for Health & Learning in partnership with Piedmont Healthcare in Atlanta. And with the increasing shortages of pharmacists, nurses, and educators nationwide, Dr. Godsey has worked to ensure that Mercer addresses these critical needs through undergraduate and graduate programs.

In the early 1980s, Middle Georgia's economic engine, Robins Air Force Base, struggled to find enough engineers, endangering its continuing operations. So the base commander turned to Dr. Godsey for a solution. In 1985, Mercer opened the school of engineering on the Macon campus and the Mercer Engineering Research Center in Warner Robins. More than 62 percent of Mercer engineering graduates work in Georgia, and the university is the No. 1 provider of engineers to Robins Air Force Base. The Mercer Engineering Research Center that the university established in Warner Robins has exceeded more than $189 million in contract revenue in research.

Dr. Godsey happened to be in my office today, and he advised me that he has now secured the full funding for a new engineering building to be located on the Mercer campus in Macon. It is a building we have helped contribute to at the Federal level. He has also gotten State funding. But the overwhelming amount of money needed to construct this facility was contributed by private individuals around our State and around the country.

It has been a privilege to work with Dr. Godsey over the years, and we have worked to secure funding for a program that is vital to Warner Robins Air Logistics Center, the Critical Personnel Development Program. The centerpiece of this educational partnership between Robins and Mercer's Macon campus is to provide a state-of-the-art facility for academic training and laboratory research in support of the Logistics Center's mission requirements. In addition, it will create regional economic development opportunities, and we all know how critical that is. I am pleased, as I said, that Mercer University has now secured this vital funding and is finalizing this project. As this project becomes a true reality, we will all be able to recall Dr. Godsey's hard work on this effort.

There is no question, Kirby Godsey has been a strong advocate for his community. Under his leadership, the Mercer Center for Community Development, which promotes stronger community ties by working to socially and economically revitalize neighborhoods around the school, received the Jimmy and Rosalyn Carter Campus-Community Partnership Award in 2002.

He has served as chairman of New Town Macon since its beginning in 1996 and has worked hard to revitalize the downtown area in Macon, Georgia. Incidentally, my Middle Georgia Senate office is located there, and I can say without question, the revitalization efforts have been incredible. In 2003, Dr. Godsey was named the Citizen of the Year by the Greater Macon Chamber of Commerce and presented him with its highest honor, the prestigious Meritorious Service Award.

He has also been recognized for influencing the quality of education across the Southeast as a leader with the Southern Association of Colleges and Schools. In 2002, the Council for the Advancement and Support of Education recognized him as the Southeast's CEO of the year. It is also fitting that in 2006, the Georgia Legislature honored him at the State capitol for his many accomplishments during his 27-year presidency.

Kirby Godsey is an inspirational leader whose dedication to Mercer University has enabled great advancements in our community, our State, and our Nation. He is a good friend and a true hero to the State of Georgia. I ask the Members of the Senate to join me in paying tribute to this great Georgian, this great American, and a great friend of this Member of the Senate—Kirby Godsey.

MORNING BUSINESS

TRIBUTE TO FORMER CONGRESSMAN SONNY MONTGOMERY

Mr. HAGEL. Mr. President, I rise this afternoon to pay tribute to a former friend and colleague, one who contributed mightily to this great Nation over many years. Yesterday, in Meridian, MS, the former chairman of the House Veterans' Committee, Congressman Sonny Montgomery, was laid to rest. Two of our colleagues in this body, Senators COCHRAN and LOTT, were in attendance and spoke at Chairman Montgomery's funeral. Senators COCHRAN and LOTT were very close to Congressman Montgomery. They were Members in the House together for many years.

I had the privilege of knowing Sonny Montgomery for over 35 years. He was one of those unique public servants whom all who knew him, liked him, respected him.

He contributed to this country every day. He was a Democrat from Mississippi. He was proud of that fact. He never ran from it. He knew who he was, and he believed in things. But he always brought a sense of purpose, he brought a sense of importance, he brought a sense of bipartisanship, dignity, tolerance, and respect to the body and the institution he served.

At a time in American politics when we are lacking those graces, we look to people such as Sonny Montgomery and recall the impact he had on the Congress of the United States, how he brought people together. He formed a consensus of purpose. There were differences—there should be differences—but he was anchored with the belief first in his country, second in his responsibilities as a Member of Congress, and third in his party. He always represented his district, his State, and his country with great dignity.

Sonny Montgomery was a World War II veteran and a Korean war veteran. He became an Army National Guard general and served as chairman of the House Committee on Veterans' Affairs for 13 years.

There are many personal stories about Sonny Montgomery. One that is legend in Washington is his close, almost brotherly, relationship with the first President Bush. The first President Bush was elected to Congress on the same day Sonny Montgomery was elected—a Republican from Texas, a Democrat from Mississippi—in 1966. They became very close friends. As a matter of fact, Barbara Bush spoke yesterday at Sonny Montgomery's funeral.

That is but one example of the affection and respect that all who knew Sonny Montgomery had for him. Here is a man who led legislation that increased veterans eligibility for home loans, veterans life insurance, increased medical coverage for veterans, and he was the sponsor of a law that made the Veterans' Administration the 14th Cabinet department of our Government in 1988.

I had the privilege of serving with President Reagan as President Reagan's first Deputy Administrator of the Veterans' Administration, so I worked closely with Sonny Montgomery.

On a personal note, I met my wife Lilibet in 1982 when she was working for Sonny Montgomery. Lilibet is from Meridian, MS. That is where Sonny Montgomery was born 86 years ago. That is how Lilibet got a job on Capitol Hill, and that is how I met her.

It is those kinds of personal stories that are by the hundreds, people who somehow Sonny Montgomery was close to and had some responsibility for connecting. His reach was long, and it is appropriate that not only we recognize him but remember him and thank him, but again, as I said earlier, at a time when our country is divided in a very dangerous way—and that is reflected to a great extent in the Congress of the United States—there are those to whom we can reach back to inspire us to greater heights, to expect more from ourselves, and do more for our country, if we would take the Sonny Montgomery model of service to his country and service to those he had the privilege of leading.

I appreciate very much the opportunity to make these remarks about a dear friend, one we will all miss, especially those who had the opportunity to serve with him in some capacity over his glorious 30 years in the Congress of the United States.

Mr. President, I yield the floor.

CELEBRATING THE TENTH ANNIVERSARY OF TOYOTA MOTOR MANUFACTURING, INDIANA

Mr. LUGAR. Mr. President, I am pleased to rise today to celebrate the

10th anniversary of the founding of Toyota Motor Manufacturing, Indiana, TMMI, and their operation of the state-of-the-art production facility in Princeton, IN. The continuing success of TMMI and the nearly 5,000 team members at the facility demonstrate the remarkable capabilities of many Hoosiers as they work together as innovators and leaders of the automotive industry in Indiana, the United States, and abroad.

In addition to TMMI important leadership in the automotive industry, the company's more than $2.6 billion investment in Princeton and surrounding communities has been an important engine of economic growth and development in southwestern Indiana. A study by the University of Evansville concluded that TMMI's production in Princeton has created 8,865 jobs in Gibson County, 12,990 in the Evansville metropolitan area, and 31,385 across the State of Indiana. TMMI's investment has resulted in more than $5.5 billion in business sales. This economic activity has strengthened communities and improved lives across the State.

I am also pleased that TMMI's dedication to the State of Indiana will be growing in the coming years. In March, I had the privilege of sharing with my fellow Hoosiers news that Toyota will begin production of the Camry in Lafayette. It is expected that this venture will create an additional 1,000 jobs in Indiana. This decision signals a recognition by Toyota that the highly skilled Hoosier workforce and attractive business climate in Indiana will allow them to achieve their goals in the coming years.

I am hopeful that you will join me in congratulating Toyota Motor Manufacturing, Indiana, and in wishing them many years of success and leadership in Indiana.

TOYOTA MOTOR COMPANY

Mr. BUNNING. Mr. President, today I rise to extend my heartfelt congratulations to the Toyota Motor Company for their 20 years of successful and prosperous operations in Georgetown, KY. This stunning achievement serves as a shining example to us all in regards to leadership and innovation in the American workforce.

Since coming to Kentucky in 1986, Toyota has provided our State with thousands of job opportunities while giving the employees the ability to contribute ideas for product improvement, oversee quality control, and continually strive for perfection. This strive has resulted in the Toyota Camry being named the most popular car on the American automotive market eight times out of the last 9 years.

With three locations in Kentucky, the Georgetown manufacturing plant, the North American Parts Center—Kentucky, and the company's largest North American manufacturing headquarters in Erlanger, KY, it is easy to see the economic benefits that Toyota has brought to our State. The Georgetown plant alone employs over 7,000 team members and has generated over 34,000 jobs in Kentucky and nearly 100,000 jobs across the United States. So often we hear about jobs being lost to overseas firms, but in Kentucky we are fortunate the Toyota jobs came to us. This partnership has benefited Toyota and Kentucky, and I know both parties will reap the benefits for years to come.

Today, the Georgetown production facility is Toyota's largest production plant in North America. Kentucky's dedicated skilled production team has been key to Toyota's success.

Toyota has proven its commitment to Kentucky by supporting the interests of the Commonwealth and giving back to our State in so many ways. By contributing to education, the arts, local business leadership organizations, and supporting women's rights, this company has proven time and again the importance of a strong business and community partnership.

Words cannot express the generosity that Toyota has shown Kentucky through industry job opportunities and community service. I am excited to see what this partnership will bring to Kentuckians and generations to come. Once again, I want to congratulate the Toyota Georgetown facility and its employees on 20 years of success. I also want to thank them for all they have given to our State.

EXTENDING THE WESTERN HEMISPHERE TRAVEL INITIATIVE DEADLINE

Mr. LEVIN. Mr. President, as my colleagues know, the Western Hemisphere Travel Initiative, WHTI, currently requires anyone entering the United States via a U.S.-Canadian land border to have a passport or other acceptable alternative document by January 1, 2008. I am pleased to join my colleagues from Alaska and Vermont as a cosponsor of their amendment to extend the WHTI implementation deadline by 18 months to June 1, 2009.

The WHTI will play an important role in securing our borders, but it must be implemented in a reasonable, fair, and well-thought-out manner. This amendment responds to concerns I have heard from various constituents, including those in the travel, tourism, and shipping industries.

My home State of Michigan, like other northern border States, enjoys a close economic and social relationship with Canada. It is important that the WHTI be implemented in a way that minimizes negative impacts on trade, travel, and tourism.

We must ensure that our border crossings are both secure and efficient. This amendment would provide additional time for the Departments of State and Homeland Security to study the various implementation issues related to the WHTI. This delay would enable a more in-depth examination of issues including the economic impact of the WHTI, the civil liberties and security concerns related to new passport technologies, and the feasibility of creating a single border crossing identification card that will satisfy the requirements of both the WHTI and the REAL ID Act.

I urge my colleagues to support this amendment.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On May 16, 2006, a 20-year-old Washington, DC, lesbian died after being shot in the head in what appears to have been a hate crime.

Crystal Smith died shortly before midnight when two unidentified men opened fire on her while standing on a street corner in Southeast Washington, DC. According to reports, the police department's Gay and Lesbian Liaison Unit is assisting in the investigation. The fact that Smith was shot in the head makes it appear more likely that she was targeted.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

TAX RECONCILIATION

• Mr. ROCKEFELLER. Mr. President, I regret that rehabilitation following back surgery prevented me from being on the floor to cast my vote against the tax reconciliation package which the Senate narrowly approved on May 11. Today President Bush will sign that bill into law, and I would like to take this opportunity to share my thoughts with my constituents and my colleagues. I am extremely disturbed by the Nation's fiscal mismanagement over the past several years, and this new tax cut bill was another disappointing step in the wrong direction.

On February 2, I voted for the Senate's version of the tax reconciliation bill. That legislation protected middle-class taxpayers from the alternative minimum tax and extended some widely supported tax provisions that recently expired. The Senate bill also included urgently needed incentives for

investment in mine safety equipment and technology. I was pleased to support that bill.

Unfortunately, as I feared, during negotiations with the House, the reasonable compromise struck in the Senate was abandoned. The final tax package that the conference committee produced has the wrong priorities and will make America's fiscal situation substantially worse.

Middle-class relief from the alternative minimum tax expired at the end of last year. The conference report extends AMT relief through 2006 but does nothing about next year when millions of families will face an enormous tax increase. Additionally, the bill does not include the tax provisions, which I have long supported, that help average West Virginians. Tax cuts which benefit families paying college tuition, schoolteachers buying supplies, and businesses investing in research and development were simply not included in this bill. These provisions have already expired, meaning taxpayers will be hit with higher taxes this year. I recognize that the Senate majority leader has indicated his intention to address these issues later this year, and I will continue to advocate for extension of these important provisions. However, I believe it is irresponsible not to make tax cuts for middle-class families our top priority.

Instead of addressing these urgent priorities, the bill acts to extend tax cuts for investors that were not even set to expire until 2009. I cannot understand why tax cuts that primarily benefit taxpayers with more than $200,000 in income would get a higher priority than tax relief for middle-class families. Unfortunately, in West Virginia, very few taxpayers have been able to benefit from the investor tax cuts enacted in 2003. Fewer than 17 percent of taxpayers reported any dividend income, and fewer than 11 percent of our taxpayers had any capital gains subject to tax.

I am also extremely disturbed by the budget gimmicks used in order to comply with the Senate's rules designed to impose fiscal discipline. By taking advantage of unusual revenue effects, this bill amazingly pays for tax cuts with yet more tax cuts. But without question, we are digging ourselves deeper in debt with such games. In the long run, this bill will cost us even more than the $70 billion its sponsors claim. And because so many important issues have been left unaddressed, Congress will need to enact additional tax cuts this year. This fiscal mismanagement increases our borrowing from foreign nations and increases the burden on our future generations.

Finally, I would like to mention the 18 miners in West Virginia, as well as those in other States, who lost their lives this year and their devastated families, friends, and communities. I am deeply disappointed that this agreement does not include the bipartisan mine safety amendment, which I worked so hard to include in the Senate bill. That amendment would have encouraged mine companies to invest in additional mine safety equipment and training and, most importantly, would have saved lives. This is a provision which cannot wait, and I will continue to push to have this provision enacted. The well-being and safety of miners demands it. ●

SMALL BUSINESS RELIEF

Mr. BURNS. Mr. President, in 2002 Congress passed the Sarbanes-Oxley Act, providing important safeguards against unscrupulous accounting practices. In the wake of significant corporate accounting scandals, Congress created the Public Company Accounting Oversight Board overseen by the Securities and Exchange Commission. It restricted the actions of accounting firms who perform audits—specifically preventing them from undertaking other activities which lead to conflicts of interest. At the end of the day, this legislation is important to protect shareholders and employees from dishonest accounting practices that can cost them their futures and, in extreme cases, even their businesses.

Section 404 of Sarbanes-Oxley requires the Commission to create rules for annual reports and to prescribe internal control reports to ensure that financial reporting is accurate and ethical. The goals of this provision are warranted but the burden on smaller publicly held companies has come at a great cost.

Unfortunately, they are also incredibly and unnecessarily burdensome for small- and medium-sized businesses. In my State of Montana, it is these small- and medium-sized businesses that fuel the engine of our economy. Small businesses are collectively the largest employer in Montana, and it has always been important to me that the Federal Government consider the impact its regulatory policies have on small businesses.

For this reason, I am proud to be added as an original cosponsor of legislation that will reduce some of the burden facing small businesses, specifically in section 404. S. 2824, the Competitive and Open Markets that Protect and Enhance Treatment of Entrepreneurs Act, or COMPETE Act, will not remove the important safeguards that Sarbanes-Oxley created, but it will increase the flexibility of the law to allow businesses to comply with the law with less hardship.

In 2004, the average cost for a public company to be public was $3.4 million. One out of every three dollars spent were for audits performed even if there was little or no value of those audits to the investors. It defies common sense to have the same requirements for the largest public companies as we do for the smallest, and the COMPETE Act will offer small- and medium-sized companies the option to comply with standard internal control guidelines with enhanced internal controls, greater transparency, and specific restrictions against conflicts of interest.

One of the things I have learned here in Washington, DC, is that one-size-fits-all solutions don't work. American innovation is too diverse to encompass through inflexible regulations. When we passed Sarbanes-Oxley, our intentions were to protect investors and employees from the minority of companies that abused accounting practices to mislead their shareholders. This intention remains important, but in the past years I have heard from Montanans about the unforeseen and unintended consequences of this legislation. The COMPETE Act can sort these out, keeping the goals of Sarbanes-Oxley intact, while increasing the flexibility needed to make the regulation as harmless as possible to honest businesses.

COMMENDING THE USTR

Mr. BROWNBACK. Mr. President, I rise today because, as you may know, for several years now there have been ongoing negotiations between the State of Israel and the Office of the United States Trade Representative, USTR, regarding Israel's protections of U.S. intellectual property rights. I commend the USTR for so vigorously protecting these very valuable assets to the U.S. economy. However, what has caused my colleagues and I concern has been the treatment of Israel in this process; a process that we hope will become more transparent. This year, I was joined by Senators SCHUMER and WYDEN on a letter to the U.S. Trade Representative expressing our hope that the positive steps Israel has taken, particularly in the context of how many of our other trading partners have acted, would be granted the recognition it deserves. Unfortunately, when this year's Special 301 report was released, Israel was put on par with countries such as China and Russia while other countries, which have little or no intellectual property protections, were given a much less egregious designation.

Ron Dermer, the Israel Embassy's Minister for Economic Affairs, recently stated that ''countries with a record of much more severe breaches of intellectual property than those attributed to Israel, are not included in these lists.''

I do look forward to continuing our work with the Office of the USTR on this issue and to make sure that those countries that are working towards our mutual goals are met with the recognition and support from our government they deserve.

AMERICAN UNIVERSITY

Mr. GRASSLEY. Mr. President, I ask unanimous consent to have printed in the RECORD my correspondence with American University, AU. AU is a federally chartered nonprofit, tax-exempt educational organization.

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

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, May 17,2006.

GARY M. ABRAMSON,
Chair of the Board, American University.
THOMAS GOTTSCHALK,
Vice Chair of the Board, American University, Washington, DC.

DEAR MR. ABRAMSON AND MR. GOTTSCHALK: I am writing to you regarding the Finance Committee's review of governance issues at American University (''AU''). AU is a federally chartered non-profit, tax-exempt educational organization. Congress enacted the law in 1893 that first incorporated AU, appointed its initial individual corporate members, and specified the size and composition of its board of trustees. Act of Feb. 24, 1893, ch. 160. In 1953, Congress enacted legislation, altering, among other things, the process by which the AU board of trustees is elected. Act of Aug. 1, 1953, Pub. L. No. 183, ch. 309. The Finance Committee's review is predicated on this unique history of the legislative relationship between the federal government and AU as a congressionally chartered institution, as well as on the Committee's general legislative and oversight jurisdiction over tax-exempt charitable organizations.

In conducting its governance review, the Finance Committee has reviewed the numerous documents provided by AU and material provided by other sources, as well as discussions with current and former board members, faculty, students and AU employees. In addition, I have heard concerns raised by AU students from Iowa and their parents. To allow students, faculty and staff, and the public to have a better understanding of the governance issues still facing AU, I am today releasing relevant material provided to the Finance Committee. It says volumes about problems of AU governance that students, faculty, and supporters often have to learn about the work of the AU board from the U.S. Senate Finance Committee rather than from the board itself. I understand that governance changes are to be proposed that proponents claim will ensure that there will be greater openness and transparency at AU. I look forward to meaningful reform in this area and expect to be informed of the details of those proposals.

While I am releasing quite a bit of information today, I am frustrated that there is certain key material that I cannot release today. When the Committee began this investigation on October 27, 2005, I received assurances of cooperation. The Washington Post stated on October 28, 2005, ''Gottschalk said yesterday that the board would do everything it could to cooperate.'' Unfortunately, those words have not always been met by deeds. While AU has over time provided material requested, AU continues to redact material provided and most frustratingly labels key documents' 'confidential' and not to be released to the public. This is not what I would expect from a university that benefits from tax-exempt status and was chartered by act of Congress. I call on you to hold to your public commitments of full cooperation and allow for public release of all documents without redaction that have been requested. AU students, faculty and supporters have a right to a full understanding of the board's actions.

One of my principal governance concerns relates to the legal structure and composition of the AU board. The Finance Committee, during its roundtable discussion on charitable governance, heard from AU student leaders, faculty, and former board members, a number of whom called for the removal of certain AU board members—particularly focusing on members serving on the ad hoc committee that took actions regarding former AU president Dr. Ladner without the knowledge of key board members.

In reviewing the material, I understand the views of those who believe the members of the ad hoc committee should be removed. In the course of our review, I have also focused on several key votes by some AU board members. In particular, given all related information reviewed by the Finance Committee, I am seriously troubled by votes cast in October 2005: 1) to amend the audit committee's recommendation and secondly to reject the audit committee's recommendations on a vote for reconsideration; 2) to reject three identical recommendations from counsel, including Manatt Phelps as well as Arnold & Porter, that had concluded that Dr. Ladner's 1997 employment agreement was invalid; 3) not to terminate Dr. Ladner for cause; and 4) to increase cash severance to Dr. Ladner by an additional $800,000 over eight years—after the board had already voted to increase Dr. Ladner's cash severance by $950,000.

It is important to bear in mind that these votes were made after the findings from protiviti independent risk consulting reports, which I am releasing today; were known to the board and that provided in detail the expenses of Dr. Ladner and his wife that he charged to AU. The report shows expenses that would make for a good episode of 'Lifestyles of the Rich and Famous'—a lifestyle paid for by AU students and their parents. In addition, as noted above, the board members were aware of the findings of two respected law firms that found that Dr. Ladner's 1997 employment agreement was invalid.

While I fully understand that as Chairman of the Senate Finance Committee, I'm not here to direct the management of the affairs of AU or its board, I do want you to know that I am considering proposing federal legislation that would require changes in the structure, composition, and governance of the AU board, as Congress has done previously. In particular, in discussions with Finance staff, AU board members have noted that they do not view that under current federal law the AU board has the authority to compel a board member to resign. Please confirm if that is accurate, and please also provide your views about the wisdom of Congress amending the law to provide the AU board such authority and, if so, suggested changes to the law.

In addition, I want to draw your specific attention to a board meeting that discussed Mr. Ladner's compensation package. In general, under federal tax laws, outside review and justification for the salary of a highly compensated individual at a public charity provides a safe harbor from penalties under Section 4958 of the Internal Revenue Code. My review of tax-exempt organizations and corporations has found that in the overwhelming number of cases outside consultants provide a justification for the salary request that is being considered. In fact, the AU situation is the only example Finance Committee staff have seen of an outside consultant stating that a salary of an individual at a public charity is too high.

However, in calling for a salary for Dr. Ladner higher than that recommended by outside consultants, some AU board members appear to have rejected concerns about complying with the laws passed by Congress and instead described financial penalties for violating federal law as 'de minimis.' Comments that suggest that federal laws should be disregarded because penalties are 'de minimis' are stunning when I hear them from members of for-profit corporate boards; they are shocking when they come from board members of a tax-exempt university. Do you believe this is the appropriate message AU should send to students—it is all right to violate the law if the penalty is de minimis? Please provide a complete explanation of these events and your views of them, as well as all related material.

The issue of whistleblower protection at non-profit institutions has also been of great concern to me in the course of the Committee's work. Whistleblowers in certain situations are protected from retaliation under state and federal law. A series of aggressive emails to other AU board members by one AU board member appear to attack whistleblowers trying to do the right thing regarding the situation at AU. They include the following language: ''You are right in citing a Nixon era example. People do not tolerate leaks any more. No one is so naive anymore to think that unidentified 'whistleblowers' are public servants. You are right in saying there always must be a process for people to report wrongdoing but this is not the way.''

As a champion of whistleblowers in Congress for years, I can state categorically that not only are whistleblowers public servants, they are often heroes—saving lives and taxpayers billions. I commend you, Mr. Gottschalk, and former board chair Ms. Bains, for taking a strong line against any effort to bring the Salem witchcraft trials to northwest DC. But again, that a board member might propose retribution against whistleblowers, as appears from some of these emails.is inexcusable. I would appreciate your general views on the benefit of whistleblower protection at tax-exempt organizations, as well as your specific views on the series of emails appearing to support aggressive efforts to search, find, and punish those who try to speak out against what is wrong. In particular, do you believe such efforts send the appropriate message to AU students—especially given that a large number of AU graduates will be employed in public service?

Finally, let me return to the overall issue of governance. In meetings with my staff, AU representatives have given assurances that AU will have in place governance reforms that will provide students and faculty a meaningful and substantive voice at AU. I view this as a vital part of AU governance reforms coupled with greater sunshine and transparency that I mentioned at the beginning of my letter. Please inform me in detail what the governance reforms are as to students and faculty.

Given that Congress is currently considering reforms to provisions of the tax code affecting charities as part of the conference on the pension bill, I ask that you provide answers to this letter within 10 working days. Thank you for your time and courtesy.

Cordially yours,

CHARLES E. GRASSLEY,
Chairman.

HONORING THE INDY RACING LEAGUE

Mr. BAYH. Mr. President, I rise today to applaud the Indy Racing League, IRL, for its decision to use ethanol in its race cars and the impact that decision has had on efforts to inform Americans about this important alternative fuel. Since 1911, Indiana has been the center of the autoracing world, setting the standard in racing for drivers and fans alike. And now, the Indy Racing League is setting a new standard, this time for greater energy independence.

This year all of the IndyCars will race on a 10-percent ethanol blend before switching to a 100-percent ethanol fuel next year. With this change, the corn harvested on farms across the country will power the fastest cars in the world.

The ethanol that will power its race cars will deliver the same high-performance capabilities that drivers rely on, only without harmful air pollution. It also represents an important step toward reducing America's dependence on foreign oil, by providing a renewable energy source grown in our own fields. By tapping the energy potential of America's farm fields, we can ensure a reliable domestic energy supply to meet our Nation's needs while ending our reliance on unstable countries such as Saudia Arabia, Russia, and Venezuela for their oil and creating thousands of jobs for Hoosier farmers.

Every Memorial Day weekend, millions of Americans and sports fans from around the world watch the Indy 500. But this year, when they tune in to see who wins the Brickyard, they will also be watching the future of American energy unfold at 220 miles per hour.

With its decision to use ethanol as the fuel for the IndyCar series, the IRL is leading the way to encourage greater public use of renewable fuels. After all, if a high-performance vehicle can win the Brickyard running on ethanol, then surely ethanol is good enough for the family minivan, too.

I have introduced a bipartisan bill that will promote the use of ethanol and other biofuels, and I will continue to support efforts to find new ways to use ethanol in the future. I applaud the Indy Racing League for leading the way in this effort and, along with thousands of other Hoosiers, look forward to this year's ethanol-powered races.

AMERICAN LEGION POST 51 OF EAST POINT, GA

Mr. ISAKSON. Mr. President, I rise today to recognize in the RECORD American Legion Post 51 of East Point, GA, for its unselfish efforts on behalf of our brave soldiers serving in Iraq. The Post 51 family has adopted Charlie Company 324th Signal Battalion from East Point, GA. This Reserve unit made up of 144 service men and women is in the process of deploying in support of Operation Iraqi Freedom.

The post held a barbeque for the soldiers' families, planned a Christmas party for the soldiers, and Post 51 members attended the deployment ceremony for nine members of Charlie Company. Post 51 has also dedicated countless hours supporting the families of deployed members by helping with home repairs and offering financial advice.

Mr. President, I am very proud of our troops serving in Iraq and Afghanistan, and I am equally proud of organizations such as American Legion Post 51 for all it is doing to support our soldiers and their families here at home.

THE LEGACY OF CHIC HECHT

Mr. ENSIGN. Mr. President, I rise today to celebrate the life of Chic Hecht, a friend, a leader, and a great Nevadan. Chic served my home State and this country with honor, humility, and great devotion. He leaves behind the legacy of a true statesman, an intelligence officer, a successful businessman, and most importantly, a committed husband and father.

For me, Chic's legacy is that of a public servant who was fiercely loyal, unwavering in his principles, and an all-around decent human being.

Chic was drafted into the Army after college and served as an intelligence officer in Berlin during the Korean war. Chic retained a lifelong membership in the National Military Intelligence Association, and in 1988, was inducted into the Army Intelligence Hall of Fame.

Chic served in the Nevada State Senate for more than a decade before winning a U.S. Senate seat in what has been called the biggest political upset in our State's history. During his term in the Senate, Chic served on the Energy and Natural Resources Committee; the Banking, Housing and Urban Affairs Committee; and the Select Committee on Intelligence. In the Senate, Chic worked with President Reagan in persuading the Soviet Union to lift restrictions on the emigration of Jews—a part of his legacy that will endure for generations. Chic went on to serve 4 years as the U.S. Ambassador to the Bahamas.

But it was Nevada that was always home to Chic. And Chic never lost that down-to-earth, man of the people charisma that won him friends wherever he went. While his charm helped him make friends throughout his life, it was his loyalty that made him a lifelong friend.

I will miss Chic. He was the first to step up when I was being criticized, and he believed in me when very few others did. In politics, you learn quickly who your real friends are, and Chic was a real friend.

He left the Senate more than a decade before I took office, but I am well aware of the impact he made. Chic was a great role model, and I hope to carry on his legacy and the lessons he taught me: to be fiercely loyal, unwavering in principles, and an all-around decent human being.

Chic will be missed, but he has set an example for us all to follow. God bless him.

ADDITIONAL STATEMENTS

THE DEATH OF SISTER ROSE THERING

• Mr. MENENDEZ. Mr. President, New Jersey and the Nation mourn the May 6, 2006, passing of Sister Rose Thering, a selfless luminary, who was a leader in stamping out bigotry and intolerance and who brought Christians and Jews together for increased mutual understanding. We were indeed lucky to have Sister Rose live in New Jersey for so many years. From 1968, when she first came to Seton Hall in South Orange, New Jersey benefited greatly from her wisdom and her tenacity to act as a bridge between people of different faiths and backgrounds. Sister Rose has made many contributions to the New Jersey community. As a member of the New Jersey Holocaust Commission, she helped write a 1994 law mandating the teaching of the Holocaust and genocide in the schools in New Jersey. As a member of the Seton Hall community, she forged an educational outreach program in Christian-Jewish studies.

Last year, Sister Rose moved back to Racine, WI, to live with her Sisters in the convent in which she initially entered religious life. Many in the New Jersey community sent her off with heavy hearts, knowing she was ill and knowing that they might never see her again. But it was her wish to live her last remaining days with her Dominican Sisters in Racine. As her life went full circle, the path she took is an example to us all.

In her early years, Sister Rose was dismayed at the disparaging comments she heard about Jews. She learned from her teachers that Jews killed Jesus; she heard whisperings of other anti-Semitic statements in her close-knit community. Concerned that a people were being unfairly treated, Sister Rose made it her passion to fight anti-Semitism and to bring attention to the culprit Catholic texts in which anti-Semitism was perpetuated. She wrote her doctorate dissertation on this topic at St. Louis University. In 1965, the Vatican used her dissertation as a basis for Nostra Aetate, the declaration that forever changed the relations between Catholic and Jews.

Sister Rose continued her commitment to Jewish-Christian relations by forging strong bonds with the Jewish community. She was unconventional, feisty, and strong willed always wanting to make principled decisions in support of her cause. She wore a necklace of the Star of David fused to the cross. In 1986, she protested the inauguration of President Kurt Waldheim, former U.N. Secretary General, because he had served in a Nazi unit. In 1987, she went to the Soviet Union to protest the treatment of Russian Jews. She visited Israel frequently, often bringing students with her. At a particularly vulnerable time for Israel, Sister Rose decided to attend the Rally for Israel on April 15, 2002 on the Mall in Washington, DC. Despite her poor health, when she learned that there was no Catholic speaker on the program, she insisted on speaking to show her solidarity. And as no surprise, it was Sister Rose that was given the honor of giving the invocation.

Her legacy is great. It lives on in the documentary ''Sister Rose's Passion'' that won a Tribeca Film Festival

Award and nomination for an Academy Award for best documentary. It lives on the Sister Rose Thering Endowment for Christian-Jewish studies, which has provided scholarships for 350 teachers for graduate work on the Holocaust and other related topics. She will be missed for all her good work and for taking the difficult path toward greater understanding between peoples.●

IN CELEBRATION OF THE 30TH ANNIVERSARY OF THE MARY CAMPBELL CENTER

● Mr. CARPER. Mr. President, I rise today to celebrate the 30th anniversary of the Mary Campbell Center in serving people with disabilities in Delaware. Since opening in 1976, the Mary Campbell Center has touched the lives of literally thousands of people.

The center is located in Wilmington, DE, on 10 beautiful acres of land. The grounds were originally a farm owned by Amos and Mary Talley Campbell, whose daughter Evelyn had Down's syndrome. After his wife died, Amos Campbell donated their land so that a special long-term-care facility for Evelyn and other people with disabilities could be built. And that is how it came to be called the Mary Campbell Center.

The center was founded by a group of loving individuals—Marjorie M. Anderson, Richard P. DiSabatino, Sr., Barbara Z. Holmes, David W. Holmes, William H. Kelley, Joseph J. Picciotti, Jr., Marcia V. Raniere, Charles E. Welch, and Charma L. Welch. Each of these founders and their families has given unselfishly to make the Mary Campbell Center the success that it is today.

Since 1976, there have been many Mary Campbell Center milestones. The center has grown from having a handful of residents to 65 residents. They benefit from around-the-clock health care, case management, counseling, education, assistive technology, recreation, physician services, physical therapy, occupational therapy, massage therapy, speech and language therapy, hydrotherapy, exercise, nutritional services, and transportation. Local families have come to depend on the Mary Campbell Center for respite care. Residents and members of the community are also benefiting from the center's unique educational program. Furthermore, over 200 children and youths with special needs and their siblings participate in various programs and summer camp experiences. And the most recent venture, the day program, is expanding to serve even more families.

Physically, the Mary Campbell Center has gone from a compact building to a comfortable state-of-the-art and fully accessible facility with an indoor swimming pool, a learning center with the latest technologies, a greenhouse, and an adaptive playground. There is even an accessible nature trail that is an especially popular retreat during spring and summer. Today, more than ever, assistive technology is helping so many reach new goals and communicate with family and friends all over the world. Community involvement is at an alltime high. Over 300 volunteers give their time and talent to make a difference there. As the Mary Campbell Center enters its third decade, it continues to grow. Another expansion to the building is about to get underway. The center is doubling the size of their community room, the All-Star Room, and constructing a basement. This will provide additional usable space.

I had the privilege of visiting the Mary Campbell Center earlier this year. I was able to see first hand the difference the center makes in people's lives. I rise today to thank the Mary Campbell Center community for all that they do in Delaware, and I wish them a very happy 30th anniversary.●

MESSAGE FROM THE HOUSE

At 2:53 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1165. An act to provide for the expansion of the James Campbell National Wildlife Refuge, Honolulu County, Hawaii.

S. 1869. An act to reauthorize the Coastal Barrier Resources Act, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 518. An act 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.

H.R. 586. An act 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, and for other purposes.

H.R. 2978. An act 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, and for other purposes.

H.R. 3682. An act to redesignate the Mason Neck National Wildlife Refuge in Virginia as the Elizabeth Hartwell Mason Neck National Wildlife Refuge.

The message further announced that pursuant to section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), amended by section 1401 of Public Law 108–7, the order of the House of December 18,2005, and upon the recommendation of the Majority Leader, the Speaker appoints the following member on the part of the House of Representatives to the Board of Trustees of the Open World Leadership Center for a term of 3 years: Mr. Roger F. Wicker of Tupelo, Mississippi.

The message also announced that pursuant to section 201 (b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431 note), amended by section 681(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2651 note), the order of the House of December 18, 2005, and upon the recommendation of the Minority Leader, the Speaker reappoints the following member on the part of the House of Representatives to the Commission on International Religious Freedom for a 2-year term ending May 14, 2008: Ms. Elizabeth H. Prodromou of Boston, Massachusetts, to succeed herself.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 586. An act 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, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2978. An act 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, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3682. An act to redesignate the Mason Neck National Wildlife Refuge in Virginia as the Elizabeth Hartwell Mason Neck National Wildlife Refuge; to the Committee on Environment and Public Works.

MEASURES PLACED ON THE CALENDAR

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

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.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 518. An act 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.

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–6858. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, the report of proposed legislation entitled ''Child Pornography Amendments of 2006''; to the Committee on the Judiciary.

EC–6859. A communication from the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Change to Vintage Date Requirements (2005R–212P)'' (RIN1513–AB11) received on May 17, 2006; to the Committee on the Judiciary.

EC–6860. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report containing the initial estimate of the Secretary's recommendation for the applicable percentage increase in Medicare's hospital inpatient prospective payment system (IPPS) rates for Federal fiscal year (FY) 2007 and initial estimates on recommendations for updates to the payment amounts for hospitals and hospital units excluded from the IPPS, and for adjustments to the diagnosis-related group (DRG) weighting factors; to the Committee on Finance.

EC–6861. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of action on a nomination, discontinuation of service in the acting role, and conformation for the position of Assistant Secretary for Occupational Safety and Health, received on May 15, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6862. A communication from the Director, Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Milk Income Loss Contract Program'' (RIN0560–AH47) received on May 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6863. A communication from the Acting Administrator, National Highway Traffic Safety Administration and the Acting Assistant Secretary for Communication and Information, National Telecommunications and Information Administration, Department of Commerce, transmitting, pursuant to law, a report on the activities of the Implementation Coordination Office; to the Committee on Commerce, Science, and Transportation.

EC–6864. A communication from the Secretary of Transportation, transmitting, the report of proposed legislation to amend the automobile fuel economy provisions of title 49, United States Code, to reform the setting and calculation of fuel economy standards for passenger automobiles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC–6865. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels less than 60 feet (18.3 Meters) Length Overall Using Pot or Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area'' (I.D. 040606A) received on May 15, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6866. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area'' (I.D. 040506C) received on May 15, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6867. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Pot Gear in the Bering Sea and Aleutian Islands Management Area'' (I.D. 040606B) received on May 15, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6868. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska'' (I.D. 040706G) received on May 15, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6869. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Rock Sole, Flathead Sole, and 'Other Flatfish' by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area'' (I.D. 041206A) received on May 15, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6870. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure'' (I.D. 011106A) received on May 15, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6871. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''NOAA Information Collection Requirements Under the Paperwork Reduction Act: OMB Control Numbers; Fisheries Off West Coast States; Fisheries in the Western Pacific; Final Rule'' (RIN0648–AU21) received on May 15, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6872. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Upgrade Electronic Reporting Software and Hardware Requirements'' (RIN0648–AS93) received on May 15, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6873. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations (including 3 regulations beginning with CGD05–05–031)'' (RIN1625–AA08) received on May 16, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6874. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zones (including 4 regulations beginning with COTP Honolulu 06–005)'' (RIN1625–AA87) received on May 16, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6875. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Chesapeake Bay, between Sandy Point and Kent Island, MD'' (RIN1625–AA87) received on May 16, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6876. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations; Wishkah River, WA'' (RIN1625–AA09) received on May 16, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6877. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events; Maryland Swim for Life, Chester River, Chestertown, MD'' (RIN1625–AA08) received on May 16, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6878. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations (including 7 regulations beginning with CGD01–06–019)'' (RIN1625–AA09) received on May 16, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6879. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones (including 7 regulations beginning with COPT Guam 06–004)'' (RIN1625–AA00) received on May 16, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6880. A communication from the Assistant Chief Counsel, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Design Standards for Highways; Interstate System'' (RIN2125–AF06) received on May 16, 2005; to the Committee on Commerce, Science, and Transportation.

EC–6881. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Grant Criteria for Alcohol-Impaired Driving Countermeasures Programs (Section 410)'' (RIN2127–AJ73) received on May 16, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6882. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Light Duty Truck Lines Subject to the Requirements of Part 541 and Exempted Vehicle Lines for Model Year 2007'' (RIN2127–AJ89) received on May 16, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6883. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Definition of Low Speed Vehicles (LSV) Response to Petitions for Reconsideration'' (RIN2127–AJ85) received on May 16, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6884. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Participating in and Receiving Data from

the National Driver Register Problem Driver Pointer System Pursuant to a Personnel Security Investigation and Determination'' (RIN2127–AJ66) received on May 16, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6885. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modernize Federal Motor Vehicle Safety Standards No. 114; Theft Protection'' (RIN2127–AJ31) received on May 16, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6886. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Response to Petitions for Reconsideration, FMVSS No. 118, Power-Operated Window, Partition, and Roof Panel Systems'' (RIN2127–AJ78) received on May 16, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6887. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities'' ((RIN2120–AH14)(Docket No. FAA–2002–11301)) received on May 16, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6888. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200F, 747–300, 747–400, 747–400D, 747SP, 747SR, 767–200, 767–300, 777–200, 777–300, and 777–300ER Series Airplanes'' ((RIN2120–AA64)(Docket No. 2005–NM–057)) received on May 16, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6889. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Thrush Aircraft, Inc. Model 600 S2D and S2R Series Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–08)) received on May 16, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6890. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company Model CF6–80C2D1F Turbofan Engines'' ((RIN2120–AA64)(Docket No. 2005–NE–31)) received on May 16, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6891. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–300, 747–400, 747–400D, and 747SR Series Airplanes'' ((RIN2120–AA64)(Docket No. 2005–NM–105)) received on May 16, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6892. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Lycoming Engines AEIO–360, IO–360, O–360, LIO–360, and LO–360 Series Reciprocating Engines'' ((RIN2120–AA64)(Docket No. 2005–NE–50)) received on May 16, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6893. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca Arriel 1B, 1D, and 1D1 Turboshaft Engines'' ((RIN2120–AA64)(Docket No. 2005–NE–26)) received on May 16, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6894. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–100B SUD, 747–200B, 747–300, 747–400, and 747–400D Series Airplanes'' ((RIN2120–AA64)(Docket No. 2005–NM–102)) received on May 16, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6895. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model ERJ 170 Airplanes'' ((RIN2120–AA64)(Docket No. 2005–NM–117)) received on May 16, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6896. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes'' ((RIN2120–AA64)(Docket No. 2005–NM–204)) received on May 16, 2006; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. ENZI for the Committee on Health, Education, Labor, and Pensions.

*Horace A. Thompson, of Mississippi, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2011.

*Kent D. Talbert, of Virginia, to be General Counsel, Department of Education.

*J. C. A. Stagg, of Virginia, to be a member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring November 17, 2011.

*Vince J. Juaristi, of Virginia, to be a member of the Board of Directors of the Corporation for National and Community Service for a term expiring February 8, 2009.

*Jerry Gayle Bridges, of Virginia, to be Chief Financial Officer, Corporation for National and Community Service.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KOHL:

S. 2818. A bill to reduce temporarily the duty on automatic shower cleaners; to the Committee on Finance.

By Mr. COLEMAN (for himself and Mr. DURBIN):

S. 2819. A bill to amend part C of title XVIII of the Social Security Act to provide for a minimum payment rate by Medicare Advantage organizations for services furnished by a critical access hospital and a rural health clinic under the Medicare program; to the Committee on Finance.

By Mr. COLEMAN:

S. 2820. A bill to require the Secretary of Energy to provide block grants to States to provide needs-based assistance to households of consumers of high-priced fuel, and for other purposes; to the Committee on Finance.

By Mr. CRAIG:

S. 2821. A bill to repeal the imposition of withholding on certain payments made to vendors by government entities; to the Committee on Finance.

By Mr. GRAHAM:

S. 2822. A bill to authorize the Marion Park Project and Committee of the Palmetto Conservation Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor Brigadier General Francis Marion; to the Committee on Energy and Natural Resources.

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. HATCH, Mr. DEWINE, Mr. BURR, and Mr. FRIST):

S. 2823. A bill to provide life-saving care for those with HIV/AIDS; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEMINT (for himself, Mr. ENSIGN, Mr. MARTINEZ, Mr. INHOFE, Mr. BURNS, and Mr. ALLEN):

S. 2824. A bill to reduce the burdens of the implementation of section 404 of the Sarbanes-Oxley Act of 2002; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BINGAMAN (for himself, Mrs. HUTCHISON, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 2825. A bill to establish grant programs to improve the health of border area residents and for bioterrorism preparedness in the border area, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY:

S. 2826. A bill to amend the Internal Revenue Code of 1986 to extend and expand relief from the alternative minimum tax and to repeal the extension of the lower rates for capital gains and dividends for 2009 and 2010; to the Committee on Finance.

By Mr. AKAKA (for himself and Mr. LIEBERMAN):

S. 2827. A bill to amend the Homeland Security Act of 2002 to clarify the investigative authorities of the privacy officer of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. REED, Mrs. CLINTON, Mr. LAUTENBERG, Mr. SARBANES, Mr. AKAKA, Mr. KERRY, Ms. LANDRIEU, and Mr. MENENDEZ):

S. 2828. A bill to provide for educational opportunities for all students in State public school systems, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CANTWELL (for herself, Mr. REID, Mr. DURBIN, Ms. MIKULSKI, Mr. DODD, Mr. MENENDEZ, Mr. CARPER, Mr. DAYTON, Mr. KERRY, Mr. REED,

Mr. BINGAMAN, Mrs. FEINSTEIN, Mr. HARKIN, Mr. SALAZAR, Mr. SCHUMER, Mr. DORGAN, Mrs. CLINTON, Mr. LEAHY, Mr. JOHNSON, Mrs. BOXER, Mr. LIEBERMAN, Mr. BYRD, Ms. STABENOW, Mr. LEVIN, and Mr. BIDEN):

S. 2829. A bill to reduce the addiction of the United States to oil, to ensure near-term energy affordability and empower American families, to accelerate clean fuels and electricity, to provide government leadership for clean and secure energy, to secure a reliable, affordable, and sustainable energy future, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. LANDRIEU:

S. Res. 482. A resolution supporting the goals of an annual National Time-Out Day to promote patient safety and optimal outcomes in the operating room; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 327

At the request of Mr. SANTORUM, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 327, a bill to amend the Internal Revenue Code of 1986 to expand the tip credit to certain employers and to promote tax compliance.

S. 548

At the request of Mr. CONRAD, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 548, a bill to amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make their land available for access by the public under programs administered by States and tribal governments.

S. 889

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 889, a bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks, to require fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight, to increase the fuel economy of the Federal fleet of vehicles, and for other purposes.

S. 1353

At the request of Mr. REID, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1513

At the request of Ms. MIKULSKI, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1513, a bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.

S. 1966

At the request of Mrs. DOLE, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1966, a bill to establish a pilot program to provide grants to encourage eligible institutions of higher education to establish and operate pregnant and parenting student services offices for pregnant students, parenting students, prospective parenting students who are anticipating a birth or adoption, and students who are placing or have placed a child for adoption.

S. 2010

At the request of Mr. HATCH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2010, a bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 2278

At the request of Ms. STABENOW, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Maine (Ms. COLLINS), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 2278, a bill to amend the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 2284

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

S. 2321

At the request of Mr. SANTORUM, the names of the Senator from Nevada (Mr. REID) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2484

At the request of Mr. OBAMA, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2484, a bill to amend the Internal Revenue Code of 1986 to prohibit the disclosure of tax return information by tax return preparers to third parties.

S. 2491

At the request of Mr. CORNYN, the names of the Senator from Connecticut (Mr. DODD) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2566

At the request of Mr. LUGAR, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 2566, a bill to provide for coordination of proliferation interdiction activities and conventional arms disarmament, and for other purposes.

S. 2593

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2593, a bill to protect, consistent with Roe v. Wade, a woman's freedom to choose to bear a child or terminate a pregnancy, and for other purposes.

S. 2653

At the request of Mr. STEVENS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2653, a bill to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas.

S. 2666

At the request of Mr. BURNS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2666, a bill to temporarily suspend the revised tax treatment of kerosene for use in aviation under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

S. 2685

At the request of Mr. LUGAR, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2685, a bill to suspend temporarily the duty on certain textured rolled glass sheets.

S. 2736

At the request of Mr. CRAIG, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2736, a bill to require the Secretary of Veterans Affairs to establish centers to provide enhanced services to veterans with amputations and prosthetic devices, and for other purposes.

S. 2779

At the request of Mr. INHOFE, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 2779, a bill to amend titles 38 and 18, United States Code, to prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, and for other purposes.

S. CON. RES. 92

At the request of Mr. DEMINT, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. Con. Res. 92, a concurrent resolution encouraging all 50 States to recognize and accommodate the release of public school pupils from school attendance to attend off-campus religious classes at their churches, synagogues, houses of worship, and faith-based organizations.

S. RES. 462

At the request of Mr. GRASSLEY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 462, a resolution designating June 8, 2006, as the day of a National Vigil for Lost Promise.

AMENDMENT NO. 3963

At the request of Mr. VITTER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 3963 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 3964

At the request of Mr. VITTER, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 3964 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 3968

At the request of Mr. ALLARD, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor 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. 3971

At the request of Mr. OBAMA, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 3971 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

At the request of Mr. KENNEDY, his name was added as a cosponsor of amendment No. 3971 proposed to S. 2611, supra.

AMENDMENT NO. 3974

At the request of Mr. LEAHY, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of amendment No. 3974 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 3978

At the request of Mr. INHOFE, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 3978 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 3979

At the request of Mr. SESSIONS, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Nebraska (Mr. NELSON), the Senator from Louisiana (Mr. VITTER), the Senator from Kentucky (Mr. BUNNING), the Senator from South Carolina (Mr. GRAHAM), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Arizona (Mr. KYL) were added as cosponsors of amendment No. 3979 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

At the request of Mr. TALENT, his name was added as a cosponsor of amendment No. 3979 proposed to S. 2611, supra.

At the request of Mr. ISAKSON, his name was added as a cosponsor of amendment No. 3979 proposed to S. 2611, supra.

AMENDMENT NO. 3985

At the request of Mr. ENSIGN, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Wyoming (Mr. THOMAS) 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.

AMENDMENT NO. 3996

At the request of Mr. INHOFE, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 3996 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4018

At the request of Mr. STEVENS, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 4018 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

At the request of Mrs. HUTCHISON, her name and the name of the Senator from Texas (Mr. CORNYN) were added as cosponsors of amendment No. 4018 proposed to S. 2611, supra.

At the request of Mrs. MURRAY, her name was added as a cosponsor of amendment No. 4018 proposed to S. 2611, supra.

AMENDMENT NO. 4025

At the request of Mr. DEMINT, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 4025 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4027

At the request of Mr. KYL, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 4027 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

At the request of Mr. CORNYN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of amendment No. 4027 proposed to S. 2611, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL:

S. 2818. A bill to reduce temporarily the duty on automatic shower cleaners; to the Committee on Finance.

Mr. KOHL. Mr. President, I rise today to introduce legislation that would temporarily reduce the duty on automatic shower cleaners on behalf of S.C. Johnson, a company headquartered in Racine, WI.

I understand the importance of manufacturing and the role it plays in our everyday lives. It is no secret that the Bush administration has enfeebled the manufacturing sector, cutting needed funding that helps manufacturers stay competitive. Since 2000, Wisconsin has been hit hard, losing 90,000 manufacturing jobs. A healthy manufacturing sector is key to better jobs, rising productivity, and higher standards of living. Every individual and industry depends on manufactured goods. And the production of those goods creates the quality jobs that keep so many American families healthy and strong.

This legislation would reduce the duty on automatic shower cleaners, an input S.C. Johnson refines to make high quality and affordable shower cleaners that eliminate the build-up of tough soap scum, mold, and mildew stains for the U.S. market. S.C. Johnson was created in 1886 as a parquet flooring company and today is one of the world's leading manufacturers of household products including Ziploc storage containers, Windex glass cleaner, Raid insect repellant, and Glade fragrances. Today, S.C. Johnson employs 12,000 people and provides products in more than 110 countries around the world. In January of 2006, S.C. Johnson was awarded the Ron Brown Award for Corporate Leadership for its outstanding achievements in employee and community relations. Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

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

SECTION 1. ELECTRIC AUTOMATIC SHOWER CLEANERS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.98.08	Bath and shower cleaner electric device that dispenses a dilute solution of detergents and bleach alternative into a shower enclosure using a button activated, battery powered piston pump controlled by a microchip that automatically releases a measured amount of solution on demand (provided for in subheading 8509.80.00)	2.1%	No change	No change	On or before 12/31/2009	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

By Mr. CRAIG:

S. 2821. A bill to repeal the imposition of withholding on certain payments made to vendors by government entities; to the Committee on Finance.

Mr. CRAIG. Mr. President, I rise to introduce S. 2821, the Withholding Tax Relief Act of 2006. Today, President Bush signed into law H.R. 4297, the Tax Increase Prevention and Reconciliation Act of 2005, and this afternoon, I am making good on a promise I made on the Senate floor last week—to repeal the expanded withholding tax contained in H.R. 4297 to ensure that the bill does what its title claims, that is, prevents tax Increases.

Americans have been asking for tax relief. Congress answered this call, in part, when it passed the Tax Increase Prevention and Reconciliation Act of 2005. The lower taxes on capital gains and dividends—and the higher alternative minimum tax exemption amounts—contained in H.R. 4297 will assist small businesses, encourage the kind of investment that creates jobs and makes our economy grow, and ensure fairer tax treatment for middle-income families who would otherwise be left footing the bill for a tax intended for the wealthy.

Alongside these tax relief provisions, however, conferees inserted a sweeping new withholding requirement that will raise taxes by nearly $7 billion. This bill seems to have a history of that. When the original tax reconciliation bill came before the Senate, it contained a windfall profits tax provision that would have imposed an additional $4.923 billion tax on the energy industry. I voted against it because the bill that was supposed to provide tax relief actually raised taxes. Although the conferees stripped this provision in conference, they replaced it with an even bigger tax hike—section 511's expanded withholding requirement.

Section 511 of H.R. 4297 imposes a new mandatory 3 percent withholding requirement on all payments for goods and services made to Federal, State, and local contractors. The provision, which is the largest revenue raiser in the bill, represents a significant shift in U.S. tax policy.

Withholding has not always been around. Despite predominant public opposition, Congress enacted mandatory withholding on Federal income tax in 1943 in order to fund World War II. As a result, tax collections jumped from $7.3 billion in 1939 to $43 billion in 1945. That is an increase of $35.7 billion in just 4 years. In congressional hearings on the issue, Congressmen spoke candidly of the revenues that needed to be "fried out of the taxpayers." There was no doubt in the minds of lawmakers that the result of withholding would be an increase in the tax burden on the public.

Congress sought to expand withholding to dividends and interest in 1982, and public opposition was so profound that it was repealed 1 year later. Now, proponents of section 511's expanded withholding requirement say that it is necessary to close a "tax loophole" that allows taxpayers to avoid their tax obligations. There is no such "loophole"—the Internal Revenue Service, IRS, has simply failed to do its job of collecting.

Information-reporting requirements are already in place to assist the IRS in its collection duties. Government entities are required to make an information return, reporting payments to corporations as well as individuals. Moreover, every head of every Federal executive agency that enters into contracts must file an information return reporting the contractor's name, address, date of contract action, amount to be paid to the contractor, and other information. Expanding withholding would now not only have the Federal Government spend taxpayers' dollars, but it would make taxpayers bear the burden and costs of collecting them, too.

The costs of section 511 are high—so high, in fact, that the Congressional Budget Office said that the provision constitutes an unfunded mandate on the State and local governments, exceeding the annual threshold established in the Unfunded Mandates Reform Act. The provision will also cause the cost of doing business to go up. A 3-percent withholding on multibillion dollar contracts—for as long as 15 months, held interest-free—will affect cash flows, investment, and cause businesses to raise prices in order to make up for losses, thereby putting them at a significant competitive disadvantage. Consider the Federal contract totals for Idaho and California alone. In fiscal year 2004, Idaho's nondefense contracts totaled $1.1 billion, and in fiscal year 2005, the State's defense contracts added up to $154 million. In fiscal year 2004, California's nondefense contracts totaled $9.4 billion, and in fiscal year 2005, the State had $30.9 billion in defense contracts.

The bill that I am introducing today, the Withholding Tax Relief Act of 2006, will repeal the $7 billion withholding tax contained in H.R. 4297. Tax relief should not be coupled with tax increases, and I will continue to work to give more meaning to the phrase in the bill's title, "Tax Increase Prevention." This bill is a first step. I urge my colleagues to join me in support of this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2821

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 "Withholding Tax Relief Act of 2006".

SEC. 2. REPEAL OF IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE TO VENDORS BY GOVERNMENT ENTITIES.

The amendment made by section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is repealed and the Internal Revenue Code of 1986 shall be applied as if such amendment had never been enacted.

By Mr. BINGAMAN (for himself, Mrs. HUTCHISON, MRS. FEINSTEIN, and Mrs. BOXER):

S. 2825. A bill to establish grant programs to improve the health of border area residents and for bioterrorism preparedness in the border area, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, today I am introducing a bill with Senators HUTCHISON, FEINSTEIN, and BOXER entitled the Border Health Security Act of 2006. This bill addresses the tremendous health problems confronting our nation's southwestern border.

The United States-Mexico border region is defined in the U.S.-Mexico Border Health Commission authorizing legislation as the area of land 100 kilometers, or 62.5 miles, north and south of the international boundary. It stretches 2,000 miles from California, through Arizona and New Mexico to the southern tip of Texas and is estimated to have a population of 12 million residents.

The border region comprises 2 sovereign nations, 25 Native American tribes, and 4 States in the United States and six States in Mexico.

Why should we provide some focus to this geographic region? The situation along the border is among the most dire in the country. In the past, we have recognized problems with other regions, through the Denali, Delta, and Appalachian commissions, and have provided targeted funding to those areas. The U.S.-Mexico Border Health Commission, legislation I sponsored

with Senators MCCAIN, Simon, and HUTCHISON, was created for the same reasons and annually receives about $4 million in funding that is matched by $1 million from the Mexican Government for administrative purposes to improve international cooperation and agreements to tackle health problems in the region. However, we need to take the next step and provide resources to address the problems.

In the border region, 3 of the 10 poorest counties in the United States are located in the border area, 21 of the counties have been designated as economically distressed, approximately 430,000 people live in 1,200 colonias in Texas and New Mexico, which are unincorporated communities that are characterized by substandard housing, unsafe public drinking water, and wastewater systems, very high unemployment, and the lowest per capita income as a region in the Nation.

In a report earlier this year by the U.S.-Mexico Border Counties Coalition, the Coalition found that, if the border were a State, it would rank second with respect to the uninsured, last with respect to access to health professionals, including doctors, nurses and allied health professionals per capita; second with respect to tuberculosis, third with respect to hepatitis; and fifth with respect to diabetes.

The result is a health system that confronts tremendous health problems with little or no resources.

According to U.S. Census Bureau data reported in September 2005 for the three-year average of 2002 to 2004, the states of Texas and New Mexico rank first and second as the states with the highest uninsured rates in the country with rates of 25.0 percent and 21.0 percent, respectively. California and Arizona are not much better and had uninsured rates of 18.7 percent and 17.1 percent, respectively.

However, the figures along the border are even worse, as the rates of uninsured are higher still than that in the four states overall. Uninsured rates in many border counties are estimated to be above 30 percent and as high as 50 percent in certain communities. According to the U.S. Census Bureau's small area health insurance estimates, SAHIE, the three New Mexico border counties had an uninsured rate of 29.4 percent compared to the statewide average of 23.7 percent and more than twice the United States rate of 14.2 percent.

As the U.S.-Mexico Border Commission notes, ''The border is characterized by weaknesses in the border health systems and infrastructure, lack of public financial resources, poor distribution of physicians and other health professionals and hospitals. Moreover, the low rates of health insurance coverage and low incomes puts access to health services out of reach for many border residents and thus keeps the border communities at risk.''

The U.S.-Mexico Border Commission has identified and approved of an agenda through its Health Border 2010 initiative, which seeks to, among other things: reduce by 25 percent the population lacking access to a primary provider; reduce the female breast cancer death rate by 20 percent; reduce the cervical cancer death rate by 30 percent; reduce deaths due to diabetes by 10 percent; reduce hospitalizations due to diabetes by 25 percent; reduce the incidence of HIV cases by 50 percent; reduce the incidence of tuberculosis cases by 50 percent; reduce the incidence of hepatitis A and B cases by 50 percent; reduce the infant mortality rate by 15 percent; and, increase initiation of prenatal care in the first trimester by 85 percent.

However, the U.S.-Mexico Border Commission lacks the resources that are needed to address those important goals. The bipartisan legislation I am introducing today with Senators HUTCHISON, FEINSTEIN, and BOXER would address that problem by reauthorizing the U.S.-Mexico Border Health Commission at $10 million and authorizing additional funding to improve the infrastructure, access, and the delivery of health care services along the entire U.S.-Mexico border.

These grants would be flexible and allow the individual communities to establish their own priorities with which to spend these funds for the following range of purposes: maternal and child health, primary care and preventative health, public health and public health infrastructure, health promotion, oral health, behavioral and mental health, substance abuse, health conditions that have a high prevalence in the border region, medical and health services research, community health workers or promotoras, health care infrastructure, including planning and construction grants, health disparities, environmental health, health education, and outreach and enrollment services with respect to Medicaid and the State Children's Health Insurance Program, CHIP.

We would certainly expect those grants would be used for the purpose of striving to achieve the measurable goals established by the Health Border 2010 initiative.

In addition, the bill contains authorization for $25 million for funding to border communities to improve the infrastructure, preparedness, and education of health professionals along the U.S.-Mexico border with respect to bioterrorism. This includes the establishment of a health alert network to identify and communicate information quickly to health providers about emerging health care threats.

Mr. President, on October 15, 2001, just one month after the September 11, 2001, attack on our Nation, Secretary Thompson spoke to the U.S.-Mexico Border Health Commission and urged them to put together an application for $25 million for bioterrorism and preparedness. The Commission has done so but has not seen targeted funding despite the vulnerability that border communities have with respect to a bioterrorism attack. Our legislation addresses the vulnerability of communities along the border and targets funding to those communities specifically to improve infrastructure, training, and preparedness.

Our relationship with Mexico, like that with Canada, is a special one. Those countries are our closest neighbors, and yet, we often and wrongly neglect our neighbor to the South and the much needed economic development needed in the region. Mexico is the United States's second largest trading partner and the border is recognized as one of the busiest ports of entry in the world. And yet the region is often neglected.

As the U.S.-Mexico Border Health Commission points out, ''Without increases and sustained federal, state and local governmental and private funding for health programs, infrastructure and education, the border populations will continue to lag behind the United States in these areas.''

I would like to thank Senator HUTCHISON, who was an original cosponsor of the U.S.-Mexico Border Health Commission legislation, Public Law 103–400, that we passed in 1994 and is the lead cosponsor of this legislation today. She has also been the lead senator in getting funding for the U.S.-Mexico Border Health Commission since its inception.

I would also thank Senators FEINSTEIN and BOXER for working with us on this important legislation and for their constant support over the years for the work of the Commission.

I urge the adoption of this bipartisan legislation by this Congress and ask for unanimous consent for a summary and the text of the bill to be printed in the RECORD.

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

S. 2825

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 ''Border Health Security Act of 2006''.

SEC. 2. DEFINITIONS.

In this Act:

(1) BORDER AREA.—The term ''border area'' has the meaning given the term ''United States-Mexico Border Area'' in section 8 of the United States-Mexico Border Health Commission Act (22 U.S.C. 290n–6).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 3. BORDER HEALTH GRANTS.

(a) ELIGIBLE ENTITY DEFINED.—In this section, the term ''eligible entity'' means a State, public institution of higher education, local government, tribal government, nonprofit health organization, or community health center receiving assistance under section 330 of the Public Health Service Act (42 U.S.C. 254b), that is located in the border area.

(b) AUTHORIZATION.—From funds appropriated under subsection (f), the Secretary, acting through the United States members of the United States-Mexico Border Health

Commission, shall award grants to eligible entities to address priorities and recommendations to improve the health of border area residents that are established by—

(1) the United States members of the United States-Mexico Border Health Commission;

(2) the State border health offices; and

(3) the Secretary.

(c) APPLICATION.—An eligible entity that desires a grant under subsection (b) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) USE OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds for—

(1) programs relating to—

(A) maternal and child health;

(B) primary care and preventative health;

(C) public health and public health infrastructure;

(D) health promotion;

(E) oral health;

(F) behavioral and mental health;

(G) substance abuse;

(H) health conditions that have a high prevalence in the border area;

(I) medical and health services research;

(J) workforce training and development;

(K) community health workers or promotoras;

(L) health care infrastructure problems in the border area (including planning and construction grants);

(M) health disparities in the border area;

(N) environmental health;

(O) health education; and

(P) outreach and enrollment services with respect to Federal programs (including programs authorized under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 and 1397aa)); and

(2) other programs determined appropriate by the Secretary.

(e) SUPPLEMENT, NOT SUPPLANT.—Amounts provided to an eligible entity awarded a grant under subsection (b) shall be used to supplement and not supplant other funds available to the eligible entity to carry out the activities described in subsection (d).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2007 and each succeeding fiscal year.

SEC. 4. BORDER BIOTERRORISM PREPAREDNESS GRANTS.

(a) ELIGIBLE ENTITY DEFINED.—In this section, the term ''eligible entity'' means a State, local government, tribal government, or public health entity.

(b) AUTHORIZATION.—From funds appropriated under subsection (e), the Secretary shall award grants to eligible entities for bioterrorism preparedness in the border area.

(c) APPLICATION.—An eligible entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) USES OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds to, in coordination with State and local bioterrorism programs—

(1) develop and implement bioterror preparedness plans and readiness assessments and purchase items necessary for such plans;

(2) coordinate bioterrorism and emergency preparedness planning in the region;

(3) improve infrastructure, including syndrome surveillance and laboratory capacity;

(4) create a health alert network, including risk communication and information dissemination;

(5) educate and train clinicians, epidemiologists, laboratories, and emergency personnel; and

(6) carry out such other activities identified by the Secretary, the United States-Mexico Border Health Commission, State and local public health offices, and border health offices.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2007 and such sums as may be necessary for each succeeding fiscal year.

SEC. 5. UNITED STATES-MEXICO BORDER HEALTH COMMISSION ACT AMENDMENTS.

The United States-Mexico Border Health Commission Act (22 U.S.C. 290n et seq.) is amended by adding at the end the following:

''SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this Act $10,000,000 for fiscal year 2007 and such sums as may be necessary for each succeeding fiscal year.''.

SEC. 6. COORDINATION OF HEALTH SERVICES AND SURVEILLANCE.

The Secretary may coordinate with the Secretary of Homeland Security in establishing a health alert system that—

(1) alerts clinicians and public health officials of emerging disease clusters and syndromes along the border area; and

(2) is alerted to signs of health threats or bioterrorism along the border area.

SEC. 7. BINATIONAL PUBLIC HEALTH INFRASTRUCTURE AND HEALTH INSURANCE.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study concerning binational public health infrastructure and health insurance efforts. In conducting such study, the Institute shall solicit input from border health experts and health insurance issuers.

(b) REPORT.—Not later than 1 year after the date on which the Secretary of Health and Human Services enters into the contract under subsection (a), the Institute of Medicine shall submit to the Secretary and the appropriate committees of Congress a report concerning the study conducted under such contract. Such report shall include the recommendations of the Institute on ways to expand or improve binational public health infrastructure and health insurance efforts.

SEC. 8. PROVISION OF RECOMMENDATIONS AND ADVICE TO CONGRESS.

Section 5 of the United States-Mexico Border Health Commission Act (22 U.S.C. 290n-3) is amended by adding at the end the following:

''(d) PROVIDING ADVICE AND RECOMMENDATIONS TO CONGRESS.—A member of the Commission, or an individual who is on the staff of the Commission, may at any time provide advice or recommendations to Congress concerning issues that are considered by the Commission. Such advice or recommendations may be provided whether or not a request for such is made by a member of Congress and regardless of whether the member or individual is authorized to provide such advice or recommendations by the Commission or any other Federal official.''.

FACT SHEET

BORDER HEALTH SECURITY ACT OF 2006

Sens. Jeff Bingaman (D–NM), Kay Bailey Hutchison (R–TX), Dianne Feinstein (D–CA), and Barbara Boxer (D–CA) introduced the ''Border Health Security Act of 2006'' on May 17, 2006. The legislation would improve the infrastructure, access, and delivery of health care services to residents along the U.S.-Mexico border.

The legislation would achieve these goals by—

Improving Border Health Services: Provides authorization for funding to states, local governments, tribal governments, institutions of higher education, nonprofit health organizations, or community health centers along the U.S.-Mexico border to improve infrastructure, access, and the delivery of health care services.

These grants are flexible and would allow the community to establish its own priorities with which to spend these funds for the following range of purposes: maternal and child health, primary care and preventative health, public health and public health infrastructure, health promotion, oral health, behavioral and mental health, substance abuse, health conditions that have a high prevalence in the border region, medical and health services research, community health workers or promotoras, health care infrastructure (including planning and construction grants), health disparities, environmental health, health education, and outreach and enrollment services with respect to Medicaid and the State Children's Health Insurance Program (CHIP).

Providing Border Bioterrorism Preparedness Grants: Provides for $25 million in funding to states and local governments or public health departments to improve the infrastructure, preparedness, and education of health professionals along the U.S.-Mexico border with respect to bioterrorism. This includes the establishment of a health alert network to identify and communicate information quickly to health providers about emerging health care threats and coordination of the system between the U.S. Department of Health and Human Services (HHS) and Department of Homeland Security (DHS).

Reauthorizing the U.S.-Mexico Border Health Commission: Provides for the reauthorization of the U.S.-Mexico Border Health Commission at $10 million annually.

Coordination and Study: The legislation also affirms that recommendations and advice on how to improve border health from the U.S.-Mexico Border Health Commission shall be communicated to the Congress. And finally, the legislation provides for a study of binational health insurance options and barriers to improve coverage for people residing along the border.

By Mr. KERRY:

S. 2826. A bill to amend the Internal Revenue Code of 1986 to extend and expand relief from the alternative minimum tax and to repeal the extension of the lower rates for capital gains and dividends for 2009 and 2010; to the Committee on Finance.

Mr. KERRY. Mr. President, today, President Bush is signing H.R. 4297, the Tax Increase Prevention and Reconciliation Act of 2005. I opposed this legislation because it contains the wrong priorities for America—leaving behind working families and substantially adding to the deficit. This law chooses to extend the lower rates on capital gains and dividends for 2009 and 2010, but only addresses the individual alternative minimum tax (AMT) for 2006.

According to the Joint Committee on Taxation, those earning $200,000 or more will receive 84 percent of the benefit of the capital gains tax cut and 63 percent of the benefit of the dividends tax cuts. According to the Congressional Budget Office, 42.8 percent of taxpayers with income between $50,000 and $100,000 will be impacted by the AMT if the AMT is not addressed for

2007—a number that increases to 66 percent by 2010. The Tax Increase Prevention and Reconciliation of Act of 2005 extends a tax cut that does not expire to the end of 2008 with a price tag of $50 billion, but fails to protect the hard working families that will be impacted by the AMT. These families were never intended to be impacted by the AMT, a tax originally designed to prevent a small number of high income taxpayers from avoiding taxation.

Today, I am introducing legislation that will address the AMT for 2007 and repeal the lower tax rates on capital dividends for 2009 and 2010. To calculate the AMT, individuals add back certain ''preference items'' to their regular tax liability. These include personal exemptions, the standard deduction, and the itemized deduction for state and local taxes. From this amount, taxpayers subtract the AMT exemption amount, commonly referred to as the ''patch'' which reverted to lower levels at the end of 2005. H.R. 4297 increased and extended the patch for 2006. The patch was increased in order to hold the same number of taxpayers harmless from the AMT in 2006 as in 2005.

The problem with the AMT is that while the regular tax system is indexed for inflation, the AMT exemption amounts and tax brackets remain constant. This has the perverse consequence of punishing taxpayers for the mere fact their incomes rose due to inflation.

A choice was made in 2001 to provide more tax cuts to those with incomes of over one million dollars rather than addressing a looming tax problem for the middle class. The Economic Growth and Tax Relief Reconciliation Act of 2001 did include a small adjustment to the AMT, but it was not enough. We knew at the time that the number of taxpayers subject to the AMT would continue to rise steadily. The combination of lower tax cuts and a minor adjustment to the AMT would cause the AMT to explode. We are now approaching this explosion.

My legislation extends and expands the AMT exemption amount for 2007 to prevent additional taxpayers from being impacted by the AMT. Without increasing and extending the AMT exemption for 2007, an additional 3.2 million taxpayers will be impacted by the AMT in 2007. In addition, the legislation will allow nonrefundable personal credits such as the higher education tax credits and the dependent care credit against the AMT for 2007. This legislation is offset by repealing the lower rates on capital gains and dividends.

My colleagues in the majority argue that the extension of the capital gains and dividends benefits is necessary to provide investor certainty. But I believe that the certainty of working families worried about paying the AMT should come first. New data from the Joint Committee on Taxation requested by the Ways and Means Democratic Members shows that in 2007, 62 percent of all taxable capital gain income will be recognized by taxpayers liable for the minimum tax. Simply put, taxpayers forced to carry the AMT burden will not benefit from the lower capital gains and dividends rate.

The AMT is a looming problem that is impacting hard-working families and for each year that we fail to address the AMT, it gets worse and more expensive. We need to address the AMT for 2007. My legislation is not a long-term cure to the AMT crisis, but it will provide certainty for next year to hard working families that will be impacted by the AMT just because of where they live and the number of children they have, and it will address the AMT in a revenue neutral manner for 2007 as well.

The Tax Increase Prevention and Reconciliation Act of 2005 addresses the AMT for 2006, but at a price—providing a $42,000 tax cut to those making more than a million dollars a year. The AMT for 2006 could have been addressed in a bill that did not include the extension of additional tax cuts and it could have been offset. Instead, addressing the AMT for 2006 was included in a bill that will add far more than $70 billion to the deficit.

We all agree that the AMT should not be impacting families with incomes below $100,000. I am concerned that we will not address the AMT for 2007 in a timely and fiscally responsible manner. My bill does this and would give Congress time to work together in a bipartisan manner to find a fiscally responsible permanent solution to the AMT.

I ask unanimous consent that the full text of this bill be printed in the RECORD.

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

S. 2826

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

SECTION 1. EXTENSION AND INCREASE IN MINIMUM TAX RELIEF TO INDIVIDUALS.

(a) IN GENERAL.—Section 55(d)(1) of the Internal Revenue Code of 1986, as amended by the Tax Increase Prevention and Reconciliation Act of 2005, is amended—

(1) by striking ''$62,550 in the case of taxable years beginning in 2006'' in subparagraph (A) and inserting ''$66,100 in the case of taxable years beginning in 2007'', and

(2) by striking ''$42,500 in the case of taxable years beginning in 2006'' in subparagraph (B) and inserting ''$45,900 in the case of taxable years beginning in 2007''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 2. ALLOWANCE OF NONREFUNDABLE PERSONAL CREDITS AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX LIABILITY.

(a) IN GENERAL.—Paragraph (2) of section 26(a) of the Internal Revenue Code of 1986, as amended by the Tax Increase Prevention and Reconciliation Act of 2005, is amended—

(1) by striking ''2006'' in the heading thereof and inserting ''2007'', and

(2) by striking ''or 2006'' and inserting ''2006, or 2007''.

(b) CONFORMING PROVISIONS.—

(1) Section 30B(g) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR 2007.—For purposes of any taxable year beginning during 2007, the credit allowed under subsection (a) (after the application of paragraph (1)) shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under subpart A and this subpart (other than this section and section 30C).''.

(2) Section 30C(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR 2007.—For purposes of any taxable year beginning during 2007, the credit allowed under subsection (a) (after the application of paragraph (1)) shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under subpart A and this subpart (other than this section).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 3. REPEAL OF EXTENSION OF LOWER RATES FOR CAPITAL GAINS AND DIVIDENDS.

The amendment made by section 102 of the Tax Increase Prevention and Reconciliation Act of 2005 is repealed and the Internal Revenue Code of 1986 shall be applied as if such amendment had never been enacted.

By Mr. AKAKA (for himself and Mr. LIEBERMAN):

S. 2827. A bill to amend the Homeland Security Act of 2002 to clarify the investigative authorities of the privacy officer of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce the Privacy Officer With Enhanced Rights Act of 2006, POWER Act. I am pleased to be joined by Senator LIEBERMAN, the Ranking Member of the Homeland Security and Governmental Affairs Committee, in introducing this important legislation, which is a companion bill to H.R. 3041. The POWER Act will strengthen the authority of the Department of Homeland Security, DHS, Chief Privacy Officer, CPO, and will provide a much needed check on government power.

Americans have an expectation that their personal privacy will not be invaded and that their government will not misuse its powers. Democracy is founded on the principle that the people are the ultimate source of the Government's powers. Recent events validate the suspicions of our Nation's Founders against concentrating power into the hands of the few or in granting authority to those who are not accountable for how power is utilized. We need to consider the effects of intelligence and information gathering now that new government powers threaten to erode our most cherished freedoms and technological advances appear to outpace our ability to protect personal information.

In response to the terrorist attacks of 9/11, new law enforcement strategies

were created and information sharing between government agencies increased substantially. DHS was established to face new challenges and address new threats. However, we were concerned that the unprecedented size and reach of the new department could intrude on the values that our nation cherishes most dearly. We wanted DHS to accomplish its vital mission, but we had to make sure that it was not at the cost of our liberty.

Times of crisis and unexpected trials do not excuse curtailment of our citizens' fundamental liberties, which is why the DHS CPO was created. The mission of the CPO is to ensure that the loss of the freedoms that define this country would not be sacrificed for increased vigilance against our adversaries. Although I voted against the Homeland Security Act, I was pleased to work with my colleagues to establish the CPO.

The DHS CPO has three primary responsibilities: (1) assuring that new technologies and information gathering methods do not erode personal privacy; (2) evaluating the privacy impact of new government programs; and (3) investigating privacy complaints.

However, the CPO's powers have proved to be inadequate. The major problem is that the CPO lacks subpoena power and, therefore, cannot fully investigate privacy violations. Instead, the CPO must rely on voluntary submissions of information in order to conduct investigations which significantly weakens the office. We all remember the news accounts about how the CPO's requests for documents in her investigation of the Transportation Security Administration's, TSA, transfer of passenger data from a major commercial air carrier to the Defense Department were rebuffed repeatedly. Our bill will go a long way to ensure that such situations will not happen again.

We are also concerned by the fact that the CPO cannot communicate directly with Congress, but instead, must report through DHS senior leadership. Similar to the Inspector General, the CPO can often be put at odds with those subject to investigation, so the authority to report directly to Congress and deliver unaltered findings is critical.

The POWER Act will address these shortcomings by providing the CPO with the power to: access all records deemed necessary to do the job; undertake any privacy investigation that is appropriate for the office; subpoena documents from the private sector when necessary to fulfill the CPO's statutory mandate; and obtain sworn testimony.

To provide independence for this position, the CPO will submit reports directly to Congress regarding the performance of his or her duties, without any prior comment or amendment by the DHS Secretary. In addition, our bill would protect the CPO from retaliation by mandating that the CPO cannot be removed from office without notifying the President and Congress of the reasons for removal.

With concerns over the development of new data mining activities at the Department and the potential use of commercial data by TSA, it is essential now more than ever that the DHS CPO have the tools and authority to protect the personal information of all Americans. I urge my colleagues to support this bill and ask unanimous consent that the text of the bill and a letter of support from the American Civil Liberties Union be printed in the RECORD.

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

S. 2827

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 ''Privacy Officer With Enhanced Rights Act of 2006'' or the ''POWER Act of 2006''.

SEC. 2. AUTHORITIES OF THE PRIVACY OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.

Section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) is amended—

(1) by inserting ''(a) APPOINTMENT AND RESPONSIBILITIES.—'' before ''The Secretary''; and

(2) by adding at the end the following:

''(b) AUTHORITY TO INVESTIGATE.—

''(1) IN GENERAL.—The senior official appointed under subsection (a) may—

''(A) have access to all records, reports, audits, reviews, documents, papers, recommendations, and other materials available to the Department that relate to programs and operations with respect to the responsibilities of the senior official under this section;

''(B) make such investigations and reports relating to the administration of the programs and operations of the Department that are necessary or desirable as determined by that senior official;

''(C) require by subpoena the production, by any person other than a Federal agency, of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to performance of the responsibilities of the senior official under this section; and

''(D) administer to or take from any person an oath, affirmation, or affidavit, whenever necessary to performance of the responsibilities of the senior official under this section.

''(2) ENFORCEMENT OF SUBPOENAS.—Any subpoena issued under paragraph (1)(C) shall, in the case of contumacy or refusal to obey, be enforceable by order of any appropriate United States district court.

''(3) EFFECT OF OATHS.—Any oath, affirmation, or affidavit administered or taken under paragraph (1)(D) by or before an employee of the Privacy Office designated for that purpose by the senior official appointed under subsection (a) shall have the same force and effect as if administered or taken by or before an officer having a seal of office.

''(c) SUPERVISION.—

''(1) IN GENERAL.—The senior official appointed under subsection (a) shall report to, and be under the general supervision of the Secretary.

''(2) NOTIFICATION TO CONGRESS.—If the Secretary removes the senior official appointed under subsection (a) or transfers that senior official to another position or location within the Department, the Secretary shall—

''(A) promptly submit a written notification of the removal or transfer to Houses of Congress; and

''(B) include in any such notification the reasons for the removal or transfer.

''(d) REPORTS BY SENIOR OFFICIAL TO CONGRESS.—The senior official appointed under subsection (a) shall submit reports directly to the Congress regarding performance of the responsibilities of the senior official under this section, without any prior comment or amendment by the Secretary, Deputy Secretary, or any other officer or employee of the Department or the Office of Management and Budget.''.

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, May 17, 2006.

DEAR SENATORS AKAKA AND LIEBERMAN: The American Civil Liberties Union commends you for introducing the Privacy Officer With Enhanced Rights Act (POWER Act). This legislation and its companion bill in the House, H.R. 3041, are an important step towards ensuring that the Department of Homeland Security's Privacy Officer has all the tools needed to carry out the mission Congress envisioned for the office when it created the Department of Homeland Security (''DHS''). The POWER Act will allow the Privacy Officer to better protect the privacy rights of all Americans by providing important oversight of DHS, which handles extensive amounts of sensitive personal information on Americans.

The original Congressional intention of the DHS Privacy Officer's authority has not yet been achieved. The Homeland Security Act of 2002 mandated the creation of a senior official to assume responsibility for DHS privacy policies. Specifically, this official is to assure that new technologies do not erode the personal privacy of Americans, evaluate new proposals concerning the use of personal data, assure that DHS is in full compliance with the Privacy Act of 1974, and to report to Congress on an annual basis any activities that impact privacy including ''complaints of privacy violations, implementation of the Privacy Act of 1974, internal controls, and other matters.''

Congress, however, failed to endow this position with the necessary investigative powers necessary to fulfill these duties. Currently, the Privacy Officer must rely on voluntary submission of information to conduct investigations. For example, when the Privacy Officer attempted to investigate the disclosure of JetBlue passenger information by the Transportation Security Administration to the Department of Defense, its requests for information were repeatedly rebuffed preventing a comprehensive investigation. The shortcomings of this process prevent the Privacy Officer from being an effective advocate for the privacy rights of Americans.

The POWER Act addresses these problems by providing the Privacy Officer with the tools and independence necessary to conduct investigations and thereby fulfill the duties charged to the position by Congress in 2002. This legislation empowers the Privacy Officer to access all records deemed necessary, undertake any investigation deemed appropriate, subpoena documents, and obtain sworn testimony. This legislation also directs the Privacy Officer to submit reports directly to Congress without prior amendment by other Department officials, helping to protect the position from internal censorship.

The POWER Act is an important piece of legislation to help ensure that the privacy rights of Americans are not being violated by their own government by providing crucial internal oversight. We commend you for introducing this important piece of legislation, the Privacy Officer With Enhanced

Rights Act, and pledge to work with you to ensure its passage.

Sincerely,

CAROLINE FREDRICKSON,
Director.
TIMOTHY SPARAPANI,
Legislative Counsel.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. REED, Mrs. CLINTON, Mr. LAUTENBERG, Mr. SARBANES, Mr. AKAKA, Mr. KERRY, Ms. LANDRIEU, and Mr. MENENDEZ):

S. 2828. A bill to provide for educational opportunities for all students in State public school systems, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today with Senators KENNEDY, REED, CLINTON, SARBANES, AKAKA, LAUTENBERG, KERRY, LANDRIEU and MENENDEZ to introduce the Student Bill of Rights. This bill would ensure that every child in America has an equal opportunity to receive a good education.

The Student Bill of Rights would achieve this goal by providing America's children with the key components of a solid education. These components include highly qualified teachers, challenging curricula, small classes, current textbooks, quality libraries, and up-to-date technology.

Currently, Federal law requires that schools within the same district provide comparable educational services. The Student Bill of Rights would extend that basic guarantee of equal opportunity to the State level by requiring comparability of resources across school districts within a State.

Over 50 years ago, Brown v. Board of Education struck down segregation in law. Over 50 years later, we know that just because there is no segregation in law does not mean that it does not persist. Today, our education system remains largely separate and unequal.

All too often, whether an American child is taught by a high quality teacher, has access to the best courses and instructional materials, goes to school in a new, modern building, and otherwise benefits from educational resources that have been shown to be essential to a quality education still depends on where the child's family can afford to live. In fact, the United States ranks at the bottom among developed countries in the disparity in the quality of schools available to wealthy and low-income children. This gap is simply unacceptable, and it is why the Student Bill of Rights is so important to our children's ability to gain the skills they need to be responsible, participating citizens in our diverse democracy, and to compete and succeed in the global economy.

Of course, factors besides resources are also important to academic achievement—supportive parents, motivated peers, and positive role models in the community, just to name a few. But at the same time, we also know that adequate resources are vital to providing students with the opportunity to receive a solid education.

This bill is entirely consistent with America's historical commitment to equal opportunity. That is why 42 Senators voted for similar legislation in the 107th Congress. On the other hand, it would be inconsistent with America's principles to tolerate an educational system that provides meaningful educational opportunities for just a select few.

The quality of a child's education should not be determined by his or her ZIP code. The Student Bill of Rights will help ensure that each and every child gets a decent education, and in turn, an equal opportunity for a successful future.

Mr. President, I hope that my colleagues will join me in supporting the Student Bill of Rights and I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2828

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 ''Student Bill of Rights''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings and purposes.

TITLE I—ACCESS TO EDUCATIONAL OPPORTUNITY

Sec. 101. State public school systems.
Sec. 102. Fundamentals of educational opportunity.

TITLE II—STATE ACCOUNTABILITY

Sec. 201. State accountability plan.
Sec. 202. Consequences of failure to meet requirements.

TITLE III—REPORT TO CONGRESS AND THE PUBLIC

Sec. 301. Annual report on State public school systems.

TITLE IV—REMEDY

Sec. 401. Civil action for enforcement.

TITLE V—GENERAL PROVISIONS

Sec. 501. Definitions.
Sec. 502. Rulemaking.
Sec. 503. Construction.

SEC. 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) A high-quality, highly competitive education for all students is imperative for the economic growth and productivity of the United States, for its effective national defense, and to achieve the historical aspiration to be one Nation of equal citizens. It is therefore necessary and proper to overcome the nationwide phenomenon of State public school systems that do not meet the requirements of section 101(a), in which high-quality public schools typically serve high-income communities and poor-quality schools typically serve low-income, urban, rural, and minority communities.

(2) In 2005, the National Academies found in their report ''Rising Above the Gathering Storm: Energizing and Employing America for a Brighter Economic Future'' that the inadequate preparation of kindergarten through grade 12 students in science and mathematics, including the significant lack of teachers qualified to teach these subjects, threatens the economic prosperity of the United States. When students do not receive quality mathematics and science preparation in kindergarten through grade 12, they are not prepared to take advanced courses in these subjects at the postsecondary level, leaving the United States with a critical shortage of scientists and engineers—a shortfall being filled by professionals from other countries.

(3) There exists in the States a significant educational opportunity gap for low-income, urban, rural, and minority students characterized by the following:

(A) Continuing disparities within States in students' access to the fundamentals of educational opportunity described in section 102.

(B) Highly differential educational expenditures (adjusted for cost and need) among school districts within States.

(C) Radically differential educational achievement among students in school districts within States as measured by the following:

(i) Achievement in mathematics, reading or language arts, and science on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) and on the National Assessment of Educational Progress.

(ii) Advanced placement courses taken.

(iii) SAT and ACT test scores.

(iv) Dropout rates and graduation rates.

(v) College-going and college-completion rates.

(4) As a consequence of this educational opportunity gap, the quality of a child's education depends largely upon where the child's family can afford to live, and the detriments of lower quality education are imposed particularly on—

(A) children from low-income families;

(B) children living in urban and rural areas; and

(C) minority children.

(5) Since 1785, Congress, exercising the power to admit new States under section 3 of article IV of the Constitution (and previously, the Congress of the Confederation of States under the Articles of Confederation), has imposed upon every State, as a fundamental condition of the State's admission, that the State provide for the establishment and maintenance of systems of public schools open to all children in such State.

(6) Over the years since the landmark ruling in Brown v. Board of Education, 347 U.S. 483, 493 (1954), when a unanimous Supreme Court held that ''the opportunity of an education . . . , where the State has undertaken to provide it, is a right which must be made available to all on equal terms'', courts in 44 States have heard challenges to the establishment, maintenance, and operation of State public school systems that are separate and not educationally adequate.

(7) In 1970, the Presidential Commission on School Finance found that significant disparities in the distribution of educational resources existed among school districts within States because the States relied too significantly on local district financing for educational revenues, and that reforms in systems of school financing would increase the Nation's ability to serve the educational needs of all children.

(8) In 1999, the National Research Council of the National Academy of Sciences published a report entitled ''Making Money Matter, Financing America's Schools'', which found that the concept of funding adequacy, which moves beyond the more traditional concepts of finance equity to focus attention

on the sufficiency of funding for desired educational outcomes, is an important step in developing a fair and productive educational system.

(9) In 2001, the Executive Order establishing the President's Commission on Educational Resource Equity declared, ''A quality education is essential to the success of every child in the 21st century and to the continued strength and prosperity of our Nation. . . . [L]ong-standing gaps in access to educational resources exist, including disparities based on race and ethnicity.'' (Exec. Order No. 13190, 66 Fed. Reg. 5424 (2001)).

(10) According to the Secretary of Education, as stated in a letter (with enclosures) from the Secretary to States dated January 19, 2001—

(A) racial and ethnic minorities continue to suffer from lack of access to educational resources, including ''experienced and qualified teachers, adequate facilities, and instructional programs and support, including technology, as well as . . . the funding necessary to secure these resources''; and

(B) these inadequacies are ''particularly acute in high-poverty schools, including urban schools, where many students of color are isolated and where the effect of the resource gaps may be cumulative. In other words, students who need the most may often receive the least, and these students often are students of color.''.

(11) In the amendments made by the No Child Left Behind Act of 2001, Congress—

(A)(i) required each State to establish standards and assessments in mathematics, reading or language arts, and science; and

(ii) required schools to ensure that all students are proficient in mathematics, reading or language arts, and science not later than 12 years after the end of the 2001–2002 school year, and held schools accountable for the students' progress; and

(B) required each State to describe how the State will help local educational agencies and schools to develop the capacity to improve student academic achievement.

(12) The standards and accountability movement will succeed only if, in addition to standards and accountability, all schools have access to the educational resources necessary to enable students to achieve.

(13) Raising standards without ensuring access to educational resources may in fact exacerbate achievement gaps and set children up for failure.

(14) According to the World Economic Forum's Global Competitiveness Report 2001–2002, the United States ranks last among developed countries in the difference in the quality of schools available to rich and poor children.

(15) The persistence of pervasive inadequacies in the quality of education provided by State public school systems effectively deprives millions of children throughout the United States of the opportunity for an education adequate to enable the children to—

(A) acquire the knowledge and skills necessary for responsible citizenship in a diverse democracy, including the ability to participate fully in the political process through informed electoral choice;

(B) meet challenging student academic achievement standards; and

(C) be able to compete and succeed in a global economy.

(16) Each State government has ultimate authority to determine every important aspect and priority of the public school system that provides elementary and secondary education to children in the State, including whether students throughout the State have access to the fundamentals of educational opportunity described in section 102.

(17) Because a well educated populace is critical to the Nation's political and economic well-being and national security, the Federal Government has a substantial interest in ensuring that States provide a high-quality education by ensuring that all students have access to the fundamentals of educational opportunity described in section 102 to enable the students to succeed academically and in life.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To further the goals of the Elementary and Secondary Education Act of 1965 (as amended by the No Child Left Behind Act of 2001), by holding States accountable for providing all students with access to the fundamentals of educational opportunity described in section 102.

(2) To ensure that all students in public elementary schools and secondary schools receive educational opportunities that enable such students to—

(A) acquire the knowledge and skills necessary for responsible citizenship in a diverse democracy, including the ability to participate fully in the political process through informed electoral choice;

(B) meet challenging student academic achievement standards; and

(C) be able to compete and succeed in a global economy.

(3) To end the pervasive pattern of States maintaining public school systems that do not meet the requirements of section 101(a).

TITLE I—ACCESS TO EDUCATIONAL OPPORTUNITY

SEC. 101. STATE PUBLIC SCHOOL SYSTEMS.

(a) REQUIREMENTS.—Each State receiving Federal financial assistance for elementary or secondary education shall ensure that the State's public school system provides all students within the State with an education that enables the students to acquire the knowledge and skills necessary for responsible citizenship in a diverse democracy, including the ability to participate fully in the political process through informed electoral choice, to meet challenging student academic achievement standards, and to be able to compete and succeed in a global economy, through—

(1) the provision of fundamentals of educational opportunity described in section 102, at adequate or ideal levels as defined by the State under section 201(a)(1)(A) to students at each public elementary school and secondary school in the State;

(2) the provision of educational services in school districts that receive funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) that are, taken as a whole, at least comparable to educational services provided in school districts not receiving such funds; and

(3) compliance with any final Federal or State court order in any matter concerning the adequacy or equitableness of the State's public school system.

(b) DETERMINATIONS CONCERNING STATE PUBLIC SCHOOL SYSTEMS.—Not later than October 1 of each year, the Secretary shall determine whether each State maintains a public school system that meets the requirements of subsection (a). The Secretary may make a determination that a State public school system does not meet such requirements only after providing notice and an opportunity for a hearing.

(c) PUBLICATION.—The Secretary shall publish and make available to the general public (including by means of the Internet) the determinations made under subsection (b).

SEC. 102. FUNDAMENTALS OF EDUCATIONAL OPPORTUNITY.

The fundamentals of educational opportunity are the following:

(1) HIGHLY QUALIFIED TEACHERS, PRINCIPALS, AND ACADEMIC SUPPORT PERSONNEL.—

(A) HIGHLY QUALIFIED TEACHERS.—Instruction from highly qualified teachers in core academic subjects.

(B) HIGHLY QUALIFIED PRINCIPALS.—Leadership, management, and guidance from principals who meet State certification standards.

(C) HIGHLY QUALIFIED ACADEMIC SUPPORT PERSONNEL.—Necessary additional academic support in reading or language arts, mathematics, and other core academic subjects from personnel who meet applicable State standards.

(2) RIGOROUS ACADEMIC STANDARDS, CURRICULA, AND METHODS OF INSTRUCTION.—Rigorous academic standards, curricula, and methods of instruction, as measured by the extent to which each school district succeeds in providing high-quality academic standards, curricula, and methods of instruction to students in each public elementary school and secondary school within the district.

(3) SMALL CLASS SIZES.—Small class sizes, as measured by—

(A) the average class size and the range of class sizes; and

(B) the percentage of elementary school classes with 17 or fewer students.

(4) TEXTBOOKS, INSTRUCTIONAL MATERIALS, AND SUPPLIES.—Textbooks, instructional materials, and supplies, as measured by—

(A) the average age and quality of textbooks, instructional materials, and supplies used in core academic subjects; and

(B) the percentage of students who begin the school year with school-issued textbooks, instructional materials, and supplies.

(5) LIBRARY RESOURCES.—Library resources, as measured by—

(A) the size and qualifications of the library's staff, including whether the library is staffed by a full-time librarian certified under applicable State standards;

(B) the size (relative to the number of students) and quality (including age) of the library's collection of books and periodicals; and

(C) the library's hours of operation.

(6) SCHOOL FACILITIES AND COMPUTER TECHNOLOGY.—

(A) QUALITY SCHOOL FACILITIES.—Quality school facilities, as measured by—

(i) the physical condition of school buildings and major school building features;

(ii) environmental conditions in school buildings; and

(iii) the quality of instructional space.

(B) COMPUTER TECHNOLOGY.—Computer technology, as measured by—

(i) the ratio of computers to students;

(ii) the quality of computers and software available to students;

(iii) Internet access;

(iv) the quality of system maintenance and technical assistance for the computers; and

(v) the number of computer laboratory courses taught by qualified computer instructors.

(7) QUALITY GUIDANCE COUNSELING.—Qualified guidance counselors, as measured by the ratio of students to qualified guidance counselors who have been certified under an applicable State or national program.

TITLE II—STATE ACCOUNTABILITY

SEC. 201. STATE ACCOUNTABILITY PLAN.

(a) GENERAL PLAN.—

(1) CONTENTS.—Each State receiving Federal financial assistance for elementary and secondary education shall annually submit to the Secretary a plan, developed by the State educational agency, in consultation with local educational agencies, teachers, principals, pupil services personnel, administrators, other staff, and parents, that contains the following:

(A) A description of 2 levels of high access (adequate and ideal) to each of the fundamentals of educational opportunity described in section 102 that measure how well the State, through school districts, public elementary schools, and public secondary schools, is achieving the purposes of this Act by providing children with the resources they need to succeed academically and in life.

(B) A description of a third level of access (basic) to each of the fundamentals of educational opportunity described in section 102 that measures how well the State, through school districts, public elementary schools, and public secondary schools, is achieving the purposes of this Act by providing children with the resources they need to succeed academically and in life.

(C) A description of the level of access of each school district, public elementary school, and public secondary school in the State to each of the fundamentals of educational opportunity described in section 102, including identification of any such schools that lack high access (as described in subparagraph (A)) to any of the fundamentals.

(D) An estimate of the additional cost, if any, of ensuring that the system meets the requirements of section 101(a).

(E) Information stating the percentage of students in each school district, public elementary school, and public secondary school in the State that are proficient in mathematics, reading or language arts, and science, as measured through assessments administered as described in section 1111(b)(3)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(v)).

(F) Information stating whether each school district, public elementary school, and public secondary school in the State is making adequate yearly progress, as defined under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)).

(G)(i) For each school district, public elementary school, and public secondary school in the State, information stating—

(I) the number and percentage of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(II) the number and percentage of students described in section 1111(b)(3)(C)(xiii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(xiii)).

(ii) For each such school district, information stating whether the district is an urban, mixed, or rural district (as defined by the National Center for Education Statistics).

(2) LEVELS OF ACCESS.—For purposes of the plan submitted under paragraph (1)—

(A) in defining basic, adequate, and ideal levels of access to each of the fundamentals of educational opportunity, each State shall consider, in addition to the factors described in section 102, the access available to students in the highest-achieving decile of public elementary schools and secondary schools, the unique needs of low-income, urban and rural, and minority students, and other educationally appropriate factors; and

(B) the levels of access described in subparagraphs (A) and (B) of paragraph (1) shall be aligned with the challenging academic content standards, challenging student academic achievement standards, and high-quality academic assessments required under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(3) INFORMATION.—The State shall annually disseminate to parents, in an understandable and uniform format, the descriptions, estimate, and information described in paragraph (1).

(b) ACCOUNTABILITY AND REMEDIATION.—

(1) ACCOUNTABILITY.—If the Secretary determines under section 101(b) that a State maintains a public school system that fails to meet the requirements of section 101(a)(1), the plan submitted under subsection (a)(1) shall—

(A) demonstrate that the State has developed and is implementing a single, statewide State accountability system that will be effective in ensuring that the State makes adequate yearly progress under this Act (as defined by the State in a manner that annually reduces the number of public elementary schools and secondary schools in the State without high access (as described in subsection (a)(1)(A)) to each of fundamentals of educational opportunity described in section 102);

(B) demonstrate, based on the levels of access described in paragraph (1) what constitutes adequate yearly progress of the State under this Act toward providing all students with high access to the fundamentals of educational opportunity described in section 102; and

(C) ensure—

(i) the establishment of a timeline for that adequate yearly progress that includes interim yearly goals for the reduction of the number of public elementary schools and secondary schools in the State without high access to each of the fundamentals of educational opportunity described in section 102; and

(ii) that not later than 12 years after the end of the 2005–2006 school year, each public elementary school in the State shall have access to each of the fundamentals of educational opportunity described in section 102.

(2) REMEDIATION.—If the Secretary determines under section 101(b) that a State maintains a public school system that fails to meet the requirements of section 101(a)(2), not later than 1 year after the Secretary makes the determination, the State shall include in the plan submitted under subsection (a)(1) a strategy to remediate the conditions that caused the Secretary to make such determination, not later than the end of the second school year beginning after submission of the plan.

(c) AMENDMENTS.—A State may amend the plan submitted under subsection (a)(1) to improve the plan or to take into account significantly changed circumstances.

(d) DISAPPROVAL.—The Secretary may disapprove the plan submitted under subsection (a)(1) (or an amendment to such a plan) if the Secretary determines, after notice and opportunity for hearing, that the plan (or amendment) is inadequate to meet the requirements described in subsections (a) and (b).

(e) WAIVER.—

(1) IN GENERAL.—A State may request, and the Secretary may grant, a waiver of the requirements of subsections (a) and (b) for 1 year for exceptional circumstances, such as a precipitous decrease in State revenues, or another circumstance that the Secretary determines to be exceptional, that prevents a State from complying with the requirements of subsections (a) and (b).

(2) CONTENTS OF WAIVER REQUEST.—A State that requests a waiver under paragraph (1) shall include in the request—

(A) a description of the exceptional circumstance that prevents the State from complying with the requirements of subsections (a) and (b); and

(B) a plan that details the manner in which the State will comply with such requirements by the end of the waiver period.

SEC. 202. CONSEQUENCES OF FAILURE TO MEET REQUIREMENTS.

(a) INTERIM YEARLY GOALS.—

(1) IN GENERAL.—For a fiscal year and a State described in section 201(b)(1), the Secretary shall withhold from the State 2.75 percent of funds otherwise available to the State for the administration of Federal elementary and secondary education programs, for each covered goal that the Secretary determines the State is not meeting during that year.

(2) DEFINITION.—In this subsection, the term ''covered goal'', used with respect to a fiscal year, means an interim yearly goal described in section 201(b)(1)(C)(i) that is applicable to that year or a prior fiscal year.

(b) CONSEQUENCES OF NONREMEDIATION.—Notwithstanding any other provision of law, if the Secretary determines that a State required to include a strategy under section 201(b)(2) continues to maintain a public school system that does not meet the requirements of section 101(a)(2) at the end of the second school year described in section 201(b)(2), the Secretary shall withhold from the State not more than 33⅓ percent of funds otherwise available to the State for the administration of programs authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) until the Secretary determines that the State maintains a public school system that meets the requirements of section 101(a)(2).

(c) CONSEQUENCES OF NONCOMPLIANCE WITH COURT ORDERS.—If the Secretary determines under section 101(b) that a State maintains a public school system that fails to meet the requirements of section 101(a)(3), the Secretary shall withhold from the State not more than 33⅓ percent of funds otherwise available to the State for the administration of programs authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(d) DISPOSITION OF FUNDS WITHHELD.—

(1) DETERMINATION.—Not later than 1 year after the Secretary withholds funds from a State under this section, the Secretary shall determine whether the State has corrected the condition that led to the withholding.

(2) DISPOSITION.—

(A) CORRECTION.—If the Secretary determines under paragraph (1), that the State has corrected the condition that led to the withholding, the Secretary shall make the withheld funds available to the State to use for the original purpose of the funds during 1 or more fiscal years specified by the Secretary.

(B) NONCORRECTION.—If the Secretary determines under paragraph (1), that the State has not corrected the condition that led to the withholding, the Secretary shall allocate the withheld funds to public school districts, public elementary schools, or public secondary schools in the State that are most adversely affected by the condition that led to the withholding, to enable the districts or schools to correct the condition during 1 or more fiscal years specified by the Secretary.

(3) AVAILABILITY.—Amounts made available or allocated under subparagraph (A) or (B) of paragraph (2) shall remain available during the fiscal years specified by the Secretary under that subparagraph.

TITLE III—REPORT TO CONGRESS AND THE PUBLIC

SEC. 301. ANNUAL REPORT ON STATE PUBLIC SCHOOL SYSTEMS.

(a) ANNUAL REPORT TO CONGRESS.—Not later than October 1 of each year, beginning the year after completion of the first full school year after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes a full and complete analysis of the public school system of each State.

(b) CONTENTS OF REPORT.—The analysis conducted under subsection (a) shall include the following:

(1) PUBLIC SCHOOL SYSTEM INFORMATION.—The following information related to the public school system of each State:

(A) The number of school districts, public elementary schools, public secondary schools, and students in the system.

(B)(i) For each such school district and school—

(I) information stating the number and percentage of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(II) the number and percentage of students, disaggregated by groups described in section 1111(b)(3)(C)(xiii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(xiii)).

(ii) For each such district, information stating whether the district is an urban, mixed, or rural district (as defined by the National Center for Education Statistics).

(C) The average per-pupil expenditure (both in actual dollars and adjusted for cost and need) for the State and for each school district in the State.

(D) Each school district's decile ranking as measured by achievement in mathematics, reading or language arts, and science on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) and on the National Assessment of Educational Progress.

(E) For each school district, public elementary school, and public secondary school—

(i) the level of access (as described in section 201(a)(1)) to each of the fundamentals of educational opportunity described in section 102;

(ii) the percentage of students that are proficient in mathematics, reading or language arts, and science, as measured through assessments administered as described in section 1111(b)(3)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(v)); and

(iii) whether the school district or school is making adequate yearly progress—

(I) as defined under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)); and

(II) as defined by the State under section 201(b)(1)(A).

(F) For each State, the number of public elementary schools and secondary schools that lack, and names of each such school that lacks, high access (as described in section 201(a)(1)(A)) to any of the fundamentals of educational opportunity described in section 102.

(G) For the year covered by the report, a summary of any changes in the data required in subparagraphs (A) through (F) for each of the preceding 3 years (which may be based on such data as are available, for the first 3 reports submitted under subsection (a)).

(H) Such other information as the Secretary considers useful and appropriate.

(2) STATE ACTIONS.—For each State that the Secretary determines under section 101(b) maintains a public school system that fails to meet the requirements of section 101(a), a detailed description and evaluation of the success of any actions taken by the State, and measures proposed to be taken by the State, to meet the requirements.

(3) STATE PLANS.—A copy of each State's most recent plan submitted under section 201(a)(1).

(4) RELATIONSHIP BETWEEN COMPLIANCE AND ACHIEVEMENT.—An analysis of the relationship between meeting the requirements of section 101(a) and improving student academic achievement, as measured on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).

(c) SCOPE OF REPORT.—The report required under subsection (a) shall cover the school year ending in the calendar year in which the report is required to be submitted.

(d) SUBMISSION OF DATA TO SECRETARY.—Each State receiving Federal financial assistance for elementary and secondary education shall submit to the Secretary, at such time and in such manner as the Secretary may reasonably require, such data as the Secretary determines to be necessary to make a determination under section 101(b) and to submit the report under this section. Such data shall include the information used to measure the State's success in providing the fundamentals of educational opportunity described in section 102.

(e) FAILURE TO SUBMIT DATA.—If a State fails to submit the data that the Secretary determines to be necessary to make a determination under section 101(b) regarding whether the State maintains a public school system that meets the requirements of section 101(a)—

(1) such State's public school system shall be deemed not to have met the applicable requirements until the State submits such data and the Secretary is able to make such determination under section 101(b); and

(2) the Secretary shall provide, to the extent practicable, the analysis required in subsection (a) for the State based on the best data available to the Secretary.

(f) PUBLICATION.—The Secretary shall publish and make available to the general public (including by means of the Internet) the report required under subsection (a).

TITLE IV—REMEDY

SEC. 401. CIVIL ACTION FOR ENFORCEMENT.

A student or parent of a student aggrieved by a violation of this Act may bring a civil action against the appropriate official in an appropriate Federal district court seeking declaratory or injunctive relief to enforce the requirements of this Act, together with reasonable attorney's fees and the costs of the action.

TITLE V—GENERAL PROVISIONS

SEC. 501. DEFINITIONS.

In this Act:

(1) REFERENCED TERMS.—The terms ''elementary school'', ''secondary school'', ''local educational agency'', ''highly qualified'', ''core academic subjects'', ''parent'', and ''average per-pupil expenditure'' have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) FEDERAL ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.—The term ''Federal elementary and secondary education programs'' means programs providing Federal financial assistance for elementary or secondary education, other than programs under the following provisions of law:

(A) The Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(B) Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.).

(C) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(D) The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

(3) PUBLIC SCHOOL SYSTEM.—The term ''public school system'' means a State's system of public elementary and secondary education.

(4) STATE.—The term ''State'' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 502. RULEMAKING.

The Secretary may prescribe regulations to carry out this Act.

SEC. 503. CONSTRUCTION.

Nothing in this Act shall be construed to require a jurisdiction to increase its property tax or other tax rates or to redistribute revenues from such taxes.

By Ms. CANTWELL (for herself, Mr. REID, Mr. DURBIN, Ms. MIKULSKI, Mr. DODD, Mr. MENENDEZ, Mr. CARPER, Mr. DAYTON, Mr. KERRY, Mr. REED, Mr. BINGAMAN, Mrs. FEINSTEIN, Mr. HARKIN, Mr. SALAZAR, Mr. SCHUMER, Mr. DORGAN, Mrs. CLINTON, Mr. LEAHY, Mr. JOHNSON, Mrs. BOXER, Mr. LIEBERMAN, Mr. BYRD, Ms. STABENOW, Mr. LEVIN, and Mr. BIDEN):

S. 2829. A bill to reduce the addiction of the United States to oil, to ensure near-term energy affordability and empower American families, to accelerate clean fuels and electricity, to provide government leadership for clean and secure energy, to secure a reliable, affordable, and sustainable energy future, and for other purposes; to the Committee on Finance.

Ms. CANTWELL. Mr. President, I rise to introduce legislation that seeks to put America squarely on the path toward energy security for the 21st Century. Today, I am joined by a number of my colleagues in introducing the Clean Energy Development for a Growing Economy, or Clean EDGE, Act.

Mr. President, this legislation is a sweeping proposal that incorporates the ideas of many of my colleagues on this side of the aisle. It is our attempt to move America forward, on a pressing issue that—as we've said many times before—poses one of the greatest national security, economic and environmental challenges faced by our generation. I am talking about the issue of energy independence, and what it will take to put America on the right track.

The legislation we are presenting today is the result of a good deal of work within our caucus. As a member of the Senate Energy Committee, I speak from some experience when I say that developing a cohesive, national approach to energy policy is quite difficult. That is because, in so many instances, there are important issues of regional diversity that can divide us.

Instead of immediately succumbing to those divisions, what we did when we began to work on this legislation was to start with a goal. Like the Manhattan Project that established America as the world's first nuclear power, and the Apollo Project that ensured America won the race to the moon, we recognized that initiatives of this magnitude must begin with a goal. When America sets a goal, America will achieve it. It takes leadership and resolve, and it takes the shared commitment of individual citizens to make it a truly national effort. But make no mistake: the people of the United States will rise to the challenge.

Today, we can no longer ignore the enormous cost of America's dependence on foreign oil. It has become a crisis for consumers; it poses an imminent

risk to our national security; and it jeopardizes our long-term economic competitiveness. That is why we believe that America must strive for an aggressive goal: to reduce our national petroleum consumption equivalent to 40 percent of our projected imports by 2020, or about 6 million barrels of oil a day.

Next, we set out to define agreed-upon principles about the best ways we could jumpstart our Nation's effort to achieve this goal. I am proud to say that we were able to achieve a good deal of consensus on these principles. Today, we sent the President a letter outlining them, which gained the signatures of 42 of my colleagues. These principles boil down to this:

The United States must launch an aggressive effort designed to ensure that an increasing number of new vehicles sold in America can run on alternative fuels—starting with 25 percent in 2010—and must launch a bold initiative to invest in the infrastructure needed to promote real competition at the gas pump.

The United States must ensure that consumers are protected from gasoline price-gouging and energy market manipulation.

The United States must lessen its reliance on fossil fuels and take steps to curb greenhouse gas emissions by diversifying electricity sources to include more renewable resources.

The United States Governmment—our Nation's single largest energy consumer—must help lead the transition by adopting the best available fuel efficiency and alternative vehicle technologies to reduce its petroleum consumption by 20 percent over the next 5 years, and by 40 percent by 2020.

The United States must level the playing field for new renewable and energy efficiency technologies by providing incentives for consumers and manufacturers to develop and deploy the next generation of fuel efficient vehicles, and by ensuring that major oil companies pay their fair share in taxes and royalties owed to the American public.

These are the principles that guided us as we crafted the Clean EDGE Act. This legislation is a starting point, as we try to advance the dialogue about what it will take to put America on the path toward energy independence.

There are provisions contained in this bill that we know can garner broad bipartisan support. There are others that may not have been possible to enact, before America started waking up to the costs of our energy independence. And there are other ideas that require broader debate and close scrutiny within the Senate Committees of jurisdiction. The Senate should work its will.

But once again, that is the point of this legislation: to start the process; to jump-start the debate, and outline a vision of where this country needs to go to secure our future.

As we have come together on this side of the aisle in recognition of the need to address the pressing issue of energy security, I know I speak for a number of my colleagues when I say I believe it is possible to come together in a bipartisan manner to pass energy legislation this summer. It is possible, if the Senate decides to put politics and partisan rancor aside. We can roll up our sleeves and get to work on crafting a real energy security plan that brings out the best in America. That process would also bring out the best in the Senate.

So I am proud to introduce this legislation today, and look forward to working with my colleagues across the aisle in further developing an energy independence plan for America.

FEDERAL MINE SAFETY AND HEALTH ACT OF 1977

The bill (S. 2803), as introduced on Tuesday, May 16, 2006, is as follows:

S. 2803

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 ''Mine Improvement and New Emergency Response Act of 2006'' or the ''MINER Act''.

SEC. 2. EMERGENCY RESPONSE.

Section 316 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 876) is amended—

(1) in the section heading by adding at the end the following: ''AND EMERGENCY RESPONSE PLANS'';

(2) by striking ''Telephone'' and inserting ''(a) IN GENERAL.—Telephone''; and

(3) by adding at the end the following:

''(b) ACCIDENT PREPAREDNESS AND RESPONSE.—

''(1) IN GENERAL.—Each underground coal mine operator shall carry out on a continuing basis a program to improve accident preparedness and response at each mine.

''(2) RESPONSE AND PREPAREDNESS PLAN.—

''(A) IN GENERAL.—Not later than 60 days after the date of enactment of the Mine Improvement and New Emergency Response Act of 2006, each underground coal mine operator shall develop and adopt a written accident response plan that complies with this subsection with respect to each mine of the operator, and periodically update such plans to reflect changes in operations in the mine, advances in technology, or other relevant considerations. Each such operator shall make the accident response plan available to the miners and the miners' representatives.

''(B) PLAN REQUIREMENTS.—An accident response plan under subparagraph (A) shall—

''(i) provide for the evacuation of all individuals endangered by an emergency; and

''(ii) provide for the maintenance of individuals trapped underground in the event that miners are not able to evacuate the mine.

''(C) PLAN APPROVAL.—The accident response plan under subparagraph (A) shall be subject to review and approval by the Secretary. In determining whether to approve a particular plan the Secretary shall take into consideration all comments submitted by miners or their representatives. Approved plans shall—

''(i) afford miners a level of safety protection at least consistent with the existing standards, including standards mandated by law and regulation;

''(ii) reflect the most recent credible scientific research;

''(iii) be technologically feasible, make use of current commercially available technology, and account for the specific physical characteristics of the mine; and

''(iv) reflect the improvements in mine safety gained from experience under this Act and other worker safety and health laws.

''(D) PLAN REVIEW.—The accident response plan under subparagraph (A) shall be reviewed periodically, but at least every 6 months, by the Secretary. In such periodic reviews, the Secretary shall consider all comments submitted by miners and miners' representatives and intervening advancements in science and technology that could be implemented to enhance miners' ability to evacuate or otherwise survive in an emergency.

''(E) PLAN CONTENT-GENERAL REQUIREMENTS.—To be approved under subparagraph (C), an accident response plan shall include the following:

''(i) POST-ACCIDENT COMMUNICATIONS.—The plan shall provide for a redundant means of communication with the surface for persons underground, such as secondary telephone or equivalent two-way communication.

''(ii) POST-ACCIDENT TRACKING.—Consistent with commercially available technology and with the physical constraints, if any, of the mine, the plan shall provide for above ground personnel to determine the current, or immediately pre-accident, location of all underground personnel. Any system so utilized shall be functional, reliable, and calculated to remain serviceable in a post-accident setting.

''(iii) POST-ACCIDENT BREATHABLE AIR.—The plan shall provide for—

''(I) emergency supplies of breathable air for individuals trapped underground sufficient to maintain such individuals for a sustained period of time;

''(II) caches of self-rescuers providing in the aggregate not less than 2 hours for each miner to be kept in escapeways from the deepest work area to the surface at a distance of no further than an average miner could walk in 30 minutes;

''(III) a maintenance schedule for checking the reliability of self rescuers, retiring older self-rescuers first, and introducing new self-rescuer technology, such as units with interchangeable air or oxygen cylinders not requiring doffing to replenish airflow and units with supplies of greater than 60 minutes, as they are approved by the Administration and become available on the market; and

''(IV) training for each miner in proper procedures for donning self-rescuers, switching from one unit to another, and ensuring a proper fit.

''(iv) POST-ACCIDENT LIFELINES.—The plan shall provide for the use of flame-resistant directional lifelines or equivalent systems in escapeways to enable evacuation. The flame-resistance requirement of this clause shall apply upon the replacement of existing lifelines, or, in the case of lifelines in working sections, upon the earlier of the replacement of such lifelines or 3 years after the date of enactment of the Mine Improvement and New Emergency Response Act of 2006.

''(v) TRAINING.—The plan shall provide a training program for emergency procedures described in the plan which will not diminish the requirements for mandatory health and safety training currently required under section 115.

''(vi) LOCAL COORDINATION.—The plan shall set out procedures for coordination and communication between the operator, mine rescue teams, and local emergency response personnel and make provisions for familiarizing local rescue personnel with surface functions that may be required in the course of mine rescue work.

''(F) PLAN CONTENT-SPECIFIC REQUIREMENTS.—

''(i) IN GENERAL.—In addition to the content requirements contained in subparagraph (E), and subject to the considerations contained in subparagraph (C), the Secretary may make additional plan requirements with respect to any of the content matters.

''(ii) POST ACCIDENT COMMUNICATIONS.—Not later than 3 years after the date of enactment of the Mine Improvement and New Emergency Response Act of 2006, a plan shall, to be approved, provide for post accident communication between underground and surface personnel via a wireless two-way medium, and provide for an electronic tracking system permitting surface personnel to determine the location of any persons trapped underground or set forth within the plan the reasons such provisions can not be adopted. Where such plan sets forth the reasons such provisions can not be adopted, the plan shall also set forth the operator's alternative means of compliance. Such alternative shall approximate, as closely as possible, the degree of functional utility and safety protection provided by the wireless two-way medium and tracking system referred to in this subpart.

''(G) PLAN DISPUTE RESOLUTION.—

''(i) IN GENERAL.—Any dispute between the Secretary and an operator with respect to the content of the operator's plan or any refusal by the Secretary to approve such a plan shall be resolved on an expedited basis.

''(ii) DISPUTES.—In the event of a dispute or refusal described in clause (i), the Secretary shall issue a technical citation which shall be immediately referred to a Department of Labor Administrative Law Judge. The Secretary and the operator shall submit all relevant material regarding the dispute to the Administrative Law Judge within 15 days of the date of the referral. The Administrative Law Judge shall render his or her decision with respect to the plan content dispute within 15 days of the receipt of the submission.

''(iii) FURTHER APPEALS.—A party adversely affected by a decision under clause (ii) may pursue all further available appeal rights with respect to the citation involved, except that inclusion of the disputed provision in the plan will not be limited by such appeal unless such relief is requested by the operator and permitted by the Administrative Law Judge.

''(iv) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to modify the authority of the Secretary to issue citations or orders as provided for in this Act.

''(H) MAINTAINING PROTECTIONS FOR MINERS.—Notwithstanding any other provision of this Act, nothing in this section, and no response and preparedness plan developed under this section, shall be approved if it reduces the protection afforded miners by an existing mandatory health or safety standard.''.

SEC. 3. INCIDENT COMMAND AND CONTROL.

Title I of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 811 et seq.) is amended by adding at the end the following:

''SEC. 116. LIMITATION ON CERTAIN LIABILITY FOR RESCUE OPERATIONS.

''(a) IN GENERAL.—No person shall bring an action against any covered individual or his or her regular employer for property damage or an injury (or death) sustained as a result of carrying out activities relating to mine accident rescue or recovery operations. This subsection shall not apply where the action that is alleged to result in the property damages or injury (or death) was the result of gross negligence, reckless conduct, or illegal conduct or, where the regular employer (as such term is used in this Act) is the operator of the mine at which the rescue activity takes place. Nothing in this section shall be construed to preempt State workers' compensation laws

''(b) COVERED INDIVIDUAL.—For purposes of subsection (a), the term 'covered individual' means an individual—

''(1) who is a member of a mine rescue team or who is otherwise a volunteer with respect to a mine accident; and

''(2) who is carrying out activities relating to mine accident rescue or recovery operations.

''(c) REGULAR EMPLOYER.—For purposes of subsection (a), the term 'regular employer' means the entity that is the covered employee's legal or statutory employer pursuant to applicable State law.''.

SEC. 4. MINE RESCUE TEAMS.

Section 115(e) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 825(e)) is amended—

(1) by inserting ''(1)'' after the subsection designation; and

(2) by adding at the end the following:

''(1)(A) The Secretary shall issue regulations with regard to mine rescue teams which shall be finalized and in effect not later than 18 months after the date of enactment of the Mine Improvement and New Emergency Response Act of 2006.

''(B) Such regulations shall provide for the following:

''(i) That such regulations shall not be construed to waive operator training requirements applicable to existing mine rescue teams.

''(ii) That the Mine Safety and Health Administration shall establish, and update every 5 years thereafter, criteria to certify the qualifications of mine rescue teams.

''(iii)(I) That the operator of each underground coal mine with more than 36 employees—

''(aa) have an employee knowledgeable in mine emergency response who is employed at the mine on each shift at each underground mine; and

''(bb) make available two certified mine rescue teams whose members—

''(AA) are familiar with the operations of such coal mine;

''(BB) participate at least annually in two local mine rescue contests;

''(CC) participate at least annually in mine rescue training at the underground coal mine covered by the mine rescue team; and

''(DD) are available at the mine within one hour ground travel time from the mine rescue station.

''(II)(aa) For the purpose of complying with subclause (I), an operator shall employ one team that is either an individual mine site mine rescue team or a composite team as provided for in item (bb).

''(bb) The following options may be used by an operator to comply with the requirements of item (aa):

''(AA) An individual mine-site mine rescue team.

''(BB) A multi-employer composite team that is made up of team members who are knowledgeable about the operations and ventilation of the covered mines and who train on a semi-annual basis at the covered underground coal mine—

''(aaa) which provides coverage for multiple operators that have team members which include at least two active employees from each of the covered mines;

''(bbb) which provides coverage for multiple mines owned by the same operator which members include at least two active employees from each mine; or

''(ccc) which is a State-sponsored mine rescue team comprised of at least two active employees from each of the covered mines.

''(CC) A commercial mine rescue team provided by contract through a third-party vendor or mine rescue team provided by another coal company, if such team—

''(aaa) trains on a quarterly basis at covered underground coal mines;

''(bbb) is knowledgeable about the operations and ventilation of the covered mines; and

''(ccc) is comprised of individuals with a minimum of 3 years underground coal mine experience that shall have occurred within the 10-year period preceding their employment on the contract mine rescue team.

''(DD) A State-sponsored team made up of State employees.

''(iv) That the operator of each underground coal mine with 36 or less employees shall—

''(I) have an employee on each shift who is knowledgeable in mine emergency responses; and

''(II) make available two certified mine rescue teams whose members—

''(aa) are familiar with the operations of such coal mine;

''(bb) participate at least annually in two local mine rescue contests;

''(cc) participate at least semi-annually in mine rescue training at the underground coal mine covered by the mine rescue team;

''(dd) are available at the mine within one hour ground travel time from the mine rescue station;

''(ee) are knowledgeable about the operations and ventilation of the covered mines; and

''(ff) are comprised of individuals with a minimum of 3 years underground coal mine experience that shall have occurred within the 10-year period preceding their employment on the contract mine rescue team.''.

SEC. 5. PROMPT INCIDENT NOTIFICATION.

(a) IN GENERAL.—Section 103(j) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 813(j)) is amended by inserting after the first sentence the following: ''For purposes of the preceding sentence, the notification required shall be provided by the operator within 15 minutes of the time at which the operator realizes that the death of an individual at the mine, or an injury or entrapment of an individual at the mine which has a reasonable potential to cause death, has occurred.''.

(b) PENALTY.—Section 110(a) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 820(a)) is amended—

(1) by striking ''The operator'' and inserting ''(1) The operator''; and

(2) by adding at the end the following:

''(2) The operator of a coal or other mine who fails to provide timely notification to the Secretary as required under section 103(j) (relating to the 15 minute requirement) shall be assessed a civil penalty by the Secretary of not less than $5,000 and not more than $60,000.''.

SEC. 6. NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH.

(a) GRANTS.—Section 22 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 671) is amended by adding at the end the following:

''(h) OFFICE OF MINE SAFETY AND HEALTH.—

''(1) IN GENERAL.—There shall be permanently established within the Institute an Office of Mine Safety and Health which shall be administered by an Associate Director to be appointed by the Director.

''(2) PURPOSE.—The purpose of the Office is to enhance the development of new mine safety technology and technological applications and to expedite the commercial availability and implementation of such technology in mining environments.

''(3) FUNCTIONS.—In addition to all purposes and authorities provided for under this

section, the Office of Mine Safety and Health shall be responsible for research, development, and testing of new technologies and equipment designed to enhance mine safety and health. To carry out such functions the Director of the Institute, acting through the Office, shall have the authority to—

''(A) award competitive grants to institutions and private entities to encourage the development and manufacture of mine safety equipment;

''(B) award contracts to educational institutions or private laboratories for the performance of product testing or related work with respect to new mine technology and equipment; and

''(C) establish an interagency working group as provided for in paragraph (5).

''(4) GRANT AUTHORITY.—To be eligible to receive a grant under the authority provided for under paragraph (3)(A), an entity or institution shall—

''(A) submit to the Director of the Institute an application at such time, in such manner, and containing such information as the Director may require; and

''(B) include in the application under subparagraph (A), a description of the mine safety equipment to be developed and manufactured under the grant and a description of the reasons that such equipment would otherwise not be developed or manufactured, including reasons relating to the limited potential commercial market for such equipment.

''(5) INTERAGENCY WORKING GROUP.—

''(A) ESTABLISHMENT.—The Director of the Institute, in carrying out paragraph (3)(D) shall establish an interagency working group to share technology and technological research and developments that could be utilized to enhance mine safety and accident response.

''(B) MEMBERSHIP.—The working group under subparagraph (A) shall be chaired by the Associate Director of the Office who shall appoint the members of the working group, which may include representatives of other Federal agencies or departments as determined appropriate by the Associate Director.

''(C) DUTIES.—The working group under subparagraph (A) shall conduct an evaluation of research conducted by, and the technological developments of, agencies and departments who are represented on the working group that may have applicability to mine safety and accident response and make recommendations to the Director for the further development and eventual implementation of such technology.

''(6) ANNUAL REPORT.—Not later than 1 year after the establishment of the Office under this subsection, and annually thereafter, the Director of the Institute shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a report that, with respect to the year involved, described the new mine safety technologies and equipment that have been studied, tested, and certified for use, and with respect to those instances of technologies and equipment that have been considered but not yet certified for use, there reasons therefore.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, such sums as may be necessary to enable the Institute and the Office of Mine Safety and Health to carry out this subsection.''.

SEC. 7. REQUIREMENT CONCERNING FAMILY LIAISONS.

The Secretary of Labor shall establish a policy that—

(1) requires the temporary assignment of an individual Department of Labor official to be a liaison between the Department and the families of victims of mine tragedies involving multiple deaths;

(2) requires the Mine Safety and Health Administration to be as responsive as possible to requests from the families of mine accident victims for information relating to mine accidents; and

(3) requires that in such accidents, that the Mine Safety and Health Administration shall serve as the primary communicator with the operator, miners' families, the press and the public.

SEC. 8. PENALTIES.

(a) IN GENERAL.—Section 110 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 820) is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' after the subsection designation; and

(B) by adding at the end the following:

''(2) Any operator who willfully violates a mandatory health or safety standard, or knowingly violates or fails or refuses to comply with any order issued under section 104 and section 107, or any order incorporated in a final decision issued under this title, except an order incorporated in a decision under paragraph (1) or section 105(c), shall, upon conviction, be punished by a fine of not more than $250,000, or by imprisonment for not more than one year, or by both, except that if the conviction is for a violation committed after the first conviction of such operator under this Act, punishment shall be by a fine of not more than $500,000, or by imprisonment for not more than five years, or both.

''(3)(A) The minimum penalty for any citation issued under section 104(d)(1) shall be $2,000.

''(B) The minimum penalty for a failure or refusal to comply with any order issued under section 104(d)(2) shall be $4,000.

''(4) Nothing in this subsection shall be construed to prevent an operator from obtaining a review, in accordance with section 106, of an order imposing a penalty described in this subsection. If a court, in making such review, sustains the order, the court shall apply the minimum penalties required under this subsection.''; and

(2) by adding at the end of subsection (b) the following: ''Violations under this section that are deemed to be flagrant may be assessed a civil penalty of not more than $220,000. For purposes of the preceding sentence, the term 'flagrant' with respect to a violation means a reckless or repeated failure to make reasonable efforts to eliminate a known violation of a mandatory health or safety standard that substantially and proximately caused, or reasonably could have been expected to cause, death or serious bodily injury.''.

(b) REGULATIONS.—Not later than December 31, 2006, the Secretary of Labor shall promulgate final regulations with respect to the penalties provided for under the amendments made by this section.

SEC. 9. FINE COLLECTIONS.

Section 108(a)(1)(A) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 818(a)(1)(A)) is amended by inserting before the comma, the following: '', or fails or refuses to comply with any order or decision, including a civil penalty assessment order, that is issued under this Act''.

SEC. 10. SEALING OF ABANDONED AREAS.

Not later than 18 months after the issuance by the Mine Safety and Health Administration of a final report on the Sago Mine accident or the date of enactment of the Mine Improvement and New Emergency Response Act of 2006, whichever occurs earlier, the Secretary of Labor shall finalize mandatory heath and safety standards relating to the sealing of abandoned areas in underground coal mines. Such health and safety standards shall provide for an increase in the 20 psi standard currently set forth in section 75.335(a)(2) of title 30, Code of Federal Regulations.

SEC. 11. TECHNICAL STUDY PANEL.

Title V of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 951 et seq.) is amended by adding at the end the following:

''SEC. 514. TECHNICAL STUDY PANEL.

''(a) ESTABLISHMENT.—There is established a Technical Study Panel (referred to in this section as the 'Panel') which shall provide independent scientific and engineering review and recommendations with respect to the utilization of belt air and the composition and fire retardant properties of belt materials in underground coal mining.

''(b) MEMBERSHIP.—The Panel shall be composed of—

''(1) two individuals to be appointed by the Secretary of Health and Human Services, in consultation with the Director of the National Institute for Occupational Safety and Health and the Associate Director of the Office of Mine Safety;

''(2) two individuals to be appointed by the Secretary of Labor, in consultation with the Assistant Secretary for Mine Safety and Health; and

''(3) two individuals, one to be appointed jointly by the majority leaders of the Senate and House of Representatives and one to be appointed jointly by the minority leader of the Senate and House of Representatives, each to be appointed prior to the sine die adjournment of the second session of the 109th Congress.

''(c) QUALIFICATIONS.—Four of the six individuals appointed to the Panel under subsection (b) shall possess a masters or doctoral level degree in mining engineering or another scientific field demonstrably related to the subject of the report. No individual appointed to the Panel shall be an employee of any coal or other mine, or of any labor organization, or of any State or Federal agency primarily responsible for regulating the mining industry.

''(d) REPORT.—

''(1) IN GENERAL.—Not later than 1 year after the date on which all members of the Panel are appointed under subsection (b), the Panel shall prepare and submit to the Secretary of Labor, the Secretary of Health and Human Services, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives a report concerning the utilization of belt air and the composition and fire retardant properties of belt materials in underground coal mining.

''(2) RESPONSE BY SECRETARY.—Not later than 180 days after the receipt of the report under paragraph (1), the Secretary of Labor shall provide a response to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives containing a description of the actions, if any, that the Secretary intends to take based upon the report, including proposing regulatory changes, and the reasons for such actions.

''(e) COMPENSATION.—Members appointed to the panel, while carrying out the duties of the Panel shall be entitled to receive compensation, per diem in lieu of subsistence, and travel expenses in the same manner and under the same conditions as that prescribed under section 208(c) of the Public Health Service Act.''.

SEC. 12. SCHOLARSHIPS.

Title V of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 951 et seq.), as amended by section 12, is further amended by adding at the end the following:

"SEC. 515. SCHOLARSHIPS.

''(a) ESTABLISHMENT.—The Secretary of Education (referred to in this section as the 'Secretary'), in consultation with the Secretary of Labor and the Secretary of Health and Human Services, shall establish a program to provide scholarships to eligible individuals to increase the skilled workforce for both private sector coal mine operators and mine safety inspectors and other regulatory personnel for the Mine Safety and Health Administration.

''(b) FUNDAMENTAL SKILLS SCHOLARSHIPS.—

''(1) IN GENERAL.—Under the program under subsection (a), the Secretary may award scholarship to fully or partially pay the tuition costs of eligible individuals enrolled in 2-year associate's degree programs at community colleges or other colleges and universities that focus on providing the fundamental skills and training that is of immediate use to a beginning coal miner.

''(2) SKILLS.—The skills described in paragraph (1) shall include basic math, basic health and safety, business principles, management and supervisory skills, skills related to electric circuitry, skills related to heavy equipment operations, and skills related to communications.

''(3) ELIGIBILITY.—To be eligible to receive a scholarship under this subsection an individual shall—

''(A) have a high school diploma or a GED;

''(B) have at least 2 years experience in full-time employment in mining or mining-related activities;

''(C) submit to the Secretary an application at such time, in such manner, and containing such information; and

''(D) demonstrate an interest in working in the field of mining and performing an internship with the Mine Safety and Health Administration or the National Institute for Occupational Safety and Health Office of Mine Safety.

''(c) MINE SAFETY INSPECTOR SCHOLARSHIPS.—

''(1) IN GENERAL.—Under the program under subsection (a), the Secretary may award scholarship to fully or partially pay the tuition costs of eligible individuals enrolled in undergraduate bachelor's degree programs at accredited colleges or universities that provide the skills needed to become mine safety inspectors.

''(2) SKILLS.—The skills described in paragraph (1) include skills developed through programs leading to a degree in mining engineering, civil engineering, mechanical engineering, electrical engineering, industrial engineering, environmental engineering, industrial hygiene, occupational health and safety, geology, chemistry, or other fields of study related to mine safety and health work.

''(3) ELIGIBILITY.—To be eligible to receive a scholarship under this subsection an individual shall—

''(A) have a high school diploma or a GED;

''(B) have at least 5 years experience in full-time employment in mining or mining-related activities;

''(C) submit to the Secretary an application at such time, in such manner, and containing such information; and

''(D) agree to be employed for a period of at least 5 years at the Mine Safety and Health Administration or, to repay, on a pro-rated basis, the funds received under this program, plus interest, at a rate established by the Secretary upon the issuance of the scholarship.

''(d) ADVANCED RESEARCH SCHOLARSHIPS.—

''(1) IN GENERAL.—Under the program under subsection (a), the Secretary may award scholarships to fully or partially pay the tuition costs of eligible individuals enrolled in undergraduate bachelor's degree, masters degree, and Ph.D. degree programs at accredited colleges or universities that provide the skills needed to augment and advance research in mine safety and to broaden, improve, and expand the universe of candidates for mine safety inspector and other regulatory positions in the Mine Safety and Health Administration.

''(2) SKILLS.—The skills described in paragraph (1) include skills developed through programs leading to a degree is mining engineering, civil engineering, mechanical engineering, electrical engineering, industrial engineering, environmental engineering, industrial hygiene, occupational health and safety, geology, chemistry, or other fields of study related to mine safety and health work.

''(3) ELIGIBILITY.—To be eligible to receive a scholarship under this subsection an individual shall—

''(A) have a bachelor's degree or equivalent from an accredited 4-year institution;

''(B) have at least 5 years experience in full-time employment in underground mining or mining-related activities; and

''(C) submit to the Secretary an application at such time, in such manner, and containing such information.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.''.

SEC. 13. RESEARCH CONCERNING REFUGE ALTERNATIVES.

(a) IN GENERAL.—The National Institute of Occupational Safety and Health shall provide for the conduct of research, including field tests, concerning the utility, practicality, survivability, and cost of various refuge alternatives in an underground coal mine environment, including commercially-available portable refuge chambers.

(b) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the National Institute for Occupational Safety and Health shall prepare and submit to the Secretary of Labor, the Secretary of Health and Human Services, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives a report concerning the results of the research conducted under subsection (a), including any field tests.

(2) RESPONSE BY SECRETARY.—Not later than 180 days after the receipt of the report under paragraph (1), the Secretary of Labor shall provide a response to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives containing a description of the actions, if any, that the Secretary intends to take based upon the report, including proposing regulatory changes, and the reasons for such actions.

SEC. 14. SAGO MINE SAFETY GRANTS.

(a) IN GENERAL.—The Secretary of Labor shall establish a program to award competitive grants for education and training to carry out the purposes of this section.

(b) PURPOSES.—It is the purpose of this section, to provide for the funding of education and training programs to better identify, avoid, and prevent unsafe working conditions in and around mines.

(c) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

(1) be a public or private nonprofit entity; and

(2) submit to the Secretary of Labor an application at such time, in such manner, and containing such information as the Secretary may require.

(d) USE OF FUNDS.—Amounts received under a grant under this section shall be used to establish and implement education and training programs, or to develop training materials for employers and miners, concerning safety and health topics in mines, as determined appropriate by the Mine Safety and Health Administration.

(e) AWARDING OF GRANTS.—

(1) ANNUAL BASIS.—Grants under this section shall be awarded on an annual basis.

(2) SPECIAL EMPHASIS.—In awarding grants under this section, the Secretary of Labor shall give special emphasis to programs and materials that target workers in smaller mines, including training miners and employers about new Mine Safety and Health Administration standards, high risk activities, or hazards identified by such Administration.

(3) PRIORITY.—In awarding grants under this section, the Secretary of Labor shall give priority to the funding of pilot and demonstration projects that the Secretary determines will provide opportunities for broad applicability for mine safety.

(f) EVALUATION.—The Secretary of Labor shall use not less than 1 percent of the funds made available to carry out this section in a fiscal year to conduct evaluations of the projects funded under grants under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year, such sums as may be necessary to carry out this section.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 482—SUPPORTING THE GOALS OF AN ANNUAL NATIONAL TIME-OUT DAY TO PROMOTE PATIENT SAFETY AND OPTIMAL OUTCOMES IN THE OPERATING ROOM

Ms. LANDRIEU submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 482

Whereas according to an Institute of Medicine (referred to in this resolution as the ''IOM'') report entitled ''To Err is Human: Building a Safer Health System'', published in 2000, between 44,000 and 98,000 hospitalized people in the United States die each year due to medical errors, and untold thousands more suffer injury or illness as a result of preventable errors;

Whereas the IOM report recommends the establishment of a national goal of reducing the number of medical errors by 50 percent over 5 years;

Whereas there are more than 40,000,000 inpatient surgery procedures and 31,000,000 outpatient surgery procedures performed annually in the United States;

Whereas it is the right of every patient to receive the highest quality of care in all surgical settings;

Whereas a patient is the most vulnerable and unable to make decisions on their own behalf during a surgical or invasive procedure due to anesthesia or other sedation;

Whereas improved communication among the surgical team and a reduction in medical errors in the operating room are essential for optimal outcomes during operative or other invasive procedures;

Whereas the Association of periOperative Registered Nurses, the Joint Commission on Accreditation of Healthcare Organizations, the American College of Surgeons, and the American Society for Healthcare Risk Management celebrated a National Time-Out

Day on June 23, 2004, to promote the adoption of the Joint Commission on Accreditation of Healthcare Organizations' universal protocol for preventing wrong site surgery errors in operating rooms in the United States;

Whereas the Senate during the 109th Congress supported a National Time-Out Day in 2005 on behalf of the Association of periOperative Registered Nurses, the Joint Commission on Accreditation of Healthcare Organizations, the American College of Surgeons, and the American Society for Healthcare Risk Management to promote the adoption of the Joint Commission on Accreditation of Healthcare Organizations' universal protocol for preventing errors in the operating room;

Whereas the Association of periOperative Registered Nurses, joined by coalition partners, celebrated a National Time-Out Day on June 22, 2005, for the purpose of promoting safe medication administration practices and the Association of periOperative Registered Nurses distributed ''Safe Medication Administration Tool Kits'' to more than 5,000 hospitals and 13,000 nurse managers or educators;

Whereas the 109th Congress passed the Patient Safety and Quality Improvement Act of 2005 to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety;

Whereas the Association of periOperative Registered Nurses develops and issues, with coalition partners, universally-accepted authoritative statements, recommended guidelines, best practice guidelines, and competency statements for how to provide optimal care for patients in the operating room;

Whereas there is nationally-focused attention on improving patient safety in all healthcare facilities through the reduction of medical errors;

Whereas the Association of periOperative Registered Nurses, the recognized leader in patient safety in the operating room, promotes the highest quality of patient care during all operative or invasive procedures; and

Whereas the Association of periOperative Registered Nurses designates and celebrates National Time-Out Day on June 21, 2006, and each third Wednesday of June thereafter to promote patient safety and optimal outcomes in the operating room by focusing on the reduction of medical errors, fostering better communication among the members of the surgical team, and collaborating with coalition partners to establish universal protocols to increase quality and safety for surgical patients: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideal of an annual National Time-Out Day as designated by the Association of periOperative Registered Nurses for ensuring patient safety and optimal outcomes in the operating room; and

(2) congratulates perioperative nurses and representatives of surgical teams for working together to protect patient safety during all operative and other invasive procedures.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4037. Mr. LEVIN (for himself, Ms. STABENOW, and Mr . KENNEDY) 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.

SA 4038. 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 4039. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4040. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4041. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4042. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4043. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4044. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4045. Mr. GRASSLEY (for himself, Mr. HARKIN, Mr. REID, Mr. ISAKSON, and 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 4046. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4047. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4048. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4049. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4050. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4051. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4052. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4053. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4054. Mr. GREGG (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4055. 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 4056. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4057. Mr. THOMAS (for himself, Mr. KYL, Mr. SALAZAR, Mr. BINGAMAN, and 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 4058. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4059. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4060. Mr. LIEBERMAN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4061. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4062. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4063. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4064. Mr. INHOFE (for himself, Mr. BYRD, Mr. BUNNING, Mr. BURNS, Mr. CHAMBLISS, Mr. COBURN, Mr. ENZI, Mr. SESSIONS, and Mr. GRAHAM) proposed an amendment to the bill S. 2611, supra.

SA 4065. Mr. KENNEDY 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 4037. Mr. LEVIN (for himself, Ms. STABENOW, and Mr. KENNEDY) 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 63, strike lines 14 through 16 and insert the following:

(a) DENIAL OR TERMINATION OF ASYLUM.—Section 208 (8 U.S.C. 1158) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(A)(v), by striking ''or (VI)'' and inserting ''(V), (VI), (VII), or (VIII)''; and

(B) by adding at the end the following:

''(4) CHANGED COUNTRY CONDITIONS.—An alien seeking asylum based on persecution or a well-founded fear of persecution shall not be denied asylum based on changed country conditions unless fundamental and lasting changes have stabilized the country of the alien's nationality.'';

(2) in subsection (c)(2)(A), by striking ''a fundamental change in circumstances'' and inserting ''fundamental and lasting changes that have stabilized the country of the alien's nationality''; and

(3) in subsection (d)(5), by adding at the end the following:

''(C) MOTION TO REOPEN.—If an application for asylum filed before the effective date of this subparagraph is denied based on changed country conditions, the alien who filed such an application may file a single motion to reopen the administrative adjudication of the asylum application. Subsection (b)(4) shall apply to any adjudication reopened under this subparagraph.''.

SA 4038. 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:

On page 264, strike lines 13 through 20.

On page 370, line 21, strike ''this subsection'' and insert ''paragraphs (2) and (3)''.

On page 371, between lines 14 and 15, insert the following:

''(5) STATE IMPACT ASSISTANCE FEE.—

''(A) IN GENERAL.—In addition to any other amounts required to be paid under this subsection, an alien shall submit, at the time

the alien files an application under this section, a State impact assistance fee equal to—

''(i) $750 for the principal alien; and

''(ii) $100 for the spouse and each child described in subsection (a)(2).

''(B) USE OF FEE.—The fees collected under subparagraph (A) shall be deposited in the State Impact Assistance Account established under section 286(x).

On page 389, between lines 6 and 7, insert the following:

''(3) STATE IMPACT ASSISTANCE FEE.—

''(A) IN GENERAL.—In addition to any other amounts required to be paid under this subsection, an alien seeking Deferred Mandatory Departure status shall submit, at the time the alien files an application under this section, a State impact assistance fee equal to $750.

''(B) USE OF FEE.—The fees collected under subparagraph (A) shall be deposited in the State Impact Assistance Account established under section 286(x).

On page 389, between lines 21 and 22, insert the following:

''(3) STATE IMPACT ASSISTANCE FEE.—

''(A) IN GENERAL.—In addition to any other amounts required to be paid under this subsection, the spouse and each child of an alien seeking Deferred Mandatory Departure status shall submit a State impact assistance fee equal to $100.

''(B) USE OF FEE.—The fees collected under subparagraph (A) shall be deposited in the State Impact Assistance Account established under section 286(x).

On page 395, after line 23, add the following:

(e) STATE IMPACT ASSISTANCE ACCOUNT.—Section 286 (8 U.S.C. 1356) is amended by inserting after subsection (w) the following:

''(x) STATE IMPACT ASSISTANCE ACCOUNT.—

''(1) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'State Impact Assistance Account'.

''(2) SOURCE OF FUNDS.—Notwithstanding any other provision under this Act, there shall be deposited as offsetting receipts into the State Impact Assistance Account all State impact assistance fees collected under section 245B(m)(5) and subsections (j)(3) and (k)(3) of section 245C.

''(3) USE OF FUNDS.—Amounts deposited into the State Impact Assistance Account may only be used to carry out the State Impact Assistance Grant Program established under paragraph (4).

''(4) STATE IMPACT ASSISTANCE GRANT PROGRAM.—

''(A) ESTABLISHMENT.—The Secretary of Health and Human Services, in consultation with the Secretary of Education, shall establish the State Impact Assistance Grant Program (referred to in this section as the 'Program'), under which the Secretary may award grants to States to provide health and education services to noncitizens in accordance with this paragraph.

''(B) STATE ALLOCATIONS.—The Secretary of Health and Human Services shall annually allocate the amounts available in the State Impact Assistance Account among the States as follows:

''(i) NONCITIZEN POPULATION.—Eighty percent of such amounts shall be allocated so that each State receives the greater of—

''(I) $5,000,000; or

''(II) after adjusting for allocations under subclause (I), the percentage of the amount to be distributed under this clause that is equal to the noncitizen resident population of the State divided by the noncitizen resident population of all States, based on the most recent data available from the Bureau of the Census.

''(ii) HIGH GROWTH RATES.—Twenty percent of such amounts shall be allocated among the 20 States with the largest growth rates in noncitizen resident population, as determined by the Secretary of Health and Human Services, so that each such State receives the percentage of the amount distributed under this clause that is equal to—

''(I) the growth rate in the noncitizen resident population of the State during the most recent 3-year period for which data is available from the Bureau of the Census; divided by

''(II) the average growth rate in noncitizen resident population for the 20 States during such 3-year period.

''(iii) LEGISLATIVE APPROPRIATIONS.—The use of grant funds allocated to States under this paragraph shall be subject to appropriation by the legislature of each State in accordance with the terms and conditions under this paragraph.

''(C) FUNDING FOR LOCAL GOVERNMENT.—

''(i) DISTRIBUTION CRITERIA.—Grant funds received by States under this paragraph shall be distributed to units of local government based on need and function.

''(ii) MINIMUM DISTRIBUTION.—Except as provided in clause (iii), a State shall distribute not less than 30 percent of the grant funds received under this paragraph to units of local government not later than 180 days after receiving such funds.

''(iii) EXCEPTION.—If an eligible unit of local government that is available to carry out the activities described in subparagraph (D) cannot be found in a State, the State does not need to comply with clause (ii).

''(iv) UNEXPENDED FUNDS.—Any grant funds distributed by a State to a unit of local government that remain unexpended as of the end of the grant period shall revert to the State for redistribution to another unit of local government.

''(D) USE OF FUNDS.—States and units of local government shall use grant funds received under this paragraph to provide health services, educational services, and related services to noncitizens within their jurisdiction directly, or through contracts with eligible services providers, including—

''(i) health care providers;

''(ii) local educational agencies; and

''(iii) charitable and religious organizations.

''(E) STATE DEFINED.—In this paragraph, the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(F) CERTIFICATION.—In order to receive a payment under this section, the State shall provide the Secretary of Health and Human Services with a certification that the State's proposed uses of the fund are consistent with (D).

(G) ANNUAL REPORT.—The Secretary of Health and Human Services shall inform the States annually of the amount of funds available to each State under the Program.''.

SA 4039. Mr. KERRY 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. ___. EXPEDITED ADJUDICATION OF EMPLOYER PETITIONS FOR ALIENS OF EXTRAORDINARY ARTISTIC ABILITY.

Section 214(c) (8 U.S.C. 1184(c)) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and

(2) in paragraph (6)(D)—

(A) by Striking ''Any person'' and inserting ''(i) Except as provided in clause (ii), any person''; and

(B) adding at the end the following:

''(ii) The Secretary of Homeland Security shall adjudicate each petition for an alien with extraordinary ability in the arts (as described in section 101(a)(15)(O)(i)), an alien accompanying such an alien (as described in clauses (ii) and (iii) of section 101(a)(15)(O)), or an alien described in section 101(a)(15)(P) not later than 30 days after—

''(I) the date on which the petitioner submits the petition with a written advisory opinion, letter of no objection, or request for a waiver; or

''(II) the date on which the 15-day period described in clause (i) has expired, if the petitioner has had an opportunity, as appropriate, to supply rebuttal evidence.

''(iii) If a petition described in clause (ii) is not adjudicated before the end of the 30-day period described in clause (ii) and the petitioner is a qualified nonprofit organization or an individual or entity petitioning primarily on behalf of a qualified nonprofit organization, the Secretary of Homeland Security shall provide the petitioner with the premium-processing services referred to in section 286(u), without a fee.''.

SA 4040. Mr. KERRY 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 69, strike line 3 and all that follows through ''(G)'' on line 9 and insert ''(F)''.

On page 69, line 11, strike ''(H)'' and insert ''(G)''.

On page 71, strike line 19 and all that follows through ''(L)'' on page 78, line 12, and insert the following;

''(E) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention, the Secretary may, in the Secretary's discretion, impose conditions on release in accordance with the regulations prescribed pursuant to paragraph (3).

''(F) APPLICABILITY.—This paragraph and paragraphs (6) and (7) shall apply to any alien returned to custody as if the removal period terminated on the day of the redetention.

''(G)

On page 78, strike line 16 and all that follows through page 79, line 4, and insert the following: ''guidelines established under sections 241.4 and 241.13 of title 8, Code of Federal Regulations.'.''.

On page 83, lines 17 and 18, strike '', including classified, sensitive, or national security information;';'' and insert ''';'; and''.

On page 84, line 6, strike ''; and'' and all that follows through line 17, and insert a period.

On page 86, lines 10 and 11, strike ''including classified, sensitive, or national security information,''.

On page 88, strike line 7 and all that follows through ''(3)'' on page 89, line 23, and insert ''(1)''.

On page 137, strike line 24 and all that follows through ''(2)'' on page 138, line 7, and insert ''(1)''.

On page 138, line 13, strike ''(3)'' and insert ''(2)''.

On page 138, strike lines 21 through 23 and insert the following:

''(3) FAILURE TO COMPLY WITH AGREEMENT.—If an alien agrees to

On page 139, line 5, strike ''(i) ineligible'' and insert the following:

''(A) ineligible

On page 139, line 7, strike ''(ii) subject'' and insert the following:

''(B) subject

On page 139, line 9, strike ''(iii) subject'' and insert the following:

''(C) subject

On page 139, line 11, strike the period at the end and all that follows through ''Secretary'' on page 140, line 6.

On page 141, line 10, strike the period at the end and all that follows through ''protection'' on page 142, line 3.

SA 4041. Mr. GRASSLEY 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. _____. JUDICIAL REVIEW OF VISA REVOCATION.

(a) IN GENERAL.—Section 221(i) (8 U.S.C. 1201(i)) is amended by striking the last sentence and inserting the following: ''Notwithstanding any other provision of law (statutory or nonstatutory), including sections, 1361, 1651, and 2241 of title 28, United States Code, and any other habeas corpus provision, a revocation under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a revocation.'' .

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall—

(1) take effect on the date of enactment of this Act; and

(2) apply to visa revocations effected before, on, or after the date of enactment of this Act.

SA 4042. Mr. GRASSLEY 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. ___. H–1B EMPLOYER FEE.

Section 214(c)(9)(B) (8 U.S.C. 1184(c)(9)(B)) is amended by striking ''$1,500'' and inserting ''$2,000''.

SA 4043. Mr. GRASSLEY 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 260, line 18, strike ''may be required to'' and insert ''shall''.

SA 4044. Mr. GRASSLEY 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 385, strike line 21 and all that follows through page 386, line 3, and insert the following:

''(B) a fine of $5,000 if the alien does not depart within 2 years after the grant of Deferred Mandatory Departure; and

''(C) a fine of $10,000 if the alien does not depart within 3 years after the grant of Deferred Mandatory Departure.

SA 4045. Mr. GRASSLEY (for himself, Mr. HARKIN, Mr. REID, Mr. ISAKSON, and 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:

At the appropriate place, insert the following:

SEC. ___. ADDRESSING POVERTY IN MEXICO.

(a) FINDINGS.—Congress finds the following:

(1) There is a strong correlation between economic freedom and economic prosperity.

(2) Trade policy, fiscal burden of government, government intervention in the economy, monetary policy, capital flows and foreign investment, banking and finance, wages and prices, property rights, regulation, and informal market activity are key factors in economic freedom.

(3) Poverty in Mexico, including rural poverty, can be mitigated through strengthened economic freedom within Mexico.

(4) Strengthened economic freedom in Mexico can be a major influence in mitigating illegal immigration.

(5) Advancing economic freedom within Mexico is an important part of any comprehensive plan to understanding the sources of poverty and the path to economic prosperity.

(b) GRANT AUTHORIZED.—The Secretary of State may award a grant to a land grant university in the United States to establish a national program for a broad, university-based Mexican rural poverty mitigation program.

(c) FUNCTIONS OF MEXICAN RURAL POVERTY MITIGATION PROGRAM.—The program established pursuant to subsection (b) shall—

(1) match a land grant university in the United States with the lead Mexican public university in each of Mexico's 31 states to provide state-level coordination of rural poverty programs in Mexico;

(2) establish relationships and coordinate programmatic ties between universities in the United States and universities in Mexico to address the issue of rural poverty in Mexico;

(3) establish and coordinate relationships with key leaders in the United States and Mexico to explore the effect of rural poverty on illegal immigration of Mexicans into the United States; and

(4) address immigration and border security concerns through a university-based, binational approach for long-term institutional change.

(d) USE OF FUNDS.—

(1) AUTHORIZED USES.—Grant funds awarded under this section may be used—

(A) for education, training, technical assistance, and any related expenses (including personnel and equipment) incurred by the grantee in implementing a program described in subsection (a); and

(B) to establish an administrative structure for such program in the United States.

(2) LIMITATIONS.—Grant funds awarded under this section may not be used for activities, responsibilities, or related costs incurred by entities in Mexico.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such funds as may be necessary to carry out this section.

SA 4046. Mrs. HUTCHISON submitted an amendment intended to be proposed by her 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 313, after line 22, add the following:

Subtitle A—Secure Authorized Foreign Employee (SAFE) Visa Program

SEC. 441. ADMISSION OF SAFE VISA WORKERS.

(a) IN GENERAL.— Chapter 2 of title II (8 U.S.C. 1181 et seq.), as amended by this title and title VI, is further amended by inserting after section 218 the following:

SEC. 2181. SECURE AUTHORIZED FOREIGN EMPLOYEE (SAFE) VISA PROGRAM.

''(a) AUTHORIZATION.—Not later than twelve months after the date of enactment of this Act, the Secretary of State shall grant a SAFE visa to a national of a NAFTA or CAFTA–DR nation who meets the requirements under subsection (b) to perform services in the United States in accordance with this section.

''(b) REQUIREMENTS FOR ADMISSION.—An alien is eligible for a SAFE visa if the alien—

''(1) has a residence in a NAFTA or CAFTA–DR nation which the alien has no intention of abandoning;

''(2) applies for an initial SAFE visa from their home country;

''(3) establishes that the alien has received a job offer from an employer who has complied with the requirements under subsection (c);

''(4) undergoes a medical examination (including a determination of immunization status), at the alien's expense, that conforms to generally accepted standards of medical practice;

''(5) passes all appropriate background checks;

''(6) submits a completed application, on a form designed by the Secretary of Homeland Security; and

''(7) pays a visa issuance fee, as determined by the Secretary of State, in an amount equal to not less than the cost of processing and adjudicating such application.

''(c) EMPLOYER RESPONSIBILITIES.—An employer seeking to hire a national of a NAFTA or CAFTA–DR nation under this section shall—

''(1) submit a request to the Secretary of Labor for a certification under subsection (d) that there is a shortage of workers in the occupational classification and geographic area for which the worker is sought;

''(2) submit to each worker a written employment offer that sets forth the rate of pay at a rate that is not less than the greater of—

''(A) the prevailing wage for such occupational classification in such geographic area; or

''(B) the applicable minimum wage in the State in which the worker will be employed;

''(3) provide the workers with necessary transportation, housing, and meal costs, which may be deducted from the worker's pay under an employment agreement; and

''(4) withhold and remit appropriate payroll deductions to the Internal Revenue Service.

''(d) LABOR CERTIFICATION.—Upon receiving a request from an employer under subsection (c)(1), the Secretary of Labor shall provide the employer with labor shortage certification for the occupational classification for which the worker is sought if the Secretary of Labor determines the existence of such shortage, based on the national unemployment rate and the number of workers needed in the occupational classification and geographic area for which the worker is sought.

''(e) PERIOD OF AUTHORIZED ADMISSION.—

''(1) DURATION.—A SAFE visa worker may remain in the United States for not longer than 10 months during the 12 month period for which the visa is issued.

''(2) RENEWAL.—A SAFE visa may be renewed for additional 10-month work periods under the same terms and conditions as the original issuance.

''(3) VISITS OUTSIDE UNITED STATES.—Under regulations established by the Secretary of Homeland Security, a SAFE visa worker—

''(A) may travel outside of the United States; and

''(B) may be readmitted without having to obtain a new visa if the period of authorized admission has not expired.

''(4) LOSS OF EMPLOYMENT.—The period of authorized admission under this section shall terminate if the SAFE visa worker is unemployed for 60 or more consecutive days. Any SAFE visa worker whose period of authorized admission terminates under this paragraph shall be required to leave the United States. Failure to comply with the terms of the SAFE visa will result in permanent ineligibility for the program.

''(5) RETURN TO COUNTRY OF ORIGIN.—A SAFE visa worker may not apply for lawful permanent residence or any other visa category until the worker has relinquished the SAFE visa and returned to their country of origin.

''(f) EVIDENCE OF NONIMMIGRANT STATUS.—Each SAFE visa worker shall be issued a SAFE visa card, which—

''(1) shall be machine-readable, tamper-resistant, and allow for biometric authentication;

''(2) shall be designed in consultation with the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement; and

''(3) shall, during the alien's authorized period of admission under subsection (e), serve as a valid document for the purpose of physically entering the United States.

''(g) SOCIAL SERVICES.—

''(1) IN GENERAL.—SAFE visa workers are not eligible for Federal, State, or local government-sponsored social services.

''(2) SOCIAL SECURITY.—SAFE visa workers are eligible to receive the employee portion of the social security contributions withheld from their pay not earlier than the date on which the worker permanently leaves the SAFE visa program.

''(3) MEDICARE.—Amounts withheld from the SAFE visa workers pay for Medicare contributions shall be used to pay for uncompensated emergency health care provided to noncitizens.

''(h) PERMANENT RESIDENCE; CITIZENSHIP.—Nothing in this section shall be construed to provide a SAFE visa worker with eligibility to apply for legal permanent residence or a path towards United States citizenship.''.

(b) CLERICAL AMENDMENT.—The table of contents (8 U.S.C. 1101) is amended by inserting after the item relating to section 218H, as added by section 615, the following:

''Sec. 2181. Secure Authorized Foreign Employee (SAFE) Visa Program.''.

SA 4047. Mr. LEAHY 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. ___. FAIR MINIMUM WAGE.

(a) SHORT TITLE.—This section may be cited as the ''Fair Minimum Wage Act of 2006''.

(b) MINIMUM WAGE.—

(1) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than—

''(A) $5.15 an hour beginning September 1, 1997;

''(B) $5.85 an hour beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2006;

''(C) $6.55 an hour beginning 12 months after such 60th day; and

''(D) $7.25 an hour beginning 24 months after such 60th day;''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 60 days after the date of enactment of this Act.

(c) APPLICABILITY OF MINIMUM WAGE TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(2) TRANSITION.—Notwithstanding paragraph (1), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) $3.55 an hour beginning on the 60th day after the date of enactment of this Act; and

(B) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act) beginning 6 months after the date of enactment of this Act and every 6 months thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this paragraph is equal to the minimum wage set forth in such section.

SA 4048. Mr. COLEMAN 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 36, between lines 5 and 6, insert the following:

(c) NORTHERN BORDER TRAINING FACILITY.—

(1) IN GENERAL.—The Secretary shall establish a northern border training facility at Rainy River Community College in International Falls, Minnesota, to carry out the training programs described in this subsection.

(2) USE OF TRAINING FACILITY.—The training facility established under paragraph (1) shall be used to conduct various supplemental and periodic training programs for border security personnel stationed along the northern international border between the United States and Canada.

(3) TRAINING CURRICULUM.—The Secretary shall design training curriculum to be offered at the training facility through multiday training programs involving classroom and real-world applications, which shall include training in—

(A) a variety of disciplines relating to offensive and defensive skills for personnel and vehicle safety, including—

(i) firearms and weapons;

(ii) self defense;

(iii) search and seizure;

(iv) defensive and high speed driving;

(v) mobility training;

(vi) the use of all-terrain vehicles, watercraft, aircraft and snowmobiles; and

(vii) safety issues related to biological and chemical hazards;

(B) technology upgrades and integration; and

(C) matters relating directly to terrorist threats and issues, including—

(i) profiling;

(ii) changing tactics;

(iii) language;

(iv) culture; and

(v) communications.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this subsection.

SA 4049. Mr. COLEMAN 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. ___. CONTAINER SECURITY.

(a) REQUIREMENTS FOR SCANNING.—Except as provided in subsection (b), after the date that is 3 years after the date of the enactment of this Act, a container may not enter the United States, either directly or via a foreign port, unless the container is scanned with radiation detection equipment.

(b) EXTENSION OF TIME.—The Secretary may extend by up to one year the date referred to in subsection (a) if the Secretary finds that the required radiation detection scanning equipment is not available for purchase and installation and submits such finding to Congress not later than 90 days prior to issuing such an extension.

(c) STANDARDS.—The Secretary shall establish standards for equipment used to carry out the scanning required by subsection (a) to ensure such equipment uses the best available technology for radiation detection screening.

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the Secretary's plan to implement this section.

SA 4050. Mr. COLEMAN 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 10, strike lines 9 through 16, and insert the following:

(a) ACQUISITION.—Subject to the availability of appropriations, the Secretary shall—

(1) procure additional unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a ''virtual fence'' along such international borders to provide a barrier to illegal immigration; and

(2) acquire and utilize real time, high-resolution, multi-spectral, precisely-rectified digital aerial imagery to detect physical changes and patterns in the landscape along the northern or southern international border of the United States to identify uncommon passage ways used by aliens to illegally enter the United States.

SA 4051. Mr. COLEMAN 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 34, between lines 2 and 3, insert the following:

(b) MOBILE IDENTIFICATION SYSTEM.—

(1) REQUIREMENT FOR SYSTEMS.—Not later than October 1, 2007, the Secretary shall deploy wireless, hand-held biometric identification devices, interfaced with United States Government immigration databases, at all United States ports of entry and along the international land borders of the United States.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

the Secretary $10,000,000 for fiscal year 2007 to carry out this subsection.

(3) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (2) shall remain available until expended.

SA 4052. Mr. KYL 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 10 and all that follows through page 395, line 23, and insert the following:

Subtitle A—Mandatory Departure and Reentry in Legal Status

SEC. 601. MANDATORY DEPARTURE AND REENTRY IN LEGAL STATUS.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et seq.) is amended by inserting after section 218C, as added by section 405, the following:

"SEC. 218D. MANDATORY DEPARTURE AND REENTRY.

''(a) IN GENERAL.—The Secretary of Homeland Security may grant Deferred Mandatory Departure status to aliens who are in the United States illegally to allow such aliens time to depart the United States and to seek admission as a nonimmigrant or immigrant alien.

''(b) REQUIREMENTS.—

''(1) PRESENCE.—An alien shall establish that the alien—

''(A) was physically present in the United States on the date that is 1 year before the date on which the Comprehensive Immigration Reform Act of 2006 was introduced in Congress; and

''(B) has been continuously in the United States since that date; and

''(C) was not legally present in the United States under any classification set forth in section 101(a)(15) on that date.

''(2) EMPLOYMENT.—An alien must establish that the alien—

''(A) was employed in the United States before the date on which the Comprehensive Immigration Reform Act of 2006 was introduced in Congress; and

''(B) has been employed in the United States since that date.

''(3) ADMISSIBILITY.—

''(A) IN GENERAL.—The alien must establish that the alien—

''(i) is admissible to the United States (except as provided in subparagraph (B)); and

''(ii) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion.

''(B) GROUNDS NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), and (7) of section 212(a) shall not apply.

''(C) WAIVER.—The Secretary of Homeland Security may waive any other provision of section 212(a), or a ground of ineligibility under paragraph (4), as applied to individual aliens—

''(i) for humanitarian purposes;

''(ii) to assure family unity; or

''(iii) if such waiver is otherwise in the public interest.

''(4) INELIGIBLE.—An alien is ineligible for Deferred Mandatory Departure status if the alien—

''(A) 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;

''(B) failed to depart the United States during the period of a voluntary departure order under section 240B;

''(C) is subject to section 241(a)(5);

''(D) has been issued a notice to appear under section 239, unless the sole acts of conduct alleged to be in violation of the law are that the alien is removable under section 237(a)(1)(C) or inadmissible under section 212(a)(6)(A);

''(E) is a resident of a country for which the Secretary of State has made a determination that the government of such country has repeatedly provided support for acts of international terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) or under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

''(F) fails to comply with any request for information by the Secretary of Homeland Security; or

''(G) 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 * * * 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

''(H) the alien has been convicted of a felony or 3 or more misdemeanors.

''(I) Exception.—notwithstanding subparagraphs (A) and (B), an alien who has not been ordered removed from the United States shall remain eligible for defered mandatory departure status if the alien's ineligibility under subparagraphs (A) and (B) 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 admissions; or (iii) failure to maintain legal status while in the United States.

(J) Waiver.—The Secretary may, in the Secretary's sole and unreviewable discretion, waive the application of subparagraphs (A) and (B) 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)(6)(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 239(a) or; (ii) establishes that the alien's failure to appear was due to exceptional circumstances beyond the control of the alien; or (iii) the alien's departure from the United States 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.

''(5) MEDICAL EXAMINATION.—The alien may be required, at the alien's expense, to undergo an appropriate medical examination (including a determination of immunization status) that conforms to generally accepted professional standards of medical practice.

''(6) TERMINATION.—The Secretary of Homeland Security may terminate an alien's Deferred Mandatory Departure status—

''(A) if the Secretary determines that the alien was not eligible for such status; or

''(B) if the alien commits an act that makes the alien removable from the United States.

''(7) APPLICATION CONTENT AND WAIVER.—

''(A) APPLICATION FORM.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of obtaining Deferred Mandatory Departure status.

''(B) CONTENT.—In addition to any other information that the Secretary determines is required to determine an alien's eligibility for Deferred Mandatory Departure, the Secretary shall require an alien to answer questions concerning the alien's physical and mental health, criminal history and gang membership, immigration history, involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States government, voter registration history, claims to United States citizenship, and tax history.

''(C) WAIVER.—The Secretary of Homeland Security shall require an alien to include with the application a waiver of rights that explains to the alien that, in exchange for the discretionary benefit of obtaining Deferred Mandatory Departure status, the alien agrees to waive any right to administrative or judicial review or appeal of an immigration officer's determination as to the alien's eligibility, or to contest any removal action, other than on the basis of an application for asylum pursuant to the provisions contained in section 208 or 241(b)(3), or under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

''(D) KNOWLEDGE.—The Secretary of Homeland Security shall require an alien to include with the application a signed certification in which the alien certifies that the alien has read and understood all of the questions and statements on the application form, and that the alien certifies under penalty of perjury under the laws of the United States that the application, and any evidence submitted with it, are all true and correct, and that the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

''(c) IMPLEMENTATION AND APPLICATION TIME PERIODS.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that the application process is secure and incorporates antifraud protection. The Secretary shall interview an alien to determine eligibility for Deferred Mandatory Departure status and shall utilize biometric authentication at time of document issuance.

''(2) INITIAL RECEIPT OF APPLICATIONS.—The Secretary of Homeland Security shall begin accepting applications for Deferred Mandatory Departure status not later than 3 months after the date of the enactment of the Comprehensive Immigration Reform Act of 2006.

''(3) APPLICATION.—An alien shall submit an initial application for Deferred Mandatory Departure status not later than 6 months after the date of the enactment of the Comprehensive Immigration Reform Act of 2006. An alien that fails to comply with this requirement is ineligible for Deferred Mandatory Departure status.

''(4) COMPLETION OF PROCESSING.—The Secretary of Homeland Security shall ensure that all applications for Deferred Mandatory Departure status are processed not later than 12 months after the date of the enactment of the Comprehensive Immigration Reform Act of 2006.

''(d) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—An alien may not be granted Deferred Mandatory Departure status unless the alien submits biometric data in accordance with procedures established by the Secretary of Homeland Security. The Secretary of Homeland Security may not grant Deferred Mandatory Departure status until all appropriate background checks are completed to the satisfaction of the Secretary of Homeland Security.

''(e) ACKNOWLEDGMENT.—An alien who applies for Deferred Mandatory Departure status shall submit to the Secretary of Homeland Security—

''(1) an acknowledgment made in writing and under oath that the alien—

''(A) is unlawfully present in the United States and subject to removal or deportation, as appropriate, under this Act; and

''(B) understands the terms of the terms of Deferred Mandatory Departure;

''(2) any Social Security account number or card in the possession of the alien or relied upon by the alien;

''(3) any false or fraudulent documents in the alien's possession.

''(f) MANDATORY DEPARTURE.—

''(1) IN GENERAL.—The Secretary of Homeland Security may, in the Secretary's sole and unreviewable discretion, grant Deferred Mandatory Departure status to an alien for a period not to exceed 5 years.

''(2) REGISTRATION AT TIME OF DEPARTURE.—An alien granted Deferred Mandatory Departure shall—

''(A) depart the United States before the expiration of the period of Deferred Mandatory Departure status;

''(B) register with the Secretary of Homeland Security at the time of departure; and

''(C) surrender any evidence of Deferred Mandatory Departure status at time of departure.

''(3) RETURN IN LEGAL STATUS.—An alien who complies with the terms of Deferred Mandatory Departure status and departs before the expiration of such status—

''(A) shall not be subject to section 212(a)(9)(B); and

''(B) may immediately seek admission as a nonimmigrant or immigrant, if otherwise eligible.

''(4) FAILURE TO DEPART.—An alien who fails to depart the United States before the expiration of Deferred Mandatory Departure status is not eligible and may not apply for or receive any immigration relief or benefit under this Act or any other law for a period of 10 years, except as provided under section 208 or 241(b)(3) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in the case of an alien who indicates an intention to apply for asylum under section 208 or a fear of persecution or torture.

''(5) PENALTIES FOR DELAYED DEPARTURE.—An alien who fails to immediately depart the United States shall be subject to—

''(A) no fine if the alien departs the United States not later than 1 year after being granted Deferred Mandatory Departure status;

''(B) a fine of $2,000 if the alien remains in the United States for more than 1 year and not more than 2 years after being granted Deferred Mandatory Departure status;

''(C) a fine of $3,000 if the alien remains in the United States for more than 2 years and not more than 3 years after being granted Deferred Mandatory Departure status;

''(D) a fine of $4,000 if the alien remains in the United States for more than 3 years and not more than 4 years after being granted Deferred Mandatory Departure status; and

''(E) a fine of $5,000 if the alien remains in the United States for more than 4 years after being granted Deferred Mandatory Departure status.

''(g) EVIDENCE OF DEFERRED MANDATORY DEPARTURE STATUS.—Evidence of Deferred Mandatory Departure status shall be machine-readable, tamper-resistant, and allow for biometric authentication. The Secretary of Homeland Security is authorized to incorporate integrated-circuit technology into the document. The Secretary of Homeland Security shall consult with the Forensic Document Laboratory in designing the document. The document may serve as a travel, entry, and work authorization document during the period of its validity. The document may be accepted by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B).

''(h) TERMS OF STATUS.—

''(1) REPORTING.—During the period in which an alien is in Deferred Mandatory Departure status, the alien shall comply with all registration requirements under section 264.

''(2) TRAVEL.—

''(A) An alien granted Deferred Mandatory Departure status is not subject to section 212(a)(9) for any unlawful presence that occurred before the Secretary of Homeland Security granting such status to the alien.

''(B) Under regulations established by the Secretary of Homeland Security, an alien granted Deferred Mandatory Departure status—

''(i) may travel outside of the United States and may be readmitted if the period of Deferred Mandatory Departure status has not expired; and

''(ii) shall establish, at the time of application for admission, that the alien is admissible under section 212.

''(C) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under subparagraph (B) shall not extend the period of Deferred Mandatory Departure status.

''(3) BENEFITS.—During the period in which an alien is granted Deferred Mandatory Departure status under this section, the alien—

''(A) 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; and

''(B) may be deemed ineligible for public assistance by a State or any political subdivision of a State that furnishes such assistance.

''(i) PROHIBITION ON CHANGE OF STATUS OR ADJUSTMENT OF STATUS.—An alien granted Deferred Mandatory Departure status may not apply to change status under section 248 or, unless otherwise eligible under section 245(i), from applying for adjustment of status to that of a permanent resident under section 245.

''(j) APPLICATION FEE.—

''(1) IN GENERAL.—An alien seeking a grant of Deferred Mandatory Departure status shall submit, in addition to any other fees authorized by law, an application fee of $1,000.

''(2) USE OF FEE.—The fees collected under paragraph (1) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove illegal aliens.

''(k) FAMILY MEMBERS.—

''(1) FAMILY MEMBERS.—

''(A) IN GENERAL.—The spouse or child of an alien granted Deferred Mandatory Departure status is subject to the same terms and conditions as the principal alien, but is not authorized to work in the United States.

''(B) APPLICATION FEE.—

''(i) IN GENERAL.—The spouse or child of an alien seeking Deferred Mandatory Departure status shall submit, in addition to any other fee authorized by law, an additional fee of $500.

''(ii) USE OF FEE.—The fees collected under clause (i) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove aliens who are removable under section 237.

''(l) EMPLOYMENT.—

''(1) IN GENERAL.—An alien may be employed by any United States employer authorized by the Secretary of Homeland Security to hire aliens.

''(2) CONTINUOUS EMPLOYMENT.—An alien granted Deferred Mandatory Departure status shall be employed while the alien is in the United States. An alien who fails to be employed for 30 days may not be hired until the alien has departed the United States and reentered. The Secretary of Homeland Security may, in the Secretary's sole and unreviewable discretion, reauthorize an alien for employment without requiring the alien's departure from the United States.

''(m) ENUMERATION OF SOCIAL SECURITY NUMBER.—The Secretary of Homeland Security, in coordination with the Commissioner of the Social Security System, shall implement a system to allow for the enumeration of a Social Security number and production of a Social Security card at the time the Secretary of Homeland Security grants an alien Deferred Mandatory Departure status.

''(n) PENALTIES FOR FALSE STATEMENTS IN APPLICATION FOR DEFERRED MANDATORY DEPARTURE.—

''(1) CRIMINAL PENALTY.—

''(A) VIOLATION.—It shall be unlawful for any person—

''(i) to file or assist in filing an application for adjustment of status under this section and knowingly and willfully falsify, misrepresent, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

''(ii) to create or supply a false writing or document for use in making such an application.

''(B) PENALTY.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

''(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

''(o) RELATION TO CANCELLATION OF REMOVAL.—With respect to an alien granted Deferred Mandatory Departure status under this section, the period of such status shall not be counted as a period of physical presence in the United States for purposes of section 240A(a), unless the Secretary of Homeland Security determines that extreme hardship exists.

''(p) WAIVER OF RIGHTS.—An alien is not eligible for Deferred Mandatory Departure status, unless the alien has waived any right to contest, other than on the basis of an application for asylum or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, any action for deportation or removal of the alien that is instituted against the alien subsequent to a grant of Deferred Mandatory Departure status.

''(q) DENIAL OF DISCRETIONARY RELIEF.—The determination of whether an alien is eligible for a grant of Deferred Mandatory Departure status is solely within the discretion of the Secretary of Homeland Security. Notwithstanding any other provision of law, no court shall have jurisdiction to review—

''(1) any judgment regarding the granting of relief under this section; or

''(2) any other decision or action of the Secretary of Homeland Security the authority for which is specified under this section to be in the discretion of the Secretary, other than the granting of relief under section 1158(a).

''(r) JUDICIAL REVIEW.—

''(1) LIMITATIONS ON RELIEF.—Without regard to the nature of the action or claim and without regard to the identity of the party or parties bringing the action, no court may—

''(A) enter declaratory, injunctive, or other equitable relief in any action pertaining to—

''(i) an order or notice denying an alien a grant of Deferred Mandatory Departure status or any other benefit arising from such status; or

''(ii) an order of removal, exclusion, or deportation entered against an alien after a grant of Deferred Mandatory Departure status; or

''(B) certify a class under Rule 23 of the Federal Rules of Civil Procedure in any action for which judicial review is authorized under a subsequent paragraph of this subsection.

''(2) CHALLENGES TO VALIDITY.—

''(A) IN GENERAL.—Any right or benefit not otherwise waived or limited pursuant this section is available in an action instituted in the United States District Court for the District of Columbia, but shall be limited to determinations of—

''(i) whether such section, or any regulation issued to implement such section, violates the Constitution of the United States; or

''(ii) whether such a regulation, or a written policy directive, written policy guideline, or written procedure issued by or under the authority the Secretary of Homeland Security to implement such section, is not consistent with applicable provisions of this section or is otherwise in violation of law.''.

(b) CONFORMING AMENDMENTS.—

(1) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 218C the following:

''Sec. 218D. Mandatory departure and reentry.''.

(2) DEPORTATION.—Section 237(a)(2)(A)(i)(II) (8 U.S.C. 1227(a)(2)(A)(i)(II)) is amended by striking the period at the end and inserting ''(or 6 months in the case of an alien granted Deferred Mandatory Departure status under section 218D),''.

SEC. 602. STATUTORY CONSTRUCTION.

Nothing in this title, or any amendment made by this title, shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

SEC. 603. EXCEPTIONS FOR HUMANITARIAN REASONS.

Notwithstanding any other provision of law, an alien may be exempt from Deferred Mandatory Departure status and may apply for lawful permanent resident status during the 1-year period beginning on the date of the enactment of this Act if the alien—

(1) is the spouse of a citizen of the United States at the time of application for lawful permanent resident status;

(2) is the parent of a child who is a citizen of the United States;

(3) is not younger than 65 years of age;

(4) is not older than 16 years of age and is attending school in the United States;

(5) is younger than 5 years of age;

(6) on removal from the United States, would suffer long-term endangerment to the life of the alien; or

(7) owns a business or real property in the United States.

SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $1,000,000,000 for facilities, personnel (including consular officers), training, technology, and processing necessary to carry out this title and the amendments made by this title.

SA 4053. Mr. KENNEDY 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 end, add the following:

SEC. . IMMIGRANTS TO NEW AMERICANS MODEL PROGRAMS

(a) FINDINGS.—The Senate finds the following: (1) English is the language of the United States, and all members of the society recognize the importance of English to national life and individual accomplishment;

(2) The English language is spoken by 92 percent of United States residents, according to the 2000 United States Census, and English language skills are essential to successful participation in communities across the United States;

(3) Many communities recognize the need to continue to provide services in languages other than English to facilitate access to essential functions of government, promote public health and safety, promote equal educational opportunity, and ensure government efficiency.

(b) PURPOSE.—The purpose of this section is to establish a grant program, within the Department of Education, that provides funding to partnerships of local educational agencies and community-based organizations to develop model programs that encourage all residents of this country to become fully proficient in English and provide immigrant students and their families the services needed to successfully participate in elementary schools, secondary schools, and communities, in the United States.

(c) DEFINITIONS.—In this section:

(1) SECONDARY SCHOOL.—The terms ''community-based organization'', ''elementary school'', ''local educational agency'', and ''secondary school'' have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) IMMIGRANT.—The term ''immigrant'' has the meaning given the term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

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

(d) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award not more than 10 grants in a fiscal year to eligible partnerships for the design and implementation of model programs to—

(A) assist immigrant students to achieve in elementary schools and secondary schools in the United States by offering such educational services as English as a second language classes, literacy programs, programs for introduction to the education system, and civics education; and

(B) assist parents of immigrant students by offering such services as Adult English as a second language class, civics and government classes, parent education, and literacy development services, and;

(C) to coordinate activities with other entities to provide comprehensive community social services such as health care, job training, child care, and transportation services.

(2) DURATION.—Each grant awarded under this section shall be awarded for a period of not more than 5 years. A partnership may use funds made available through the grant for not more than 1 year for planning and program design.

(e) APPLICATIONS FOR GRANTS.—

(1) IN GENERAL.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(2) ELIGIBLE PARTNERSHIPS.—To be eligible to receive a grant under this section, a partnership—

(A) shall include—

(i) at least 1 local educational agency; and

(ii) at least 1 community-based organization; and

(B) may include another entity such as an institution of higher education, a local or State government agency, a private sector entity, or another entity with expertise in working with immigrants.

(3) REQUIRED DOCUMENTATION.—Each application submitted by a partnership under this section for a proposed program shall include documentation that—

(A) the partnership has the qualified personnel required to develop, administer, and implement the proposed program; and

(B) the leadership of each participating school has been involved in the development and planning of the program in the school.

(4) OTHER APPLICATION CONTENTS.—Each application submitted by a partnership under this section for a proposed program shall include—

(A) a list of the organizations entering into the partnership;

(B) a description of the need for the proposed program, including data on the number of immigrant students, and the number of such students with limited English proficiency, in the schools or school districts to be served through the program and the characteristics of the students described in this subparagraph, including—

(i) the native languages of the students to be served;

(ii) the proficiency of the students in English and the native languages;

(iii) achievement data for the students in—

(I) reading or language arts (in English and in the native languages, if applicable); and

(II) mathematics; and

(iv) the previous schooling experiences of the students;

(C) a description of the goals of the program;

(D) a description of how the funds made available through the grant will be used to supplement the basic services provided to the immigrant students to be served;

(E) a description of activities that will be pursued by the partnership through the program, including a description of—

(i) how parents, students, and other members of the community, including members of private organizations and nonprofit organizations, will be involved in the design and implementation of the program;

(ii) how the activities will further the academic achievement of immigrant students served through the program;

(iii) methods of teacher training and parent education that will be used or developed through the program, including the dissemination of information to immigrant parents, that is easily understandable in the language of the parents, about educational programs and the rights of the parents to participate in educational decisions involving their children; and

(iv) methods of coordinating comprehensive community social services to assist immigrant families;

(F) a description of how the partnership will evaluate the progress of the partnership in achieving the goals of the program;

(G) a description of how the local educational agency will disseminate information on model programs, materials, and other information developed under this section that the local educational agency determines to be appropriate for use by other local educational agencies in establishing similar programs to facilitate the educational achievement of immigrant students;

(H) an assurance that the partnership will annually provide to the Secretary such information as may be required to determine the effectiveness of the program; and

(I) any other information that the Secretary may require.

(f) SELECTION OF GRANTEES.—

(1) CRITERIA.—The Secretary, through a peer review process, shall select partnerships to receive grants under this section on the

basis of the quality of the programs proposed in the applications submitted under subsection (f), taking into consideration such factors as—

(A) the extent to which the program proposed in such an application effectively addresses differences in language, culture, and customs;

(B) the quality of the activities proposed by a partnership;

(C) the extent of parental, student, and community involvement;

(D) the extent to which comprehensive community social services are made available;

(E) the quality of the plan for measuring and assessing success; and

(F) the likelihood that the goals of the program will be achieved.

(2) GEOGRAPHIC DISTRIBUTION OF PROGRAMS.—The Secretary shall approve applications under this section in a manner that ensures, to the extent practicable, that programs assisted under this section serve different areas of the Nation, including urban, suburban, and rural areas, with special attention to areas that are experiencing an influx of immigrant groups (including refugee groups), and that have limited prior experience in serving the immigrant community.

(g) EVALUATION AND PROGRAM DEVELOPMENT.—

(1) REQUIREMENT.—Each partnership receiving a grant under this section shall—

(A) conduct a comprehensive evaluation of the program assisted under this section, including an evaluation of the impact of the program on students, teachers, administrators, parents, and others; and

(B) prepare and submit to the Secretary a report containing the results of the evaluation.

(2) EVALUATION REPORT COMPONENTS.—Each evaluation report submitted under this section for a program shall include—

(A) data on the partnership's progress in achieving the goals of the program;

(B) data showing the extent to which all students served by the program are meeting the State's student performance standards, including—

(i) data comparing the students served to other students, with regard to grade retention and academic achievement in reading and language arts, in English and in the native languages of the students if the program develops native language proficiency, and in mathematics; and

(ii) a description of how the activities carried out through the program are coordinated and integrated with the overall school program of the school in which the program described in this section is carried out, and with other Federal, State, or local programs serving limited English proficient students;

(C) data showing the extent to which families served by the program have been afforded access to comprehensive community social services; and

(D) such other information as the Secretary may require.

(h) ADMINISTRATIVE FUNDS.—A partnership that receives a grant under this section may use not more than 5 percent of the grant funds received under this section for administrative purposes.

(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums for fiscal year 2007 and such sums as may be necessary for each of the 4 succeeding fiscal years.

SA 4054. Mr. GREGG (for himself and Ms. CANTWELL) 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:

(e) WORLDWIDE LEVEL OF IMMIGRANTS WITH ADVANCED DEGREES.—Section 201 (8 U.S.C. 1151) is amended—

(1) in subsection (a)(3), by inserting ''and immigrants with advanced degrees'' after ''diversity immigrants''; and

(2) by amending subsection (e) to read as follows:

''(e) WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS AND IMMIGRANTS WITH ADVANCED DEGREES.—

''(1) DIVERSITY IMMIGRANTS.—The worldwide level of diversity immigrants described in section 203(c)(1) is equal to 18,333 for each fiscal year.

''(2) IMMIGRANTS WITH ADVANCED DEGREES.—The worldwide level of immigrants with advanced degrees described in section 203(c)(2) is equal to 36,667 for each fiscal year.''.

(f) IMMIGRANTS WITH ADVANCED DEGREES.—Section 203 (8 U.S.C. 1153(c)) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking ''paragraph (2), aliens subject to the worldwide level specified in section 201(e)'' and inserting ''paragraphs (2) and (3), aliens subject to the worldwide level specified in section 201(e)(1)'';

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

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

''(2) ALIENS WHO HOLD AN ADVANCED DEGREE IN SCIENCE, MATHEMATICS, TECHNOLOGY, OR ENGINEERING.—

''(A) IN GENERAL.—Qualified immigrants who hold a master's or doctorate degree in the life sciences, the physical sciences, mathematics, technology, or engineering shall be allotted visas each fiscal year in a number not to exceed the worldwide level specified in section 201(e)(2).

''(B) ECONOMIC CONSIDERATIONS.—Beginning on the date which is 1 year after the date of the enactment of this paragraph, the Secretary of State, in consultation with the Secretary of Commerce and the Secretary of Labor, and after notice and public hearing, shall determine which of the degrees described in subparagraph (A) will provide immigrants with the knowledge and skills that are most needed to meet anticipated workforce needs and protect the economic security of the United States.'';

(D) in paragraph (3), as redesignated, by striking ''this subsection'' each place it appears and inserting ''paragraph (1)''; and

(E) by amending paragraph (4), as redesignated, to read as follows:

''(4) MAINTENANCE OF INFORMATION.—

''(A) DIVERSITY IMMIGRANTS.—The Secretary of State shall maintain information on the age, occupation, education level, and other relevant characteristics of immigrants issued visas under paragraph (1).

''(B) IMMIGRANTS WITH ADVANCED DEGREES.—The Secretary of State shall maintain information on the age, degree (including field of study), occupation, work experience, and other relevant characteristics of immigrants issued visas under paragraph (2).''; and

(2) in subsection (e)—

(A) in paragraph (2), by striking ''(c)'' and inserting ''(c)(1)'';

(B) by redesignating paragraph (3) as paragraph (4); and

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

''(3) Immigrant visas made available under subsection (c)(2) shall be issued as follows:

''(A) If the Secretary of State has not made a determination under subsection (c)(2)(B), immigrant visas shall be issued in a strictly random order established by the Secretary for the fiscal year involved.

''(B) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have a degree selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is greater than the worldwide level specified in section 201(e)(2), the Secretary shall issue immigrant visas only to such immigrants and in a strictly random order established by the Secretary for the fiscal year involved.

''(C) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have degrees selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is not greater than the worldwide level specified in section 201(e)(2), the Secretary shall—

''(i) issue immigrant visas to eligible qualified immigrants with degrees selected in subsection (c)(2)(B); and

''(ii) issue any immigrant visas remaining thereafter to other eligible qualified immigrants with degrees described in subsection (c)(2)(A) in a strictly random order established by the Secretary for the fiscal year involved.''.

(g) ADVANCED DEGREE AND DIVERSITY VISA CARRYOVER.—Section 204(a)(1)(I)(ii)(II) (8 U.S.C. 1154(a)(1)(I)(ii)(II)) is amended to read as follows:

''(II) An immigrant visa made available under subsection 203(c) for fiscal year 2007 or any subsequent fiscal year may be issued, or adjustment of status under section 245(a) may be granted, to an eligible qualified alien who has properly applied for such visa or adjustment of status in the fiscal year for which the alien was selected notwithstanding the end of such fiscal year. Such visa or adjustment of status shall be counted against the worldwide levels set forth in section 201(e) for the fiscal year for which the alien was selected.''.

(h) EFFECTIVE DATE.—The amendments made by subsections (e) through (g) shall take effect on October 1, 2006.

SA 4055. Mr. BINGAMAN 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. _____. ELIGIBILITY OF AGRICULTURAL AND FORESTRY WORKERS FOR CERTAIN LEGAL ASSISTANCE.

Section 305 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1101 note; Public Law 99–603) is amended—

(1) by striking ''section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a))'' and inserting ''item (a) or (b) of section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii))''; and

(2) by inserting ''or forestry'' after ''agricultural''.

SA 4056. Mr. SCHUMER 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. ___. GRANTS FOR LOCAL PROGRAMS RELATING TO UNDOCUMENTED IMMIGRANTS.

(a) GRANTS AUTHORIZED.—The Secretary is authorized to award competitive grants to units of local government for innovative programs that address the increased expenses incurred in responding to the needs of undocumented immigrants.

(b) MAXIMUM AMOUNT.—The Secretary may not award a grant under this section to a unit of local government in an amount which exceeds $15,000,000.

(c) USE OF GRANT FUNDS.—Grants awarded under this section may be used for activities relating to the undocumented immigrant population residing in the locality, including—

(1) law enforcement activities;

(2) uncompensated health care;

(3) public housing;

(4) inmate transportation; and

(5) reduction in jail overcrowding.

(d) APPLICATION.—Each unit of local government desiring a grant under this section shall submit an application to the Secretary, at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(e) DISTRIBUTION OF GRANT AMOUNTS.—Of the amounts made available to provide grants to units of local governments under this section, 75 percent shall be made available to counties that have a population of less than 3,000,000 according to the 2000 census.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $100,000,000 for each of the fiscal years 2007 through 2011 to carry out this section.

SA 4057. Mr. THOMAS (for himself, Mr. KYL, Mr. SALAZAR, Mr. BINGAMAN, and 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:

Strike section 761 and insert the following:

SEC. 761. BORDER SECURITY ON CERTAIN FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) PROTECTED LAND.—The term ''protected land'' means land under the jurisdiction of the Secretary concerned.

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) SUPPORT FOR BORDER SECURITY NEEDS.—

(1) IN GENERAL.—To gain operational control over the international land borders of the United States and to prevent the entry of terrorists, unlawful aliens, narcotics, and other contraband into the United States, the Secretary, in cooperation with the Secretary concerned, shall provide—

(A) increased Customs and Border Protection personnel to secure protected land along the international land borders of the United States;

(B) Federal land resource training for Customs and Border Protection agents dedicated to protected land; and

(C) Unmanned Aerial Vehicles, aerial assets, Remote Video Surveillance camera systems, and sensors on protected land that is directly adjacent to the international land border of the United States, with priority given to units of the National Park System.

(2) COORDINATION.—In providing training for Customs and Border Protection agents under paragraph (1)(B), the Secretary shall coordinate with the Secretary concerned to ensure that the training is appropriate to the mission of the National Park Service, the United States Fish and Wildlife Service, the Forest Service, or the relevant agency of the Department of the Interior or the Department of Agriculture to minimize the adverse impact on natural and cultural resources from border protection activities.

(c) INVENTORY OF COSTS AND ACTIVITIES.—The Secretary concerned shall develop and submit to the Secretary an inventory of costs incurred by the Secretary concerned relating to illegal border activity, including the cost of equipment, training, recurring maintenance, construction of facilities, restoration of natural and cultural resources, recapitalization of facilities, and operations.

(d) RECOMMENDATIONS.—The Secretary shall—

(1) develop joint recommendations with the National Park Service, the United States Fish and Wildlife Service, and the Forest Service for an appropriate cost recovery mechanism relating to items identified in subsection (c); and

(2) not later than March 31, 2007, submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S. C. 101)), including the Subcommittee on National Parks of the Senate and the Subcommittee on National Parks, Recreation and Public Lands of the House of Representatives, the recommendations developed under paragraph (1).

(e) BORDER PROTECTION STRATEGY.—The Secretary, the Secretary of the Interior, and the Secretary of Agriculture shall jointly develop a border protection strategy that supports the border security needs of the United States in the manner that best protects—

(1) units of the National Park System;

(2) National Forest System land;

(3) land under the jurisdiction of the United States Fish and Wildlife Service; and

(4) other relevant land under the jurisdiction of the Department of the Interior or the Department of Agriculture.

SA 4058. 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:

Beginning on page 315, strike line 7 and all that follows through page 316, line 5, and insert the following:

''(A)(i) for each of fiscal years 2007 through 2016, 450,000; or

''(ii) for fiscal year 2017 and each subsequent fiscal year, 290,000; and

''(B) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year.

''(2) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS FOR FISCAL YEARS 2001 THROUGH 2005.—

''(A) IN GENERAL.—Beginning in fiscal year 2006, the number of employment-based visas made available for immigrants described in paragraph (1), (2), or (3) of section 203(b) during any fiscal year, as calculated under paragraph (1), shall be increased by the number described in subparagraph (B).

''(B) ADDITIONAL NUMBER.—

''(i) IN GENERAL.—Subject to clause (ii), the number referred to in subparagraph (A) shall be equal to the sum of—

''(I) the difference between—

''(aa) the number of employment-based visas made available during the period of fiscal years 2001 through 2005; and

''(bb) the number of employment-based visas actually used during that period; and

''(II) the number of immigrant visas issued after September 30, 2004, to spouses and children of employment-based immigrants that were counted for purposes of paragraph (1)(B).

''(ii) REDUCTION.—For fiscal year 2007 and each fiscal year thereafter, the number described in clause (i) shall be reduced by the number of employment-based visas actually used under subparagraph (A) during the preceding fiscal year.''.

On page 316, strike lines 6 through 15 and insert the following:

SEC. 502. COUNTRY LIMITS.

Section 202(a) (8 U.S.C. 1152(a)) is amended by striking ''7 percent (in the case of a single foreign state) or 2 percent'' and inserting ''10 percent (in the case of a single foreign state) or 5 percent''.

On page 341, strike lines 1 through 4 and insert the following:

''(3) LIMITATION.—An application for adjustment of status filed under this section may not be approved until an immigrant visa number becomes available.

''(4) FILING IN CASES OF UNAVAILABLE VISA NUMBERS.—Subject to the limitation described in paragraph (3), if a supplemental petition fee is paid for a petition under subparagraph (E) or (F) of section 204(a)(1), an application under paragraph (1) on behalf of an alien that is a beneficiary of the petition (including a spouse or child who is accompanying or following to join the beneficiary) may be filed without regard to the requirement under paragraph (1)(D).

''(5) PENDING APPLICATIONS.—Subject to the limitation described in paragraph (3), if a petition under subparagraph (E) or (F) of section 204(a)(1) is pending or approved as of the date of enactment of this paragraph, on payment of the supplemental petition fee under that section, the alien that is the beneficiary of the petition may submit an application for adjustment of status under this subsection without regard to the requirement under paragraph (1)(D).

''(6) EMPLOYMENT AUTHORIZATIONS AND ADVANCED PAROLE TRAVEL DOCUMENTATION.—The Attorney General shall—

''(A) provide to any immigrant who has submitted an application for adjustment of status under this subsection not less than 3 increments, the duration of each of which shall be not less than 3 years, for any applicable employment authorization or advanced parole travel document of the immigrant; and

''(B) adjust each applicable fee payment schedule in accordance with the increments provided under subparagraph (A) so that 1 fee for each authorization or document is required for each 3-year increment.''.

Beginning on page 341, strike line 23 and all that follows through page 342, line 4, and insert the following:

''(G) Aliens who have earned an advanced degree in science, technology, engineering, or math and are employed in a related field.

On page 345, between lines 5 and 6, insert the following:

(e) TEMPORARY WORKER VISA DURATION.—Section 106 of the American Competitiveness in the Twenty-First Century Act of 2000 (Public Law 106–313; 114 Stat. 1254) is amended by striking subsection (b) and inserting the following:

''(b) EXTENSION OF H–1B WORKER STATUS.—The Attorney General shall—

''(1) extend the stay of an alien who qualifies for an exemption under subsection (a) in not less than 3 increments, the duration of each of which shall be not less than 3 years, until such time as a final decision is made with respect to the lawful permanent residence of the alien; and

''(2) adjust each applicable fee payment schedule in accordance with the increments

provided under paragraph (1) so that 1 fee is required for each 3-year increment.''.

SA 4059. 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:

At the appropriate place, insert the following:

SEC. _____. INADMISSIBILITY FOR FALSELY CLAIMING CITIZENSHIP.

Section 212 (8 U.S.C. 1182) is amended—

(1) in subsection (a)(6)(C)(iii), by inserting after ''clause (i)'' the following: ''or (ii)''; and

(2) in subsection (i)(1), by inserting after ''clause (i)'' the following: ''or (ii)''.

SA 4060. Mr. LIEBERMAN (for himself and 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:

At the appropriate place, insert the following:

TITLE ____—INSPECTIONS AND DETENTIONS

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 founding values by standing against persecution 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 its 1967 Protocol 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.

(5) Section 605 of the International Religious Freedom Act of 1998 subsequently authorized the United States Commission on International Religious Freedom to appoint experts to study the treatment of asylum seekers subject to expedited removal.

(6) The Departments of Justice and Homeland Security fully cooperated with the Commission, which reviewed thousands of previously unreleased statistics, approximately 1,000 files and records of proceeding 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 and all 8 asylum offices. The Commission released its findings on February 8, 2005.

(7) Among its major findings, the Commission found that, while the Congress, the Immigration and Naturalization Service, and the Department of Homeland Security developed a number of processes to prevent bona fide asylum seekers from being expeditiously removed, these procedures were routinely disregarded by many immigration officers, placing the asylum seekers at risk, and undermining the reliability of evidence created for immigration enforcement purposes. The specific findings include the following:

(A) Department of Homeland Security procedures require that the immigration officer read a script to the alien that the alien should ask for protection—without delay—if the alien has any reason to fear being returned home. Yet in more than 50 percent of the expedited removal interviews observed by the Commission, this information was not conveyed to the applicant.

(B) Department of Homeland Security procedures require that the alien review the sworn statement taken by the immigration officer, make any necessary corrections for errors in interpretation, and then sign the statement. The Commission found, however, that 72 percent of the time, the alien signs his sworn statement without the opportunity to review it.

(C) The Commission found that the sworn statements taken by the officer are not verbatim, are not verifiable, often attribute that information was conveyed to the alien which was never, in fact, conveyed, and sometimes contain questions which were never asked. These sworn statements look like verbatim transcripts but are not. Yet the Commission also found that, in 32 percent of the cases where the immigration judges found the asylum applicant were not credible, they specifically relied on these sworn statements.

(D) Department of Homeland Security regulations also require that, when an alien expresses a fear of return, he must be referred to an asylum officer to determine whether his fear is ''credible.'' Yet, in nearly 15 percent of the cases which the Commission observed aliens who expressed a fear of return were nevertheless removed without a referral to an asylum officer.

(8) The Commission found that the sworn statements taken during expedited removal proceedings were reliable for neither enforcement nor protection purposes because Department of Homeland Security management reviewed only the paperwork created by the interviewing officer. The agency had no national quality assurance procedures to ensure that paper files are an accurate representation of the actual interview. The Commission recommended recording all interviews between Department of Homeland Security officers and aliens subject to expedited removal, and that procedures be established to ensure that these recordings are reviewed to ensure compliance.

(9) The Commission found that the Immigration and Naturalization Service (INS) issued policy guidance on December 30, 1997, defining criteria for decisions to release asylum seekers from detention. Neither the INS nor the Department of Homeland Security, however, had been following this, or any other discernible criteria, for detaining or releasing asylum seekers. The Study's review of Department of Homeland Security statistics revealed that release rates varied widely, between 5 percent and 95 percent, in different regions.

(10) In order to promote the most efficient use of detention resources and a humane yet secure approach to detention of aliens with a credible fear of persecution, the Commission urged that the Department of Homeland Security develop procedures to ensure that a release decision is taken at the time of the credible fear determination or as soon as feasible thereafter. Upon a determination that the alien has established credible fear, identity and community ties, and that the alien 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 urged that the Secretary of Homeland Security establish procedures to ensure consistent implementation of release criteria, as well as the consideration 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 taken in respect of refugees and asylum-seekers should be subject to judicial or administrative review; that conditions of detention of refugees and asylum seekers must be humane; and that refugees and asylum-seekers shall, whenever possible, not be accommodated with persons detained as criminals.

(12) The USCIRF Study found that, of non-criminal asylum seekers and aliens detained, the vast majority are detained under inappropriate and potentially harmful conditions in jails and jail-like facilities. This occurs in spite of the development of a small number of successful nonpunitive detention facilities, such as those in Broward County Florida and Berks County, Pennsylvania.

(13) The Commission found that nearly all of the detention centers where asylum seekers are detained resemble, in every essential respect, conventional jails. Often, aliens with no criminal record are detained alongside criminals and criminal aliens. The standards applied by the Bureau of Immigration and Customs Enforcement for all of their detention facilities are identical to, and modeled after, correctional standards for criminal populations. In some facilities with ''correctional dormitory'' set-ups, there are large numbers of detainees sleeping, eating, going to the bathroom, and showering out in the open in one brightly lit, windowless, and locked room. Recreation in Bureau of Immigration and Customs Enforcement facilities often consists of unstructured activity of no more than 1 hour per day in a small outdoor space surrounded by high concrete walls.

(14) Immigration detention is civil and should be nonpunitive in nature.

(15) A study conducted by Physicians for Human Rights and the Bellevue/New York University Program for Survivors of Torture found that the mental health of asylum seekers was extremely poor, and worsened the longer individuals were in detention. This included high levels of anxiety, depression, and post-traumatic stress disorder. The study also raised concerns about inadequate access to health services, particularly mental health services. Asylum seekers interviewed consistently reported being treated like criminals, in violation of international human rights norms, which contributed to worsening of their mental health. Additionally, asylum seekers reported verbal abuse and inappropriate threats and use of solitary confinement.

(16) The Commission recommended that the secure but nonpunitive detention facility in Broward County Florida Broward provided a more appropriate framework for those asylum seekers who are not appropriate candidates for release.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To ensure that personnel within the Department of Homeland Security follow procedures designed to protect bona fide asylum seekers from being returned to places where they may face persecution.

(2) To ensure that persons who affirmatively apply for asylum or other forms of humanitarian protection and noncriminal detainees are not subject to arbitrary detention.

(3) To ensure that asylum seekers, families with children, noncriminal aliens, and other vulnerable populations, who are not eligible for release, are detained under appropriate and humane conditions.

SEC. ___03. DEFINITIONS.

In this title:

(1) ASYLUM OFFICER.—The term ''asylum officer'' has the meaning given the term in section 235(b)(1)(E) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(E)).

(2) ASYLUM SEEKER.—The term ''asylum seeker'' means any applicant for asylum under section 208 or for withholding of removal under section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1158) or any alien who indicates an intention to apply for relief under those sections and does not include any person with respect to whom a final adjudication denying the application has been entered.

(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)). The term ''reasonable fear'' has the meaning given the term in section 208.31 of title 8, Code of Federal Regulations.

(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 asylum seeker, an alien 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 such detention services are provided to the Federal Government by contract, and does not include detention at any port of entry in the United States.

(6) IMMIGRATION JUDGE.—The term ''immigration judge'' has the meaning 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 (8 U.S.C. 1101 et seq.) 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 (as in effect immediately before the effective date of section 307 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–612)) or section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)).

(D) Aliens granted or seeking protection under article 3 of the United Nations Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment.

(E) Applicants for relief and benefits under the Immigration and Nationality Act pursuant to the amendments made by the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386), including applicants for visas under subparagraph (T) or (U) of section 101(a)(15)).

(F) Applicants for relief and benefits under the Immigration and Nationality Act pursuant to the amendments made by the Violence Against Women Act of 2000 (division B of Public Law 106–386).

(G) Unaccompanied alien children (as defined by 462(g) of the Homeland Security Act (6 U.S.C. 279(g)).

SEC. ___04. RECORDING SECONDARY INSPECTION INTERVIEWS.

(a) IN GENERAL.—The Secretary shall establish quality assurance procedures to ensure the accuracy and verifiability of signed or sworn statements taken by Department of Homeland Security employees exercising expedited removal authority under section 235(b) of the Immigration and Nationality Act.

(b) FACTORS RELATING TO SWORN STATEMENTS.—Any sworn or signed written statement taken of an alien as part of the record of a proceeding under section 235(b)(1)(A) of the Immigration and Nationality Act shall be accompanied by a recording of the interview which served as the basis for that sworn statement. Nothing in this section shall be construed to require the recording of an interview conducted by a government employee in any context other than that of a proceeding pursuant ot 235(b)(1)(A) of the Immigration and Nationality Act.

(c) RECORDINGS.—

(1) IN GENERAL.—The recording of the interview shall also include the written statement, in its entirety, being read back to the alien in a language which the alien claims to understand, and the alien affirming the accuracy of the statement or making any corrections thereto.

(2) FORMAT.—The recordings shall be made in video, audio, or other equally reliable format.

(d) INTERPRETERS.—The Secretary shall ensure professional certified interpreters are used when the interviewing officer does not speak a language understood by the alien.

(e) RECORDINGS IN IMMIGRATION PROCEEDINGS.—Recordings of interviews of aliens subject to expedited removal shall be included in the record of proceeding and may be considered as evidence in any further proceedings involving the alien.

SEC. ___05. PROCEDURES GOVERNING DETENTION DECISIONS.

Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) in the first sentence by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(ii) by striking ''(c)'' and inserting ''(d)''; and

(iii) in the second sentence by striking ''Attorney General'' and inserting ''Secretary''.

(B) in paragraph (2)—

(i) by striking ''Attorney General'' in subparagraph (A) and inserting ''Secretary'';

(ii) by striking ''or'' at the end of subparagraph (A);

(iii) by striking ''but'' at the end of subparagraph (B); and

(iv) by inserting after subparagraph (B) the following:

''(C) the alien's own recognizance; or

''(D) a secure alternatives program as provided for in section _____09 of this title; but'';

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (g), respectively;

(3) by inserting after subsection (a) the following new subsection:

''(b) CUSTODY DECISIONS.—

''(1) IN GENERAL.—In the case of a decision under subsection (a) or (c), the following shall apply:

''(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 that 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 235 or 241(a)(5) who must establish 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) any 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)(iii)(IV), 236(c), or 236A or who have a final order of removal and have no proceedings pending before the Executive Office for Immigration Review.'';

(4) in subsection (c), as redesignated—

(A) by striking ''Attorney General'' and insert ''Secretary''; and

(B) by striking ''or parole'' and inserting '', parole, or decision to release;'';

(5) in subsection (d), 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 before that time, and upon motion, enters an order continuing the stay.''; and

(8) in subsection (g), 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) CONTENT OF PROGRAM.—The legal orientation program developed pursuant to this subsection shall be implemented by the Executive Office for Immigration Review and shall be based on 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 that facilitate pro bono counseling and legal assistance for asylum seekers awaiting a credible fear interview. The pro bono counseling and legal assistance programs developed pursuant to this subsection shall be based on the pilot program developed in Arlington, Virginia by the United States Citizenship and Immigration Service.

SEC. ___07. CONDITIONS OF DETENTION.

(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) FAIR AND HUMANE TREATMENT.—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 review of 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 FACILITIES.—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 GOVERNING TRANSFERS OF DETAINEES.—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, mental health care, individual and group counseling, medical dietary needs, and other medically necessary specialized care. Medical facilities in all detention facilities used by the Department maintain current accreditation by the National Commission on Correctional Health Care (NCCHC). Requirements that each medical facility that is not accredited by the Joint Commission on 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 at a detention facility, and the provision of alternative translation services when necessary.

(9) RECREATIONAL PROGRAMS AND ACTIVITIES.—Daily access to indoor and outdoor recreational programs and activities.

(c) SPECIAL STANDARDS FOR NONCRIMINAL DETAINEES.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the special characteristics of noncriminal, nonviolent detainees, 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 violent behavior while in detention.

(d) 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 should 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 an 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 an Administrator 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.—

(1) INSPECTIONS OF DETENTION CENTERS.—The Office shall—

(A) undertake frequent and unannounced inspections of all detention facilities;

(B) develop a procedure for any detainee or the detainee's representative to file a written complaint directly with the Office; and

(C) report to the Secretary and to the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement all findings of a detention facility's noncompliance with detention standards.

(2) INVESTIGATIONS.—The Office shall—

(A) initiate investigations, as appropriate, into allegations of systemic problems at detention facilities or incidents that constitute serious 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; and

(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 Homeland Security; or

(iv) any other relevant office of agency.

(3) REPORT TO CONGRESS.—

(A) IN GENERAL.—The Office shall annually submit a report on its findings on detention conditions and the results of its investigations to the Secretary, the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives.

(B) CONTENTS OF REPORT.—

(i) ACTIONS TAKEN.—The report described in subparagraph (A) shall also describe the actions to remedy findings of 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.

(c) COOPERATION WITH OTHER OFFICES AND AGENCIES.—Whenever appropriate, the Office shall cooperate and coordinate its activities with—

(1) the Office of the Inspector General of the Department of Homeland Security;

(2) the Civil Rights Office of the Department of Homeland Security;

(3) the Privacy Officer of the Department of Homeland Security;

(4) the Civil Rights Section of the Department of Justice; and

(5) any other relevant office or agency.

SEC. ___09. SECURE ALTERNATIVES PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a secure alternatives program. For purposes of this subsection, the secure alternatives program means a program under which aliens may be released under enhanced supervision to prevent them from absconding, and to ensure that they make required appearances.

(b) PROGRAM REQUIREMENTS.—

(1) NATIONWIDE IMPLEMENTATION.—The Secretary shall facilitate the development of the secure alternatives program on a nationwide basis, as a continuation of existing

pilot programs such as the Intensive Supervision Appearance Program (ISAP) developed by the Department of Homeland Security.

(2) UTILIZATION OF ALTERNATIVES.—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 group home.

(3) ALIENS ELIGIBLE FOR SECURE ALTERNATIVES PROGRAM.—

(A) IN GENERAL.—Aliens 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 PROGRAMS.—Secure alternatives programs shall be designed to ensure sufficient supervision of the population described in subparagraph (A).

(4) CONTRACTS.—The Department shall enter into contracts with qualified nongovernmental entities to implement the secure alternatives program. In designing the program, the Secretary shall—

(A) consult with relevant experts; and

(B) consider programs that have proven successful in the past, including the Appearance Assistance Program developed by the Vera Institute and the Intensive Supervision Appearance Program (ISAP) developed by the Department of Homeland Security.

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.—In developing detention facilities pursuant to this section, the Secretary shall—

(1) 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;

(2) to the extent practicable, construct or use detention facilities where—

(A) movement within and between indoor and outdoor areas of the facility is subject to minimal restrictions;

(B) detainees have ready access to social, psychological, and medical services;

(C) detainees with special needs, including those who have experienced trauma or torture, have ready access to services and treatment addressing their needs;

(D) detainees have ready access to meaningful programmatic and recreational activities;

(E) detainees are permitted contact visits with legal representatives, family members, and others;

(F) detainees have access to private toilet and shower facilities;

(G) prison-style uniforms or jumpsuits are not required; and

(H) special facilities are provided to families with children.

(c) 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 are specifically designed to house parents with their minor children, including ensuring that—

(1) procedures and conditions of detention are appropriate for families with minor children; and

(2) living and sleeping quarters for parents and minor children are not physically separated.

(d) PLACEMENT IN NONPUNITIVE FACILITIES.—Priority for placement in less restrictive facilities shall be given to asylum seekers, families with minor children, vulnerable populations, and nonviolent criminal detainees.

(e) 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.

SA 4061. Mr. LIEBERMAN (for himself and Ms. COLLINS) 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. ___. ESTABLISHMENT OF THE OFFICE OF IMMIGRATION POLICY.

(a) IN GENERAL.—Subtitle F of title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is amended by adding at the end the following:

"SEC. 479. OFFICE OF IMMIGRATION POLICY.

''(a) ESTABLISHMENT.—There is established within the Department the Office of Immigration Policy (referred to in this section as the 'Office').

''(b) PURPOSE.—The Office shall coordinate all Department policies and programs relating to immigration and border security.

''(c) DIRECTOR.—

''(1) APPOINTMENT.—The Office shall be headed by a Director, who shall—

''(A) be appointed by the Secretary; and

''(B) report to the Assistant Secretary for Policy.

''(2) RESPONSIBILITIES.—The Director shall—

''(A) advise the Secretary and the Assistant Secretary for Policy regarding all aspects of Department programs relating to immigration and border security;

''(B) develop Department-wide policies regarding immigration and border security;

''(C) coordinate the immigration and border security policies and programs of the Department with other executive agencies; and

''(D) coordinate all policies and programs of the Department relating to immigration and border security among United States Immigration and Customs Enforcement, United States Customs and Border Protection, United States Citizenship and Immigration Services, and other agencies of the Department.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 478 the following:

''Sec. 479. Office of Immigration Policy.''.

SA 4062. Ms. LANDRIEU 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. _____. RESIDENCY REQUIREMENTS FOR CERTAIN ALIEN SPOUSES.

Notwithstanding any other provision of law, for purposes of determining eligibility for naturalization under section 319 of the Immigration and Nationality Act with respect to an alien spouse who is married to a citizen spouse who was stationed abroad on orders from the United States Government for a period of not less than 1 year and reassigned to the United States thereafter, the following rules shall apply:

(1) The citizen spouse shall be treated as regularly scheduled abroad without regard to whether the citizen spouse is reassigned to duty in the United States.

(2) Any period of time during which the alien spouse is living abroad with his or her citizen spouse shall be treated as residency within the United States for purposes of meeting the residency requirements under section 319 of the Immigration and Nationality Act, even if the citizen spouse is reassigned to duty in the United States at the time the alien spouse files an application for naturalization.

SA 4063. Mr. CONRAD 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. _____. PEACE GARDEN PASS.

(a) AUTHORIZATION.—Notwithstanding section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), the Secretary, in consultation with the Director of the Bureau of Citizenship and Immigration Services, shall develop a travel document (referred to in this section as the ''Peace Garden Pass'') to allow citizens and nationals of the United States to travel to the International Peace Garden.

(b) ADMITTANCE.—The Peace Garden Pass shall be issued to, and shall authorize the admittance of, any person who enters the International Peace Garden from the United States and exits the International Peace Garden into the United States without having been granted entry into Canada.

(c) IDENTIFICATION.—The Secretary of State, in consultation with the Secretary, shall—

(1) determine what form of identification (other than a passport, passport card, or similar alternative to a passport) will be required to be presented by individuals applying for the Peace Garden Pass; and

(2) ensure that cards are only issued to—

(A) individuals providing the identification required under paragraph (1); or

(B) individuals under 18 years of age who are accompanied by an individual described in subparagraph (A).

(d) LIMITATION.—The Peace Garden Pass shall not grant entry into Canada.

(e) DURATION.—Each Peace Garden Pass shall be valid for a period not to exceed 14 days. The actual period of validity shall be determined by the issuer depending on the individual circumstances of the applicant and shall be clearly indicated on the pass.

(f) COST.—The Secretary may not charge a fee for the issuance of a Peace Garden Pass.

SA 4064. Mr. INHOFE (for himself, Mr. BYRD, Mr. BUNNING, Mr. BURNS, Mr. CHAMBLISS, Mr. COBURN, Mr. ENZI, Mr. SESSIONS, and Mr. GRAHAM) proposed an amendment to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; as follows:

On page 295, line 22, strike ''the alien—'' and all that follows through page 296, line 5, and insert ''the alien meets the requirements of section 312.''.

On page 352, line 3, strike ''either—'' and all that follows through line 15, and insert ''meets the requirements of section 312(a) (relating to English proficiency and understanding of United States history and Government).''.

On page 614, after line 5, insert the following:

SEC. 766. ENGLISH AS NATIONAL LANGUAGE

(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 national language
''162. Preserving and enhancing the role of the national language

''§ 161. Declaration of official language

''English is the national language of the United States

§ 162. Preserving and enhancing the role of the national language

''The Government of the United States shall preserve and enhance the role of English as the national 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 made, that does not create a legal entitlement to additional services in that language or any language other than English. If any forms are issued by the Federal Government in a language other than English (or such forms are completed in a language other than English), the English language version of the form is the sole authority for all legal purposes.'' .

(b) CONFORMING AMENDMENT.—The table of chapters for title 4, United States Code, is amended by adding at the end the following:

''6. Language of the Government ..... 161''.

SEC. 767. REQUIREMENTS FOR NATURALIZATION.

(a) FINDINGS.—The Senate makes the following findings:

(1). Under United States law (8 U.S.C. 1423 (a)), lawful permanent residents of the United States who have immigrated from foreign countries must, among other requirements, demonstrate an understanding of the English language, United States history and Government, to become citizens of the United States.

(2). The Department of Homeland Security is currently conducting a review of the testing process used to ensure prospective United States citizens demonstrate said knowledge of the English language and United States history and government for the purpose of redesigning said test.

(b) DEFINITIONS.—For purposes of this section only, the following words are defined:

(1) KEY DOCUMENT.—The term ''key documents'' means the documents that established or explained the foundational principles of democracy in the United States, including the United States Constitution and the amendments to the Constitution (particularly the Bill of Rights), the Declaration of Independence, the Federalist Papers, and the Emancipation Proclamation.

(2) KEY EVENTS,— The term ''key events'' means the critical turning points in the history of the United States (including the American Revolution, the Civil War, the world wars of the twentieth century, the civil rights movement, and the major court decisions and legislation) that contributed to extending the promise of democracy in American life.

(3) KEY IDEAS.—The term ''key ideas'' means the ideas that shaped the democratic institutions and heritage of the United States, including the notion of equal justice under the law, freedom, individualism, human rights, and a belief in progress.

(4) KEY PERSONS.—The term ''key persons'' means the men and women who led the United States as founding fathers, elected officials, scientists, inventors, pioneers, advocates of equal rights, entrepreneurs, and artists.

(c) GOALS FOR CITIZENSHIP TEST REDESIGN.—The Department of Homeland Security shall establish as goals of the testing process designed to comply with provisions of [8 U.S.C. 1423 (a)] that prospective citizens:

1. demonstrate a sufficient understanding of the English language for usage in everyday life;

2. demonstrate an understanding of American common values and traditions, including the principles of the Constitution of the United States, the Pledge of Allegiance, respect for the flag of the United States, the National Anthem, and voting in public elections;

3. demonstrate an understanding of the history of the United States, including the key events, key persons, key ideas, and key documents that shaped the institutions and democratic heritage of the United States;

4. demonstrate an attachment to the principles of the Constitution of the United States and the well being and happiness of the people of the United States; and

5. Demonstrate an understanding of the rights and responsibilities of citizenship in the United States.

(d) IMPLEMENTATION.—The Secretary of Homeland Security shall implement changes to the testing process designed to ensure compliance with [8 U.S.C. 1423 (a)] not later than January 1, 2008.

SA 4065. Mr. KENNEDY 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 295, strike lines 14 through 16 and insert the following:

''(B) by the alien, if—

''(i) the alien has maintained such nonimmigrant status in the United States for a cumulative period of not less than 4 years of employment;

''(ii) the Secretary of Labor determines and certifies that there are not sufficient United States workers who are able, willing, qualified, and available to fill the job position, and

''(iii) an employer attests that the employer will employ the alien in the offered job position; or

''(iv) the alien shall submit at least 2 of the following documents for current employment, which shall be considered evidence of such current employment:

''(aa) Records maintained by the Social Security Administration.

''(bb) Records maintained by an employer, such as pay stubs, time sheets, or employment work verification.

''(cc) Records maintained by Internal Revenue Service.

''(dd) Records maintained by any other government agency, such as worker compensation records, disability records, or business licensing records.''

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, May 25, 2006, at 10 a.m. in room SD–366 of the Dirksen Building.

The purpose of the hearing is to receive testimony regarding the outlook for growth of coal fired electric generation and whether sufficient supplies of coal will be available to supply electric generators on a timely basis both in the near term and in the future.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Kellie Donnelly, John Peschke, or Shannon Ewan.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that S. 2788, a bill to direct the exchange of certain land in Grand, San Juan and Uintah Counties, Utah, and for other purposes has been added to the agenda of the hearing scheduled before the Subcommittee on Public Lands and Forests scheduled for Wednesday, May 24, at 2:30 p.m. in room SD–366. This will replace S. 1135 which has been removed from the agenda.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Frank Gladics, Dick Bouts, or Sara Zecher.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a full committee hearing during the session of the Senate on Wednesday, May 17, 2006 at 10;30 a.m. in SR–328A, Russell Senate Office Building. The purpose of this hearing will be to review the United States Department of Agriculture Rural Utilities Service Broadband Program.

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

COMMITTEE ON ARMED SERVICES

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the

Senate on May 17, 2006, at 4 p.m., in open session to receive testimony on the roles and missions of the National Guard in support of the Bureau of Customs and Border Protection.

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

COMMITTEE ON ARMED SERVICES

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on May 17, 2006, at 4;30 p.m., in close session to receive a briefing from the Joint Improvised Explosive Device Defeat Organization.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SESSIONS. Mr. President, I would like to ask unanimous consent that the Committee on Environment and Public Works be authorized to hold a hearing on Wednesday, May 17, 2006, at 9:30 a.m. to consider the following pending nominations: Dale Klein to be a Commissioner of the Nuclear Regulatory Commission and Molly O'Neill to be an Assistant Administrator, Environmental Protection Agency.

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

COMMITTEE ON FINANCE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, May 17, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony at a hearing entitled, ''Physician-Owned Specialty Hospitals: Profits before Patients?''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 17, 2006, at 9:30 a.m. to hold a hearing on Iran's Political/Nuclear Ambitions and U.S. Policy Options.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 17, 2006, at 2:30 p.m. to hold a hearing on Nominations.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Wednesday, May 17, 2006, at 10 a.m. in SD–430.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, May 17, 2006, at 10 a.m. to consider the nomination of Robert J. Portman to be Director of the Office of Management and Budget.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, May 17, 2006, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on Suicide Prevention Programs and their Application in Indian Country.

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

COMMITTEE ON THE JUDICIARY

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on ''Understanding the Benefits and Costs of Section 5 Pre-Clearance'' on Wednesday, May 17, 2006, at 9 a.m. in Room 226 of the Dirksen Senate Office Building.

Witness List

Panel I: Fred Grey, Senior Partners, Gray, Langford, Sapp, McGowan, Gray and Nathanson, Montgomery, Alabama; Drew S. Days III, Alfred M. Rankin, Professor of Law, Yale Law School, New Haven, Connecticut; Abigail M. Thernstrom, Senior Fellow, Manhattan Institute, New York, New York; Armand Derfner, Attorney, Derfner, Altman and Wilborn, Charleston, South Carolina; Nate Persily, Professor Law, University of Pennsylvania Law School, Philadelphia, Pennsylvania.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 17, 2006, at 2:30 p.m. to hold a closed Business Meeting.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia be authorized to meet on Wednesday, May 17, 2006, at 2:30 p.m. for a hearing entitled, Progress or More Problems: Assessing the Federal Government's Security Clearance Process.

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

The PRESIDING OFFICER. The Senator from Kentucky.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the following Senators as members of the Senate Delegation to the NATO Parliamentary Assembly, during the 109th Congress: the Honorable PATRICK LEAHY of Vermont and the Honorable RON WYDEN of Oregon.

The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the following Senators to the Senate Delegation to the NATO Parliamentary Assembly, during the 109th Congress: the Honorable CHARLES GRASSLEY of Iowa, the Honorable WAYNE ALLARD of Colorado, the Honorable JEFF SESSIONS of Alabama, the Honorable GEORGE VOINOVICH of Ohio, and the Honorable NORM COLEMAN of Minnesota.

MEASURE PLACED ON THE CALENDAR—S. 2810

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The 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. MCCONNELL. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

ORDERS FOR THURSDAY, MAY 18, 2006

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. tomorrow, Thursday, May 18. 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. MCCONNELL. Today we continued to make considerable progress on the immigration bill. We will be starting early tomorrow. We have Senator KENNEDY's and Senator INHOFE's amendments lined up, next up in the queue. Members can expect early votes

on those two amendments. The managers have outlined an order for the next several amendments. We hope to get short time agreements on each of these and have votes throughout the day. We also expect there likely to be votes into the evening tomorrow. We have a lot of amendments to process for this bill, in fairness to Members on both sides of the aisle who feel strongly about this measure and want to process a very significant number of amendments. With the cooperation of Members on both sides of the aisle, we should be able to accomplish that. Tomorrow will be, as I said earlier, a busy day and potentially a busy evening as well.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand in adjournment under the previous order.

There being no objection, the Senate, at 7 p.m, adjourned until Thursday, May 18, 2006, at 9 a.m.

EXTENSIONS OF REMARKS

IN HONOR AND RECOGNITION OF ANTHONY BRANCATELLI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Anthony Brancatelli, Ward 12 Cleveland Councilman, as he is presented with Villa Montessori's prestigious Guardian Angel Award.

This award is given to a person who has been instrumental in the success of the Villa Montessori Center School. Mr. Brancatelli was the former chief executive of Slavic Village development and played a vital role in finding a space for the school and spearheaded its expansion during its 10 years of existence.

Mr. Brancatelli has always been a pioneer for community development, public safety and education. During his 17 years at the Slavic Village Community Development Corp., Mr. Brancatelli partnered with longtime councilman, Ed Rybka, to reshape and renew the neighborhood. He organized several block clubs on safety and housing issues, with community anchors such as Cleveland Central Catholic High School and with Third Federal Savings and Loan on major investments in the ward. He also brought forward a case to the Cleveland Housing Court in which they sued the owner of 110 severely neglected houses in a racially diverse, working-class neighborhood, since then it has developed into a respectable living area. Mr. Brancatelli was also the executive director of the Broadway Housing area housing coalition, which had renovated over four hundred houses. Under his leadership it was the largest number of renovations done by any community development corporation in Cleveland.

Mr. Speaker and Colleagues, please join me in recognition of Anthony Brancatelli as he rightfully receives the Guardian Angel Award. Mr. Brantacelli's perseverance, dedication, and compassion to the Slavic Village have made him a patriarch and champion for all people in the city of Cleveland.

DENTON REGIONAL MEDICAL CENTER HONORED AS TOP-RANKED PLACE TO WORK IN DFW

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. BURGESS. Mr. Speaker, I rise today to recognize Denton Regional Medical Center in my congressional district for being named "Top-Ranked Best Places to Work" in the Dallas Fort Worth Metroplex by the Dallas Business Journal.

Nearly 200 companies entered the competition that began in January of 2006. Denton Regional Medical Center, where I used to work, received the distinction for businesses with over 500 employees.

Denton Regional Medical Center is renown for maintaining a warm and inviting environment despite the fact that the full-service hospital has doubled its size in the last 5 years. The family atmosphere has been a hallmark of the institution for its beginnings.

The hospital promotes from within, offers scholarship loans and tuition reimbursement, ongoing education programs for employees and participates in community service projects such as Meals on Wheels and Habitat for Humanity, where about 200 employees contributed more than 1,700 volunteer hours to build a house last year.

Hospitals can be overwhelming places to work not only for the sheer number of hours that individuals give in time of service, but also the unusually high emotional stress associated with hospital positions. In 2005, Denton Regional Medical Center recorded 9,046 admissions and 42,131 emergency room visits. But hospital executives work diligently encouraging open dialogue by inviting managers and administrators to hold advisory group meetings. Hospital Chief Executive Bob Haley also conducts town hall meetings each quarter to which all employees are invited to attend and ask questions.

Today, I congratulate Denton Regional Medical Center for its service to the community and its commitment to providing a positive work environment for its dedicated medical and administrative staff. I am honored to have worked at Denton Regional Medical Center and to know represent its staff, my constituents, in Congress.

CONGRATULATING TEMPLE BETH ISRAEL FOR 100 YEARS OF SERVICE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Temple Beth Israel in Hazleton, Pennsylvania, on the occasion of its 100th anniversary.

In 1895, the Jews living in Hazleton organized an orthodox congregation. But, even at that time there was a desire among some of the members to establish a congregation that favored reform practices.

In the fall, of 1906, a small group was able to engage the services of Rabbi Block who conducted High Holiday services which they believed were more in keeping with the modem American conditions of the time.

Late in September 1906, 23 men met to organize a reform congregation that would be called Beth Israel, or "House of Israel." Soon, Temple Beth Israel joined the Union of American Hebrew Congregations.

Over the years, the congregation has followed the path of the city of Hazleton with a combination of good times and hard times. Throughout its history, Temple Beth Israel has contributed to the city's business and civic leaders, distinguished doctors and lawyers.

Temple Beth Israel has been a good neighbor and a helpful ally. The congregation has survived for 100 years and stands ready for the next 100 years.

Mr. Speaker, please join me in congratulating Temple Beth Israel and all its members on the happy occasion of their 100th anniversary. Congregations like Temple Beth Israel form the solid foundations every community needs for moral guidance and human development. It is a proud day for Temple Beth Israel and we share in the congregation's exuberance.

TRIBUTE TO MARIN YOUTH SYMPHONY ORCHESTRA

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Ms. WOOLSEY. Mr. Speaker, I rise today to honor the Marin Youth Symphony Orchestra (MYSO) on the occasion of its 50th anniversary. Over the past half century, the orchestra has provided the opportunity for over 3,000 talented young musicians to learn and perform classic symphonic orchestral music.

This was made possible by brilliant conductors such as founder Maestro Hugo Rinaldi who led the MSYO from its inception in the fall of 1954 until 1989 while the group enjoyed residence at Dominican College. Under his leadership the MSYO grew to become an integral part of the arts community in Marin County collaborating with the Marin Ballet, Marin Girl's Chorus, Marin Opera, Marin Theater Company, Marin Youth-In-Arts and numerous other organizations. He also toured the MSYO to Italy, Austria, and Australia, a unique experience for the young musicians.

Upon Hugo Rinaldi's retirement, Leslie Stewart led the group for seven seasons, adding scholarships and a chamber program. Dr. Anthony Adessa developed the orchestra further until 2001, when current conductor George Thomson took over the baton. Thompson moved MSYO to its current home with the College of Marin.

Under Maestro Thomson's leadership the orchestra has developed an extraordinary opportunity for soloists, and ensemble players to experiment with innovative repertoire. He continues to provide gifted young people with an opportunity to benefit from his professional coaching and intimate knowledge of classical literature, allowing for participation in performing rich and rewarding orchestral music.

The MYSO has provided valuable training for a number of students who have continued their musical careers into the uppermost heights of musical accomplishment. Alumni include Joe Alessi, Principal Trombone of the New York Philharmonic; Mark Isham,

Grammy, ASCAP, and Tony award winning film score composer; Tara Flandreau, Chair of the College of Marin Music Department; Dan Smiley, Second Violin; San Francisco Symphony; and numerous performers of the Marin Symphony Orchestra as well as music teachers who have continued to instruct successive generations.

In the words of participant Lucy Williams (First Violin Section, 2004), ''When I went to hear Jeremy Constant (Marin Symphony concertmaster) perform on his Stradivarius at Davies Symphony Hall I asked him what inspired him. He said that as a youth symphony musician he got to play Scheherazade, by Rimsky-Korsakov, and I realized that he was my age when he was playing it and we had just finished performing that same piece! I felt a rush of excitement, like I was walking a path of history and it might lead me onto that stage some day. I thought about George telling us about the ''giant nerf rocks'' in the shipwreck passage and it made me feel like the luckiest person there.''

Mr. Speaker, the Marin Youth Symphony Orchestra will continue to develop musical talent and provide inspiration for young talented people in Marin County by making it possible for them to learn and share musical experiences of the highest possible level. The benefits of this cultural asset extend to the entire community, enriching our national musical heritage. I congratulate them on this 50th anniversary celebration.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

SPEECH OF

HON. HOWARD P. ''BUCK'' McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 11, 2006

The House in Committee of the Whole House on the State of the Union had under consideration the hill (H.R. 5122) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2007, and for other purposes:

Mr. MCKEON. Mr. Chairman, I rise to express my support for the National Defense Authorization Act for Fiscal Year 2007. Chairman DUNCAN HUNTER and the Ranking Member, Mr. SKELTON worked together in a bipartisan manner to produce a bill that places the highest importance on our war fighters. The brave men and women who wear the uniform of our armed services deserve nothing less than our support, and I am proud that this bill demonstrates our commitment to them.

This bipartisan bill provides our military with improved capabilities and resources to carry out the important missions that we have asked of them. By increasing the pay for all members of the armed forces, this important bill recognizes the sacrifice and dedication of the men and women who serve our country.

This bill also adds funds to better equip our soldiers both in Operation Iraqi Freedom and Operation Enduring Freedom. By providing increased amounts for up-armored Humvees, improvised explosive device (IED) jammers and state-of-the-art body armor, the House bill recognizes the changing nature of current conflicts, and places a high value on the protection of our soldiers.

I am also pleased that bill includes language which works toward ensuring that there is no capability gap in aerial intelligence gathering or strike force as the Air Force moves toward more modern and unmanned air vehicles. It is important that we do not lose valuable military assets currently provided by the U–2 or F–117 before there is an operational alternative.

I strongly urge my colleagues to support the passage of this bill.

IN HONOR AND REMEMBRANCE OF IONE BIGGS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Ione Biggs, cherished wife, mother, grandmother, friend, and champion of peace and social justice whose remarkable life echoes a call for peace and civil rights within our community and around the world.

Mrs. Biggs began blazing trails early on. Every inroad she created was lined with grace, integrity, and courage. One of first women police officers hired in the city of Cleveland, Mrs. Biggs worked in the Juvenile Division where she guided and assisted women and children for more than 10 years. Disenchanted with the rampant sexism and racism that permeated the Police Division at that time, Mrs. Biggs transferred to the Cleveland Municipal Court in 1955, where she worked diligently until her retirement in 1986. Her husband of 53 years, the late Keith D. Biggs, their son, Keith, and daughter, Gladys, were central to her life. Beyond her commitment to family and work, Mrs. Biggs' unrelenting activism, focused on peace, minority rights, and women's rights, played a vital role in elevating the hearts and minds of the public and its leaders, at home and abroad. She marched in support of Cleveland Mayor Carl B. Stokes and marched in opposition of the Vietnam war. In 1995, Mrs. Biggs organized a local delegation to attend the International Women's Conference in Beijing. She was an active leader in Nine to Five, supported Cleveland Working Women, WomenSpace, League of Women Voters, the ACLU, SpeakOut for Affirmative Action and numerous other social justice organizations. Mrs. Biggs attended national and international peace conferences, including disarmament and human rights summits in Sweden, Kenya, and the former Soviet Union.

Mr. Speaker and colleagues, please join me in honor, gratitude, and remembrance of Mrs. Ione Biggs, who lived life with great joy, energy, passion, and in tireless advocacy on behalf of others. A certain grace illuminated her life, and the endless measure of her kindness and her dignified defiance will exist forever within the hearts of those who knew her well, especially her family and friends. Mrs. Biggs' legacy of peace transcends borders and time, lending light and hope to those who still live without justice, and to those who continue her march—from the steps of Public Square in Cleveland, Ohio, to the steps of the City Square in Nairobi, Kenya, and her journey will be remembered always.

IN RECOGNITION OF MAYOR EULINE BROCK'S OUTSTANDING SERVICE AND DEDICATION TO THE CITY OF DENTON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. BURGESS. Mr. Speaker, I rise today in recognition of Denton Mayor Euline Brock. After 6 years of service as Mayor and more than 20 years of dedicated service to the city of Denton, Ms. Brock will retire on May 23, 2006.

Mayor Brock was elected mayor in 2000, was an at-large member of the Denton City Council from 1992–1998, serving as mayor pro tem from 1994–1998, and from 1998–2000 she served as chair of the 50-member Blue Ribbon Citizens' Committee that formulated and promoted the capital improvement bond program.

Under Mayor Euline Brock's guidance, the city of Denton has emerged as a major City in the Denton-Dallas-Fort Worth Metroplex and the State of Texas through her involvement in regional policy-making efforts. Ms. Brock served as president of Metroplex Mayors where she promoted development of a regional transit system and organized the first-ever joint meeting of the Metroplex Mayors and Tarrant County Mayors Council. Her initiatives included the regional ''Keep Local Government Local'' group organized to lobby the Texas Legislature on issues important to north Texas cities, and her vision of Denton as the ''Third City'' in the region—not third in size, but third in importance, as she has established Denton as a regional center for medical services, retail, banking, employment, entertainment, sports and the arts.

Mayor Brock was instrumental in the formation of the Denton Tomorrow and Denton Tomorrow II community symposiums which created a set of strategies and actions to achieve sustained economic vitality in Denton. Thanks in large measure to her vision and leadership, the city of Denton has been successful in expanding its retail base to address the needs of a vibrant and growing city including: the construction of Sally Beauty Company's new Worldwide Support Center, the construction of United Copper, Flowers Foods, Fastenal Company, Denton Crossing, and the expansion of Peterbilt's regional headquarters.

Ms. Brock's tenure also ushered in unprecedented improvements to the infrastructure of the city of Denton with a new central fire station, a new library branch, renovations of historic buildings and construction of new roads and water treatment facilities.

Perhaps one of her greatest strengths is her ability to build consensus, as demonstrated by her creating an environment of cooperation and respect on the Denton City Council, her hosting of the first ever joint meeting between the Denton City Council and the Denton Independent School District Board to explore better ways to work cooperatively, and her inclusion of the Denton Chamber of Commerce Board on key business issues before the city.

Mayor Euline Brock has also worked closely with my office to ensure that we are aware of the accomplishments and needs of the largest city in my district, Denton, She has been and continues to be a catalyst for positive change,

always with Denton's future in mind and best interest at heart. Even with all of these and other accomplishments too numerous to list, Mayor Brock has remained a modest person who always shared the credit of progress with her fellow city council members, city staff, her husband Dr. Horace Brock, and with others in the community.

Today, I recognize her decades of hard work and selfless dedication given to the citizens of Denton. I am honored to represent Mayor Euline Brock in Washington, and I hope her service to the citizens of Denton will never be forgotten, but will often be set as a standard of dedication and true leadership.

CONGRATULATING THE SAN CATALDO SOCIETY ON ITS 100TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the San Cataldo Society of Dunmore, Pennsylvania, which is celebrating its 100th anniversary this month.

In 1904, a group of Dunmore residents, recently emigrated from the island of Sicily, associated themselves for the purpose of promoting goodwill, civic betterment and for the benefit of its members in cases of sickness, accident or death from funds collected.

The early history reveals that these pioneers, bearing the customs which they inherited from their native land, but handicapped by a language barrier, overcame many difficulties and obstacles in the formation of the Societa San Cataldese Cooperativa Di Mutua Saccorso in Dunmore.

In March 1905, a group of 48 men held their first meeting at Washington Hall, Chestnut and Comer Streets, and they elected the late Rosario Bentivenge as the first president.

The society continued to progress since its incorporation under the laws of the Commonwealth of Pennsylvania on May 15, 1906. Meetings were conducted at various Dunmore landmarks, including DeAndrea's Hall on Willow Street; Lalli's Hall on Willow Street; Naro's Hall on Elm Street, and Luzio's Hall on Mortimer Street.

In 1927, after many years of sacrifices and perseverance by the members, the society began construction of a building at 316 Elizabeth Street. The same building is still in use today.

The Italian immigrants who made up the San Cataldo Society contributed much to their community, working in various occupations including coal miners, construction workers and skilled laborers. They served in public office and their descendants served and fought honorably in defense of this Nation. Their children, grandchildren and great-grandchildren have served the community and the nation becoming doctors, lawyers, engineers, judges, construction contractors, business owners, nurses, pharmacists and public servants.

Mr. Speaker, please join me in congratulating the San Cataldo Society and its members past and present. Their devotion to their community has improved the quality of life and serves as a positive example for others to emulate.

TRIBUTE TO MARINELL EVA

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Ms. WOOLSEY. Mr. Speaker, I rise today to honor my friend Marinell Eva, upon the occasion of her retirement as Executive Director of the Community Child Care Council of Sonoma County (4Cs). Thanks to Marinell, 4Cs is not only a successful agency but also one with a lot of heart. Her writings in the newsletter, reflective of her childhood and her children's, show her deep connection and empathy with families and children.

During Marinell's 17 years with the agency, she was a leader in developing a variety of child care services, collaborations with other organizations, and advocacy for children and families. Also, 4Cs researched and published the study, The Economic Impact of Child Care in Sonoma County, under her direction and in partnership with the Child Care Planning Council. 4Cs continues to inform businesses and government of the link between child care and our local economy.

Marinell moved to Sonoma County in 1978, and soon became the Program Director at the YWCA's A Special Place child care program where she served for many years. She volunteered with the Sonoma County Child Abuse Council and was a member of the Board of Directors of the Extended Child Care Coalition. She currently serves on the SRJC Child Development Advisory Committee, First Five Professional Community Advisory Committee, and is an advisory member of the Sonoma County Child Care Planning Council of Sonoma County. She has a B.A. in English Literature and Psychology, and an M.A. in Clinical Psychology.

Her commitment and passion have been an invaluable asset to Sonoma County. Carl Wong, Superintendent of Schools, says, "The teachers and principals of the Sonoma County K–12 public school system have benefited from the leadership and advocacy of Marinell Eva for over 16 years. Her professional dedication in support of children and families helps to promote a level playing field for the 5000+ Kindergarten students who begin their school experience each year."

These thoughts are echoed by Joel Gordon, the Director of Early Childhood Education at Santa Rosa Junior College: "Through the years Marinell has been one of my favorite people to work with. In a time when the word is overused, she has become a great leader in Sonoma. The combination of her vision, talent, commitment, compassion and sense of humor have changed for the better our community and ultimately the lives of many of its youngest citizens. She is one of a kind and will be greatly missed."

Marinell and her husband, David Pittman, live on property in Sebastopol, where two their children and all four grandchildren live. She plans to continue as a member of the Board of Trustees at the Sonoma Academy, and in between gardening and reading she will spend time studying Spanish, literature, and music as well as keeping up with the grandchildren.

Mr. Speaker, I, too, have been inspired by working with Marinell Eva. She says it best in her own words: "Working with people in the child care field has been my deep privilege. I have had the good fortune to work for what I believe in—meeting the needs of children. What better way to change the world?"

TRIBUTE TO THE LATE CALIFORNIA STATE SENATOR ED DAVIS

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. McKEON. Mr. Speaker, I rise in sadness today to honor the memory of Ed Davis, a former California State Senator and Los Angeles Chief of Police. He was a remarkable man who was a monumental presence on the Los Angeles and California political scene. Senator Davis passed away on April 22, 2006 in San Luis Obispo, CA, at the age of 89.

Born Edward Michael Davis on November 15, 1916 in Los Angeles, he graduated from John C. Fremont High School and enlisted in the United States Navy where he became a decorated officer. He later received his Masters in Public Administration from USC. Always a proud alumnus, he often sported a maroon blazer and gold pants, USC's famous colors, on the State Senate floor.

Joining the Los Angeles Police Department in 1940, Ed first walked a beat in downtown Los Angeles with the late Los Angeles Mayor Tom Bradley. Rising up through the ranks, he was a director of the police and fire union and later a trusted top aide to legendary Chief William Parker. Ed served as Los Angeles Chief of Police from 1969 until 1978 where he was known as a popular firebrand who pushed law and order during times of turbulence.

Chief Davis proved popular with not only the people of Los Angeles, but also with weary Americans who were looking for tough leadership during uncertain times. During the same period, his officers' morale was at an all-time high. He became a national figure as a tough law and order proponent quelling student protests during the Vietnam War, opposing the Black Panthers, and taking a strident stance against the epidemic of hijacking in the early 1970s.

In 1974, the entire Nation watched as the Chief's force had a climatic shootout with the Simbionese Liberation Army who had kidnapped heiress Patty Hearst. Several leaders of the gang died in a fiery blaze at the conclusion of the confrontation.

Chief Davis implemented historic reforms at the LAPD and left a legacy of influence in law enforcement. His innovations include creating the Neighborhood Watch concept to bring residents together, and instituting community policing. While crime rose by 55 percent across the Nation during his tenure as Chief, crime actually decreased by 1 percent in Los Angeles. His influence still exists in the LAPD, and programs that the Chief invented are at the heart of every police organization worldwide. The City of Los Angeles honored him by naming the newest and most elaborate of the three LAPD training centers "The Ed Davis Emergency Vehicle Operations Center & Tactics/Firearms Training Center" in 1998.

A respected member of the academic community, Chief Davis lecturing at USC and Cal State Los Angeles as an adjunct professor of police administration and management for 18 years. He was the author of Staff One, a leading police management textbook.

Prior to his appointment as Chief, he served for many years as a law enforcement advocate working with the California Legislature in Sacramento. Among his many outstanding contributions is the landmark Peace Officer's Standards and Training Act of 1959, which set minimum police standards for California.

After retiring as Police Chief in 1978, he set his sights on the California Governor's mansion. Running in the Republican gubernatorial primary, the Chief came in second to Attorney General Evelle Younger in a four-man race, which included State Senator Ken Maddy and San Diego Mayor Pete Wilson.

Chief Davis returned to the political arena in 1980 after winning the State Senate election for the 19th Senate District. He represented Thousand Oaks, Simi Valley, the North San Fernando Valley and the Santa Clarita Valley.

Overwhelmingly re-elected to a second Senate term in 1984, Senator Davis again set his sights on higher office. He entered the 1986 U.S. Senate race against longtime incumbent Alan Cranston. His slogan, ''One Tough Cop, and One Great Senator'' recalled his glory days as Chief.

The Republican race was upended when one of Senator Davis's opponents was indicted for allegedly offering him $100,000 if he dropped out of the race. The courts ultimately threw out the indictment, but the scuffle derailed the Senator's campaign and helped Congressman Ed Zschau win the nomination.

Davis turned his energy and attention back to Sacramento, winning praise as a reasoned Vice Chair of the Senate Judiciary Committee. Often called central casting's choice as a senator, the white-haired gentleman was easily reelected to a third term to the State Senate in 1988.

Known by his friends as a man of great charm and graciousness, Senator Davis celebrated 50 years of public service with a gala dinner in 1991. Highlights of the evening included recorded tributes from comedian Bob Hope and former Presidents Ronald Reagan and Richard Nixon. Looking forward to a peaceful retirement, Senator Davis and his wife, Bobbie, moved north to Morro Bay, California in 1992.

Senator Davis is survived by his wife, Bobbie, his children Michael Davis, Christine Coey and Mary Ellen Burde and step-children Fred, Michael, and Kyltie as well as several beloved grandchildren.

IN HONOR OF THE GRAND OPENING OF THE CZECH MUSEUM AND LIBRARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the Czech Cultural Center of Sokol Greater Cleveland, as we join them in celebration of the grand opening of the Czech Museum and Library, housed within the historic Bohemian National Hall in Cleveland's North Broadway neighborhood.

The Czech Museum and Library is part of the colorful weave in Cleveland's vibrant fabric of cultural diversity, and is visible in the strength, beauty and grace of the Bohemian National Hall. This historic treasure was built in 1897 by Czech immigrants whose quest for freedom and the opportunity for a better life for their families led them to America. Drawn to the booming industrial growth along the Great Lakes, thousands of Czech immigrants settled throughout the neighborhoods of Cleveland, grateful for their new beginning, yet never forgetting their country of origin. Their collective vision, focused on preserving and passing along tradition, heritage, language and culture, has allowed every new generation of Czech Americans to understand and celebrate the priceless traditions of their beloved Czech homeland.

The exhibits on display at the Czech Museum include artifacts and archives that reflect the history of the Broadway neighborhood, the history of the Bohemian National Hall, and the history of the Sokol Greater Cleveland organization. The numerous struggles and triumphs that outline the history of the Cleveland Czech community will also reflect among the exhibits at the Czech Museum and Library.

Mr. Speaker and Colleagues, please join me in honor and recognition of the leaders and members, past and present, of the Czech Cultural Center of Sokol of Greater Cleveland, upon the joyous occasion of the grand opening of the Czech Museum and Library. This monument of cultural preservation transcends time and distance, preserving and promoting the ancient cultural and historical traditions of Czech heritage, spanning oceans and borders—a permanent bridge of family, culture and history—from Cleveland, Ohio to the Czech Republic.

IN MEMORY OF KNOX TUCKER

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. BURGESS. Mr. Speaker, I rise today to give tribute to Knox Tucker, from the 26th Congressional District of Texas, for his lifelong contributions to his community and to his fellow citizens. Mr. Tucker committed his life to help whomever he could, whenever he could during more than 30 years as a coach and educator in the Fort Worth School District.

Mr. Tucker was born July 9, 1922, in Williamsport, Tenn. He was a 1939 graduate of Pearl High School in Nashville and served in the Army during World War II, rising to the rank of staff sergeant. After the war, he earned bachelor's and master's degrees from Tennessee State College. After teaching and coaching in Tennessee, he and his family moved to Fort Worth.

From 1952 to 1984, he was a coach, a teacher or an administrator. He is perhaps best known locally for his time coaching the I.M. Terrell High School basketball team. Under Coach Tucker, the team beat Prairie View to win the Interscholastic League State Championship in 1957.

He was a teacher, coach and vice principal at Como and Terrell, the city's black high schools, until 1971, when he became principal at Polytechnic. In 1980, he became principal at O.D. Wyatt. A year later, he was promoted into district administration as assistant director for high schools. After retiring in 1984, he worked as a Tarrant County probation officer for 10 years.

But he never gave up his habit of attending high school basketball games and tracking down former students and co-workers in the stands. In 2002, Mr. Tucker was inducted into the Texas Black Sports Hall of Fame.

It was my honor to represent Knox Tucker. I extend my sympathies to his family and friends. May the example of this man, whose contributions made richer the fabric of our American culture, be inspiration to all who seek their dreams and serve their fellow man.

SALUTING DR. DOROTHY IRENE HEIGHT ON THE ANNIVERSARY OF THE HISTORIC 1954 BROWN V. BOARD OF EDUCATION DECISION

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Ms. NORTON. Mr. Speaker, what can you say about a woman who has earned two of America's highest civilian honors—the Presidential Medal of Freedom by former President Bill Jefferson Clinton and the Congressional Gold Medal by our current President and Commander-In-Chief George W. Bush? For more than 80 years, Dr. Dorothy Irene Height, current Chair and President Emerita of the National Council of Negro Women (NCNW), the world's largest women's organization, has not only been a leader in the fight for women's and civil rights, but she has also been an activist and crusader for human rights. She has tirelessly dedicated her life's work to serving her community, our Nation and the world.

Dr. Height's Presidential Medal of Freedom and the Congressional Gold Medal symbolize the promise of America and embody the essence of sacrifice and allegiance to one's country. The values that have come to symbolize her life are the core values that should be represented in the lives of all Americans, young and old. She has worked to make America the best Nation that it can be and she is the best of what America represents as a Nation. She has fought to make the promise of the American dream, with justice and liberty for all, a reality in America through her tireless efforts.

Whether you choose to call her the ''Queen Mother of the Civil Rights Movement'' or the ''Grand Dame of the Civil Rights Movement,'' Dr. Height is simply the embodiment of everything that makes our Nation great. She is truly an ''indispensable'' part of the civil, human and women's rights movement. She is one ''America's National Treasures.''

Her distinguished service and contributions to making the world a more just and humane one, have earned her hundreds of awards and honors from local, state, and national organizations and the federal government. Dr. Height has received over 24 honorary degrees, from such institutions as Spelman College, Lincoln University (Pennsylvania), Central State University, and Princeton University. She has not only been the recipient of hope's

most precious gift—freedom, but she has been at the forefront as the giver of hope to millions of men, women and children of all races, colors, and creeds.

On this day, 52 years ago, the Brown vs. Board of Education decision served as a bridge to the promise of freedom for people from all races, creeds and colors. In commemoration of that historic decision, we celebrate the legacy of one woman who epitomizes the fight for freedom in this country and the journey for justice—Dr. Dorothy Irene Height.

In 1954, when the Brown vs. Board of Education decision was announced, Dr. Height led the way for the YWCA to produce the booklet, ''Our Schools and Our Democracy,'' to encourage associations to participate fully in helping desegregate the schools. Dr. Height also convened a Southern Regional Conference in Atlanta to discuss the problems and opportunities of desegregation and worked closely with the student leadership of the YWCA to develop simple things that people could do, such as escorting a child to school when it is first integrated.

Fifty-two years later, her commitment to young people is alive and well today. Dr. Height is leading the way in leaving a lasting legacy for the next generation through the Dorothy Irene Height Youth For Excellence Initiative (YFE) Program in association with the Civil Rights musical, ''If This Hat Could Talk: A Musical of Passion, Power, and Triumph.'' Dr. Height has utilized the musical as a strategy for ''keeping the Civil Rights legacy alive'' and empowering young people to make a difference in their local and global communities.

Because of her unwavering commitment to our youth, the YFE has become a cornerstone of the Musical's program. The YFE provides multicultural students, grades 7–12 with a free performance and materials for their teachers to continue teaching lessons of equality, fairness and respect for diversity in the classroom. The Musical experience allows them to learn about their Civil Rights legacy and continue that legacy through education. They view Dr. Height's journey throughout history and that of others like Rosa Parks, Fannie Lou Hamer, A. Phillip Randolph, John Lewis, Linda Brown and Mary McLeod Bethune, just to name a few. Today, because of her vision, her story, her on-going, never-ending commitment to kids, the Musical has been seen by over 10,000 youth. Dr. Height has set a new standard of excellence in her diligent, unwavering efforts to instill a commitment to Civil and Human rights in the next generation of leaders.

It is today that we, the members of the Congressional Black Caucus, celebrate and honor Dr. Dorothy Irene Height. We truly have an affinity for her. For 37 years, Dr. Height's trailblazing efforts have enabled us, as a Congressional Black Caucus, to empower the masses and effectively represent the interest of urban and rural America in this country and address the legislative concerns of citizens of all backgrounds. She has enabled us to be a viable, fair, fearless, and strong governmental force. Dr. Height showed us how one woman of courage, with one voice, could set in motion a mission that changed the world. As we continue as a Congressional Black Caucus, operating in one single voice, while reflecting our own diversity, we have gained strength, insight and instruction from her life. Through her efforts, she has taught us how to turn tumultuous times into turning points, pain into personal victory and adversity into achievement. For this, we are forever grateful.

HONORING JOEL M. CARP

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Joel M. Carp of the Jewish Federation of Metropolitan Chicago for his outstanding contributions to the Federation, as well as to the community at large. After 28 years of outstanding service, I have this great opportunity to congratulate Joel in his retirement.

Throughout his professional career in social work, social planning, and advocacy, Joel has engaged in efforts to create sound public policies and sustain quality, comprehensive health and human services for all people throughout Chicago, the state of Illinois, and the United States. He has served as chairman of and/or represented the Chicago Jewish community on a number of governmental task forces charged with determining public policy including: the City of Chicago Mayor's Task Force on Hunger, the Task Force on Homelessness, and the Task Force on Neighborhood Land Use. Additionally, Chicago Mayor Daley and Cook Country Board President Stroger appointed him to their Task Force on Welfare Reform. At the state level, he has served on: the Governor's Task Force on Services for the Homeless; the Department of Children and Family Services Child Welfare Advisory Committee; and on the advisory boards of the Illinois Department of Public Aid on social services, public welfare, block grants, and allocation of funds for emergency food and shelter. At the Illinois Department of Human Services, he serves as a member of the Family Self Sufficiency Council, the Governor's Families and Children Leadership Sub-Cabinet, and the Lt. Governor's Ethnic Affairs Council.

Joel has published over 30 articles on various subjects in the field of social work, social planning, voluntarism, and refugee resettlement. His most recent work is a chapter entitled ''The Jewish Social Welfare Lobby in the U.S.'' in a two-volume work on the Jewish Polity & Civil Society, published in 2002. He has served a number of universities as a field faculty member in their graduate social work education programs.

I ask my colleagues in the House of Representatives to stand with me today and take this occasion to recognize Joel Carp for his many achievements, wishing him well in retirement. As Joel truly sets an example to all citizens, we acknowledge and thank him for his role in making our community a better place to live.

IN HONOR OF BARBARA BOYD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in tribute and recognition of Barbara Boyd, dedicated public servant, civic activist, community leader and devoted wife and mother, as she is being honored by the Community Living Hope United Methodist Church of Cleveland Heights, Ohio, for her unwavering focus, energy and work on behalf of improving the quality of life for all members of our community.

Ms. Boyd was born and raised in Cleveland, and graduated from Glenville High School. With a focus on higher education, Ms. Boyd graduated from St. Paul's College in Virginia, then moved back home to Cleveland where she worked as an educator in the Cleveland Public Schools. She began her tenure as a public servant in 1983, when she became the first African American elected to Cleveland Heights City Council. In 1992, Ms. Boyd was elected as the first African American Mayor in the history of Cleveland Heights.

Ms. Boyd's husband, Robert Boyd, and her daughter, Janine Boyd, continue to be the center of her life, with everything else radiating outward from there. With the great support of her family, she decided to continue her tenure of public service and run for state office. She was elected to the Ohio House of Representatives in 1993 and served until 2000 due to term limits. During her tenure in the House, Ms. Boyd focused her energy and expertise on committees that encompassed the support and empowerment of children, youth, families and the elderly. She was awarded the 2000 Legislator of the Year Award, for her work on alcohol and drug assistance and prevention; the Black Women's History Award in 1992, the Alzheimer's Award in 2000 and was named the ''Official of the Year'' by the Ohio Patrolmen Benevolent Association in 1989.

Mr. Speaker and Colleagues, please join me in honor of Barbara Boyd, as we join with the Community of Living Hope United Methodist Church in recognition of her professional excellence and devoted public service focused on uplifting our entire Cleveland community into the light of hope and possibility.

LAUREN WILLIAMSON WINS NINE TEXAS ASSOCIATED PRESS AWARDS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. BURGESS. Mr. Speaker, I rise today to recognize Lauren Williamson, currently a senior at the University of North Texas for her nine broadcast awards from the Texas Associated Press.

A graduate of Marcus High School in 2003, Lauren Williamson is pursuing her journalism degree. During her time at UNT, Ms. Williamson worked as news director of KNTU–FM. The station competes for Division B of the Texas Associated Press Broadcasters which includes smaller radio markets throughout Texas. Ms. Williamson competed against other student and professional broadcasters.

Ms. Williamson won four, first place, three second place, and two honorable mention awards at this year's competition. The awards included her work on ''Christmas in McKinney,'' ''Fry Oil to Fuel,'' a report on the City of Denton's recycling program with Biodiesel Industries of Greater Dallas-Fort Worth, ''Opening of Terminal D,'' a story about DFW Airport's newest international terminal and ''Class

Meets Media,'' concerning how UNT master's of public administration students training at Denton City Hall. Now, Lauren works as a weekend overnight anchor for local powerhouse WBAP and will soon be a part time producer for the local FOX 4 News.

Today, I congratulate Ms. Lauren Williamson on her broadcasting awards and her dedication to the profession of journalism. May her intellect, reporting and producing skills continue to serve her community with accurate and informative news. I am honored to represent Ms. Williamson in Congress, and I look forward to hearing more of her accomplishments in the years to come.

CONDEMNING MURDER OF AMERICAN JOURNALIST PAUL KLEBNIKOV ON JULY 9, 2004, IN MOSCOW AND MURDERS OF OTHER MEMBERS OF THE MEDIA IN THE RUSSIAN FEDERATION

SPEECH OF

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Mr. SCHIFF. Mr. Speaker, I rise in strong support of H. Res. 499, condemning the murder of American journalist Paul Klebnikov in Moscow and the murders of other members of the media in the Russian Federation.

Less than two weeks ago, on World Press Freedom Day, my colleague MIKE PENCE and I launched the new Congressional Caucus for Freedom of the Press. Representatives from a variety of non-governmental organizations came to extend their endorsement of this undertaking and several other Members of Congress spoke about the importance of press freedom for promoting democracy and human rights around the world.

The guests of honor, however—and the reason we were all there—were the journalists who came to share their stories of persecution and harassment. He Qinglian spent a year under 24-hour surveillance when the Chinese Propaganda Department accused her of 'inciting antagonism between the different strata of Chinese society' with her exposes of government corruption. After trying to investigate the presence of Taliban and Al-Qaeda elements in tribal areas in the autonomous zone between Pakistan and Afghanistan, Khawar Mehdi Rizvi was detained and tortured by Pakistani security forces for almost three months, before human rights groups and media organizations helped secure his escape to the United States.

We were also joined by Musa Klebnikov, the widow of American journalist, Paul Klebnikov, whose unresolved murder this resolution condemns. Mrs. Klebnikov told us that Paul believed that without freedom of the press there is no civil society, and can be no true democracy. He died for this ideal, becoming one of the fallen heroes of this ongoing worldwide struggle.

Paul committed himself to revealing the corrupt underside of Russia as well as celebrating its successes. His murder reveals both the importance of this type of work as well as the dangers facing journalists in the Russian Federation. Paul was the twelfth reporter to be killed in Russia since President Putin came to power in 2000. Russia's press laws remain very far below European standards and in the nearly two years since Paul's murder, working conditions for journalists continued to worsen alarmingly.

Paul's murder stimulated the Russian government to dedicate real effort to prosecuting the hit men who shot him, and this resolution commends that effort. Unfortunately, two days after expressing her hope that this trial would set a standard for future cases of media persecution, the Russian court acquitted his killers. This resolution calls upon the Government of Russia to continue its inquiries into Paul's murder and to take appropriate action to protect the independence and freedom of journalists in the country.

Paul Klebnikov's murder exposed the problem of violence against journalists in Russia and increased the awareness of widespread threats to press freedom. The Congressional Caucus for Freedom of the Press was created to highlight and condemn media censorship and the persecution of journalists around the world. This Resolution is an important affirmation of these objectives, and I commend my colleague, Mr. MCCOTTER, for bringing it to the floor, and encourage broad support for its passage.

RECOGNIZING CULTURAL AND EDUCATIONAL CONTRIBUTIONS OF AMERICAN BALLET THEATRE

SPEECH OF

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Mr. SHAYS. Madam Speaker, I rise today in support of H. Res. 751, recognizing American Ballet Theatre as a cultural and educational resource for our Nation.

Over the last 65 years, American Ballet Theatre has elevated the artistry and talent of classical dance in the United States, and has brought a greater appreciation and understanding of the arts to countless people in all 50 States and around the world.

American Ballet Theatre has developed a special relationship with Connecticut through the award-winning Make a Ballet Program.

Since 2002, ABT has been offering this program at The Waterside School, an independent, private day school in Stamford, which introduces low-income children to ballet. ABT Teaching Artists come to the school twice a week and provide a thorough introduction to the arts and high-quality dance instruction. This long-term, in-depth exposure to the arts leaves indelible impacts on the students, instilling a sense of confidence and accomplishment, and planting seeds that will reap appreciation for the arts for years to come.

American Ballet Theatre also holds a Ballet for the Young Dancer program at the YWCA in Greenwich each year, providing children between the ages of 5 and 12 with weekly ballet classes with some of the finest dancers in the world.

While the grand performances that American Ballet Theatre presents have established it as one of the world's great ballet companies, it is the interactions with local communities across America that truly distinguish ABT as a national treasure.

I urge my colleagues to support this resolution.

IN HONOR OF ARNOLD R. PINKNEY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in tribute and recognition of Arnold R. Pinkney, dedicated family man, successful businessman, community activist, dedicated volunteer and friend and mentor to many, as he is being honored by the Community of Living Hope United Methodist Church of Cleveland Heights, Ohio.

Mr. Pinkney was born and raised in Youngstown and graduated from the Youngstown Public Schools. His quest for higher education led him to Michigan, where he graduated from Albion College with a Bachelor of Arts degree in Political Science and History. His personal integrity, strong self-motivation and unwavering dedication has guided him his whole life. During college, he was elected to ''Who's Who in American Colleges and Universities,'' was President of the Independent Men's Union, and was a member of the Intercollegiate Athletic Association Team for Baseball and Basketball.

The focus on hard work and giving back to others continues to frame Mr. Pinkney's life. He is the Chairman of Pinkney-Perry Insurance Agency, a 41-year-old business located in Cleveland. He is also Senior Consultant and CEO of Betpin & Associates, a consulting firm established by his wife of 45 years, Betty Thompson Pinkney. His dedication to his wife and daughter, Traci Lynne Pinkney, extends outward into the community, where his spirit of volunteerism, leadership and energy continues to empower and support numerous local civic, educational, political and business agencies, including the Urban League, 100 Black Men, Inc., Cleveland Musical Arts Association, University Circle Incorporated, and the Race for Success, Inc.

Mr. Speaker and Colleagues, please join us in honor of Arnold R. Pinkney, as we join with the Community of Living Hope United Methodist Church in recognition of his dedicated service and contribution focused on family, faith and community. Mr. Pinkney's numerous contributions within the private and public sector continues to strengthen the well being of our entire Cleveland community.

PERSONAL EXPLANATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. NEUGEBAUER. Mr. Speaker, due to official business, I missed rollcall vote 146 on Thursday, May 11, 2006. Had I been present I would have voted ''aye.'' This was a vote on H. Res. 802, a resolution to encourage all eligible Medicare beneficiaries who have not yet elected to enroll in the new Medicare Part D benefit to review the available options and to determine whether enrollment in a Medicare prescription drug plan best meets their current

and future needs for prescription drug coverage.

I wholeheartedly agree with the message in H. Res. 802. To that end, I have worked diligently to notify my constituents of this new program wherever I go. I am pleased so many seniors have chosen to participate in this program and that so many are saving money.

TRIBUTE TO MANUEL GONZALEZ

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today in honor of Correctional Officer Manuel Gonzalez.

Officer Gonzalez served for sixteen years as a correctional officer, dedicating his life to protecting the rights of the public and safeguarding our communities from criminal activity.

Manuel was born in East Los Angeles, California in 1961. He attended Rio Hondo College and subsequently enlisted in the United States Army in 1982. In the Army, he started his law enforcement career, serving in the United States and overseas in Germany.

In 1987, he married Silvia Ortiz. Together, they settled down to raise a family.

He joined the California Department of Corrections in 1988, and was assigned to the California Institution for Men in Chino in 1996.

On January 10, 2005, Manuel was killed in the line of duty while working his shift in the reception center of the institution. He was stabbed to death by an inmate known to be gang affiliated, who was already serving 75 years-to-life for the attempted murder of a peace officer.

Correctional officers who risk their lives to protect our safety should be commemorated today.

This week, Officer Gonzalez's name is being added to the Correction Officer's Memorial Wall. The wall is dedicated to the Correctional Officers, Employees, Jailors, and Deputies who made the ultimate sacrifice for their country, communities, and to their families.

Officer Gonzalez may be lost, but he is not forgotten. His unmatched love for his family, sense of humor, and dedication to his professional career are qualities we will never forget.

Today, my thoughts are not only with his family, but the families of all correctional officers who have died in line of duty.

Please join me in honoring Officer Gonzalez, his family, and all those who have given their lives in noble service to their community.

HONORING ROBERT SCHWANINGER, 2006 MASON DISTRICT CITIZEN OF THE YEAR

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor Robert Schwaninger, the 2006 Mason District Citizen of the Year.

Robert Schwaninger became involved in Mason District community activities in 2001 by joining with his neighbors to participate informally in local land use issues. Through his involvement, he found that shaping the future of Mason District was an ongoing process that required engaging citizens at various levels.

He continues to work with members of his community to spur greater community involvement and voter participation. He authored and sent thousands of letters to residents of Mason District in order to encourage their participation in community development, local services and public cooperation. During the past two elections, Mr. Schwaninger worked the polls in his precinct, providing support and information to voters.

In 2005, Robert Schwaninger accepted the position of Chairman of the Area Plan Review Task Force. In doing so, he took on the responsibility of providing a forum for citizens to offer input regarding future land development throughout the District. Mr. Schwaninger guided the APR Task Force in an efficient and open manner, allowing for the timely and fair completion of the task.

Also during that time, Robert Schwaninger offered his expertise in the area of telecommunications law to Mason District and Supervisor Gross on issues related to emergency communications interoperability in support of first responders, land use issues related to the construction of radio towers and broadband infrastructure as well as other matters that fall within his practice specialties. As a widely-published, and often-quoted authority in the telecommunications field, Robert Schwaninger's consulting services have been a valuable contribution to Mason District.

Mr. Speaker, in closing, I would like to express my gratitude to Robert Schwaninger for all of his efforts on behalf of Mason District. I call upon my colleagues to join me in applauding his selection as the 2006 Mason District Citizen of the Year.

IN REMEMBRANCE OF CORPORAL HENRY D. CONNELL: AN HONOR LONG OVERDUE

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. NEAL of Massachusetts. Mr. Speaker, this past Saturday it was my privilege to attend the funeral of Cpl. Henry D. Connell. It was a heart-warming, emotional and unique experience. This funeral was particularly moving since Corporal Connell was only 17 years old when he died on the battlefield in the small village of Unsan in the Democratic Republic of Korea. It was here that his regiment fought with the Chinese People's Volunteer Army for four long grueling days, and where he, and more than 1,000 members of the 8th Regiment, lost their lives.

It was November 2, 1950 when the United States Army declared Corporal Henry Connell to officially be missing in action. And 43 years later, on July 12, 1993, the Democratic People's Republic of Korea turned over the remains of 17 soldiers believed to be unaccounted for U.S. servicemen from the Korean War. Corporal Henry D. Connell's remains were one of the 17 soldiers recovered.

All told, this Springfield soldier was missing in action for 55 years. He enlisted in the Army at age 17, eager to serve in the Korean War, and served for only 8 months before he died, not living to see his 18th birthday. During his brief tenure in the army, he earned a Bronze Star and was promoted to corporal. Henry Connell was born in Springfield, MA and was the son of the late Robert F. Connell and Beatrice (Creamer) Connell Lanzillo. And this past Saturday, his remains were buried alongside his late mother in the Gate of Heaven Cemetery on Tinkham Road in Springfield.

Mr. Speaker, this was a unique and moving ceremony, and I feel fortunate to have been able to attend. I thank everyone involved who made this appropriate remembrance possible, and extend my sympathies to Thomas W. Connell, Henry's brother, and his wife Patricia and their family at this difficult, yet special time.

I would also like to enter into the CONGRESSIONAL RECORD the official obituary that recently ran in the Springfield, Massachusetts newspaper honoring the life of Corporal Henry D. Connell. May Henry Connell now rest in peace.

[From the Republican, May 7, 2006]

CPL. HENRY D. CONNELL

1933–1950 SPRINGFIELD.—Henry D. Connell, 17, a Corporal serving with the United States Army L Company, 3rd Battalion, 8th Cavalry Regiment, 1st Cavalry Division under the command of Major General Herbart Gay, was declared missing in action on November 2, 1950. He was born in Springfield, MA the son of the late Robert F. Connell and Beatrice (Creamer) Connell Lanzillo. Henry was educated from the Springfield School: System, attended Cathedral High School, and joined the U.S. Army shortly after his 17 birthday. He was injured during combat on September 8, 1950, near the town of Taegu, R.O.K., and was evacuated to the 35th Station Hospital at Kyoto, Honshu, Japan. Shortly after he rejoined his unit, the 8th Calvary Regiment fought a pitched battle for four days with the Chinese People's Volunteer Army near the village of Unsan, Democratic People's Republic of Korea. It was during this battle that over 1,000 soldiers serving with the 8th Calvary lost their lives, Cpl. Henry D. Connell being one of them. The United States Army declared him missing in action on November 2, 1950. On July 12, 1993, the Democratic People's Republic of Korea turned over 17 soldier's sets of remains believed to be unaccounted for U.S. servicemen from the Korean War near Unsan. Cpl. Henry D. Connell remains were one of the 17 soldiers recovered, and missing in action, for over 43 years. Henry leaves his brother, Thomas W. Connell and his wife, Patricia (LeDoux) Connell of Stuart, FL; as well as several nieces and nephews living in Stuart, FL; and the Greater Springfield area. He was the brother of the late Audrey (Connell) Spencer of West Springfield, who died in 2004. His funeral with full military honors will be held Saturday, May 13, 2006, at Sampson's Chapel of the Acres, 21 Tinkham Rd., Springfield. During this service Henry's brother Thomas W. Connell, will be presented with the Bronze Star and Purple Heart for Henry's valor and dedicated service to a grateful nation by the United States Army. Rites of Committal will follow in Gate of Heaven Cemetery, Tinkham Rd., Springfield, where Henry will be buried next to his late mother and sister in the Connell family lot. Contributions in his memory may be directed to your nearest chapter of the Disabled American Veterans.

TRIBUTE TO ANNE BREHM OF KANSAS CITY, KANSAS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. MOORE of Kansas. Mr. Speaker, as Memorial Day approaches, I want to take a moment to bring to the attention of the House of Representatives the noteworthy contribution of Anne Brehm of Kansas City, Kansas, to the Women in Military Service for America Memorial in Washington, D.C.

Originally attributed to an ''unknown Army nurse,'' a quotation inscribed on the memorial site recently was attributed to World War II Air Force nurse Anne Sosh Brehm, who wrote it in a 1990 letter to retired Brig. Gen. Wilma Vaught, USAF, the foundation president for the memorial. The circumstances of her correspondence, and the recent attribution of the quote to Anne Brehm are recounted in a recent article from The Leaven, which I am including with this statement. Mrs. Brehm's quote, which will be properly attributed to her at a Memorial Day ceremony at the memorial later this month, is as follows:

''Let the generations know that the women in uniform also guaranteed their freedom; that our resolve was as great as the brave men who stood among us; and with victory our hearts were just as full and beat just as fast as theirs, that the tears fell just as hard for those we left behind us.''

[From The Leaven, Nov. 11, 2005]

LET THE GENERATIONS KNOW—SACRED HEART PARISHIONER EARNED PLACE IN WORLD WAR II HISTORY

(By Bob Hart)

KANSAS CITY, KS—For years it was an anonymous quote, attributed to an ''unknown Army nurse'' at the Women in Military Service for America Memorial in Washington, D.C.:

''Let the generations know that the women in uniform also guaranteed their Freedom; that our resolve was as great as the brave men who stood among us; and with victory our hearts were just as full and beat as fast as theirs, that tears fell just as hard for those we left behind us.''

Every so often, Anne Brehm, a parishioner of Sacred Heart Church in Kansas City, Kan., would hear of the quote, and think to herself, ''I said that.'' Typically modest the former World War II Army nurse did nothing about it.

''For 15 years, I just let it go,'' Brehm said.

Things changed this past August when Brehm received a phone call from retired Brig. Gen. Wilma L. Vaught, USAF, foundation president for the memorial. Years earlier, Brehm had written the brigadier general to register for the memorial and had included the quote in the comments.

Vaught had been using it in speeches for years and had passed it on for inscription in a panel at the memorial itself, overlooking the pool. Unfortunately, she had long since misplaced Brehm's letter and could not remember whose words she was quoting.

As fate would have it, Vaught found Brehm's letter shortly before she was scheduled to speak at an American veterans of World War II convention in Kansas City. Mo., late this past summer. The rest, as they say, is history.

WHERE THE ACTION WAS

Gary, Ind., native Anne Sosh was just 22 and fresh out of nursing school in 1943 when she enlisted in the Second Air Force—incurring the playful wrath of her four brothers, who were all in the Navy.

''I betrayed my family,'' Brehm said, laughing in the kitchen of the Kansas City home in which she's lived for 50 years. ''But the Navy didn't send their nurses overseas, and I wanted to be where the action was.''

She got her wish.

She spent time in Bombay, India, where she was ''in awe'' at seeing Mahatma Gandhi; in Burma, where she saw Gen. Joseph Stillwell on the Ledo Road; and finally in China, where she got to know Gen. Claire Chennault and members of his famed Flying Tigers—many of whom were patients in the 172nd General Hospital where Brehm served.

She was still in China when the A-bomb was dropped. Chinese nationalists and Communists took up their fight, and the nurses were told to quickly leave the country.

They grabbed what pictures and other belongings they could, leaving behind 20 of their own—nurses and good friends who had been killed in a plane crash in Burma.

Brehm was first sent back to India. With the promise of her choice of hospitals, she reenlisted and requested Topeka General, stateside, with a secret ulterior motive: She was dating a young man she'd met overseas, Dick Brehm from Mission.

She would marry Dick Brehm and raise two children—son Alan and daughter Susie. She would also continue her nursing career until 1990, right about the time she heard about the memorial being built in Washington, D.C., to honor female veterans.

Ann Brehm picked up her pen and wrote, in her letter to Vaught, what would become a very famous quote.

''FOR ALL OF US''

''I was very moved by your words,'' Vaught told Brehm on the phone last August. ''I've used them in hundreds and hundreds of speeches over the years.''

The general invited Brehm to join her at the American veterans of World War II convention at Crown Center, where she would finally be identified as the writer of the quote that had been on display in the nation's capital for 15 years.

''I was introduced and spoke,'' Brehm said. ''I have no idea what I said.''

Brehm was greeted warmly by her fellow veterans, many of whom thanked her for the words that had moved them when they visited the memorial. Although the revelation that she is the woman who wrote ''let the generations know'' has brought her a certain level of celebrity, she treasures one clipping above all: a short article in her church bulletin written by her pastor, Father Michael Hermes, whom she calls ''my archangel.''

The memorial will soon change the inscription from ''Author, unknown Army nurse'' to properly credit 1st Lt. Ann Sosh Brehm. She thinks that's nice, but not such a big deal.

''We had a camaraderie you just don't find in civilian life,'' she said, recalling her fellow nurses, many long since gone. ''What I said was for all of us, I don't need any credit.''

TRIBUTE TO MR. DEAN J. UTEGG

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to honor the life of Mr. Dean J. Utegg, a lifelong resident of Chautauqua County and a truly remarkable man.

DEAN J. UTEGG

[May 9, 2006]

Dean J. Utegg, 35, of 24 Maple Ave., Ripley died on Monday, May 8, 2006 at Select Specialty Hospital after a lengthy illness due to diabetes.

He was born on April 18, 1971, in Erie, to Fred L. Utegg of Ripley, and the late Joan L. Rizzo Utegg (1990).

He was a lifetime resident of Ripley, where he graduated from Ripley Central High School, and attended the State University at Fredonia.

He presently served as Ripley town supervisor and as district treasurer of Chautauqua Lake Central School, until recent retirement due to illness. He was also formerly employed at Mellon Bank in Erie for several years, and served as chairman of the Ripley and Chautauqua Democratic Committees, and was a former member of the Chautauqua Young Democrats. He also served as secretary for the Saturday Night Bowling League.

He was a member of St. Thomas More Church in Ripley and the Brotherhood of St. Joseph in North East. He loved bowling, golfing and was an avid true Cleveland Browns fan.

Besides his father, he is survived by his partner, Jai Trippy of Ripley; brothers: Stephen C. Utegg and his wife, Linda, and Mark A. Utegg and his wife, Lisa, both of North East, Pa.; sister, Belinda Mulholland and her husband, Timothy of Dewittville; several nieces and nephews, whom he was very close to; several aunts and uncles; and his friend, Miniature Dachshund, Brownie.

Friends may call at the William D. Elkin Funeral Home, 65 South Lake St., North East on Wednesday 7 to 9 p.m. and Thursday 2 to 4 and 7 to 9 p.m., and are invited to attend prayer services on Friday at 9:45 a.m. at the funeral home, followed by a Mass of Christian Burial at 10:30 a.m. at St. Gregory. Interment St. Gregory Cemetery. Memorials may be made to the American Diabetes Association, Pittsburgh Office, 300 Penn Center Blvd., Suite 602, Pittsburgh, Pa., 15235 or Ripley Hose Co., Ripley, NY., 14775.

Dean was a man who fully understood how to live life to its fullest and that, Mr. Speaker, is why I rise to honor him today.

HONORING ED WARNER

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. BISHOP of New York. Mr. Speaker, I rise to recognize and honor a good friend and constituent, Mr. Ed Warner of Hampton Bays, New York, who recently passed away at the age of 80.

As a native of Hampton Bays and a fifth generation bayman, Mr. Warner knew more than just about anyone concerning the town's history and its people. He was highly admired for his kindness, generosity and steadfast advocacy for Southampton, its residents and its unique environment.

Born in 1925, Ed grew up in Hampton Bays developing a keen sense of loyalty and pride for his hometown. After serving in the Navy during the Second World War, he returned home and worked as a bayman, catching fish that he sold to the local market. Ed knew the best places to catch fish, how to catch the most fish and where to dig for the largest clams.

Ed put his knowledge of the sea to work as a member of the Southampton Board of Trustees. He excelled on this governing body that monitored the town's waterways, serving 27 years through 13 re-elections.

In addition to his public service, Ed's sense of humor and his generosity will not soon be forgotten. An example of his kindness and compassion for others was made evident when, without hesitation, Ed gave fifty dollars to a friend in need who couldn't afford to fix his chainsaw, which he used for his livelihood—sawing holes for ice fishing.

Indeed, Ed's sympathy and goodwill earned him an impeccable reputation. He will always be remembered as an excellent fisherman, public servant, and loving husband and father. He is survived by his wife of 48 years, Teresa, their daughter Merry, sons James and Edward Warner Jr., who is following in his father's footsteps as a newly appointed Southampton Trustee.

Mr. Speaker, on behalf of New York's first congressional district, the residents of Hampton Bays and the entire town of Southampton, I thank the House for this opportunity to express our sadness in the wake of Ed Warner's passing. He was a good man whose many enduring contributions to his community will always be remembered with fondness and gratitude.

HONORING PENN HIGH SCHOOL ON WINNING THE INDIANA ACADEMIC SUPER BOWL

HON. CHRIS CHOCOLA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. CHOCOLA. Mr. Speaker, today I am excited to honor Penn High School for winning the Indiana Academic Super Bowl. Their first place showing at the Indiana Academic Super Bowl State Finals at Purdue University is their second in a row.

Vince Lombardi once said that "Winning is not a sometime thing; it's an all time thing. You don't win once in a while, you don't do things right once in a while, you do them right all the time. Winning is a habit." If this is true, then the Penn High School Academic Bowl Team is a great example of having a habit of winning.

The team members are: Jenny DeVito, Dmitri Gekhtman, Maggie Gerdes, Andrew Gresik, Josh Klopfenstein, Matt Klopfenstein, Kelsey McClure, Angela Shan, Josh Walker, and Michele Weldy.

I congratulate their Coach Peter Dekeever and all the members of the Penn High School Academic Super Bowl team on their great accomplishment.

TRIBUTE TO BOB LARSON OF WMBD–TV IN PEORIA, ILLINOIS

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. LAHOOD. Mr. Speaker, I rise today to pay tribute to Bob Larson of WMBD-TV in Peoria, Illinois.

Next Tuesday, May 23, Bob will celebrate 35 years at this television station. Over that time, Bob has become an icon in Central Illinois. Every evening many citizens of my district tune in to the newscasts of Channel 31 to get the day's news from the familiar, friendly face of Bob Larson.

Bob started his broadcasting career at the age of 16 in his hometown of Morris, Illinois, and has served over the years on both radio and television as a reporter, weatherman, and anchor. He delivers the news in a straightforward, Midwestern style, sprinkled with humor and modesty. Through years of advancing technology and ever-changing news partners, Bob has remained a part of everyday life for Peorians and a bedrock part of WMBD. The Associated Press has honored Bob for Best Downstate Illinois Radio Newscast and Best Downstate Illinois TV Newscast. "I take the responsibility of giving Central Illinois the most comprehensive newscast we can very seriously," Bob has said.

Not only is a Bob an accomplished newsman, he has spent his career interacting with the public and being a tireless volunteer for many community activities. Bob is often seen riding in his convertible at the many parades throughout our area. He has hosted the Muscular Dystrophy Association telethon for more than 25 years. He has also served as host for the Easter Seals Telethon and Peoria's annual Santa Claus parade. Bob takes community service seriously, and he set a wonderful example for our community.

Today I congratulate Bob for his 35 years of service to WMBD. I count him as a friend and I look forward to watching his newscasts and working with him in the community for many years to come.

PERSONAL EXPLANATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. GONZALEZ. Mr. Speaker, on rollcall No. 131, 132, and 133, had I been present, I would have voted 131—"yes"; 132—"no" and 133—"yes."

HONORING NATIONAL SENIOR CENTER WEEK

HON. JEB BRADLEY

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today to pay tribute to senior centers across New Hampshire during National Senior Center Week, which is May 15th through May 19th.

This year's theme is "Senior Centers—Our Community Investment." And an investment it is—senior centers provide a focal point for older Americans to access services, meet new People, and find ways to serve their communities. These centers offer invaluable services including employment assistance, health and wellness programs, transportation services, networking opportunities, and meal and nutrition programs, among others. They also introduce seniors to new technology through computer classes and Internet training.

In New Hampshire, there are approximately 45 senior centers across the State, including some in rural areas. I am fortunate to have had the opportunity to visit several of them, as well as a number of senior housing complexes and nursing homes. The seniors who visit these centers have a lifetime of experiences to share with others, and I enjoy hearing their stories. Many have answered the call to service: they serve as Foster Grandparents in schools, mentoring at-risk youth; others deliver meals to home-bound senior citizens; and many others serve their local communities by holding public office.

Each year in May, during Older Americans Month, we honor senior citizens for their contributions to our communities, which make them better places to live, work and raise a family. By continuing to provide programs that assist and educate older Americans, we can help them live longer, healthier, and more productive lives. I thank all of the volunteers and staff members at the senior centers around New Hampshire for their dedication to our Nation's older Americans.

HONORING LEROY HOMER, CO-PILOT OF UNITED AIRLINES FLIGHT 93

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to recognize the life and legacy of an African-American pilot and hero, LeRoy W. Homer, Jr., the First Officer of United Airlines Flight 93, which crashed into a reclaimed coal-mining area near Stonycreek and Shanksville on September 11, 2001.

At an early age, LeRoy W. Homer, Jr. knew that he wanted to be a pilot. As a child, LeRoy assembled model airplanes, collected aviation memorabilia and read books on aviation. LeRoy was 15 years old when he started flight instruction in Cessna 152. Working part-time jobs after school to pay for flying lessons, he completed his first solo at 16 years old, and obtained his private pilot's certificate in 1983.

In the fall of 1983, LeRoy entered the Air Force Academy, and graduated with the Class of 1987, 31st Squadron. After completing pilot training in 1988, he was assigned to McGuire AFB in New Jersey, flying the C–141B Starlifter. While on active duty, LeRoy served in Desert Shield and Desert Storm, and later supported operations in Somalia. He received many commendations, awards and medals during his military career. In 1993, he was named the 21st Air Force Aircrew Instructor of the Year. LeRoy achieved the rank of Captain before his honorable discharge from active duty in 1995.

LeRoy continued his military career as a reservist, initially as an instructor pilot with the 356th Airlift Squadron at Wright Patterson AFB, Ohio, then subsequently as an Academy Liaison Officer, recruiting potential candidates for both the Air Force Academy and the Air Force Reserve Officer Training Corps. During his time with the Reserves, he achieved rank of Major.

LeRoy continued his flying career by joining United Airlines in May 1995. His first assignment was Second Officer on the B727. He then upgraded to First Officer on the B757/767 in 1996, where he remained until September 11, 2001.

On September 11, 2001, LeRoy was flying with Captain Jason Dahl on United Flight 93. Based on information from several sources that day, we know LeRoy and Jason were the first to fight against the terrorist threat to the airplane.

LeRoy was able to accomplish much in his short life. He was able to do so because of the support of his family and friends, and the encouragement of his teachers and mentors. For his actions on board Flight 93, Homer received many awards and citations posthumously, including honorary membership in the historic Tuskegee Airmen, the Congress of Racial Equality's Dr. Martin Luther King, Jr. Award, the Southern Christian Leadership Conference Drum Major for Justice Award, and the Westchester County Trailblazer Award.

Above all of the accolades and awards, it is because of Homer's sacrifice that I pay tribute. I take great pride in recognizing Mr. LeRoy W. Homer, Jr., an African-American hero.

INSPIRING INTER-FAITH MUTUAL COOPERATION AND RESPECT

HON. THELMA D. DRAKE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mrs. DRAKE. Mr. Speaker, I had a unique opportunity to address on Holocaust Memorial Day (April 25) about 200 clergy and lay leaders representing 64 churches of the Presbytery of Eastern Virginia at their quarterly meeting at the historic Carver Memorial Presbyterian Church in downtown Newport News.

The gathering on that particular day of members of the Presbyterian Church, USA, was coincidental though my invitation to join them was not. It was a very thoughtful and touching gesture by a minister friend of mine, the Rev. Dick Keever of Bayside Presbyterian Church in Virginia Beach who served as the meeting's moderator. It speaks volumes of the inspiring inter-faith climate of mutual cooperation and respect in greater Hampton Roads which I've come to appreciate during my 21 years of living in this community and serving it as a rabbi. From 1985 to 1995 my congregation of Beth Chaverim was the only one in the world to meet in a Catholic facility, the most gracious Church Of The Ascension in Virginia Beach.

I was most gratified and a bit concerned to be welcomed by Presbyterian colleagues and friends given the recent tensions born of the controversial resolution to consider divestment from companies doing business in Israel which impacts upon the Palestinians. I felt that resolution was far too one-sided and discriminatory failing to invest toward a better future for all. I also happen to be the first rabbi to have earned a doctoral degree from the Presbyterian affiliated McCormick Theological Seminary in Chicago, adding an intriguing dimension to my special encounter on a day reminding me more than any other of being a son of Polish Holocaust survivors. I spent my early childhood in a Displaced Persons Camp in Frankfurt, Germany, and then grew up in Haifa, Israel, prior to coming to Chicago in 1966 to join my Holocaust survivor grandmother who lost her own parents, five siblings and countless others.

I was moved to share with my distinguished Presbyterian audience that the poison unleashed from the destruction of European Jewry had allowed for other genocides to occur, from the killing fields of Cambodia to Bosnia, Rwanda, Saddam Hussein's mass graves, suicide bombers wreaking havoc in New York and Israel, and Sudan's Darfur region where those with lighter skin color begrudge the presence and very lives of those with darker skin. The Holocaust, the defining event of the previous century, may yet prove to be the beginning of the end of civilized human life. After all, it took place in Christian Europe at the hands of the German nation deemed to be a leader in many fields, yet so quickly succumbing to the worst of human impulses. Though it was nourished by centuries of church led demonizing and dehumanizing, persecutions and expulsions of a vulnerable minority that in spite of its abuse as a scapegoat refused to abandon its distinct heritage. Among the Holocaust's victims were members of my father's family, direct descendents of Spanish Jews expelled in 1492 and ultimately invited to build the town of Zamosc in eastern Poland in 1588, till Hitler sealed their destiny in 1939 without the option even of conversion.

The State of Israel, home to the largest number of Holocaust survivors who are now quickly diminishing with age, is the only nation-state on earth threatened openly with annihilation by the President of another state, Iran, while he denies that the Nazi Holocaust ever took place and thus proposing one as he is bent on acquiring a nuclear capability. I pleaded with the Presbyterians, having the misguided divestment plan in mind, not to endanger in any way the Holocaust's survivors who did not seek revenge at the war's end but rather to rebuild their lives in an ancient homeland where the dream of universal peace was first conceived. Survivors, like my parents, living in an Israel which ironically has not known shalom's blessings since its 1948 inception and on May 3rd will celebrate the 58th anniversary of the Jewish state. I vividly recall attending with my father Israeli military Independence Day parades early on, and his enthusiastic acclaim to the sight of a ''Jewish tank'' and a ''Jewish plane,'' a response to our dire helplessness in the past and the sacred act of defending one's people and honor.

However, to presently despair in light of mighty challenges, would only betray the survivors noble and life-oriented spirit as well as the words of Anne Frank, one of a million and a half Jewish children including cousins of my own, ''in spite of everything I still believe that people are really good at heart, I simply can't build up my hopes on a foundation consisting of confusion, misery and death.'' Indeed Jews, Christians, Muslims and all who share our anguished planet-earth ought to be reassured by Anne's loving message and make her vision a reality for all children including Israeli and Palestinian, American and Chinese, now and forever.

Rabbi Israel Zoberman is the spiritual leader of Congregation Beth Chaverim in Virginia Beach.

TRIBUTE TO MR. KEN POTTS

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to Mr. Ken Potts who is moving on after having served our community in Southwest Michigan as the director of the Kalamazoo/Battle Creek International Airport for 16 years. Ken has a strong bond with the Kalamazoo area as he also received his BS in Aviation Technology and Management and his MBA from Western Michigan University.

Ken's distinguished career began as an intern as at the Kalamazoo Municipal Airport, which would later become the Kalamazoo/Battle Creek International Airport. After two stints managing airports in North Carolina and Vermont, Ken returned home to direct the airport where his career started in Kalamazoo—he remained there for 16 years. His other career highlights include being an Accredited Airport Executive by the American Association of Airport Executives and serving as President of the Michigan Association of Airport Executives.

After so many years of great service, I want to be sure that proper recognition was given to Ken; his long career in the aviation field speaks for itself and I think that all of us in Southwest Michigan are quite lucky that we had him aboard for so many years. The presence of an airport in Kalamzoo not only makes travel convenient for our local folks, it also makes our corner of Michigan attractive to businesses that continue to view Southwest Michigan as an ideal place to run their business.

Ken leaves our airport better than he found it. We wish Ken and his family all of the best in their future endeavors.

USA RENEWABLE FUEL ACT OF 2006

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. SALAZAR. Mr. Speaker, I rise today to announce my introduction of the USA Renewable Fuels Act of 2006. I worked on this legislation with Congressman GUTKNECHT of Minnesota, who is also a strong supporter of biofuels.

The USA Renewable Fuel Act of 2006 is aimed at assisting domestic producers of biofuels, including ethanol and biodiesel. This act would ensure that key provisions of the 2005 Energy Bill pertaining to renewable fuels production would apply to U.S. production only. My vision is to help make agriculture a partner in the energy future of this country by investing in U.S. producers and manufacturers of biofuels. This legislation helps ensure that vision.

Last year, Congress passed and the President signed legislation that doubles the use of ethanol and biodiesel by the year 2012. Recently there has been a push to eliminate tariffs on the importation of biofuels from other countries—an action that could threaten the competitiveness of domestic producers.

This bill will ensure that the Renewable Fuel Standard Congress passed last year will apply only to domestic production of biofuels. This bill will not discourage the importation of foreign biofuels, but will simply reserve a portion of the market for U.S. producers. My hope is to help promote the production and use of biofuels within the United States, and I believe this legislation will help achieve that goal.

Biofuel production is perceived to play a key role in the revitalization of rural America, including Colorado's 3rd Congressional District. Right now many farmers are taking the initiative by investing in the production of biofuels. It is our role as their representatives to provide the necessary tools and help in any way we can to achieve these goals and help revitalize our rural communities. I urge my colleagues to support this legislation as it moves forward.

TRIBUTE TO BISHOP VICTOR T. CURRY: CELEBRATING HIS 15TH PASTORAL ANNIVERSARY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. MEEK of Florida. Mr. Speaker, I would like to take this opportunity to pay tribute to one of Miami's great spiritual and community leaders, Bishop Victor T. Curry.

On May 21, Bishop Curry will celebrate his 15th pastoral anniversary, and I want to echo the same sentiments of joy and gratitude that the 15,000 members of the New Birth Baptist Church in Miami will lift up to Almighty God on this happy occasion.

Bishop Curry's ministerial journey truly represents the best and the noblest of our community. As bishop, senior pastor, and teacher of New Birth Baptist Church, he is leading his congregation in the ways of God and has tirelessly worked to enlighten our community on the path to spiritual wisdom, social responsibility and good government based on the laws of God and the dictates of conscience.

I want to acknowledge the tremendous work he is doing in constantly guiding not only the members of New Birth Baptist Church, but also the entire family of the ''The Cathedral of Faith International.'' He has truly exemplified the model of Christ as the Good Shepherd, and has led his flock, sharing with them the words of God's wisdom and the good news emanating from the gospel.

His motto—''From Vision to Victory''—has impacted the lives of countless people, for Bishop Curry has carried forth his message of hope in person, in newspapers, on television, and on radio. He has demonstrated, both by word and by example, his unconditional love for and commitment to our children, the elderly, the poor, the disenfranchised, and those less fortunate among us.

I therefore join with his congregation and our entire community in honoring Bishop Curry on his 15th pastoral anniversary and in wishing him many more in the years to come.

A SUCCESS STORY OF DEMOCRACY IN AFRICA

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, since congressional districts were realigned in Massachusetts in 1992, I have had the honor of representing a large number of Americans who trace their ancestry to the Republic of Cape Verde. As with other Americans who trace their ancestry to other nations, the Cape Verdean Americans who live in my district are very proud of their ancestral homeland, and are very much interested in my working to preserve good relations between our two countries. In the case of Cape Verde, that is very easy. The Republic of Cape Verde from the day of its independence has maintained a degree of democracy, respect for individual freedom, and respect for human rights that is very impressive. In the nature of things, people tend to hear bad news about other continents, countries or regions. But while it is important for us to give attention to those places where correction is needed, we should not by silence about successes let people think that there are none. I recently had the chance to read a very impressive study by Dr. Bruce Baker and Professor Roy May of Coventry University in the United Kingdom, entitled Cape Verde: The Most Democratic Nation In Africa?

In the acknowledgment to their report, the authors answer this question in the affirmative—We believe that the country fully lives up to the title of the most democratic nation in Africa.

Sensible space limitations prevent me from asking that their entire article be printed here. I do note that it will soon be appearing in a leading academic journal on African affairs. But given the importance of refuting the notion that democracy is somehow unsuited to African countries, a justification occasionally put forward by defenders of autocracy, I do want to quote some important passages here from their article:

One of the most striking indicators of Cape Verde's democratic maturity has been the ease by which power has been transferred, with defeated governments and their supporters accepting the electorate's verdict. Since the country's 1991 transition to multiparty democracy, Cape Verdeans have changed their government three times.

Deputies from both main parties believe the National Assembly to be effective in adversarial debate. Civil and political rights are enshrined in the constitution and widely respected in practice. The judiciary is regarded as independent and therefore free of political bias.

Mr. Speaker, the authors acknowledge that democracy of Cape Verde, as is true everywhere else, is not perfect, but they stress that there is an overall democratic atmosphere in Cape Verde in which those lapses can be pursued by people interested in improving the situation without fear of repression or retaliation.

Mr. Speaker, I am very pleased to call attention to the thriving democracy in the Republic of Cape Verde both because it deserves attention in itself, and is a counter to those who argue that somehow democracy and respect for basic human rights is a western doctrine that cannot travel to other parts of the world.

Mr. Speaker, the Cape Verdean Americans whom I represent are very proud of their homeland, as they should be. It is entirely appropriate that the Bush Administration recognized the flourishing democracy of Cape Verde, among other aspects of that nation's governance, by making it one of the first recipients of funds under the new Millennium Challenge foreign aid program.

DAMU SMITH INTERNATIONAL RENOWNED ACTIVIST DIES AT AGE 54

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. RANGEL. Mr. Speaker, I rise today to pay tribute to Damu Smith, who died May 5, 2006, and to enter into the record an article by Makani Themba-Nixon entitled Damu Smith, popular activist, dies at 54 which appeared on May 13, 2006 as a special to The Washington AFRO American.

Damu Smith was a people's activist who put his heart and energy into more than one cause. He was a St. Louis native and longtime Washington, D.C. resident, but he was renowned internationally as a great organizer and a man of ideas. He was a co-founder with Donelle Wilkins of the National Black Environmental Justice Network, NBEJN, in 1999.

As the first coordinator for Southern Organizing Committee for Economic and Social Justice, Smith revealed the practice of some corporations that targeted poor African American Communities. He organized Toxic Tours in the South to help bring national attention to this very serious problem. The story of this successful campaign to force a PVC plant out of Norco, La., was made into Lifetime cable movie, Fenceline: A Company Town Divided.

Smith was a leader and co-founder of several social justice initiatives including Artists for a Free South Africa and Black Voices for Peace. For over 30 years, Smith worked to bring justice to all.

When Smith first became ill, his many friends and followers from many peace, environmental and social justice movements rallied around him to give him their full support as a way of showing their love and gratitude for everything he had done to promote peace, justice and preservation of our mutually shared planet.

Among the many projects Smith was involved in was promoting a national Martin Luther King Jr., Holiday. In the 1990s he joined Greenpeace USA and monitored corporate pollution on the Gulf Coast. He coordinated the first National People of Color Environmental Leadership Summit in 1991, helping to link the civil rights movement to the environmental movement for the first time, colleagues said.

Born LeRoy Wesley Smith, he came to Washington in 1973. He later took the name Damu, which the Associated Press of May 8, 2006 reported means blood, leadership and strength in Swahili.

Damu Smith was a leader of great strength and passion. His causes were many and varied but all of them were about social justice

and civil rights. Smith was an activist for 30 years. During this time, he was a co-founder of Artists for a Free South Africa and Black voice for Peace. His efforts ranged from a stint as executive director of the Washington Office on Africa during the anti-apartheid movement to work on gun violence and police brutality with the United Church of Christ Commission for Racial Justice.

According to the Afro American article, Ron Daniels founder and president of the Institute of the Black World 21st Century, reflected that Smith was an incredible organizer, an incredible leader and teacher. He was also an incredible human being. I certainly second that assessment.

Journalist George E. Curry wrote that Damu Smith who died at age 54, crammed more into his 54 years on earth than people who live twice as long. Yet, the feeling lingers that he left us too soon. Curry wrote that Smith was a man of integrity and he was a visionary. Those are words of high praise and they are true in describing Damu Smith. I want to add, he was a man with a great heart who spent his life working for those who most needed him.

Damu Smith loved his one child very much. His many friends knew how much and how deeply he loved Asha Hadia Vemice Moore Smith, his 14-year-old daughter. They have set up a trust fund so she will have the opportunity for the education he wanted for her.

I believe if Asha has inherited his heart and his character Damu Smith's daughter will be a light in the world just like her father.

[From the AFRO American News, May 10, 2006]

DAMU SMITH, POPULAR ACTIVIST, DIES AT 54

(By Makani Themba-Nixon)

Damu Smith, internationally renowned activist and a founder of the environmental justice movement, passed away early on May 5 at George Washington Hospital. Surrounded by a crowd of friends and family that spilled down hospital corridors, Smith, 54, succumbed after a year long bout with colorectal cancer. Smith was a dedicated organizer who even at the height of his health challenges found time to support social justice work. In recent months, Smith addressed the Millions More March and a capacity crowd for a TransAfrica forum, despite his ailing health. ''He loved his people,'' says Donelle Wilkins, co-chair of the National Black Environmental Justice Network (NBEJN) an organization she and Smith founded in 1999. ''You may have seen him at the big podiums and the big meetings but he was also in the country corners, the small towns, the little places. He rolled up his sleeves. He got his hands dirty.''

A St. Louis native and long time Washington, D.C. resident, Smith was a leader and co-founder of several social justice initiatives including Artists for a Free South Africa and Black Voices for Peace. A consummate organizer and bridge builder, Smith's work extended over 30 years and several issues. ''He was about bringing justice wherever it was needed,'' said Wilkens.

Smith's efforts ranged from a stint as executive director of the Washington Office on Africa during the anti-apartheid movement to work on gun violence and police brutality with the United Church of Christ Commission for Racial Justice, the National Wilmington 10 Defense Committee and the National Black Independent Political Party. An outspoken activist on peace and disarmament, Smith served as associate director of the Washington Office of the American Friends Service Committee and traveled internationally to support movements for peace and justice around the world. ''He was undoubtedly one of the most important activists of our time,'' reflected Ron Daniels, founder and president of the Institute of the Black World 21st Century. ''He was an incredible organizer, an incredible leader and teacher. He was also just an incredible human being.'' Perhaps Smith is best known for his groundbreaking work to establish the environmental justice movement. As national associate director and national toxics campaigner for Greenpeace USA, he helped carve out the racial justice analysis that helped distinguish environmental justice from the ''green space'' focus that typified environmental work of the day.

As the first coordinator for environmental justice for the Southern Organizing Committee for Economic and Social Justice, Smith gained firsthand experience of the corporate pollution practices that target poor and African American communities. He organized Toxic Tours in the South to help bring national attention to the issue, taking celebrities Alice Walker, Haki Madhubuti and others to the infamous area in Louisiana dubbed Cancer Alley. ''The work in Cancer Alley was his heart. He didn't think anything about his well being. He stood in the face of the threats, of the violence, of the toxics. He set an example for what was possible. It gave his community a sense of strength, a sense that together they can make a difference. And they did. It was profound,'' said Wilkens.

The campaign to force a PVC plant out of Norco, La. was eventually the subject of a Lifetime cable channel movie, {Fenceline: A Company Town Divided}. Smith's efforts helped draw attention to the disproportionate toxic dumping in African-American communities nationwide, which led him to help found the National Black Environmental Justice Network.

''It was his vision to bring Black people together from all over the country to unite us around this issue,'' Wilkins said. ''He single-handedly brought together folk from more than 30 states—welfare moms to PhDs—to give birth to this network. Damu's leadership and commitment was relentless.'' Although Smith remained executive director of the network until his death, his primary campaign over the last year was his own survival. Friends launched the Spirit of Hope campaign to support Smith with living and healthcare expenses as years of organizing work left him with little resources and without health insurance. His wide network responded with an outpouring of support including a star studded gala last July that brought together artist activists Danny Glover, Bernice Reagon and Sonia Sanchez.

''These resources went to support Damu in acquiring the care he needed,'' said Sandra Rattley, Spirit of Hope coordinator. ''Damu was so grateful. The doctors were saying he only had three months last year but the community came together and literally extended his life. And every month he had, he continued to give back.''

Survivors include his daughter Asha Hadia Vernice Moore Smith, 13. He is also survived by a sister Sylnice Williams; two brothers Richard Anthony Smith and Leslie Dudley Smith; a significant other Adeleke Foster, two nephews, six nieces and thousands of friends and fellow soldiers in the battle for peace and justice.

Rattley said the community is rallying to ensure that Asha is provided for. Smith often referred to his daughter as the crown jewel of his life and once boasted had started a Black Kids for Peace organization. Friends and colleagues often remarked on what a devoted and caring father Smith was. ''I know that Damu wanted to make sure that Asha is alright,'' says Rattley. A memorial service is scheduled for 5 p.m. May 20 at Plymouth Congregational Church, 5301 North Capitol St., N.W. in Washington, D.C. In lieu of floral arrangements, the family requests all donations be made to the Asha Moore Smith Trust, 1750 Columbia Road, N.W., Washington, D.C. 20009 or online at www.damusmith.org.

50TH ANNIVERSARY OF THE LIVONIA HISTORICAL SOCIETY IN LIVONIA, MICHIGAN

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. McCOTTER. Mr. Speaker, today I rise to honor and recognize the 50th anniversary of the Livonia Historical Society in Livonia, Michigan.

For five decades, the Livonia Historical Society has worked to preserve the historical and cultural heritage of our community. Initially founded in 1956 by Gladys and Don Ryder in the Bentley High School library, the Livonia Historical Society serves as guardian over Livonia's original buildings, museums, and homes.

The Livonia Historical Society's extraordinary accomplishments include preserving the Quaker House; and naming a library after prominent Livonia engineer Alfred Noble; and developing the 160–acre Greenmead historical village, which contains the 1820 estate of Joshua Simmons, an 1841 Greek Revival farmhouse, a one-room school house, and a generall store. Further, the Livonia Historical Society has collected and protected ancestral records and artifacts; educated the public about the history of Livonia; and held fundraisers to support restorative projects on Quaker Acres.

Mr. Speaker, I ask my colleagues to join me in congratulating my hometown's Livonia Historial Society for its first 50 years of noble civic service; and in extending our best wishes as they embark upon their next 50 years of preserving our community's uncommon legacy—and, in the process, selflessly affirming their own.

TRIBUTE TO THE 75TH ANNIVERSARY OF THE SOUTH FLINT TABERNACLE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to South Flint Tabernacle as it celebrates 75 years of worship. The Tabernacle will come together on Sunday, May 21st to pray and rejoice in the blessings be stowed by God for the past 75 years.

Reverend John McLaughlin founded South Flint Tabernacle in 1931. The original worship services wire held at Lincoln School in my hometown of Flint, Michigan. A few years later the congregation purchased the land now occupied by the current church in Burton Michigan and embarked upon building a permanent

house of worship. After several building and remodeling projects the church has grown to its present size.

The Reverend Robert E. Henson has been the loving and charismatic pastor since 1979. A vibrant, dynamic congregation supports several ministries including Alcohol Chemical Treatment Ministry, Bus Ministry, Convalescent Ministry, Follow-up Visitation, Home Bible Studies, Home Friendship Groups, Inner City Evangelism, and Jail Ministry. The congregation and clergy live and pray their stated beliefs: The Bible is the inspired Word of God; There is only one God; Jesus Christ is God manifested or revealed in the flesh; The plan of salvation is clearly stated in the Holy Bible; The believer should live his or her life consecrated to the Lord Jesus Christ; Jesus Christ is coming again; There will be a final judgment.

Mr. Speaker, I ask the House of Representatives to rise with me and applaud the South Flint Tabernacle as it celebrates 75 years of prayer, adoration, fellowship, and outreach. The clergy, congregation and staff are to be commended for their pledge to bring about positive changes in their community and to support each other in the everyday struggles of human life. Their commitment to their faith is an inspiration to all privileged to witness their actions.

A TRIBUTE TO FLORENCE RICKETTS GAYNOR ON THE CELEBRATION OF HER 105TH BIRTHDAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to Florence Ricketts Gaynor, my constituent, who will celebrate her birthday on May 18, 2006. She will be 105 years of age. I offer my congratulations to her on this special day, and my hearty wishes that she celebrate many more.

Born on May 18, 1901, Mrs. Gaynor was one of eight children of Frances Drake and James Ricketts who resided in Crooked River, Clarendon, Jamaica, West Indies. In the 1920's, she married Gilbert Gaynor in May Pen, Clarendon, where they had six children.

Throughout her life, Mrs. Gaynor remained active in the church, especially the Mother's Union. She worked as a sales clerk and a seamstress. She was also employed in the laundry at the U.S. Air Base at Vernon Field, Jamaica. Her husband, Gilbert Gaynor, died in 1978.

Mrs. Gaynor immigrated to New York City in May 2001, shortly after her 100th birthday, to live with two of her daughters—Violet Morgan and Enid Gaynor. They reside on Riverside Drive in the Washington Heights neighborhood of my congressional district.

Mrs. Gaynor has 14 grandchildren, 14 great grandchildren and one great, great granddaughter.

Mrs. Gaynor attributes her long life to her faith in God and uses white rum as part of her final hair rinse to prevent colds. As a proud resident of the United States, she is very happy to have a permanent resident card even though she has no plans to work.

It is my great privilege to represent Mrs. Gaynor in the Congress of the United States, and I call upon my colleagues to join with me in wishing her a happy birthday and joyous reunion with her family to celebrate the occasion.

TRIBUTE TO JOSEPH (JOE) F. DUNNABECK SR.

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. McCOTTER. Mr. Speaker, I rise to honor and recognize Joseph (Joe) F. Dunnabeck, Sr. as he celebrates the arrival of his 90th birthday, May 20, 2006.

An adventurous and spirited leader, Joe dedicated his life to helping others. Joe and Lillian, his wife of 30 years, have led by example, spreading their "no such thing as can't" philosophy. With tireless effort, Joe served his Michigan community as a mechanic at the American Standard before retirement; and he still donates time to support the local Neighborhood Watch.

A devout Catholic, Joe personifies the teachings of his church through fairness, humility, and love. His pure and adventurous spirit has challenged the boundaries of age with his legendary exploits of hang gliding, and riding in hot-air balloons and on air-boats. As he nears his ninth decade of life, Joe's kindheartedness and bravery continues to inspire and ennoble his family and friends.

Mr. Speaker, in honor of his lifetime of benevolence and courage, I ask my colleagues to join me in celebrating Joe's birthday and thanking him for his contributions to our community and our country.

TRIBUTE TO THE 80TH ANNIVERSARY OF WHALEY CHILDREN'S CENTER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. KILDEE. Mr. Speaker, today I ask the House of Representatives to join me in congratulating the Whaley Children's Center as it celebrates 80 years helping children in my hometown of Flint, Michigan. Whaley Chlldren's Center will hold an open house on May 18 to showcase their services and commemorate their anniversary.

Robert J. Whaley, then President of Citizens Bank, decided to organize a home for neglected, forgotten children during the 1880s. He made his decision to honor the memory of his deceased I son, Donald M. Whaley. At the time of his death at the age of eleven, Donald was saving money to send to an orphanage in the Detroit area. His father conceived of the idea to create a home for less fortunate children and bequeathed in his will the funds to build the Donald M. Whaley Home. On January 26, 1924 the Whaley Foundation was organized under the trusteeship of the wardens and vestry of St. Paul's Episcopal Church. After consulting with the Child Welfare League, the Memorial Home was built in 1926.

The Memorial Home has metamorphosed into the Whaley Children's Center, dedicated to helping troubled children achieve self-sufficiency at the same time meeting their everyday needs. Using the four pillars of the "Circle of Courage" model: Independence, Generosity, Mastery, and Belonging; Whaley Children's Center strives to serve the whole child. At the present time the Whaley Children's Center can serve 51 children through their 18th birthday and high school graduation. They have a separate unit, the McDonald Cottage, for children ages 6 through 10.

Mr. Speaker, I applaud the outstanding efforts of the community, volunteers, board and staff of the Whaley Children's Center. Their steadfast devotion to the children they serve is to be commended. I am glad that I have had this opportunity to recognize their hard work and their exceptional achievements helping our troubled youth attain a better future.

NOMINATION OF GEN. MICHAEL HAYDEN AS DIRECTOR OF THE CIA

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. EVERETT. Mr. Speaker, I rise today in support of the nomination of Gen. Michael Hayden as the next Director of the Central Intelligence Agency. I have known Gen. Hayden for years and believe he is the most qualified candidate in the country for this critical position.

To further illustrate this point, I would like to call your attention to a recent editorial by retired Gen. Charles Boyd that appeared in the Wall Street Journal on May 11 which makes a convincing case for the Hayden nomination.

Mr. Speaker, Gen. Boyd served 35 years in the Air Force. As a combat pilot in Vietnam, he was shot down on his 105th mission and survived 2,488 days as a prisoner of war. The only POW from that war to achieve the four-star rank, General Boyd's final military assignment was as deputy commander in chief of U.S. forces in Europe. Prior to this assignment, Gen. Boyd was the commander of Air University at Maxwell Air Force Base, in my congressional district.

With that, Mr. Speaker, I ask unanimous consent to place in the RECORD a copy of Gen. Boyd's editorial.

[From the Wall Street Journal, May 11, 2006]

A HAYDEN SYMPHONY AT THE CIA

(By Charles G. Boyd)

Our political disagreements are often obtuse for the simple reason that it is difficult to discern motives. Do disputants put the interests of the country ahead of partisan and personal concerns? Moreover, disagreements about intelligence issues are doubly hard to parse, since—despite leaks and rampant gossip—most of what goes on inside the Central Intelligence Agency remains opaque even to high-paid journalists and other Washington sophisticates. And so, amid partisan positioning and an imposing ignorance, is the scene set for the already dismaying dispute over the president's nomination of Michael Hayden to be CIA director.

The arguments (to use a generous term) being made against Gen. Hayden are so without merit or even serious content that one cannot help but suspect partisan stratagems at work. Of these, three are most common.

First, the contention that Michael Hayden is a kind of intelligence technocrat, knowledgeable only in signal intelligence, is pure canard. A liberal-arts man, Gen. Hayden has a masters degree in history, and was the broad-based senior intelligence official for the Air Force and the U.S. European Command before entering the technical domain of the National Security Agency. He worked on the National Security Council staff, in the U.N. Command and U.S. Forces Korea, and in these positions was a senior level consumer of intelligence as well as an earlier producer of it. Those who make such accusations do not know him or, more broadly, what they are talking about.

Some complain, secondly, that Gen. Hayden was somehow complicit in the domestic eavesdropping undertaken by the NSA at the president's direction. Gen. Hayden's sin in this case seems to stem from his calm and rational defense of an embattled president's heretofore secret program. No legal infractions attended anyone's behavior in what was, and remains, a policy response to a clear and present threat. Moreover, if Gen. Hayden had objected—having been assured by the attorney general, the Department of Justice, the White House counsel and the NSA general counsel that the program was legal—his position would have been unprofessional and ill-advised.

Third, there is the objection that Gen. Hayden is, well, a general—a military man—as if that automatically disqualifies him for the job. Since the National Security Act of 1947 created the CIA, four military officers have held the director's job—plus two more who directed the postwar predecessor to the CIA. So there is ample precedent for Gen. Hayden's nomination. But the complaint here is not so much about precedent as the presumption that Gen. Hayden would docilely do the bidding of the bureaucratic imperium represented by the present secretary of defense. To believe this is to ignore his professional history.

Gen. Hayden was the only high-ranking active-duty general to testify against Secretary Donald Rumsfeld's desires as the National Intelligence Directorate was debated by Congress in 2004. He did so, he believed, in the interests of a more rational template for oversight, and control of those intelligence agencies now under the Defense Department whose customers are multidepartmental. Gen. Hayden was a man of convictions with the courage to defend them when he was a lieutenant colonel, and has lost neither of those characteristics as he ascended into the senior ranks of his profession.

Most important, the best guarantee against coercion of the CIA director by any cabinet-level official—or president—may be stated in one word: professionalism. And Michael Hayden, as I have observed for nearly 20 years, is a professional par excellence.

Those who wish to harm the president seem intent on using Gen. Hayden as a bank shot into the Oval Office. This is a great shame, and stands to be an important missed opportunity, for the confirmation process—were it to focus truly on the national interest—could do a great deal of good at this time of tumult in the intelligence community.

There has been, for a long time, a tendency on the part of some presidents to select CIA directors who were amateurs in the craft. Their political or ideological leanings have sometimes been a more important factor in their appointment than their knowledge and capabilities in the arcane world of intelligence. With those chosen for such reasons comes a weakened ability to resist pressure to marshal intelligence in ways tailored to support the policy objectives of a president: pressure to give the president what he wants rather than what he needs. It is fair, I believe, to claim that the intelligence failures of recent years were a long time in the making, and that they were failures not so much of the institution but of a flawed intelligence leadership selection process.

''Amateur'' is not, by definition, a swear word; we have had, on occasion, some very talented non-professional directors of Central Intelligence. But there is no substitute for the professional knowledge and ethos at the top that legitimate and protect the intelligence function from a host of political pressures and insinuations.

Gen. Hayden's confirmation hearings should, first of all, result in his confirmation. But beyond that, the hearings could do the country an important service if they were to consider a more thoroughgoing reform—modeling the key intelligence positions in the U.S. government on that of the chairman of the Federal Reserve, or of the Joint Chiefs, whose term does not run parallel to that of the president, and whose professional credentials are critical elements in his selection. More than anything else the Congress can do, such a reform would help restore the professionalism that is crucial to the intelligence function in a democracy. That would be no bank shot, but a slam-dunk for national security.

IN TRIBUTE AND APPRECIATION OF RONALD SHAIKO

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. BASS. Mr. Speaker, I rise today to recognize a distinguished resident of New Hampshire, Mr. Ronald Shaiko.

Sixteen Dartmouth students from all over the country have come to the Nation's Capital to serve as interns in various political positions throughout the District. This bright, energetic group has been led by a capable professor who shares their enthusiasm for governmental affairs. Mr. Shaiko has dedicated many years of service to higher education and has inspired many of his students to undertake successful ventures in their fields of choice throughout the country. He is the author of several political science publications and is currently acting as Visiting Associate Professor of Government at Dartmouth College. Recently, Mr. Shaiko visited the West Bank and Gaza as part of a United States observer delegation to the Palestinian Legislative Council elections despite the American embassy's security concerns.

Mr. Speaker, I am proud to pay tribute to Mr. Ronald Shaiko's service to New Hampshire and the Nation.

A NEW MEXICAN FALLEN HERO, DEPUTY JAMES ''JIMMY'' McGRANE

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mrs. WILSON of New Mexico. Mr. Speaker, today I bring to your attention Bernalillo County Sheriff's Deputy, James McGrane. Deputy McGrane was killed in the line of duty on March 22, 2006. He was only 38 years old and leaves behind his wife, Connie; his parents James and Rita McGrane; and his sister Ida.

Deputy McGrane was killed while conducting a nighttime traffic stop. Law enforcement officers avoid using the word routine, because they are always exposed to danger during these events. James McGrane dutifully made that stop on the evening of March 22. Deputy McGrane knew that a dangerous traffic stop could come at any time, but he also knew it was his job to protect the people of Bernalillo County and he gave his last breath honoring his commitment.

James McGrane always wanted to be in law enforcement. Even as a senior at Hope High School in Albuquerque, he talked about a career as a police officer. He joined the New Mexico State Police in 1992 when he was only 21 years old but he may not have been ready for his first assignment. James then went to work for the U.S. Postal Service, where he met the love of his life—Connie. But law enforcement was in his blood, so no one was surprised when he joined the Bernalillo County Sheriffs Department in 2002. It wasn't just a job, it was his hobby. Deputy McGrane was assigned to the East Mountain Area of the County. It was a natural fit because he enjoyed the style of community policing common to a rural area.

While James McGrane was a model law enforcement officer, he had his eccentric side. For example, right before midnight, he would walk into the squad room with a large bowl of cold oatmeal, sit in the same chair and eat it as his Sergeant conducted the nightly briefing. His fellow officers would tease him about being a health nut, how he was concerned about his appearance and being scared of the supernatural. James would take the good natured ribbing and continue working. If he didn't have a call he would find something to do. He would look to help out his fellow deputies by looking for wanted felons or running a radar station. As his wife Connie so graciously stated, ''He was proud to put on that uniform.''

Mr. Speaker, I ask you to join me and all the residents of New Mexico in honoring our fallen hero, Deputy James ''Jimmy'' McGrane. This man never quit, never complained and in the end, gave his life for something he loved. We thank his parents and his wife for sharing their son and husband with us. We owe them a tremendous amount of gratitude for James's service and devotion to his community.

PERSONAL EXPLANATION

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. AL GREEN of Texas. Mr. Speaker, today I was unavoidably delayed and missed the vote on the Jackson-Lee amendment to H.R. 5122, the National Defense Authorization Act, rollcall 143.

I respectfully request the opportunity to record my position. Had I been present I would have voted ''yea'' on rollcall 143.

At this time I would ask for unanimous consent that my position be entered into the RECORD following that vote or in the appropriate portion of the RECORD.

CODIFICATION OF TITLE 41, UNITED STATES CODE, PUBLIC CONTRACTS

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. SENSENBRENNER. Mr. Speaker, today I am introducing a bill to codify and enact certain general and permanent laws, related to public contracts, as Title 41 of the United States Code. This bill has been prepared by the Office of the Law Revision Counsel of the House of Representatives as the successor to H.R. 4320, introduced in the 108th Congress on May 10, 2004. This bill reflects changes resulting from the review and comment process that was provided after H.R. 4320 was introduced. All issues raised during that process have been resolved to the satisfaction of the parties involved.

The bill, along with a detailed section-by-section explanation of the bill, can be accessed on the Office's website at http://uscode.house.gov. Anyone interested in obtaining a printed copy of the bill and explanation, and persons interested in submitting comments on the bill, should contact Ken Paretzky, Senior Counsel, Office of the Law Revision Counsel, U.S. House of Representatives, H2–304 Ford House Office Building, Washington, DC 20515–6711. The telephone number is (202) 226–9061. Comments on the bill should be submitted to the Office of the Law Revision Counsel no later than July 16, 2006.

PAYING TRIBUTE TO CHIC HECHT

HON. JOHN C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor former United States Senator Chic Hecht for his service to the residents of Nevada as well as the United States of America.

Mayer Jacob Hecht was born on November 30, 1928. He is better known by his friends and family by the childhood nickname of Chic. Chic was born into a Jewish family in Cape Girardeau, Missouri. He received a Bachelor of Science degree in retailing from Washington University in St. Louis in 1949 before entering the military.

Chic attended Military Intelligence School at Fort Holibird and served as an intelligence agent with the U.S. Armed Forces during the Korean War, from 1951 to 1953. Chic was a member of the National Military Intelligence Association, and was inducted into the Military Intelligence Hall of Fame in 1988. After leaving military service, Chic moved to Nevada. His business activities included retailing, the operation of a bank, and interests in hotels. He married the former Gail Kahn in 1959.

In 1966, Chic was elected to the Nevada State Senate, the first Republican to represent his predominantly Democratic district in and around Las Vegas in more than 25 years. He was a State Senator from 1967 to 1975, serving as Senate Minority Leader from 1969 to 1970. In 1982, Chic was elected to the United States Senate, ousting four-term incumbent Democrat Howard Cannon. He served only one term, from 1983 to 1989, having been defeated for reelection in 1988 by Democrat Richard Bryan. He was then appointed ambassador to the Bahamas by President George H.W. Bush, and served in that post from 1989 to 1994.

At age 77, Senator Hecht passed away on May 15, 2006 due to complications from cancer.

Mr. Speaker, I am proud to honor Senator Chic Hecht for his success in politics and his service to his community and his country. He will be dearly missed by all who knew him.

HONORING THE LIFE OF FLOYD PATTERSON, A HEAVYWEIGHT CHAMPION WHO ROSE FROM POVERTY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. CONYERS. Mr. Speaker, I rise tonight to honor the life of Floyd Patterson, a soft-spoken boxer who overcame a troubled childhood to become the heavyweight champion of the world.

Born on January 4, 1935 in Waco, North Carolina, Patterson grew up poor in Brooklyn, New York. Patterson's father was a manual laborer and his mother took care of Patterson and his 10 siblings. He had serious learning disabilities and could not read, write, or speak. At age 11, his mother had him committed to a school for emotionally disturbed boys. It was at this school where Patterson first picked up a pair of boxing gloves.

At age 16, Patterson won the New York Golden Gloves middleweight title at Madison Square Garden and at age 17, he won a gold medal as a middleweight at the 1952 Olympic Games in Helsinki. On November 30, 1956, Patterson became the youngest heavyweight champion in history at the age of 21.

Throughout his professional career, Patterson amassed a record of 55 wins, 8 losses, and 1 draw. His total earnings from boxing reached $8 million. Despite his talent in the boxing ring, Patterson was known as a gentle and sweet man. Red Smith, The New York Times sports columnist called him, "the man of peace who loves to fight."

After retiring, Patterson remained in boxing and opened up a gym. He took interest in young boxers, especially a troubled 11-year-old who reminded Patterson of himself. He eventually adopted the boy and became his trainer and manager. The special order organized by Representative STEPHANIE TUBBS JONES is an appropriate way to celebrate and honor this model human being.

SUPPORT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. LEVIN. Mr. Speaker, I rise to speak in support of a program that makes an enormous difference in the lives of all our constituents: the Community Development Block Grant, or CDBG, program.

The CDBG program provides direct federal funding to local governments to make needed investments that improve the quality of life in our communities. These funds are used to prevent homelessness, reduce infant deaths, and provide youth enrichment programs. They are used to rehabilitate housing, to reconstruct residential streets, to help fund domestic violence shelters, to provide seniors with snow removal and lawn care assistance, and to fund important economic development initiatives.

The President has again demonstrated that his budget priorities are upside down and out of step with our communities' needs by proposing a 20 percent cut in formula funding to CDBG entitlement communities. But as the distinguished Ranking Member of the Appropriations Committee, Representative OBEY, has pointed out, just looking at this year's proposal doesn't tell the whole story.

The CDBG program is just one of many important domestic priorities that have been subject to a bizarre pattern in which, year after year, the President proposes draconian cuts, then Congress restores some of the funding and declares victory. However, the effect of this is that after several years, the draconian cuts are imposed. Since 2001, the CDBG program has already been cut by more than 22 percent in real dollars.

Yet the President wants to reduce these vital resources to our local communities even further. According to a Congressional Research Service analysis that I requested, the CDBG entitlement communities in my district would stand to lose $2.25 million next year if the President's proposed funding cuts are adopted.

As bad as these numbers sound, it is important to remember that there are real people behind them. During the April recess, two cities in my district, Warren and Southfield, Michigan, were kind enough to show me the impact that CDBG funds have had in their communities.

They have used these CDBG resources to make a real difference in the lives of countless families. I was particularly impressed by the housing rehabilitation programs that represent the largest CDBG-funded program in both communities. These efforts, along with CDBG-funded investments in local parks and roads, have helped maintain vibrant neighborhoods in both cities. I ask that summaries of these programs be included in the record, but I want to share with my colleagues just one example of the powerful difference that CDBG funds have meant to individual families.

Through its Residential Rehabilitation Loan Program, the City of Warren was able to help Michelle Amburgy and her son. I quote:

> Michelle Amburgy is a single mother employed by a catering service. When her furnace stopped working before Christmas and she and her son were living without heat, Ms. Amburgy did not have the resources to purchase a new furnace. She says she, ". . . tried everywhere to get money for a furnace. . ." and was unable to find a program to help her. Luckily the application she submitted to the City of Warren for a rehabilitation loan was being processed and according to her, ". . . the City put a rush on it . . ." in order to get a new furnace so she and her son could have heat. In addition to the furnace, various other improvements were done to her home, including an update of the electrical and plumbing systems which she says

were definitely needed but she, ''. . . never would have been able to afford on my own''.

I hope that the House will remember Ms. Amburgy and her son, and the thousands of other families touched by the CDBG program when we consider funding for the CDBG program in the coming weeks.

CITY OF WARREN RESIDENTIAL REHABILITATION LOAN PROGRAM—CDBG

The City of Warren has spent over $14,370,000 of the Community Development Block Grant (CDBG) funding it has received since 1982 on an owner occupied rehabilitation loan program, which has assisted over 1,000 households. The low or deferred interest loans are offered to eligible households for necessary home improvements, including the correction of dangerous structural defects and the elimination of unhealthy living conditions. The program provides households who may otherwise not be able to improve their homes and living conditions with a means for doing so. For example, Michelle Amburgy is a single mother employed by a catering service. When her furnace stopped working before Christmas and she and her son were living without heat, Ms. Amburgy did not have the resources to purchase a new furnace. She says she, ''. . . tried everywhere to get money for a furnace . . .'' and was unable to find a program to help her. Luckily the application she submitted to the City of Warren for a rehabilitation loan was being processed and according to her, ''. . . the City put a rush on it . . .'' in order to get a new furnace so she and her son could have heat. In addition to the furnace, various other improvements were done to her home, including an update of the electrical and plumbing systems which she says were definitely needed but she, ''. . . never would have been able to afford on my own''.

In order to qualify for the program, the household must meet the definition of low or moderate income which is adjusted based upon household size. For instance, the total income for a household of two would have to be below $27,950 in order to be considered low income. If the household qualifies as low income, payments on the loan are deferred and no interest is charged. The total income for a moderate income household of two would have to be below $44,750. If the household is determined to be moderate income, monthly payments on the loan are due at a 4 percent interest rate. All loan payments and loan payoffs are placed into a revolving account used to fund future rehabilitation loans.

The rehabilitation loan program not only provides funding needed to make home repairs, it also provides expertise and guidance through the home improvement process. The City's inspectors perform a thorough inspection of the home and determine all items which must be corrected in order to bring the home into compliance with current housing codes, which may include updating electrical, plumbing and heating systems. This work must be addressed through the program. The homeowner, in consultation with City staff, may also identify other items which should be done in order to improve the condition of the property. This may include the installation of new windows, roofing, and modest kitchen and bath updates. The City oversees the preparation of specifications, the bid process and the actual rehabilitation to ensure that the appropriate work is being done by qualified individuals.

Arthur and Gloria Huard are a retired couple living in Warren. Mr. and Mrs. Huard were faced with a leaking roof that was causing structural damage to a portion of their home. Mrs. Huard says that she and her husband are living on a fixed income and, ''. . . didn't have the money to pay . . .'' for a new roof and the necessary repairs to the home. She and her husband received a rehabilitation loan from the City of Warren which funded a roof and repair of the structural damage. They were also able to have new windows installed and their bathroom updated, including the replacement of flooring which had been sinking. Mr. and Mrs. Huard were relieved to have the work done and she says that they were, ''. . . very pleased . . .'' with the work and that, ''. . . the men that worked were very nice and helpful''. Mrs. Huard says that the pension and social security they receive must go to pay medical bills for her ailing husband and she's relieved that the loan funds do not have to be repaid to the City until they sell their home because they are retired senior citizens.

Many different types of households are assisted with the City of Warren's CDBG funded loan program. Of the 62 households receiving loans within the past two years, 22 were female head of household/not elderly, 19 were female head of household/elderly, 7 were elderly/not female head of household and 14 were classified as ''other''. For example, Kevin and Kelly Sorlien are a young couple with three children of their own. In addition, the Sorlien's also have custody of Kelly's teenage sister and are responsible for her care. Mr. Sorlien works full-time and Mrs. Sorlien takes care of the children and has picked up a part-time job to help support the family. The Sorlien's needed some improvements done to their home and Mrs. Sorlien says they couldn't afford to do them on their own. They applied for a rehabilitation loan through the City because she says that, ''. . . the interest rates were lower with the City's loan . . .'' than they would have been able to get had they gone elsewhere for a loan. With the City's loan, the Sorlien's were able to get a new roof and siding and updates elsewhere in the home. Mrs. Sorlien says that she, ''. . . loves the way my house turned out . . .'' and was happy that the City was able to make this program available to her family.

SOUTHFIELD HOME IMPROVEMENT PROGRAM (SHIP) CDBG FUNDED RESIDENTIAL REHABILITATION PROGRAM

The City of Southfield, over the past 32 years, has spent close to $7,000,000 of the Community Development Block Grant (CDBG) funding on the Southfield Home Improvement Program (SHIP). Since 1975, SHIP has assisted over 930 households. The program is designed to assist low and moderate income homeowners afford structural repairs to their home who may not otherwise qualify for a bank loan.

The loans we give range from small emergency repairs to large scale structural problems. Although the average loan amount is $15,000 it is not unusual to have a $25,000 loan on one property which includes roof repair, plumbing, electrical and new windows. The clients of SHIP range in income from extremely low; those on fixed incomes due to age or disability; and those families with moderate incomes who are not classified as poverty stricken but don't have sufficient income for amenities outside of basic living necessities.

Sherry Crammer is a 59 year old widow of 16 years to a Detroit police officer and has lived in her Southfield home for 30 years. Her yearly income is $23,868 comprised primarily of her husband's pension. As a result of poor health issues, the homeowner incurred high medical bills and credit card balances forcing her into bankruptcy. In the early part of January 2006, the homeowner smelled a slight burning odor coming from her furnace. Upon calling the gas company, they red tagged the furnace after showing her the plastic coating on the wires that were melting. The act of 'red tagging' means that the gas appliance is determined to be a hazard and is not to be used until repaired or replaced. The call from the homeowner was received by SHIP on a late Friday afternoon. At 5 p.m. the Housing Inspector went to her home to examine the crisis and to assist with the application process. During this initial contact it was learned that she had an unused wall space heater in a spare bedroom. The Housing Inspector, with the help of some caring neighbors was able to get the space heater running until a contractor quote could be finalized that following Monday and a new furnace installed. The homeowner was very grateful for all of the personal attention and service. Before assistance from SHIP, Mrs. Crammer had contemplated moving into a senior citizen apartment. SHIP afforded her the opportunity to continue living in the home she loved.

The Andersons are a young couple who had in the past 2 years gotten married, bought a home in Southfield and started their own landscaping business. The business was doing okay, but there wasn't any extra money, most of the profits went back into the business. The home needed a new roof as well as electrical and plumbing repairs. With SHIP, the couple was able to get a 3 percent interest loan that wouldn't require monthly payments which would have added another strain to their already tight budget. They will be able to defer payment of the loan until the sale of their house. Without a program like SHIP being available this couple would probably not have qualified for a conventional loan and may have been the target of predatory lenders.

Mr. and Mrs. Willie Hunter are a family of seven. Their income consists of a pension, supplemental security insurance and child support. They just purchased their house a little over a year ago and needed to make some improvements. However, they quickly found out the house had more extensive problems then their budget would permit them to fix, including a leaking roof. In addition, while the Hunters were in the process of replacing the kitchen floor, they discovered under the linoleum and deteriorated subfloor that they had structural floor framing problems. Application to the Southfield Home Improvement Program addressed both of these major issues for the Hunters. They are now able to sit all together at the kitchen table to enjoy their meals under a roof that doesn't leak.

The focus of SHIP is ''make a difference in the life of a family one house at a time''. Total home inspections are performed to identify housing code violations as well as abate any lead based paint hazards. The entire process is coordinated by the equivalent of 1½ staff positions. Staff prepares the specifications, reviews bids, communicates with contractors and oversees the actual rehab work in addition to processing the completed loan documents and tracking an average of 800 active loans. The goal is to complete 20–25 loans per year; making a difference one house at a time.

Note: Names have been changed to protect the privacy of program participants.

CALLING ON GOVERNMENT OF UNITED KINGDOM TO ESTABLISH INQUIRY INTO MURDER OF NORTHERN IRELAND DEFENSE ATTORNEY PAT FINUCANE

SPEECH OF

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Mr. CROWLEY. Mr. Speaker, I rise today in strong support of the resolution introduced by my friend from New Jersey, CHRIS SMITH.

I was proud to join my colleagues as an original cosponsor of this important statement by the House of Representatives.

While the peace process in the north of Ireland has been moving along, but unfortunately, not at the pace many of us had hoped for after the acceptance of the Good Friday Agreement by all parties, it is still moving forward.

We saw one example of the process moving forward when all the political parties of the north met on Monday for the first time since the Assembly was suspended 3½ years ago.

I believe these political parties must overcome all of the obstacles for the sake of the people they were elected to represent in November of 2002.

They must elect new ministers to give the people of the north the representational government that they have sought out.

But beyond the issue of setting up the assembly, one of the important things about any peace process is making sure that past atrocities have been fully investigated and the people, who committed them be held responsible, which is why this resolution is so important for the peace process.

The violence that occurred before and after the signing of the historic Good Friday Agreement still remains fresh in the minds of the victim's families and the public as a whole.

To bring about a better trust between the people of the north, the British and Irish Governments agreed to hold public inquiries into high profile murders of human rights defenders like Pat Finucane.

It is time for the British to allow the truth to come out.

The family of Pat Finucane deserves to know the full extent of collusion that existed and caused the death of this husband and father.

The British must live up to their obligations under the Weston Park Agreement and the commitment they made if Judge Cory found evidence warranting a full independent inquiry.

It is time for an independent, judicial inquiry into the murder of Patrick Finucane.

I urge all of my colleagues to support this resolution.

IN HONOR OF SPECIALIST ARMER N. BURKART

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to pay tribute to a hero and a patriot who was killed while defending our Nation in Iraq. Army Specialist Armer N. Burkart died this week when an improvised explosive device exploded near his vehicle.

This brave 26-year-old soldier was serving as a gunner with the 1st Battalion of the 10th Division based at Fort Drum in New York. Prior to this tour in Iraq, Specialist Burkart served for nearly a year in Afghanistan.

Specialist Burkart's father, John, says that Armer "was proud to be in the Army. He volunteered for combat. . .he had a nice safe position which he chose to give up." This extraordinary young man had always wanted to be in the Army, following in his grandfathers' tradition of military service in the Navy. In fact, even as a high school student, he served in the ROTC.

America should be grateful for Armer Burkart's honorable service, and we should all remember the heroism of the other men and women who have been serving by his side. America should also be grateful to the loving families these servicemen and women leave behind. Our thoughts and prayers go out to Specialist Burkart's wife, father, and younger brother, as they do to the others who selflessly give of their family time that our Nation and our world may be safe and free.

TRIBUTE TO DR. GARY PURDUE, MD, FACS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. SAM JOHNSON of Texas. Mr. Speaker, Dr. Gary Purdue, MD, FACS, is one of my constituents performing life-saving work at the Burn Center at Parkland Health and Hospital System. In addition to his work at Parkland, Dr. Purdue is Professor of Surgery at The University of Texas Southwestern Medical Center in Dallas and is also a Professor of Anesthesiology and Plastic Surgery. In addition to these achievements, he has served as the President of the American Burn Association and spearheaded efforts to improve research into the treatment of burn injuries, worked to increase critical funding in the field, and furthered the cause of education for the prevention of devastating burn injuries.

Dr. Purdue's work as leader of the ABA is significant because this is the organization that sets the industry standard for this challenging specialization within the field of medicine. Burn professionals, physicians, nurses, fire fighters and emergency personnel practice in every state of the union, playing a significant role in this country's response to emergencies, including terrorism risks which are now part of our world.

The Burn Center at Parkland has been an ACS/ABA verified burn center since 1996, and the integrated in and out patient rehabilitation program gives the burn team a very strong presence treating over 600 new acute burn patients each year. Dr. Purdue's research interests include development and maintenance of a single center 14,500 patient database, causation of injury and high risk patients. He has had over 150 articles published in peer review journals and books.

I would like to take this opportunity to congratulate Dr. Purdue on his valuable contributions to the field of burn injury treatment, an area I have had personal experiences with, and to apprise my colleagues of the American Burn Association and urge them to work with the burn centers and burn professionals in their own districts and states.

A TRIBUTE TO OCTAVIA E. BUTLER

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. SCHIFF. Mr. Speaker, I rise today to honor the late Octavia E. Butler. Ms. Butler will be greatly missed. The world of literature lost a literary genius whose novels and short stories broke the conventional expectations of African Americans, women, and science fiction writers.

Ms. Butler was a Pasadena, California native who attended John Muir High School. She graduated from Pasadena City College in 1968. Octavia spent most of her adult life in the Pasadena/Altadena area where she lived until just a few years ago when she moved to Seattle, Washington. While Octavia's fans have marveled over her extraordinary literary creations, those who knew her as a friend also marveled at her ability to remain down to earth and unmoved by fame. As an adult, Ms. Butler had traveled all over the world, from the Amazon to Russia, to gather authentic material for her books.

Ms. Butler was an internationally acclaimed science fiction author whose novels explored pressing issues such as race, gender, slavery, poverty, and politics. In 1995, she became the first science fiction writer to receive a $295,000 genius grant from the John D. and Catherine T. MacArthur Foundation. She also received two Hugo Awards and two Nebula Awards for her science fiction works. During her funeral service, on March 11, 2006, the Pasadena City Mayor's office read a proclamation that declared March 17, 2006, to be Octavia Butler Day.

Octavia is the author of many novels, including Patternmaster, Adulthood Rite, Mind of My Mind, and Kindred. For many years, Kindred, which is Pasadena's "One City, One Story" choice this year, was required reading at John Muir High School. The program is designed to broaden and deepen the appreciation for reading.

I ask all Members of the United States House of Representatives to pause to honor a great woman, Octavia E. Butler, who inspired so many people through her words and her vision. She will be missed not only by her family, but by all who were fortunate enough to cross her path or enjoy her novels.

TRIBUTE TO HONOR OF THE 75TH ANNIVERSARY OF FLOYD BENNETT FIELD

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. WEINER. Mr. Speaker, I rise today in recognition of the 75th anniversary of Floyd Bennett Field.

Floyd Bennett Field proudly served as New York City's first municipal airport, opening on May 23, 1931 with modern facilities and strong concrete runways. During the ''Golden Age'' of aviation, this airfield captured the imagination of the public and was the site of many legendary flights with spectators cheering on the accomplishments of aviators named Wiley Post, Howard Hughes, and Amelia Earhart.

In 1942 our country was at war, and Floyd Bennett Field was called into duty. Under the U.S. Navy, this airstrip served our country as a Naval Air Station which provided vital support to our troops as it recruited and trained pilots, tested planes, provided cargo transport, and performed sea rescues. Floyd Bennett Field became the first helicopter training facility in the world and is the longest continuously used law enforcement aviation unit in the world, currently housing the New York City Police Department Aviation Unit.

In 1972, after years of neglect and in the midst of municipal financial woes, Floyd Bennett Field as turned over to the National Park Service and again set records by becoming the first of the urban national parks. Since then, we have seen a resurgence in activity as the National Park Service finds new ways to invite in the public while preserving the history of the sites and tales of the past. Floyd Bennett Field now hosts an array of activities including hiking, cross-country skiing, camping, field sports, bird-watching, canoeing, and archery.

Therefore, on behalf of the United States House of Representatives, I recognize this anniversary milestone and challenge the National Park Service to maintain this field in a way that continues to benefit my constituents and the city of New York.

BURMESE MILITARY ATROCITIES

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. CROWLEY. Mr. Speaker, I rise today to raise the awareness of this Congress of the ongoing atrocities being committed by the Burmese military junta. I am deeply disturbed by what appears to be the largest attacks in 10 years on ethnic minorities in eastern Burma. Eastern Burma is a humanitarian nightmare. According to the Thailand-Burma Border Consortium, over the past 10 years, the military junta has destroyed or forcibly relocated over 2,700 villages. Not a single humanitarian relief agency is allowed into the area, not a single journalist is permitted to record the facts, and not a single U.N. official is permitted to meet, let alone protect, those on the run in Burma's eastern jungles. Even in Sudan aid agencies, journalists, and representatives of the United Nations and African Union are allowed—not so in eastern Burma.

It is time for the United States to press the U.N. Security Council to pass a binding resolution requiring change in Burma.

It is true that not all members of the Council will initially agree on the language and substance of such a proposal, and it is no secret that Russia and China have opposed the use of sanctions or military intervention in Burma.

We have listened to their points, and that is not what we are asking for.

Surely all Council members must agree that it is our collective responsibility to stop these attacks on innocent civilians and to facilitate true national reconciliation in Burma. The U.N. Security Council said so itself on April 28th when it stated in its new resolution that ''the Council reaffirmed its strongest condemnation of all acts of violence or abuses committed against civilians in situations of armed conflict.'' By not addressing the situations in Burma, the United Nations Security Council is failing its own mandate and undermining the U.N. Charter.

We cannot remain silent. We cannot stand by and wait for someone else to provide leadership, if none is being provided. Leaders of the United States, United Nations and elsewhere should state publicly that it is time for a U.N. Security Council resolution on Burma. As the rainy season approaches in eastern Burma, many lives are at risk. We must act now.

TRIBUTE TO DARYL C. BROWN

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to an individual who serves as a great illustration of all the good that is being done in our public school systems. Daryl C. Brown is the principal of Carvers Bay High School located in Hemingway, South Carolina, one of the schools I proudly represent in this body.

Renowned educator and native South Carolinian Mary McLeod Bethune once said, ''Invest in the human soul. Who knows, it might be a diamond in the rough.'' The continued success of our public schools requires not just a financial investment, but also an investment in the lives our young people. Mr. Brown's work exemplifies Dr. Bethune's mandate. Charged with the challenging task of combining two rival high schools, he so successfully managed the consolidation that the biggest obstacle was selecting the school colors. On the first day of school, he held an assembly where he showed students a newspaper article predicting that the school would not be a success. He forcefully disputed that assertion, saying that Carvers Bay would become a blue ribbon school, a prediction that was met with a rousing ovation from students and staff. Well on its way to that distinction, the school has made impressive gains on test scores, added AP classes, and started an ROTC program considered one of the best in the area.

An innovative leader who is often the first in the district to experiment with new strategies, Mr. Brown created a Freshman Academy to ease the transition from middle school, even designating a separate wing for the program. He also began an initiative to provide breakfast for all of his students, making Carvers Bay one of the few high schools with such a program. Though his students have dubbed him ''Papa Bear'' after the school mascot, the profound transformation he has led at Carvers Bay is no fairy tale.

Mr. Brown's dedication and commitment have not gone unnoticed. The Milken Family Foundation awarded him this year with one of the most prestigious awards in teaching—the Milken Educator Award. Referred to as the ''Oscars of Teaching,'' by Teacher Magazine the Milken Family Foundation's National Educator Award is given each year to approximately 100 of the most outstanding teachers and principals in states across the country. This prestigious recognition, which began in 1987, comes with a cash award of $25,000 for each recipient. These awards pay homage to the importance of quality teachers and to the significance of the teaching profession.

Mr. Speaker, I ask you and my colleagues to join me in honoring the enormous public service of Mr. Daryl C. Brown. We also congratulate him on his recognition as a Milken Family Foundation National Educator. Our Nation prospers because of individuals like him.

HONORING NATE GOODEN'S UNITED AUTO WORKER RETIREMENT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. CONYERS. Mr. Speaker, I rise today to honor Nate Gooden's outstanding service at the UAW. Nate Gooden and I go back to the beginning of his career and our involvement in the coalition of Black Trade Unionists.

Since he first became a UAW member in 1964, Nate has remained a loyal activist. Like a true warrior, Nate has confronted those who frustrate the goal of creating a full employment society. He has consistently stood with me in my efforts to create and sustain a full employment system. He has also provided unwavering support for H.R. 676, a bill I introduced calling for a national universal health care system. As we currently seek to extend the Voting Rights Act, Nate has once again provided his strong voice of endorsement.

Nate's effective approach has always been the same. He has distinguished himself as being friendly but firm in negotiations, and this made him the ''go to guy'' at the UAW. In the best tradition of the labor movement, Nate's advocacy on behalf of auto workers has given an economic lift to so many. His good-natured personality and tremendous leadership will be sorely missed.

The Nate Gooden resolution follows:

TESTIMONIAL RESOLUTION HONORING NATE GOODEN

Whereas, Mr. Nate Gooden, was born in Detroit on April 14, 1938, has been a United Auto Worker (''UAW'') member since 1964, was appointed as an international representative on the Region 1 staff in 1977, was, first elected the UAW International Executive Board Vice President in 1999, and was reelected in 2006; and

Whereas, Mr. Nate Gooden, was nominated as UAW's representative to the Supervisory Board of DaimlerChrysler AG in 2002, is the Director of the UAW's DaimlerChrysler Department, and is co-chair of the Joint Activities Board that operates the UAW-DaimlerChrysler National Training Center; and

Whereas, Mr. Nate Gooden, directs the UAW Heavy Trucks Department and the UAW Transplants, Trasnationals, and Joint Ventures Department; and

Whereas, Mr. Nate Gooden, directed successful negotiations with Freightliner in 2000, directed the UAW's national contract

negotiations with the Chrysler Groups in 2004, helped win a first contract for workers at Thomas Built Bus in 2005, helped win a first contract for workers at the Michigan Global Engine Manufacturing Alliance facility in 2005, and helped secure options for Mack workers affected by the closing of the Winnsboro plant; and

Whereas, Mr. Nate Gooden has attended Wayne State University's Labor Studies program and serves as an advisor to the Ken Morris Center for the Study of Labor and work at Oakland University; and

Whereas, Mr. Nate Gooden is a U.S. army veteran, the executive secretary of the Coalition of Black Trade Unionists, Deputy Chair of the World Employee Committee at DaimlerChrysler, a national board member and life member of the NAACP, and an active member of the Michigan Democratic Party; and be it therefore

Resolved, That Mr. Nate Gooden be commended and honored on the 17th Day of May 2006 on the occasion of his retirement as Vice President and Director of the UAW DaimlerChrysler Department—for his unwavering commitment to the highest standards of integrity and professionalism as a dedicated and renowned leader and activist.

Congratulations, Brother Gooden. I must say that knowing Nate, I take any discussions of his immediate retirement with a grain of salt.

Congratulations, Nate Gooden, on a job well done.

HONORING COLONEL HUGH L. DUKES, JR.

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay public tribute to Chaplain (Colonel) Hugh Dukes, an exemplary minister, soldier, and citizen from my congressional district. Colonel Dukes and his wife Linda were honored earlier this month at a Court of Honor ceremony held at the United States Army Armor Center at Fort Knox, attended by the Commanding General and numerous other distinguished guests who gathered to celebrate Dukes' approaching retirement.

A native of Carrollton, Georgia, Colonel Dukes is an ordained minister of the American Baptist Churches, USA. He received direct commission into the United States Army Chaplain Corps on July 4, 1976 following his completion of theological studies at Duke University School of Divinity. After completing his 3-year obligation, Dukes joined the 101st Airborne at Fort Campbell and went on to fulfill a wide variety of assignments at home and abroad throughout his 30 years of pastoral service to the U.S. Army.

Prior to his assignment as Fort Knox Staff Chaplain, Colonel Dukes directed education and promotions for the Army's Chaplain Corps at the Pentagon. He was on hand as Acting Executive Officer for the Chief of Chaplains on September 11, 2001 when American Airlines Flight 77 crashed into the building. He served earlier pastoral missions at the Walter Reed Army Medical Center in Washington, DC, and numerous other assignments with soldier divisions and brigades in Kentucky, Virginia, Hawaii, and South Korea.

At Fort Knox, Colonel Dukes' supervises 23 unit chaplains with direct oversight of 17 different congregations. His leadership and spiritual guidance play an important role in the lives of thousands of soldiers, civilians, and their families, a fellowship that makes Fort Knox and its surrounding communities a great place to live and work. His spiritual advice has been especially important during a time of war as he's often called on by soldiers preparing for deployment or returning from combat contemplating serious questions about life and concern for loved ones.

Chaplain Dukes' awards and decorations include the Legion of Merit, Meritorious Service Medal, Army Commendation Medal, Army Achievement Medal, Parachutist Badge, and the Air Assault Badge.

It is my great privilege to recognize Chaplain (Colonel) Hugh Dukes today, before the U.S. House of Representatives, for his lifelong example of leadership and service. His achievements and dedication to the men and women of the U.S. Army make him an outstanding American worthy of our collective honor and respect.

TRIBUTE TO STAFF SERGEANT DALE JAMES KELLY, JR.

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. LANGEVIN. Mr. Speaker, it is with profound sorrow that I rise to recognize the loss of a brave soldier in Iraq, Staff Sergeant Dale James Kelly, Jr., a member of the Maine Army National Guard and former Rhode Island resident who served his country with dignity and honor. I join his family and the people of Rhode Island and Maine in mourning this great loss.

Staff Sergeant Kelly grew up in Cranston, Rhode Island, and graduated from Cranston East High School in 1976. After school, he signed up with the Rhode Island Air National Guard, where he met his future wife, Nancy Cabral. He later sought work at Bath Iron Works in Maine, where he and Nancy raised their three children, Jennifer, Julie, and Christopher. In addition to being deeply committed to his family, he was remembered as an avid outdoorsman and a model of selflessness, always ready to assist those in need.

Staff Sergeant Kelly was serving in Iraq with B Company, 3rd Battalion of the 172nd Infantry Regiment, based in Brewer, Maine. A trained medic, he was in the lead vehicle of a convoy when a bomb detonated in Ad Diwaniyah, killing him and another soldier. However, prior to the incident, Staff Sergeant Kelly had taught his fellow soldiers how to administer their own intravenous medication in the event that he were harmed or unavailable. That instruction may have saved the life of Private Chris Fraser, who was seriously injured in the blast and administered his own IV. As was the case so many times in his life, Staff Sergeant Kelly's actions helped others in harm's way.

This loss causes us to reflect on the bravery demonstrated by our men and women in uniform as they carry out their obligations in the face of danger. When Staff Sergeant Kelly's nation called him to duty to preserve freedom, liberty, and security, he answered without hesitation. We will remember him as a patriot who made the ultimate sacrifice for his country.

Staff Sergeant Kelly is survived by his wife, three children, and three grandchildren; his mother, Barbara Kelly of Cranston; three sisters, Kathleen Kelly Sullivan, of Narragansett, Rhode Island, Barbara Wheaton of Yarmouth, Maine, and Kristin Kelly Ciamborne of Ashland, Massachusetts; two brothers, David Kelly of Warwick, Rhode Island, and Joseph Kelly of St. Petersburg, Florida; and many beloved nieces, nephews, aunts, uncles, cousins, and other relatives.

May we keep his loved ones in our thoughts and prayers as they endure this difficult period. We will also continue to hope for the safe and speedy return of all of our troops serving throughout the world.

RECOGNIZING CAREER OF CAROL KIENTZ

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2006

Mr. HOLT. Mr. Speaker, I rise today to recognize the career of Carol Kientz for over 40 years of dedicated service to the field of nursing.

Since receiving her B.S. in nursing from Cornell University in 1965 and her M.S. in nursing from the University of California, San Francisco in 1968, Ms. Kientz has been an active member of the healthcare community; serving in a variety of professional and community volunteer positions. She has served as a community health nurse for the New York City Health Department, a nurse educator in New York and New Jersey, supervisor for the Visiting Nurse Association, director of health services at Christ Home Hospital in Jersey City and for the past 16 years, as the Executive Director of the Home Care Association of New Jersey.

Outside of her professional responsibilities, Ms. Kientz has also participated in many healthcare organizations and activities including serving as a founding board member of the New Jersey Commission on Accreditation for Home Care, participating on numerous committees within the National Association for Home Care, and serving on the editorial review board for New Jersey Medicine and the Home Health Care Management and Practice.

Throughout her professional career in nursing, Ms. Kientz has received numerous recognitions and has had the distinct honor of receiving a number of public appointments. Most notably, she was named Home Health Assembly Member of the Year in 1989 and received the Home Health Assembly Martha Esposito Award in 1997. For her commitment to improving public health, Ms. Kientz was appointed and has served on the New Jersey Governor's AIDS Council from 1994 to 2002 and presently, serves on the Medical Assistance Advisory Council for the New Jersey Division of Medical Assistance and Health Services since 1995, Governor Corzine's New Jersey Healthcare Advisory Committee since 2002, and the Bioterrorism Advisory Committee for the Department of Health and Human Services since 2002.

In her most recent position, as executive director of the Home Care Association of New Jersey, Ms. Kientz has displayed great character and commitment towards achieving her

goal of ensuring that all patients receive the highest quality of care. She has been instrumental in developing and facilitating committees within the organization responsible for addressing industry issues as well as advocating on a variety of healthcare policy issues. Her efforts have included establishing the Real Coalition, which allowed the home care industry to formulate a collective and unified voice, participating in the development of the Assisted Living Regulations for the State of New Jersey, improving the process for home health aide competency testing, strengthening relationships with State agencies, advocating for government initiatives to address the nursing and workforce shortage issues affecting the home care industry, establishing the home health aide scholarship process, and establishing the Home Care Foundation of New Jersey to explore Grant opportunities to benefit the greater home care industry.

Throughout her career, Ms. Kientz has genuinely demonstrated a strong commitment towards improving home healthcare. It is the enthusiasm and dedication of people like Ms. Kientz that have raised the bar of excellence in patient care. Please join me in recognizing her many accomplishments.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 18, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 19

Time to be announced
Homeland Security and Governmental Affairs
Business meeting to consider the nominations of Robert J. Portman, of Ohio, to be Director of the Office of Management and Budget, Robert Irwin Cusick, Jr., of Kentucky, to be Director of the Office of Government Ethics, and David L. Norquist, of Virginia, to be Chief Financial Officer, Department of Homeland Security.
Room to be announced

9 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the National Institutes of Health.
SD–192

MAY 22

2 p.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of Lurita Alexis Doan, of Virginia, to be Administrator of General Services.
SD–342

2:30 p.m.
Energy and Natural Resources
To hold hearings to examine nuclear power provisions contained in the Energy Policy Act of 2005.
SD–366

MAY 23

9:30 a.m.
Judiciary
To hold hearings to examine ensuring competition and innovation related to reconsidering communication laws.
SD–226

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine improving financial literacy in the United States.
SD–106

Commerce, Science, and Transportation
To hold hearings to examine price gouging related to gas prices.
SD–562

Energy and Natural Resources
To hold hearings to examine the National Research Council report, Managing Construction and Infrastructure in the 21st Century Bureau of Reclamation and the U.S. Bureau of Reclamation Report, Managing for Excellence: An Action Plan for the 21st Century.
SD–366

2 p.m.
Judiciary
Intellectual Property Subcommittee
To hold hearings to examine post-grant review procedures and other litigation reforms relating to patents.
SD–226

2:15 p.m.
Foreign Relations
To hold hearings to examine the Convention on Supplementary Compensation for Nuclear Damage, with a declaration, done at Vienna on September 12, 1997, Convention Adopted by a Diplomatic Conference convened by the International Atomic Energy Agency (IAEA) and opened for signature at Vienna, during the IAEA General Conference (Treaty Doc. 107–21), S. Res. 312, expressing the sense of the Senate regarding the need for the United States to address global climate change through the negotiation of fair and effective international commitments, S. Res. 359, concerning the Government of Romania's ban on intercountry adoptions and the welfare of orphaned or abandoned children in Romania, S. Res. 456, expressing the sense of the Senate on the discussion by the North Atlantic Council of secure, sustainable, and reliable sources of energy, S. 559, to make the protection of vulnerable populations, especially women and children, who are affected by a humanitarian emergency a priority of the United States Government, S. 1950, to promote global energy security through increased cooperation between the United States and India in diversifying sources of energy, stimulating development of alternative fuels, developing and deploying technologies that promote the clean and efficient use of coal, and improving energy efficiency, S. 2125, to promote relief, security, and democracy in the Democratic Republic of the Congo, S. 2200, to establish a United States-Poland parliamentary youth exchange program, S. 2566, to provide for coordination of proliferation interdiction activities and conventional arms disarmament, S. 2697, to establish the position of the United States Ambassador for ASEAN, and pending nominations.
S–116, Capitol

2:30 p.m.
Finance
Long-term Growth and Debt Reduction Subcommittee
To hold hearings to examine encouraging economic self-determination in Indian country.
SD–215

MAY 24

9:30 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of R. David Paulison, of Florida, to be Under Secretary for Federal Emergency Management, Department of Homeland Security.
SD–342

10 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine National Transportation Safety Board reauthorization.
SD–562

Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

10:15 a.m.
Judiciary
To hold hearings to examine the McCarran-Ferguson Act, focusing on implications of repealing the insurers' antitrust exemption.
SD–226

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To resume hearings to examine the progress of construction on the Capitol Visitor Center.
SD–138

2 p.m.
Judiciary
To hold hearings to examine judicial nominations.
SD–226

2:30 p.m.
Commerce, Science, and Transportation
Disaster Prevention and Prediction Subcommittee
To hold hearings to examine 2006 hurricane forecast and at-risk cities.
SD–562

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 2466, to authorize and direct the exchange and conveyance of certain National Forest land and other land in southeast Arizona, S. 2788, to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and S. 2567, to maintain the rural heritage of the Eastern Sierra and enhance the region's tourism economy by designating certain public lands as wilderness and certain rivers as wild a scenic rivers in the State of California.
SD–366

MAY 25

9:30 a.m.
Indian Affairs
To hold an oversight hearing to examine Indian education.
SR–485

10 a.m.
Commerce, Science, and Transportation
To resume hearings to examine S. 2686, to amend the Communications Act of 1934 and for other purposes.
SD–106

Energy and Natural Resources
To hold hearings to examine the outlook for growth of coal fired electric generation and whether sufficient supplies of coal will be available to supply electric generators on a timely basis both in the near term and in the future.
SD–366

Veterans' Affairs
To hold hearings to examine pending benefits related legislation.
SR–418

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine Pacific Salmon Treaty.
SD–562

JUNE 8

10 a.m.

Commerce, Science, and Transportation

Business meeting to markup S. 2686, to amend the Communications Act of 1934 and for other purposes.

SH–216

JUNE 14

10 a.m.

Commerce, Science, and Transportation

Technology, Innovation, and Competitiveness Subcommittee

To hold hearings to examine alternative energy technologies.

Room to be announced

JUNE 15

10:30 a.m.

Commerce, Science, and Transportation

Fisheries and Coast Guard Subcommittee

To hold hearings to examine the Coast Guard budget.

SD–562

Daily Digest

HIGHLIGHTS

The House agreed to H. Con. Res. 376, Budget Resolution for Fiscal Year 2007.

Senate

Chamber Action

Routine Proceedings, pages S4647–S4726

Measures Introduced: Twelve bills and one resolution were introduced, as follows: S. 2818–2829, and S. Res. 482. **Pages S4695–96**

Comprehensive Immigration Reform Act: Senate continued consideration of S. 2611, to provide for comprehensive immigration reform, taking action on the following amendments proposed thereto: **Pages S4648–87**

Adopted:

By a unanimous vote of 99 yeas (Vote No. 125), Kyl Amendment No. 4027, to make certain aliens ineligible for adjustment to lawful permanent resident status or Deferred Mandatory Departure status. **Pages S4648–51**

By 83 yeas to 16 nays (Vote No. 126), Sessions Amendment No. 3979, to increase the amount of fencing and improve vehicle barriers installed along the southwest border of the United States. **Pages S4651–65, S4675**

Obama Modified Amendment No. 3971, to amend the temporary worker program. **Pages S4674–75**

Leahy (for Stevens) Amendment No. 4018, to extend the deadline given to the Secretary of Homeland Security for the implementation of a new travel document plan for border crossings to June 1, 2009. **Pages S4675–77**

Santorum Amendment No. 4000, to allow additional countries to participate in the visa waiver program under section 217 of the Immigration and Nationality Act if they meet certain criteria. **Pages S4677–80**

By 50 yeas to 48 nays (Vote No. 128), Cornyn/Kyl Modified Amendment No. 3965, to modify the conditions under which an H–2C nonimmigrant may apply for an employment-based immigrant visa. **Pages S4680–83, S4686–87**

Rejected:

By 33 yeas to 66 nays (Vote No. 127), Vitter Amendment No. 3963, to strike the provisions related to certain undocumented individuals. **Pages S4665–74, S4676**

Pending:

Inhofe Amendment No. 4064, to amend title 4 United States Code, to declare English as the national language of the United States and to promote the patriotic integration of prospective U.S. citizens. **Pages S4685–86**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9 a.m. on Thursday, May 18, 2006; provided further, that the Senate proceed to the consideration of an amendment to be offered by Senator Kennedy and that there be 20 minutes for debate equally divided; and that the Senate then resume consideration of Inhofe Amendment No. 4064 (listed above). **Page S4725**

Appointments:

NATO Parliamentary Assembly: The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appointed the following Senators as members of the Senate Delegation to the NATO Parliamentary Assembly, during the 109th Congress: Senators Leahy and Wyden. **Page S4725**

NATO Parliamentary Assembly: The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appointed the following Senators to the Senate Delegation to the NATO Parliamentary Assembly, during the 109th Congress: Senators Grassley, Allard, Sessions, Voinovich, and Coleman. **Page S4725**

Messages From the House: **Page S4693**

Measures Referred: **Page S4693**

Measures Placed on Calendar: **Page S4693**

Executive Communications: **Pages S4693–95**

Executive Reports of Committees: Page S4695

Additional Cosponsors: Pages S4696–97

Statements on Introduced Bills/Resolutions: Pages S4697–S4710

Additional Statements: Pages S4692–93

Amendments Submitted: Pages S4710–24

Notices of Hearings/Meetings: Page S4724

Authorities for Committees to Meet: Pages S4724–25

Record Votes: Four record votes were taken today. (Total—128) Page S4651, S4675, S4676, S4687

Adjournment: Senate convened at 9:15 a.m., and adjourned at 7 p.m., until 9 a.m., on Thursday, May 18, 2006. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S4725–26.)

Committee Meetings

(Committees not listed did not meet)

RURAL UTILITIES SERVICE BROADBAND LOAN PROGRAM

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine the United States Department of Agriculture Rural Utilities Service Broadband Loan and Loan Guarantee Program, after receiving testimony from Jim Andrew, Administrator, Rural Utilities Service, Department of Agriculture; Larry Sevier, Rural Telephone Service Company, Lenora, Kansas; Mark Pagon, Pegasus Communications Corporation, Bala Cynwyd, Pennsylvania; and Tom Simmons, Midcontinent Communications, Sioux Falls, South Dakota.

APPROPRIATIONS: DEPARTMENT OF DEFENSE

Committee on Appropriations: Subcommittee on Defense concluded a hearing to examine proposed budget estimates for fiscal year 2007 for the Department of Defense, after receiving testimony from Donald H. Rumsfeld, Secretary of Defense; and General Peter Pace, USMC, Chairman of the U.S. Joint Chiefs of Staff.

NATIONAL GUARD

Committee on Armed Services: Committee concluded a hearing to examine the roles and missions of the National Guard in support of the Bureau of Customs and Border Protection, after receiving testimony from Paul McHale, Assistant Secretary of Defense for Homeland Defense; Lieutenant General James T. Conway, USMC, Director of Operations, J–3, The Joint Staff; Lieutenant General H. Steven Blum, USA, Chief, National Guard Bureau; and Chief David V. Aguilar, Office of Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security.

NOMINATIONS

Committee on Environment and Public Works: Committee concluded a hearing to examine the nominations of Dale Klein, of Texas, to be Member of the Nuclear Regulatory Commission, who was introduced by Senator Hutchison, and Molly A. O'Neill, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency, after the nominees testified and answered questions in their own behalf.

PHYSICIAN-OWNED SPECIALTY HOSPITALS

Committee on Finance: Committee held a hearing to examine the quality of patient care and services at physician-owned specialty hospitals, receiving testimony from Mark B. McClellan, Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services; Michael W. Wilson, Sellwood Baptist Church, Portland, Oregon; Cindy Morrison, Sioux Valley Health System, Sioux Falls, South Dakota, on behalf of the Coalition of Full Service Hospitals; John M. House, Irving, Texas, on behalf of the American Surgical Hospital Association; Dan Mulholland, Horty, Springer and Mattern, Pittsburgh, Pennsylvania; and James C. Cobey, Washington, DC.

Hearing recessed subject to the call.

IRAN

Committee on Foreign Relations: Committee held a hearing to examine Iran's political and nuclear ambitions and the enrichment of uranium, focusing on United States policy options, the possibility of unilateral sanctions targeting European and Asian corporations, and the North Atlantic Treaty Organization (NATO), receiving testimony from Robert J. Einhorn, Center for Strategic and International Studies, David Albright, Institute for Science and International Security, Kenneth M. Pollack, Brookings Institution, Karim Sadjadpour, International Crisis Group, Patrick Clawson, Washington Institute for Near East Policy, and Geoffrey Kemp, Nixon Center, all of Washington, DC.

Hearing will continue on tomorrow.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of April H. Foley, of New York, to be Ambassador to the Republic of Hungary, who was introduced by Representative Kelly, 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, 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, after the nominees testified and answered questions in their own behalf.

NOMINATION

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nomination of Robert J. Portman, of Ohio, to be Director of the Office of Management and Budget, after the nominee, who was introduced by Senator Voinovich, testified and answered questions in his own behalf.

SECURITY CLEARANCE PROCESS

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia continued 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, receiving testimony from Clay Johnson, III, Deputy Director for Management, Office of Management and Budget; Kathy L. Dillaman, Associate Director for Federal Investigative Services Division, Office of Personnel Management; Robert Andrews, Deputy Under Secretary for Counter-Intelligence and Security, and Robert W. Rogalski, Special Assistant to the Under Secretary for Intelligence, both of the Department of Defense; and Derek B. Stewart, Director, Defense Capabilities and Management, Government Accountability Office.

Hearing recessed subject to the call.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the following business items:

S. 2823, to provide life-saving care for those with HIV/AIDS;

S. 2803, to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining, with an amendment in the nature of a substitute;

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, 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.

SUICIDE PREVENTION

Committee on Indian Affairs: Committee continued oversight hearings to examine how suicide prevention programs and resources that exist outside of Indian country might be applied to American Indians and Alaska Natives, receiving testimony from Jerry Gidner, Deputy Bureau Director for Tribal Services, Bureau of Indian Affairs, Department of the Interior; Charles W. Grim, Director, Indian Health Service, and Charles G. Curie, Administrator, Substance Abuse and Mental Health Services Administration, both of Department of Health and Human Services; Donna Vigil, White Mountain Apache Tribe, Whiteriver, Arizona; William E. Martin, Alaska State Suicide Prevention Council, Juneau; R. Dale Walker, Oregon Health and Science University One Sky Center, Portland; and Jo Ann Kauffman, Kauffman and Associates, Inc., Spokane, Washington, on behalf of Native Aspirations Project.

Hearing recessed subject to the call.

VOTING RIGHTS ACT

Committee on the Judiciary: Committee concluded a hearing to examine understanding the benefits and cost of Section 5 pre-clearance requirements of the Voting Rights Act, after receiving testimony from Fred Gray, Gray, Langford, Sapp, McGowan, Gray and Nathanson, Montgomery, Alabama; Drew S. Days, III, Yale Law School, New Haven, Connecticut; Abigail M. Thernstrom, Manhattan Institute, New York, New York; Armand Derfner, Derfner, Altman and Wilborn, Charleston, South Carolina; and Nathaniel Persily, University of Pennsylvania Law School, Philadelphia.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 15 public bills, H.R. 5399–5414; 1 private bill, H.R.5415; and 6 resolutions, H. Con. Res. 402–406; and H. Res. 819 were introduced. **Pages H2704–05**

Additional Cosponsors: **Pages H2705–06**

Reports Filed: Reports were filed today as follows:

H. Res. 817, providing for further consideration of H. Con. Res. 376, establishing the congressional budget for the United States Government for fiscal year 2007 and setting forth appropriate budgetary levels for fiscal years 2008 through 2011 (H. Rept. 109–468);

H. Res. 818, providing for consideration of the bill (H.R. 5386) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2007 (H. Rept. 109–469); and

H.R. 5252, to promote the deployment of broadband networks and services (H. Rept. 109–470). **Page H2705**

Chaplain: The prayer was offered by the guest Chaplain, Rev. Ted A. Hartley, Pastor, Farina United Methodist Church, Farina, Illinois. **Page H2643**

Forest Emergency Recovery and Research Act: The House passed 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, by a recorded vote of 243 ayes to 182 noes, Roll No. 151. **Pages H2648–80, H2687–90**

Pursuant to the rule, in lieu of the amendment recommended by the Committee on Resources now printed in the bill, 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. **Pages H2648, H2667**

Rejected:

Rahall amendment (No. 1 printed in H. Rept. 109–467) that sought to strike all waivers of existing conservation laws by removing the bill's exemptions from requirements of the National Historic Preservation Act, the Clean Water Act, the Endangered Species Act, and the National Environmental Policy Act (NEPA). The amendment also specifically requires that the Secretary concerned comply with the NEPA in utilizing the authorities under H.R. 4200 (by a recorded vote of 189 ayes to 236 noes, Roll No. 147); **Pages H2673–75, H2687–88**

Defazio amendment (No. 2 printed in H. Rept. 109–467) that sought to allow the emergency procedures authorized by H.R. 4200 to be used on lands managed for timber production. For all other lands, except where prohibited, such as wilderness areas, the Secretary would be required to amend land management plans to incorporate salvage and restoration activities (by a recorded vote of 184 ayes to 240 noes, Roll No. 148); **Pages H2675–77, H2688**

Inslee amendment (No. 3 printed in H. Rept. 109–467) that sought to exempt any provision in the underlying bill from being applicable to any inventoried roadless area within the National Forest System set forth in the maps contained in the Forest Service Roadless Area Conservation, Final Environmental Impact Statement, Volume 2, dated November 2000 (by a recorded vote of 191 ayes to 231 noes, Roll No. 149); and **Pages H2677–79, H2688–89**

Udall of New Mexico amendment (No. 4 printed in H. Rept. 109–467) that sought to add language in Sec 102(e) directing the relevant Secretary to consider the effect of any pre-approved management practice or catastrophic event recovery or research project on fire risk and forest regeneration. It further states that the Secretary may not implement the practice or carry out the recovery or research project unless the Secretary is able to certify that the activity will not increase fire risk or decrease forest regeneration (by a recorded vote of 197 ayes to 228 noes, Roll No. 150). **Pages H2679–80 H2689–90**

H. Res. 816, the rule providing for consideration of the bill was agreed to by voice vote, after agreeing to order the previous question without objection. **(See next issue.)**

Recess: The House recessed at 4:09 p.m. and reconvened at 5:45 p.m. **Page H2691**

Recess: The House recessed at 7:07 p.m. and reconvened at 8 p.m. **Page H2701**

Agreed by unanimous consent that during consideration of H. Con. Res. 376 , pursuant to H. Res. 817, the amendment that Representative Spratt placed at the desk may be in order in lieu of amendment No. 3 printed in part B of H. Rept 109–468. **(See next issue.)**

Budget Resolution for Fiscal Year 2007: The House agreed to H. Con. Res. 376, to establish the

congressional budget for the United States Government for fiscal year 2007 and setting forth appropriate budgetary levels for fiscal years 2008 through 2011, by a yea-and-nay vote of 218 yeas to 210 nays, Roll No. 158, after ordering the previous question. Consideration of the measure began on April 6th and was concluded as unfinish business.

(See next issue.)

Pursuant to the rule, the amendments printed in part A of this report shall be considered as adopted. The rule provides that the concurrent resolution, as amended, shall be considered as read. **(See next issue.)**

Rejected:

Watt amendment in the nature of a substitute (Congressional Black Caucus), (No. 1 printed in part B of H. Rept. 109–468) that sought to balance the budget in FY 2011, and assumes a savings of almost $25 billion on interest on the national debt. Funds essential social services—especially education, health care and reconstruction of the Gulf Coast—and national security needs—particularly providing support for the troops in Iraq, increasing the Army's active duty personnel, maintaining current National Guard Strength and funding Navy Shipbuilding, as well as funding port security and Veterans programs and benefits (by a recorded vote of 131 ayes to 294 noes, Roll No. 155); **(See next issue.)**

Hensarling amendment in the nature of a substitute (Republican Study Committee), (No. 2 printed in part B of H. Rept. 109–468) that sought to balance the federal budget by FY 2011, without increasing taxes. Extends the President's 2001 and 2003 tax cuts and provide AMT relief. Eliminates roughly 150 federal programs, realizes a $392 billion net deficit reduction over five years, while increasing defense and veterans' spending and making no changes to Social Security. Calls for $358 billion in reconciliation savings over five years, achieved in part by block granting Medicaid, SCHIP, and most federal education and job training programs, and capping the growth of Medicare at 5.4% annually. Significantly restructures the Departments of Commerce, Energy, and Education, reduces foreign aid by $31 billion over five years, allows drilling in ANWR, repeals the Davis-Bacon, and eliminates highway (SAFTEA–LU) earmarks. Repeals the Gephardt rule, includes reforms to emergency spending, and creates Budget Protection Accounts to divert spending to deficit reduction and further tax relief (by a recorded vote of 94 ayes to 331 noes with 1 voting "present", Roll No. 156); and **(See next issue.)**

Spratt amendment in the nature of a substitute (Democrat), (Modified, in lieu of No. 3 printed in part B of H. Rept. 109–468) that sought to establish a 10-year budget through fiscal year 2016. Balances the budget by 2012. Contains smaller deficits than the House Republican budget for 2007 and over five years. Accumulates less debt over five years than House Republican budget. Rejects cuts to important domestic priorities, such as education, health, veterans, and the environment. Provides more funding than the Republican budget for homeland security functions, including port security. Contains no reconciliation instructions. Provides middle-class tax relief. Provides for budget enforcement rules to restore fiscal discipline (by a recorded vote of 184 ayes to 241 noes, Roll No. 157). **Pages H2680, H2691**

Agreed to 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, by a yea-and-nay vote of 227 yeas to 195 nays, Roll No. 152. **Pages H2691, H2701–02**

H. Res. 817, the rule providing for further consideration of the measure was agreed to by a recorded vote of 226 ayes to 193 noes, Roll No. 154, after agreeing to order the previous question by a yea-and-nay vote of 224 yeas to 192 nays, Roll No. 153. **(See next issue.)**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which were debated on Tuesday, May 16th:

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, amended, 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, by a yea-and-nay vote of 390 yeas to 5 nays with 6 voting "present", Roll No. 159. **(See next issue.)**

Agreed to amend the title so as to read: "Calling on the Government of the United Kingdom immediately to establish a full, independent, public judicial inquiry into the murder of Northern Ireland defense attorney Patrick Finucane, as recommended by Judge Peter Cory as part of the Weston Park agreement, in order to move forward on the Northern Ireland Peace Process.". **(See next issue.)**

Senate Message: Message received from the Senate today appears on page H2643.

Senate Referrals: S. 879 was referred to the Committee on Science. **Page H2703**

Amendments: Amendments ordered printed pursuant to the rule appear on page H2707.

Quorum Calls—Votes: Four yea-and-nay votes and nine recorded votes developed during the proceedings of today and appear on pages H2687–88, H2688, H2688–89, H2689–90, H2690, H2691, H2701–02, H2702. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 1:14 a.m.

Committee Meetings

HOMELAND SECURITY; ENERGY AND WATER DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS FY 2007

Committee on Appropriations: Ordered reported, as amended, the following appropriations for Fiscal Year 2007: Homeland Security; and Energy and Water Development, and Related Agencies.

SENIOR INDEPENDENCE ACT OF 2006

Committee on Education and the Workforce: Ordered reported, as amended, H.R. 5293, Senior Independence Act of 2006.

MOTOR VEHICLE OWNERS' RIGHT TO REPAIR ACT OF 2005

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection held a hearing on H.R. 2048, Motor Vehicle Owners' Right to Repair Act of 2005. Testimony was heard from Deborah Platt Majoras, Chairman, FTC; and public witnesses.

PLANNING FOR LONG-TERM CARE

Committee on Energy and Commerce: Subcommittee on Health held a hearing on Planning for Long-Term Care. Testimony was heard from public witnesses.

INTERNATIONAL FINANCIAL SYSTEM

Committee on Financial Services: Held a hearing on the State of the International Financial System. Testimony was heard from John W. Snow, Secretary of the Treasury.

REFORM OF NATIONAL SECURITY REVIEWS OF FOREIGN DIRECT INVESTMENTS ACT

Committee on Financial Services: Subcommittee on Domestic and International Policy, Trade, and Technology held a hearing on H.R. 5337, Reform of National Security Reviews of Foreign Direct Investments Act. Testimony was heard from Clay Lowery, Assistant Secretary, International Affairs, Department of the Treasury; Stewart A. Baker, Assistant Secretary, Policy, Planning, and International Affairs, Department of Homeland Security; Alice Fisher, Assistant Attorney General, Criminal Division, Department of Justice; Peter C.W. Flory, Assistant Secretary, International Security Policy, Department of Defense; and public witnesses.

DOD PRIVATE SECTOR CLEARANCES

Committee on Government Reform: Held a hearing entitled "Low Clearance: Why Did DOD Suddenly Stop Processing Private Sector Security Clearances?" Testimony was heard from Clay Johnson, III, Acting Director, OMB; the following officials of the Department of Defense: Robert Andrews, Deputy Under Secretary, Counterintelligence and Security; Robert W. Rogalski, Special Assistant, Under Secretary (Intelligence); and Thomas F. Gimble, Principal Deputy Inspector General; and Kathy L. Dillaman, Associate Director, Federal Investigative Services Division, OPM.

RU–486 SAFETY

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy, and Human Resources held a hearing entitled "RU–486—Demonstrating a Low Standard for Women's Health?" Testimony was heard from Janet Woodcock, M.D., Deputy Commissioner, Operations, FDA, Department of Health and Human Services; and public witnesses.

NATIONAL EMERGENCY MANAGEMENT REFORM AND ENHANCEMENT ACT

Committee on Homeland Security: Ordered reported, as amended, H.R. 5451, National Emergency Management Reform and Enhancement Act of 2006.

U.S. AND SOUTH ASIA AGENDA

Committee on International Relations: Subcommittee on Asia and the Pacific held a hearing on the United States and South Asia: An Expanding Agenda. Testimony was heard from Richard Boucher, Assistant Secretary, Bureau of South and Central Asian Affairs, Department of State.

U.S. ASSISTANCE PROGRAMS TO EGYPT

Committee on International Relations: Subcommittee on the Middle East and Central Asia held a hearing to review U.S. Assistance Programs to Egypt. Testimony was heard from the following officials of the Department of State: David C. Welch, Assistant Secretary, Bureau of Near Eastern Affairs; James Kunder, Assistant Administrator, Asia and the Near East, U.S. Agency for International Development; and Michael W. Coulter, Deputy Assistant Secretary, Bureau of Political-Military Affairs; and public witnesses.

FEDERAL AGENCY PROTECTION OF PRIVACY ACT; OVERSIGHT—HOMELAND SECURITY AND PERSONAL PRIVACY

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law approved for full Committee action H.R. 2840, Federal Agency Protection of Privacy Act of 2005.

The Subcommittee also held an oversight hearing on Privacy in the Hands of the Government: The Privacy Officer for the Department of Homeland Security and the Privacy Officer for the Department of Justice. Testimony was heard from Maureen Cooney, Acting Chief Privacy Officer, Department of Homeland Security; Jane C. Horvath, Chief Privacy and Civil Liberties Officer, Department of Justice; Linda D. Koontz, Director, Information Management Issues, GAO; and a public witness.

AMERICAN FISHERIES MANAGEMENT AND MARINE LIFE ENHANCEMENT ACT

Committee on Resources: Ordered reported, amended, H.R. 5018, American Fisheries Management and Marine Life Enhancement Act.

INTERIOR, ENVIRONMENT, AND RELATED AGENCIES; APPROPRIATIONS FY 2007

Committee on Rules: Granted, by voice vote, an open rule proving 1 hour of debate on H.R. 5386, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2007, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill. Under the rules of the House the bill shall be read for amendment by paragraph. The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI (prohibiting unauthorized appropriations or legislative provisions in an appropriations bill), except as specified in the resolution. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. The rule provides one motion to recommit with or without instructions. Section 2 provides that upon adoption of H. Con. Res. 376, and until a concurrent resolution on the budget for fiscal year 2007 has been adopted by the Congress, the provisions of H. Con. Res. 376 and its accompanying report shall have force and effect in the House for all purposes of the Congressional Budget Act of 1974 as though adopted by the Congress. The rule provides that nothing in section 2 may be construed to engage rule XXVII. Testimony was heard from Representative Dicks.

MILITARY QUALITY OF LIFE, AND VETERANS AFFAIRS, AND RELATED APPROPRIATIONS FOR FY 2007

Committee on Rules: Testimony was heard from Representative Walsh, but action was deferred 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.

CONCURRENT RESOLUTION ON THE BUDGET FOR FY 2007

Committee on Rules: Granted, by voice vote of 6 to 4, a structured rule providing for further consideration of H. Con. Res. 376, establishing the congressional budget for the United States Government for fiscal year 2007 and setting forth appropriate budgetary levels for fiscal years 2008 through 2011. The rule provides that the amendments printed in part A of the Rules Committee report accompanying the resolution shall be considered as adopted. The rule provides that the concurrent resolution, as amended, shall be considered as read. The rule makes in order only those further amendments printed in part B of the Rules Committee report accompanying the resolution.

The rule provides that the amendments printed in part B of 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 40 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. The rule waives all points of order against the amendments printed in part B of the report, except that the adoption of an amendment in the nature of a substitute shall constitute the conclusion of consideration of the concurrent resolution for amendment.

The rule provides that upon the conclusion of consideration of the concurrent resolution for amendment there shall be a final period of general debate, not to exceed 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget. The rule permits the chairman of the Committee on the Budget to offer amendments in the House to achieve mathematical consistency. The rule provides that the concurrent resolution shall not be subject to a demand for division of the question of its adoption.

The rule provides that after adoption of H. Con. Res. 376, it shall be in order to consider in the House S. Con. Res. 83, to move to strike all after the resolving clause of S. Con. Res. 83, and to insert the provisions of H. Con. Res. 376 as adopted by

the House. The rule waives all points of order against consideration of S. Con. Res. 83 and against the motion to strike and insert. Finally, the rule provides that if the motion is adopted and the Senate concurrent resolution, as amended, is adopted, then it shall be in order to move that the House insist on its amendment to the Senate concurrent resolution and request a conference with the Senate thereon.

PLUG-IN HYBRID ELECTRIC VEHICLES OF 2006

Committee on Science: Subcommittee on Energy held a hearing on Plug-in Hybrid Electric Vehicles of 2006. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Ordered reported the following bills: 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 Center for the Performing Arts for fiscal year 2007; and as amended, H.R. 5316, RESPOND Act of 2006.

The Committee also approved additional lease resolutions from the GSA FY 2007 Capital Investment and Leasing Program.

Joint Meetings

HUMAN RIGHTS AND DEMOCRACY PROGRAMS

Commission on Security and Cooperation in Europe (Helsinki Commission): Committee concluded a hearing to examine the role of the Office for Democratic Institutions and Human Rights relating to advancing the human dimension in the Organization for Security and Cooperation in Europe (OSCE), focusing on the Office for Democratic Institutions and Human Rights and its role in monitoring elections in OSCE countries, after receiving testimony from Kurt Volker, Principal Deputy Assistant Secretary of State, Bureau of European and Eurasian Affairs; Christian Strohal, Director, Office for Democratic Institutions and Human Rights, OSCE, Austria; and Carl Gershman, National Endowment for Democracy, Jeff Fischer, International Foundation for Election Systems, Patrick Merloe, National Democratic Institute for International Affairs, and Lorne Craner, International Republican Institute, all of Washington, D.C.

COMMITTEE MEETINGS FOR THURSDAY, MAY 18, 2006

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: business meeting to consider S. 1881, to require the Secretary of the Treasury to mint coins in commemoration of the Old Mint at San Francisco otherwise known as the "Granite Lady", S. 633, to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States, and S. 2784, to award a congressional gold medal to Tenzin Gyatso, the Fourteenth Dalai Lama, in recognition of his many enduring and outstanding contributions to peace, non-violence, human rights, and religious understanding; to be followed by a hearing to examine the report to Congress on International Economic and Exchange Rate Policies, 9:30 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine S. 2686, to amend the Communications Act of 1934 and for other purposes, 10 a.m., SD–106.

Full Committee, business meeting to markup S. 2802, to improve American innovation and competitiveness in the global economy, 2:30 p.m., SD–562.

Committee on Finance: business meeting to consider proposed legislation implementing the U.S.-Oman Free Trade Agreement, and the nomination of W. Ralph Basham, of Virginia, to be Commissioner of Customs, Department of Homeland Security, 10:30 a.m., SD–215.

Committee on Foreign Relations: to continue hearings to examine Iran's political/nuclear ambitions and U.S. policy options, 9:30 a.m., SD–419.

Subcommittee on Near Eastern and South Asian Affairs, to hold hearings to examine transition from crisis to peaceful democracy in Nepal, 2:30 p.m., SD–419.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the nomination of Robert Irwin Cusick, Jr., of Kentucky, to be Director of the Office of Government Ethics, Office of Personnel Management, 10 a.m., SD–342.

Subcommittee on Federal Financial Management, Government Information, and International Security, to hold hearings to examine unobligated balances, focusing on their treatment and how they affect agency budgeting and programming, including what happens to these accounts when they expire, and how Office of Management and Budget, the Treasury and the agencies treat them, 2:30 p.m., SD–342.

Committee on the Judiciary: business meeting to consider the nominations of Sandra Segal Ikuta, of California, to be United States Circuit Judge for the Ninth Circuit, and Kenneth L. Wainstein, of Virginia, to be an Assistant Attorney General, S. 2453, to establish procedures for the review of electronic surveillance programs, S. 2455, to provide in statute for the conduct of electronic surveillance of suspected terrorists for the purposes of protecting the American people, the Nation, and its interests from terrorist attack while ensuring that the civil liberties of

United States citizens are safeguarded, S. 2468, to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, S. 2039, to provide for loan repayment for prosecutors and public defenders, S.J. Res. 1, proposing an amendment to the Constitution of the United States relating to marriage, and S.J. Res. 12, proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States, Time to be announced, S–216, Capitol.

Select Committee on Intelligence: to hold hearings to examine the nomination of General Michael V. Hayden, United States Air Force, to be Director of the Central Intelligence Agency, 9:30 a.m., SH–216.

Special Committee on Aging: to hold hearings to examine caring for seniors during a national emergency, 10 a.m., SD–628.

House

Committee on Education and the Workforce, hearing on No Child Left Behind: How Innovative Educators Are Integrating Subject Matter To Improve Student Achievement, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, to mark up H.R. 4591, Stockholm and Rotterdam Toxics Treaty Act of 2005, 1:30 p.m., 2123 Rayburn.

Subcommittee on Energy and Air Quality, hearing entitled ''Unlocking America's Energy Resources: Next Generation,'' 10 a.m., 2322 Rayburn.

Subcommittee on Telecommunications and the Internet, hearing on H.R. 5126, Truth in Caller ID Act of 2006, 9 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing on H.R. 5341, Seasoned Customer CTR Exemption Act of 2006, 2 p.m., 2128 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled ''Financial Services Needs of Military Personnel and Their Families,'' 10 a.m., 2128 Rayburn.

Committee on Government Reform, to consider the following bills: H.R. 5316, RESPOND Act of 2006; and H.R. 5388, District of Columbia Fair and Equal House Voting Rights Act of 2006, 3 p.m., 2154 Rayburn.

Committee on Homeland Security, Subcommittee on Management, Integration and Oversight, hearing entitled ''Retention, Security Clearances, Morale, and Other Human Capital Challenges Facing the Department of Homeland Security,'' 9:30 a.m., 311 Cannon.

Committee on International Relations, hearing on the Prospects for Peace in Darfur, 10 a.m., 2172 Rayburn.

Subcommittee on Africa, Global Human Rights and International Operations, hearing on Nigeria's Struggle with Corruption, 2 p.m., 2172 Rayburn.

Subcommittee on International Terrorism and Nonproliferation, to mark up H.R. 5333, Shoulder-fired Missile Threat Reduction Act of 2006, 2 p.m., 2200 Rayburn.

Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security, to mark up the following bills: H.R. 5005, Firearms Corrections and Improvements Act; H.R. 1384, Firearm Commerce Modernization Act; H.R. 1415, NICS Improvement Act; and H.R. 5318, Cyber-Security Enhancement and Consumer Data Protection Act of 2006; followed by a hearing on H.R. 817, Animal Fighting Prohibition Enforcement Act of 2005, 11:30 a.m., 2141 Rayburn.

Subcommittee on Immigration, Border Security, and Claims, hearing on H.R. 4997, Physicians for Underserved Areas Act, 2 p.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Energy and Mineral Resources, oversight hearing on the Energy and Mineral Requirements for Renewable and Alternative Fuels Used for Transportation and Other Purposes, 11 a.m., 1324 Longworth.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, oversight hearing on EPA Grants Management 2003–2006: Progress and Challenge, 10 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, Subcommittee on Intelligence Policy, executive, Briefing on Denial and Deception, 9 a.m., H–405 Capitol.

Next Meeting of the SENATE

9 a.m., Thursday, May 18

Senate Chamber

Program for Thursday: Senate will continue consideration of S. 2611, Comprehensive Immigration Reform Act, and proceed to the consideration of an amendment to be offered by Senator Kennedy with 20 minutes for debate equally divided; and that the Senate then resume consideration of Inhofe Amendment No. 4064.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, May 18

House Chamber

Program for Thursday: Consideration of 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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