



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152

WASHINGTON, MONDAY, MAY 22, 2006

No. 64

House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,

May 22, 2006.

I hereby appoint the Honorable TOM PRICE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,

Speaker of the House of Representatives.

MORNING HOUR DEBATES

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

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

SUGAR

Mr. BLUMENAUER. Thank you, Mr. Speaker.

Later this week, there will be consideration of an amendment from Mr. FLAKE of Arizona and me dealing with the notorious sugar subsidy program, proposing a tiny reduction in it. For anyone who wants a lesson in how your government works, a review of the politics surrounding the sugar quota system is a textbook example of how the political process can distort reality and why. A Dear Colleague letter is circulating touting the benefits of a “no

cost to the taxpayer sugar program.” This does not pass the straight face test anywhere in America but Washington, DC. The most junior intern working in any congressional office who is doing independent research can quickly verify that this is not a “no cost program.” There are huge costs to the taxpayer, the government and the environment.

Straight off the top, this “no cost program” requires American consumers to pay almost \$2 billion a year more for sugar and sugar-related products. Only in Washington, DC would \$2 billion be “no cost.” Then there is the loss to industries for whom paying two to three times the price of the world price of sugar makes a big difference. There used to be a thriving confectionery industry, manufacturing in Hershey, Pennsylvania; in New England, in Chicago. Many of these jobs have since disappeared, being driven across the border to Canada, Mexico or elsewhere where sugar prices are dramatically lower. Only the powerful sugar lobbyists and the people who listen to them would think that \$2 billion a year that will be required to store and purchase surplus sugar over the next 10 years would be no cost.

One of the most perverse effects of the sugar program has been to dramatically increase cane sugar production in the State of Florida. Over the last 50 years the amount of acreage surrounding the Everglades has increased 800 percent. All of this sugar production is in the Everglades. This expansion has devastating consequences. Pollution, polluted runoff, and changed water flow attributed to the sugar industry is a significant reason why we are paying seven to \$8 billion as a down payment to clean up the Everglades and redo the plumbing. The sugar lobbyists in Washington, DC would lead you to believe that this is no cost.

How can this be? How can people pretend to believe this claptrap? Well, an

important reason this travesty continues is to be found in campaign contribution reports. This industry is only 1 percent of American agriculture, yet it spends 17 percent of the campaign contributions for agriculture and countless millions more lobbying and producing bogus surveys currently circulating on Capitol Hill.

I suggest if Members want to do a favor for the environment, for the taxpayer, allow a junior intern to do your research to determine whether or not this has no cost. This research done by any college economics student, in any college political science class, or by the outstandingly bright young men and women who work for us as volunteers on Capitol Hill right now as interns can demonstrate to any Member's satisfaction that it is not worth the cost. It is time to approve the Blumenauer-Flake amendment.

THE LEGACY AND LIFE OF CARMEN ANAYA

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the gentleman from Texas (Mr. DOGGETT) is recognized during morning hour debates for 5 minutes.

Mr. DOGGETT. Thank you, Mr. Speaker.

Carmen Anaya was a remarkable human being. Her life of 79 years both inspires and teaches us. Born in Monterrey, Mexico; a teacher, she moved to the United States as a young woman and married José Anaya.

For the next 20 years as their family grew, they worked as migrant farm workers all across America—harvesting cherries in Michigan, tomatoes in California, potatoes in Oregon, and sugar beets in the Dakotas. Eventually they opened a small general store in Las Milpas in the Texas Rio Grande Valley.

In Spanish, a “milpa” is a temporary field that is cultivated for a few seasons. But the colonia of Las Milpas was

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

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



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the permanent home of thousands who lacked running water, had no paved roads and no jobs that offered a way to escape poverty. Even worse, most residents had little hope for a better future for themselves or for their children.

In 1982, Mrs. Anaya joined with other people of faith to found Valley Interfaith, a nonprofit coalition of over 40 churches that, with the work of lead organizer Elizabeth Valdez, has now expanded to represent some 60,000 Valley families. Valley Interfaith leaders already knew how to cultivate fields, but together they learned how to cultivate hope and justice. For more than two decades, they have put their faith into action to help the impoverished help themselves and to hold elected officials accountable at all levels of government.

With the very active and the very vocal participation of Mrs. Anaya, Valley Interfaith brought clean drinking water to over 160,000 residents of colonias like Las Milpas; secured living wage ordinances and raised the salaries of thousands; and, with a new job training program, have found jobs for another 1,500.

Above all, through her work with Valley Interfaith, Mrs. Anaya inspired her neighbors to believe in themselves, in their communities, and in their ability to bring about change. Those once isolated and frustrated are now an organized voice with the ability to demand justice.

Last Monday, I visited with the Anaya family at their home in Las Milpas shortly after the celebration of a funeral mass in the Parish of Santa Cabrini at which Ernesto Cortez, Jr., who continues to provide the leadership for a network of groups like Valley Interfaith, spoke of her leadership and tenacity in a eulogy. Mrs. Anaya loved her church at which she attended choir practice twice a week. At the rosary, Ofelia de los Santos, a friend through whom I got to know Mrs. Anaya, spoke of her involvement of her church in the quest for social justice.

St. Frances or Santa Cabrini, as she is known in the Valley, is a saint who is the patroness of immigrants. And it was Carmen Anaya, an immigrant to our Nation, who spread the gospel through her words and deeds. Her example is particularly significant in the course of the ongoing national debate about immigration. Because two farm workers came across the Rio Grande to do hot, hard, demanding work, America has gained not only from their labors but from their six children:

José, Jr., who operated the family store, now works for the city of Pharr.

Diana and Consuelo each provide leadership for our country's future as public school principals.

Minerva, or Minnie, a retired U.S. Air Force lieutenant colonel, is now a homebuilder with her husband, retired Green Beret colonel, Chris St. John.

Eduardo, Eddie, an attorney and certified public accountant, has the only law office in Las Milpas.

Linda, a nurse, is an administrator at Cornerstone Regional Hospital.

The life of service of any one child would be enough to make a parent proud. But think how much our country gains and continues to gain from the service of each of these six children. Her life and her children say more about family values than a thousand speeches from the floor of this Congress. And in the ongoing national debate about immigration, we should reflect on her legacy. Mexican immigrants like Carmen and José Anaya have offered much to their adopted land. America is the stronger for their presence.

RECESS

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

Accordingly (at 12 o'clock and 40 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

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

PRAYER

Monsignor Francis J. Maniscalco, Director of Communications, United States Conference of Catholic Bishops, Washington, D.C., offered the following prayer:

"The Lord takes delight in His people."

How important it is for us to know that You, our Maker, take delight in us; to know that all that exists came from You in a joy of creation that goes beyond what we can imagine; to know that amidst all the glories made by Your hand, it is the human race that You made in Your own image.

We are called to answer Your delight with delight of our own: delight in praising Your name when we begin our day and when we end it; delight in calling to mind that You are with us throughout the day; delight in dedicating what we say and do to Your glory; delight in serving our sisters and brothers in the human family and in loving them as we love ourselves; and when this earthly life at last comes to an end, delight in living in Your presence forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Indiana (Mr. PENCE)

come forward and lead the House in the Pledge of Allegiance.

Mr. PENCE led the Pledge of Allegiance as follows:

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

FREEDOM IS WINNING IN IRAQ

(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, this week-end with the news of the adoption of a new government in Iraq, the silence was deafening. You could hear a pin drop among the critics of U.S. policy in Iraq.

But there it was. Prime Minister al-Maliki kept his word. He named 39 cabinet ministers, each of whom was approved by more than 90 percent of the 275-member elected Iraqi Parliament, the first government of Iraq formed since the toppling of Saddam Hussein.

May God bless Prime Minister al-Maliki and all those brave ministers in his new government; for despite what you read, despite some of what you see, freedom is winning in Iraq and this new government's formation stands for that truth.

CRUEL AND UNUSUAL

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

Mr. POE. Mr. Speaker, raped for more than an hour, sometimes by two gang members at once, they cried out for help. Tortured by six gang members, they begged for their lives.

As those gangsters strangled them with a belt, they clutched at it, hoping for air. The murderers, holding each end of the belt, pulled so hard, the belt snapped in two. Just to make sure that 14-year-old Jennifer Ertman and 16-year-old Elizabeth Pena were dead, the six gang members stomped on their necks with their boots.

Five of the killers were sentenced to death by separate Texas juries. Today, 13 years later, Elizabeth's parents and Jennifer Ertman's parents wait for justice and sob, wait for executions that were stayed.

The Supreme Court believes participating in a brutal gang rape and murder just months before your 18th birthday makes you too young for the death penalty, so two sentences were commuted. Now the others have had their executions stayed by the same arrogant, elitist judges, who wonder if lethal injection is cruel and unusual punishment.

Mr. Speaker, maybe not today, maybe not the next day, but some day, judges will treat victims with the same concern and compassion that they treat barbarians.

And that's just the way it is.

CORPORATE HERO: HOME DEPOT

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

Mr. PRICE of Georgia. Mr. Speaker, I rise today to recognize the continued good work by an Atlanta-based company in helping rebuild the hurricane ravaged gulf coast.

Nine months after Hurricanes Katrina and Rita devastated the area, Home Depot continues to play a lead role in reconstruction. The region remains in need, and to date Home Depot has contributed over \$11 million to the relief efforts, and their employees have volunteered countless hours and resources to help rebuild the region. The company has vowed to continue their work to make sure that the region realizes that rebirth. And while it may be easy for a company to pledge support early when the spotlight is on, it is admirable to see Home Depot still out there with hammer and nails in hand months after the media frenzy has subsided.

While time has passed, Home Depot's enthusiasm and compassion for the victims of this disaster has not. It is important to recognize these ongoing efforts and all the people continuing to aid in the recovery.

Mr. Speaker, the gulf coast region remains in need of a helping hand, and Home Depot is an outstanding example of corporate responsibility and compassion.

TRIBUTE TO LUCKY MONDRES

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

Mr. WOLF. Mr. Speaker, many of our colleagues and staff who are on the Hill today may not remember Marvin "Lucky" Mondres, but those of us who have been around for a while will recall Lucky ran Representative Burke's Washington office for several years.

Our paths first crossed when I served at the Interior Department and Lucky was my counterpart as the congressional liaison officer for the Commerce Department in the early 1970s.

He served with distinction at Commerce and in several other Departments in both the Nixon and Ford administrations. Members on both sides of the aisle came to know that if they needed information or assistance, they could depend on Lucky to be forthright and diligent in providing it.

I want to share the news that Lucky is battling the final stages of cancer. But as those who know him would guess, he is not dwelling on that but is focused on living each day to the fullest, just as he has done his entire life.

In his retirement years in Massanutten in Virginia's Shenandoah Valley, he has devoted his time to his children and his grandchildren, with some charity work along the way, and always some time for golf.

We want to thank Lucky for his public service and his contributions to our country and ask the Good Lord to bless him.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

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

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

HURRICANE RELIEF EXTENSION
ACT OF 2006

Mr. BOUSTANY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5354) to authorize the Secretary of Education to extend the period during which a State educational agency or local educational agency may obligate temporary emergency impact aid for elementary and secondary school students displaced by Hurricane Katrina or Hurricane Rita, and for other purposes.

The Clerk read as follows:

H.R. 5354

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 "Hurricane Relief Extension Act of 2006".

SEC. 2. EXTENSION OF PERIOD FOR OBLIGATION
OF TEMPORARY EMERGENCY IM-
PACT AID FOR DISPLACED STU-
DENTS.

Notwithstanding sections 107(f) and 110 of title IV (commonly known as the "Hurricane Education Recovery Act") of Division B of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148; 119 Stat. 2680), the Secretary of Education may extend the period during which a State educational agency or local educational agency may obligate funds received under section 107 of that title, except that such funds shall be used only for expenses incurred during the 2005-2006 school year, as required by section 107 of that title.

SEC. 3. SENSE OF CONGRESS.

(a) FINDINGS.—The Congress finds as follows:

(1) According to the Department of Education, more than 370,000 students were unable to attend school in the weeks following hurricanes Katrina and Rita.

(2) According to the Department of Education, 158,000 students remained displaced as of October 1, 2005, and are eligible for impact aid.

(3) The unprecedented nature of this crisis and the massive dislocation of students prompted the Congress in 2005 to approve the Hurricane Education Recovery Act to provide money to reopen schools in the Gulf Coast region and an additional \$645 million for impact aid.

(4) The Congress included stringent time lines in the Hurricane Education Recovery Act to ensure the money would quickly be sent to the local educational agencies to help the schools in need.

(5) The Department of Education accelerated the application process in order to quickly release education-related relief.

(6) A significant portion of the recovery aid, both restart and impact aid, has yet to reach damaged schools and local educational agencies.

(b) SENSE OF CONGRESS.—The Congress urges State educational agencies to expeditiously distribute education relief funds received under title IV (commonly known as the "Hurricane Education Recovery Act") of Division B of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148; 119 Stat. 2680) to impacted schools and institutions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. BOUSTANY) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana.

GENERAL LEAVE

Mr. BOUSTANY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5354.

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

There was no objection.

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

Mr. Speaker, H.R. 5354, the Hurricane Relief Extension Act of 2006, amends the Hurricane Education Recovery Act to allow the Secretary of Education to extend, beyond the 2006 school year, the period during which a State educational agency or local educational agency may obligate temporary emergency impact aid for elementary and secondary schools that enroll students displaced by Hurricanes Katrina or Rita.

In addition, the bill includes a sense of the Congress that urges State educational agencies to distribute expeditiously any education relief funds received under such act to impacted schools and institutions.

I want to thank Chairman McKEON and the Education and the Workforce Committee staff for working with me on this legislation.

Hurricanes Katrina and Rita created real and pressing educational needs in the gulf coast region. According to the U.S. Department of Education, more than 370,000 students were unable to attend school in the weeks following the hurricanes. About 158,000 students were still displaced as of October 1, 2005, and are eligible for impact aid. More than 1,100 schools, public, private, and parochial, were still closed 2 weeks after the storms.

In the immediate days after the hurricanes hit, I worked closely with my colleagues on the Education and the Workforce Committee to assess the damage caused by the storms and to move forward and send Federal aid to the highest need areas in the shortest amount of time possible. We supported an innovative electronic reimbursement proposal that would have enabled

parents and schools to bypass government bureaucracy and receive Federal aid more quickly.

□ 1415

Unfortunately, many of our colleagues opposed these efforts as a backdoor attempt to implement a voucher system. Let me be emphatic: That was not the case. This proposal would have prevented the delays we are now seeing in Federal support reaching our teachers and students who most need it.

As an alternative, when Congress passed the Hurricane Education Recovery Act in December, we included stringent timelines to ensure the money would quickly be sent to local educational agencies to help schools in need. In addition, the U.S. Department of Education accelerated the application process for these funds in order to quickly release education-related relief. Yet, Federal education aid is still not reaching the ground in many Gulf States, including my home State of Louisiana.

I recently visited Johnson Bayou High School in my congressional district in Cameron Parish hit directly by Hurricane Rita, and school officials had yet to receive one penny in Federal assistance. This was only 3 to 4 weeks ago. A headline last month in the *Baton Rouge Advocate* read, "East Baton Rouge Schools Await Hurricane Funds." At an April 26 Education and Workforce Committee hearing, education leaders from throughout the gulf coast testified that Federal aid had yet to make its way to the local level.

This bill allows the Secretary to set a date to obligate the funds for displaced students that is beyond the end of the school year because several districts have indicated the difficulty in meeting the current statutory July 31 date. The extension of this date will give the districts the extra time needed to ensure the funds are obligated toward the allowable expenditures from the 2005–2006 school year.

The bill makes certain that the funds can only be used for expenses from the 2005–2006 school year and that the funds will not be extended into the 2006–2007 school year. These funds are desperately needed by the districts to help with the costs associated with educating the displaced students.

Districts should not have to return the funds because they were not able to obligate them by the July 31 deadline. Mr. Speaker, schools should not be penalized because bureaucratic red tape has delayed the process on the State level, which, to me, is very unacceptable.

Mr. Speaker, I strongly urge my colleagues to support H.R. 5354, the Hurricane Relief Extension Act of 2006.

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

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

Mr. Speaker, I rise in strong support of H.R. 5354, the Hurricane Relief Ex-

tension Act, and thank Mr. BOUSTANY for introducing this very important measure.

Mr. Speaker, in March of this year, Democrats from the House Committee on Education and the Workforce traveled to New Orleans and surrounding areas to survey and see firsthand the damage left by Hurricanes Katrina and Rita. The members of the delegation were clear in their assessment: Until you see the damage firsthand, it is very, very difficult to understand the magnitude of these storms and what the devastation that they left behind is.

The school systems in the gulf coast were hit particularly hard. The wind tore off roofs of schools, and storm surges brought additional water into classrooms, sometimes reaching over 10 feet. These school systems, both public and private, lost books, computers and desks. Teachers, principals and students lost their homes to the storms.

At the time of the delegation's visit, families had started to return to the area, and due to the leadership of local superintendents, principals and teachers, students were returning to the classrooms. Across the country, school systems in nearly every State opened their doors to enroll displaced students. They continued to educate these children, expending their own resources to meet the increased enrollments.

In spite of the pressures on schools to reopen and enroll displaced students, it was not until December, nearly 5 months after the levees broke, that Congress designated funds to assist schools along the gulf coast and the schools that had taken in displaced students. And it appears Congress did not live up to its own promise. The funds provided were less than what was promised, nearly one-third less.

H.R. 5354 does not fix the funding problem, nor does it address the challenges these same schools will have next year, particularly those in New Orleans, which expect their enrollment to double in the fall. H.R. 5354 will, however, resolve an immediate issue by extending the time in which funds are to be obligated for the current school year.

H.R. 5354 also addresses a concern heard by the delegation during its visits to schools that State educational agencies were delaying the distribution of these funds to local school systems. As such, H.R. 5354 includes a sense of the Congress that urges States to expedite the release of these funds to local school districts.

Families are eager to return to their communities, but will only do so if they can be assured that their children can attend school. H.R. 5354 will assist schools in their efforts to educate displaced students and reopen schools.

Again, I want to thank the gentleman on the other side of the aisle, Mr. BOUSTANY, for bringing this bill to the floor, and urge my colleagues to support it.

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

Mr. BOUSTANY. Mr. Speaker, I have no further speakers, and I am prepared to close at this time. I want to thank my colleague, the gentlelady from New York, for her support, and for all the support of my colleagues across the aisle. I think this is an important piece of legislation, because much of the money that we have obligated has not reached where it needs to go, to those students and schools in need.

When I was back home just about 2 months ago, I was at a school in Erath, a small town that was devastated by flooding, and they were rebuilding the school. In fact, they had just reopened some of the classrooms there. One of the teachers showed me her bright new shining classroom, freshly painted with a new bookshelf, and she had actually spent \$1,600 of her own money to do that, because the Federal money that we had obligated had not reached the ground level. So I am urging the States to release the money that we have sent down so that we can get the money where it needs to be to take care of those students in need and get those schools up and running.

With that, I strongly urge my colleagues to support H.R. 5354.

Mr. McKEON. Mr. Speaker, I rise today in support of H.R. 5354, the Hurricane Relief Extension Act. I thank my Education and the Workforce Committee colleague, Mr. BOUSTANY, for his work on this measure—and for his efforts on behalf of his constituents in the wake of last fall's hurricanes.

Last year, the Gulf Coast endured one of the worst series of hurricanes in our nation's history. Students, workers, retirees, and families from the region were impacted in ways seemingly incomprehensible before the storms struck.

The Education and the Workforce Committee and this Congress have been active in driving legislation to provide resources to schools and families as part of the recovery effort. Last year, led by Mr. BOUSTANY and his Louisiana colleague, Representative JINDAL, we passed legislation to reimburse public, including charter, and private schools that have enrolled displaced students and to help those schools get supplies and equipment to help educate those students.

Now, as the academic year during which Katrina and Rita struck draws to a close, we want to ensure that available money will be used by the schools and districts. The bill before us today will allow the U.S. Secretary of Education to extend the date by which these funds must be obligated to beyond the end of this school year. While the funds must still be used on expenses for the 2005/2006 school year, by extending the obligation date, the districts and schools will be able to make sure that funds are used on appropriate expenses and do not have to be returned to the federal government. It is not just a necessary move—but an appropriate one as well.

Last month, the Education and the Workforce Committee held a hearing highlighted by educators from across the Gulf Coast region. We listened as they discussed the challenges faced and successes achieved by Gulf Coast schools in the wake of Hurricanes Katrina and

Rita. And we heard them provide their unique insights into what we have done well with regard to education in the Gulf Coast region, as well as what obstacles we still face.

Unfortunately, some officials testified that they have yet to receive their full, expected sum of federal impact aid dollars. And as we consider this legislation today, I am especially hopeful that some of the bureaucratic problems we've witnessed in the past several months will end—and end soon.

Mr. Speaker, the bottom line is this: as educators, joined by parents and students from the region, work to rebuild an academic way of life, they ought to have all of the necessary tools at their disposal. The measure we are considering today takes a major step toward providing just that. And I urge my colleagues to join me in supporting it.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and pass the bill, H.R. 5354.

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

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF HOUSE IN SUPPORT OF THE GOALS OF NATIONAL ONE-STOP MONTH

Mr. BOUSTANY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 808) expressing the sense of the House of Representatives in support of the goals of National One-Stop Month.

The Clerk read as follows:

H. RES. 808

Whereas national workforce professional organizations and the local workforce investment boards will celebrate National One-Stop Month from May 1 to 31, 2006;

Whereas workforce investment boards and One-Stop delivery system were created under the Workforce Investment Act of 1998 and are designed to provide a full range of employment solutions to employers and job seekers in a single location;

Whereas more than 600 workforce investment boards and 2,000 One-Stop Career Centers are enhancing the productivity and competitiveness of the Nation by providing workforce solutions for hundreds of thousands of employers annually across the United States;

Whereas, in the spirit of the Workforce Investment Act, the cornerstones of maximizing customer choice, employment and training solutions, and universal access are the primary missions of the One-Stop delivery system, allowing more than 14,000,000 job seekers annually the opportunity to connect with the tools they need for their next career opportunity;

Whereas each year the One-Stop delivery system and regional workforce investment boards contribute to the competitiveness of the Nation's workforce by providing training assistance through grants to job seekers and employed workers and other programs to more than 400,000 Americans so they may upgrade or acquire new skills; and

Whereas, in the spirit of the Workforce Investment Act, the private sector leadership

of the regional workforce investment boards provides the planning, oversight, and accountability of workforce strategies that succeed in communities across the country: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of National One-Stop Month; and

(2) supports the efforts of the workforce investment boards and One-Stop delivery system in preparing the Nation's workforce.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. BOUSTANY) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana.

GENERAL LEAVE

Mr. BOUSTANY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 808.

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

There was no objection.

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

Mr. Speaker, associations representing the local workforce development community have declared May National One-Stop Month. I rise this afternoon in support of H. Res. 808, which expresses the support of the House of Representatives for the goals of National One-Stop Month and supports the work of the Nation's local workforce investment boards.

The one-stop delivery system this resolution recognizes is a product of the Workforce Investment Act of 1998, or WIA. WIA consolidated numerous Federal training programs and integrated employment and training services at the local level in a more unified workforce development system. Local business-led workforce investment boards now direct the activities of the system.

One of the hallmarks of WIA is the establishment of One-Stop Career Centers to provide re-employment services and job training to individuals looking for a new or better job. The centers were developed to increase access to Federal and State resources available to help individuals obtain employment of their choice.

While WIA funds are available for occupational training, there are numerous other Federal programs that provide employment assistance. These programs, including adult education, vocational rehabilitation, veterans employment programs and more, must make their services available through the centers. WIA created One-Stop Career Centers to provide a single point of access for individuals desiring services through these programs. The one-stop delivery system also provides labor market information regarding the kinds of jobs currently available in a local area, data on growing industries and job listings to assist individuals in making informed career choices.

Over 2,000 one-stop centers across the Nation have connected millions of individuals with the tools they need to find their next employment opportunity, while helping employers find the workers they need.

The economy is dynamic, and research shows that the types of growing industries are changing. The Nation's job training programs are critical to our ongoing effort to equip Americans with the resources and skills they need to find a new or better job in today's knowledge-based economy. Local workforce investment boards have responded to these challenges by creating comprehensive services to assist our workforce.

Approximately 5.2 million new jobs have been created since August of 2003. With solid and consistent job growth in high-wage, high-skill occupations, renewing and strengthening the Federal investment in workforce development and job training is more critical than ever. Last year, this House approved legislation to reauthorize WIA and renew the one-stop delivery system, and we hope for further action on that legislation to build upon the success already attained. Yet in the interim, we know our local community leaders remain committed to providing the best services possible for the Nation's job seekers.

I commend the chairman of the Subcommittee on 21st Century Competitiveness, Congressman RIC KELLER of Florida, for introducing this measure to highlight the critical assistance that the local boards and the one-stop delivery system provide.

Mr. Speaker, I urge my colleagues to support this measure.

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

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

Mr. Speaker, I rise in support of National One-Stop Month. For over 30 years, Congress has worked hard on a bipartisan basis to create a job training system that works well for both employers and employees.

During the Clinton administration, job training advocates developed the idea of a universal system, a one-stop job training system that would provide needed job search, placement and training services to all job seekers who walked through its doors. The system would also be a one-stop system for employers, providing outreach and matching services to enable employers to find workers with the job skills that they need.

Approximately 2,000 one-stop centers and the workforce boards that oversee them now exist in all of our communities, providing a 21st century resource for all. This system is an investment in our economy and in our country.

But that investment is also under attack. For the past 6 years, the administration and this Congress have been cutting funding for the one-stop system. The one-stops have not had a single inflation adjustment in 6 years. The

one-stops have actually had their budgets cut about \$700 million since 2001. This Congress has failed to reauthorize the one-stop system, and has insisted on opening it up to religious discrimination, which has never existed or been a problem for years. Most recently, in its 2007 budget request, the administration proposed effectively eliminating the one-stop system and turning it into a voucher program run by the Governors.

Democrats believe in job training to help workers improve their skills and find good-paying jobs to support their families. Democrats believe in helping employers find workers with the skills they need to compete in the global economy. In order to truly help employers and employees, we must adequately fund the one-stops and our job training system.

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This is a low-cost investment in our future. I urge my colleagues to support this resolution and to support improved funding for a 21st-century job-training system.

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

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

Mr. BOUSTANY. Mr. Speaker, I am prepared to close at this time. We have no further speakers. Again, I thank my colleague from New York for her support and the support of all Members across the aisle for this resolution.

Let me just close by saying that in the aftermath of Hurricanes Rita and Katrina, I personally visited some of these one-stop shops in my district and was really impressed with the work that they were doing.

They were very successful in matching up those in need of jobs with available jobs. And so this is a worthy resolution. I urge all Members to support it.

Mr. McKEON. Mr. Speaker, I rise today in support of H. Res. 808, a measure expressing support for the goals of National One-Stop Month. As we stand here today we find ourselves in an increasingly competitive job market, one in which the knowledge and skills of each job seeker play a critical role in determining whether the individual will succeed. And while our economy has created more than 5.2 million new jobs since August 2003, we still have work ahead of us to provide the resources and training workers need to claim and keep these new jobs.

Testifying before the House Education and the Workforce Committee several years ago, former Federal Reserve Board Chairman Alan Greenspan told Members of our panel that providing "rigorous education and ongoing training to all members of our society" is essential for future job growth and worker security in the United States. His words ring all the more true today, as our workforce takes on the new realities of an increasingly competitive global economy.

Eight years ago, when Congress passed the Workforce Investment Act, we did so with an eye toward preparing our working men and women for the challenges of a turn-of-the-cen-

tury economy. Indeed, the 21st century is no longer the age of machine and muscle but, rather, has become the age of the mind.

And central to our efforts in crafting the Workforce Investment Act was the establishment of the one-stop system. One-stop career centers are aimed at providing a single, convenient, central location to offer job training and other employment-related services. And they have been remarkably successful for countless Americans.

In my view, the establishment of one-stops in 1998 was the single most important federal job training accomplishment in a generation. We brought dozens of disparate services under one roof, providing a better deal for job seekers and a better investment for American taxpayers.

Last year, this House approved legislation to build upon the success of the one-stop system, and as we hope for further congressional action on that measure, we take time this month to celebrate the achievements of those who have been involved in the one-stops—including those providing services and those benefiting from them.

Mr. Speaker, May is National One-Stop Month, but for those seeking high-quality employment services, the one-stops are there for them all year long. I applaud them, and I look for them to play an even bigger role in our job training system in the decades to come. I thank my colleague Mr. KELLER, the chairman of the 21st Century Competitiveness Subcommittee, for bringing this resolution to the floor, and I urge my colleagues to support it.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and agree to the resolution, H. Res. 808.

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

A motion to reconsider was laid on the table.

VETERANS' HOUSING OPPORTUNITY AND BENEFITS IMPROVEMENT ACT OF 2006

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1235) to amend title 38, United States Code, to extend the availability of \$400,000 in life insurance coverage to servicemembers and veterans, to make a stillborn child an insurable dependent for purposes of the Servicemembers' Group Life Insurance program, to make technical corrections to the Veterans Benefits Improvement Act of 2004, to make permanent a pilot program for direct housing loans for Native American veterans, and to require an annual plan on outreach activities of the Department of Veterans Affairs, as amended.

The Clerk read as follows:

S. 1235

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Housing Opportunity and Benefits Improvement Act of 2006".

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

Sec. 1. Short title; table of contents.

TITLE I—HOUSING MATTERS

Sec. 101. Adapted housing assistance for disabled veterans residing temporarily in housing owned by family member.

Sec. 102. Adjustable rate mortgages.

Sec. 103. Permanent authority to make direct housing loans to Native American veterans.

Sec. 104. Extension of eligibility for direct loans for Native American veterans to a veteran who is the spouse of a Native American.

Sec. 105. Technical corrections to Veterans Benefits Improvement Act of 2004.

TITLE II—EMPLOYMENT MATTERS

Sec. 201. Additional duty for the Assistant Secretary of Labor for Veterans' Employment and Training to raise awareness of skills of veterans and of the benefits of hiring veterans.

Sec. 202. Modifications to the Advisory Committee on Veterans Employment and Training.

Sec. 203. Reauthorization of appropriations for homeless veterans reintegration programs.

TITLE III—LIFE AND HEALTH INSURANCE MATTERS

Sec. 301. Duration of Servicemembers' Group Life Insurance coverage for totally disabled veterans following separation from service.

Sec. 302. Limitation on premium increases for reinstated health insurance of servicemembers released from active military service.

Sec. 303. Preservation of employer-sponsored health plan coverage for certain reserve-component members who acquire TRICARE eligibility.

TITLE IV—OTHER MATTERS

Sec. 401. Inclusion of additional diseases and conditions in diseases and disabilities presumed to be associated with prisoner of war status.

Sec. 402. Consolidation and revision of outreach authorities.

Sec. 403. Extension of annual report requirement on equitable relief cases.

TITLE V—TECHNICAL AMENDMENTS

Sec. 501. Technical and clarifying amendments to new traumatic injury protection coverage under Servicemembers' Group Life Insurance.

Sec. 502. Terminology amendments to revise references to certain veterans in provisions relating to eligibility for compensation or dependency and indemnity compensation.

Sec. 503. Technical and clerical amendments.

TITLE I—HOUSING MATTERS

SEC. 101. ADAPTED HOUSING ASSISTANCE FOR DISABLED VETERANS RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.

(a) ASSISTANCE AUTHORIZED.—Chapter 21 of title 38, United States Code, is amended by inserting after section 2102 the following new section:

“§2102A. Assistance for veterans residing temporarily in housing owned by a family member

“(a) PROVISION OF ASSISTANCE.—In the case of a disabled veteran who is described in subsection (a)(2) or (b)(2) of section 2101 of this title and who is residing, but does not intend to permanently reside, in a residence owned by a member of such veteran's family, the Secretary may assist the veteran in acquiring such adaptations to such residence as are determined by the Secretary to be reasonably necessary because of the veteran's disability.

“(b) AMOUNT OF ASSISTANCE.—The assistance authorized under subsection (a) may not exceed—

“(1) \$14,000, in the case of a veteran described in section 2101(a)(2) of this title; or

“(2) \$2,000, in the case of a veteran described in section 2101(b)(2) of this title.

“(c) LIMITATION.—The assistance authorized by subsection (a) shall be limited in the case of any veteran to one residence.

“(d) REGULATIONS.—Assistance under this section shall be provided in accordance with such regulations as the Secretary may prescribe.

“(e) TERMINATION.—No assistance may be provided under this section after the end of the five-year period that begins on the date of the enactment of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006.”.

(b) LIMITATIONS ON ADAPTED HOUSING ASSISTANCE.—Section 2102 of such title is amended—

(1) in the matter in subsection (a) preceding paragraph (1)—

(A) by striking “shall be limited in the case of any veteran to one housing unit, and necessary land therefor, and”; and

(B) by striking “veteran but shall not exceed \$50,000 in any one case—” and inserting “veteran—”; and

(2) by adding at the end the following new subsection:

“(d)(1) The aggregate amount of assistance available to a veteran under sections 2101(a) and 2102A of this title shall be limited to \$50,000.

“(2) The aggregate amount of assistance available to a veteran under sections 2101(b) and 2102A of this title shall be limited to \$10,000.

“(3) No veteran may receive more than three grants of assistance under this chapter.”.

(c) COORDINATION OF ADMINISTRATION OF BENEFITS.—Chapter 21 of such title is further amended by adding at the end the following new section:

“§2107. Coordination of administration of benefits

“The Secretary shall provide for the coordination of the administration of programs to provide specially adapted housing that are administered by the Under Secretary for Health and such programs that are administered by the Under Secretary for Benefits under this chapter, chapter 17, and chapter 31 of this title.”.

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended—

(1) by inserting after the item relating to section 2102 the following new item:

“2102A. Assistance for veterans residing temporarily in housing owned by a family member.”

; and

(2) by adding at the end the following new item:

“2107 Coordination of administration of benefits.”.

(e) GAO REPORTS.—

(1) INTERIM REPORT.—Not later than three years after the date of the enactment of this Act, the Comptroller General shall submit to Congress an interim report on the implementation by the Secretary of Veterans Affairs of section 2102A of title 38, United States Code, as added by subsection (a).

(2) FINAL REPORT.—Not later than five years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a final report on the implementation of such section.

(f) TEMPORARY INCREASE IN CERTAIN HOUSING LOAN FEES.—For a subsequent loan described in subsection (a) of section 3710 of title 38, United States Code, to purchase or construct a dwelling with 0-down or any other subsequent loan described in that subsection, other than a loan with 5-down or 10-down, that is closed during fiscal year 2007, the Secretary of Veterans Affairs shall apply section 3729(b)(2) of such title by substituting “3.35” for “3.30”.

SEC. 102. ADJUSTABLE RATE MORTGAGES.

Section 3707A(c)(4) of title 38, United States Code, is amended by striking “1 percentage point” and inserting “such percentage points as the Secretary may prescribe”.

SEC. 103. PERMANENT AUTHORITY TO MAKE DIRECT HOUSING LOANS TO NATIVE AMERICAN VETERANS.

(a) PERMANENT AUTHORITY.—Section 3761 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “establish and implement a pilot program under which the Secretary may” in the first sentence; and

(B) by striking “shall establish and implement the pilot program” in the third sentence and inserting “shall make such loans”; and

(2) in subsection (b), by striking “In carrying out the pilot program under this subchapter, the” and inserting “The”; and

(3) by striking subsection (c).

(b) REPORTS.—Section 3762(j) of such title is amended to read as follows:

“(j) The Secretary shall include as part of the annual benefits report of the Veterans Benefits Administration information concerning the cost and number of loans provided under this subchapter for the fiscal year covered by the report.”.

(c) CONFORMING AMENDMENTS.—

(1) SECTION 3762.—Section 3762 of such title is amended—

(A) in subsection (a), by inserting “under this subchapter” after “to a Native American veteran”; and

(B) in subsection (b)(1)(E), by striking “the pilot program established under this subchapter is implemented” and inserting “loans under this subchapter are made”; and

(C) in subsection (c)(1)(B), by striking “carry out the pilot program under this subchapter in a manner that demonstrates the advisability of making direct housing loans” in the second sentence and inserting “make direct housing loans under this subchapter”; and

(D) in subsection (i)—

(i) by striking “the pilot program provided for under this subchapter and” in paragraph (1); and

(ii) by striking “under the pilot program and in assisting such organizations and veterans in participating in the pilot program” in paragraph (2)(A) and inserting “under this subchapter and in assisting such organizations and veterans with respect to such housing benefits”; and

(iii) by striking “in participating in the pilot program” in paragraph (2)(E) and inserting “with respect to such benefits”.

(2) CONFORMING REPEAL.—Section 8(b) of the Veterans Home Loan Program Amendments of 1992 (Public Law 102-547; 38 U.S.C. 3761 note) is repealed.

(d) ESTABLISHMENT OF MAXIMUM AMOUNT OF LOANS.—Section 3762(c)(1)(B) of title 38, United States Code, is amended—

(1) by striking “(B) The” and inserting “(B)(i) Subject to clause (ii), the”; and

(2) by adding at the end the following new clause:

“(ii) The amount of a loan made by the Secretary under this subchapter may not exceed the maximum loan amount authorized for loans guaranteed under section 3703(a)(1)(C) of this title.”.

(e) TECHNICAL AMENDMENT.—Subsection (c)(1)(A) of section 3762 of such title is amended by inserting “veteran” after “Native American”.

(f) CLERICAL AMENDMENTS.—

(1) SUBCHAPTER HEADING.—The heading for subchapter V of chapter 37 of such title is amended to read as follows:

“SUBCHAPTER V—DIRECT HOUSING LOANS FOR NATIVE AMERICAN VETERANS”.

(2) SECTION HEADING.—The heading for section 3761 of such title is amended to read as follows:

“§3761. Direct housing loans to Native American veterans; program authority”.

(3) SECTION HEADING.—The heading for section 3762 of such title is amended to read as follows:

“§3762. Direct housing loans to Native American veterans; program administration”.

(4) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 37 of such title is amended by striking the items relating to subchapter V and sections 3761 and 3762 and inserting the following new items:

“SUBCHAPTER V—DIRECT HOUSING LOANS FOR NATIVE AMERICAN VETERANS

“3761. Direct housing loans to Native American veterans; program authority.

“3762. Direct housing loans to Native American veterans; program administration.”.

SEC. 104. EXTENSION OF ELIGIBILITY FOR DIRECT LOANS FOR NATIVE AMERICAN VETERANS TO A VETERAN WHO IS THE SPOUSE OF A NATIVE AMERICAN.

(a) EXTENSION.—Subchapter V of chapter 37 of title 38, United States Code, is amended—

(1) by redesignating section 3764 as section 3765; and

(2) by inserting after section 3763 the following new section:

“§3764. Qualified non-Native American veterans

“(a) TREATMENT OF NON-NATIVE AMERICAN VETERANS.—Subject to the succeeding provisions of this section, for purposes of this subchapter—

“(1) a qualified non-Native American veteran is deemed to be a Native American veteran; and

“(2) for purposes of applicability to a non-Native American veteran, any reference in this subchapter to the jurisdiction of a tribal organization over a Native American veteran is deemed to be a reference to jurisdiction of a tribal organization over the Native American spouse of the qualified non-Native American veteran.

“(b) USE OF LOAN.—In making direct loans under this subchapter to a qualified non-Native American veteran by reason of eligibility under subsection (a), the Secretary shall ensure that the tribal organization permits, and the qualified non-Native American veteran actually holds, possesses, or purchases, using the proceeds of the loan, jointly with the Native American spouse of the qualified non-Native American veteran, a meaningful interest in the lot, dwelling, or both, that is located on trust land.

“(c) RESTRICTIONS IMPOSED BY TRIBAL ORGANIZATIONS.—Nothing in subsection (b)

shall be construed as precluding a tribal organization from imposing reasonable restrictions on the right of the qualified non-Native American veteran to convey, assign, or otherwise dispose of such interest in the lot or dwelling, or both, if such restrictions are designed to ensure the continuation in trust status of the lot or dwelling, or both. Such requirements may include the termination of the interest of the qualified non-Native American veteran in the lot or dwelling, or both, upon the dissolution of the marriage of the qualified non-Native American veteran to the Native American spouse.”.

(b) CONFORMING AMENDMENTS.—Section 3765 of such title, as redesignated by subsection (a)(1), is amended by adding at the end the following new paragraph:

“(5) The term ‘qualified non-Native American veteran’ means a veteran who—

“(A) is the spouse of a Native American, but

“(B) is not a Native American.”.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 37 of such title is amended by striking the item relating to section 3764 and inserting the following new items:

“3764. Qualified non-Native American veterans.

“3765. Definitions.”.

SEC. 105. TECHNICAL CORRECTIONS TO VETERANS BENEFITS IMPROVEMENT ACT OF 2004.

(a) CORRECTIONS.—Section 2101 of title 38, United States Code, as amended by section 401 of the Veterans Benefits Improvement Act of 2004 (Public Law 108-454; 118 Stat. 3614), is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) a new subsection (c) consisting of the text of subsection (c) of such section 2101 as in effect immediately before the enactment of such Act, modified—

(A) in paragraph (1)—

(i) in the first sentence, by striking “paragraph (1), (2), or (3)” and inserting “subparagraph (A), (B), (C), or (D) of paragraph (2)”; and

(ii) in the second sentence, by striking “the second sentence” and inserting “paragraph (3)”; and

(B) in paragraph (2)—

(i) in the first sentence, by striking “paragraph (1)” and inserting “paragraph (2)”; and

(ii) in the second sentence, by striking “paragraph (2)” and inserting “paragraph (3)”; and

(3) in subsection (a)(3), by striking “subsection (c)” in the matter preceding subparagraph (A) and inserting “subsection (d)”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of December 10, 2004, as if enacted immediately after the enactment of the Veterans Benefits Improvement Act of 2004 on that date.

TITLE II—EMPLOYMENT MATTERS

SEC. 201. ADDITIONAL DUTY FOR THE ASSISTANT SECRETARY OF LABOR FOR VETERANS’ EMPLOYMENT AND TRAINING TO RAISE AWARENESS OF SKILLS OF VETERANS AND OF THE BENEFITS OF HIRING VETERANS.

Subsection (b) of section 4102A of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(8) With advice and assistance from the Advisory Committee on Veterans Employment and Training, and Employer Outreach established under section 4110 of this title, furnish information to employers (through meetings in person with hiring executives of corporations and otherwise) with respect to the training and skills of veterans and disabled veterans, and the advantages afforded

employers by hiring veterans with such training and skills, and to facilitate employment of veterans and disabled veterans through participation in labor exchanges (Internet-based and otherwise), and other means.”.

SEC. 202. MODIFICATIONS TO THE ADVISORY COMMITTEE ON VETERANS EMPLOYMENT AND TRAINING.

(a) COMMITTEE NAME.—

(1) CHANGE OF NAME.—Subsection (a)(1) of section 4110 of title 38, United States Code, is amended by striking “Advisory Committee on Veterans Employment and Training” and inserting “Advisory Committee on Veterans Employment, Training, and Employer Outreach”.

(2) SECTION HEADING.—The heading of such section is amended to read as follows:

“§ 4110. Advisory Committee on Veterans Employment, Training, and Employer Outreach”.

(3) TABLE OF SECTIONS.—The item relating to section 4110 in the table of sections at the beginning of chapter 41 of such title is amended to read as follows:

“4110. Advisory Committee on Veterans Employment, Training, and Employer Outreach.”.

(4) REFERENCES.—Any reference to the Advisory Committee established under section 4110 of such title in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Advisory Committee on Veterans Employment, Training, and Employer Outreach.

(b) EXPANSION OF DUTIES OF ADVISORY COMMITTEE.—Subsection (a)(2) of such section is amended—

(1) in subparagraph (A), by inserting “and their integration into the workforce” after “veterans”; and

(2) by striking “and” at the end of subparagraph (B);

(3) by redesignating subparagraph (C) as subparagraph (E); and

(4) by inserting after subparagraph (B) the following new subparagraphs:

“(C) assist the Assistant Secretary of Labor for Veterans’ Employment and Training in carrying out outreach activities to employers with respect to the training and skills of veterans and the advantages afforded employers by hiring veterans;

“(D) make recommendations to the Secretary, through the Assistant Secretary of Labor for Veterans’ Employment and Training, with respect to outreach activities and the employment and training of veterans; and”.

(c) MODIFICATION OF ADVISORY COMMITTEE MEMBERSHIP.—

(1) MEMBERSHIP.—Subsection (c)(1) of such section is amended to read as follows:

“(c)(1) The Secretary of Labor shall appoint at least 12, but no more than 15, individuals to serve as members of the advisory committee as follows:

“(A) Six individuals, one each from among representatives nominated by each of the following organizations:

“(i) The National Society of Human Resource Managers.

“(ii) The Business Roundtable.

“(iii) The National Association of State Workforce Agencies.

“(iv) The United States Chamber of Commerce.

“(v) The National Federation of Independent Business.

“(vi) A nationally recognized labor union or organization.

“(B) Not more than five individuals from among representatives nominated by veterans service organizations that have a national employment program.

“(C) Not more than five individuals who are recognized authorities in the fields of business, employment, training, rehabilitation, or labor and who are not employees of the Department of Labor.”.

(2) CONFORMING AMENDMENTS.—Subsection (d) of such section is amended—

(A) by striking paragraphs (3), (4), (8), (10), (11), and (12); and

(B) by redesignating paragraphs (5), (6), (7), and (9) as paragraphs (3), (4), (5), and (6), respectively.

(d) REINSTATEMENT AND MODIFICATION OF REPORTING REQUIREMENT.—Subsection (f)(1) of such section is amended—

(1) by striking the first sentence and inserting the following: “Not later than December 31 of each year, the advisory committee shall submit to the Secretary and to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report on the employment and training needs of veterans, with special emphasis on disabled veterans, for the previous fiscal year.”;

(2) in subparagraph (A), by inserting “and their integration into the workforce” after “veterans”;

(3) by striking “and” at the end of subparagraph (B);

(4) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (F), respectively;

(5) by inserting after subparagraph (A) the following new subparagraph:

“(B) an assessment of the outreach activities carried out by the Secretary of Labor to employers with respect to the training and skills of veterans and the advantages afforded employers by hiring veterans;”;

(6) by inserting after subparagraph (C), as so redesignated, the following new subparagraphs:

“(D) a description of the activities of the advisory committee during that fiscal year;

“(E) a description of activities that the advisory committee proposes to undertake in the succeeding fiscal year; and”.

SEC. 203. REAUTHORIZATION OF APPROPRIATIONS FOR HOMELESS VETERANS REINTEGRATION PROGRAMS.

Subsection (e)(1) of section 2021 of title 38, United States Code, is amended by adding at the end the following new subparagraph:

“(F) \$50,000,000 for each of fiscal years 2007 through 2009.”.

TITLE III—LIFE AND HEALTH INSURANCE MATTERS

SEC. 301. DURATION OF SERVICEMEMBERS’ GROUP LIFE INSURANCE COVERAGE FOR TOTALLY DISABLED VETERANS FOLLOWING SEPARATION FROM SERVICE.

(a) SEPARATION OR RELEASE FROM ACTIVE DUTY.—

(1) EXTENSION OF PERIOD OF COVERAGE.—Paragraph (1)(A) of section 1968(a) of title 38, United States Code, is amended by striking “shall cease” and all that follows and inserting “shall cease on the earlier of the following dates (but in no event before the end of 120 days after such separation or release):

“(i) The date on which the insured ceases to be totally disabled.

“(ii) The date that is—

“(I) two years after the date of separation or release from such active duty or active duty for training, in the case of such a separation or release during the period beginning on the date that is one year before the date of the enactment of Veterans’ Housing Opportunity and Benefits Improvement Act of 2006 and ending on September 30, 2011; and

“(II) 18 months after the date of separation or release from such active duty or active duty for training, in the case of such a separation or release on or after October 1, 2011.”.

(2) TECHNICAL AMENDMENTS.—Paragraph (1) of such section is further amended—

(A) in the matter preceding subparagraph (A), by striking “shall cease—” and inserting “shall cease as follows:”; and

(B) in subparagraph (B), by striking “at” after “(B)” and inserting “At”.

(b) **SEPARATION OR RELEASE FROM CERTAIN RESERVE ASSIGNMENTS.**—Paragraph (4) of such section is amended by striking “shall cease” the second place it appears and all that follows and inserting “shall cease on the earlier of the following dates (but in no event before the end of 120 days after separation or release from such assignment):

“(A) The date on which the insured ceases to be totally disabled.

“(B) The date that is—

“(i) two years after the date of separation or release from such assignment, in the case of such a separation or release during the period beginning on the date that is one year before the date of the enactment of Veterans’ Housing Opportunity and Benefits Improvement Act of 2006 and ending on September 30, 2011; and

“(ii) 18 months after the date of separation or release from such assignment, in the case of such a separation or release on or after October 1, 2011.”.

SEC. 302. LIMITATION ON PREMIUM INCREASES FOR REINSTATED HEALTH INSURANCE OF SERVICEMEMBERS RELEASED FROM ACTIVE MILITARY SERVICE.

(a) **PREMIUM PROTECTION.**—Section 704 of the Servicemembers Civil Relief Act (50 U.S.C. App. 594) is amended by adding at the end the following new subsection:

“(e) **LIMITATION ON PREMIUM INCREASES.**—

“(1) **PREMIUM PROTECTION.**—The amount of the premium for health insurance coverage that was terminated by a servicemember and required to be reinstated under subsection (a) may not be increased, for the balance of the period for which coverage would have been continued had the coverage not been terminated, to an amount greater than the amount chargeable for such coverage before the termination.

“(2) **INCREASES OF GENERAL APPLICABILITY NOT PRECLUDED.**—Paragraph (1) does not prevent an increase in premium to the extent of any general increase in the premiums charged by the carrier of the health care insurance for the same health insurance coverage for persons similarly covered by such insurance during the period between the termination and the reinstatement.”.

(b) **TECHNICAL AMENDMENT.**—Subsection (b)(3) of such section is amended by striking “if the” and inserting “in a case in which the”.

SEC. 303. PRESERVATION OF EMPLOYER-SPONSORED HEALTH PLAN COVERAGE FOR CERTAIN RESERVE-COMPONENT MEMBERS WHO ACQUIRE TRICARE ELIGIBILITY.

(a) **CONTINUATION OF COVERAGE.**—Subsection (a)(1) of section 4317 of title 38, United States Code, is amended by inserting after “by reason of service in the uniformed services,” the following: “or such person becomes eligible for medical and dental care under chapter 55 of title 10 by reason of subsection (d) of section 1074 of that title.”.

(b) **REINSTATEMENT OF COVERAGE.**—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) by inserting after “by reason of service in the uniformed services,” the following: “or by reason of the person’s having become eligible for medical and dental care under chapter 55 of title 10 by reason of subsection (d) of section 1074 of that title.”; and

(B) by inserting “or eligibility” before the period at the end of the first sentence; and

(2) by adding at the end the following new paragraph:

“(3) In the case of a person whose coverage under a health plan is terminated by reason

of the person having become eligible for medical and dental care under chapter 55 of title 10 by reason of subsection (d) of section 1074 of that title but who subsequently does not commence a period of active duty under the order to active duty that established such eligibility because the order is canceled before such active duty commences, the provisions of paragraph (1) relating to any exclusion or waiting period in connection with the reinstatement of coverage under a health plan shall apply to such person’s continued employment, upon the termination of such eligibility for medical and dental care under chapter 55 of title 10 that is incident to the cancellation of such order, in the same manner as if the person had become reemployed upon such termination of eligibility.”.

TITLE IV—OTHER MATTERS

SEC. 401. INCLUSION OF ADDITIONAL DISEASES AND CONDITIONS IN DISEASES AND DISABILITIES PRESUMED TO BE ASSOCIATED WITH PRISONER OF WAR STATUS.

Section 1112(b)(3) of title 38, United States Code, is amended by adding at the end the following new subparagraphs:

“(L) Atherosclerotic heart disease or hypertensive vascular disease (including hypertensive heart disease) and their complications (including myocardial infarction, congestive heart failure and arrhythmia).

“(M) Stroke and its complications.”.

“CHAPTER 63—OUTREACH ACTIVITIES

“6301. Purpose; definitions.

“6302. Biennial plan.

“6303. Outreach services.

“6304. Veterans assistance offices.

“6305. Outstationing of counseling and outreach personnel.

“6306. Use of other agencies.

“6307. Outreach for eligible dependents.

“6308. Biennial report to Congress.

“§ 6301. Purpose; definitions

“(a) **PURPOSE.**—The Congress declares that—

“(1) the outreach services program authorized by this chapter is for the purpose of ensuring that all veterans (especially those who have been recently discharged or released from active military, naval, or air service and those who are eligible for readjustment or other benefits and services under laws administered by the Department) are provided timely and appropriate assistance to aid and encourage them in applying for and obtaining such benefits and services in order that they may achieve a rapid social and economic readjustment to civilian life and obtain a higher standard of living for themselves and their dependents; and

“(2) the outreach services program authorized by this chapter is for the purpose of charging the Department with the affirmative duty of seeking out eligible veterans and eligible dependents and providing them with such services.

“(b) **DEFINITIONS.**—For the purposes of this chapter—

“(1) the term ‘other governmental programs’ includes all programs under State or local laws as well as all programs under Federal law other than those authorized by this title; and

“(2) the term ‘eligible dependent’ means a spouse, surviving spouse, child, or dependent parent of a person who served in the active military, naval, or air service.

“§ 6302. Biennial plan

“(a) **BIENNIAL PLAN REQUIRED.**—The Secretary shall, during the first nine months of every odd-numbered year, prepare a biennial plan for the outreach activities of the Department for the two-fiscal-year period beginning on October 1 of that year.

“(b) **ELEMENTS.**—Each biennial plan under subsection (a) shall include the following:

“(1) Plans for efforts to identify eligible veterans and eligible dependents who are not enrolled or registered with the Department for benefits or services under the programs administered by the Secretary.

“(2) Plans for informing eligible veterans and eligible dependents of modifications of the benefits and services under the programs administered by the Secretary, including eligibility for medical and nursing care and services.

“(c) **COORDINATION IN DEVELOPMENT.**—In developing the biennial plan under subsection (a), the Secretary shall consult with the following:

“(1) Directors or other appropriate officials of organizations approved by the Secretary under section 5902 of this title.

“(2) Directors or other appropriate officials of State and local education and training programs.

“(3) Representatives of nongovernmental organizations that carry out veterans outreach programs.

“(4) Representatives of State and local veterans employment organizations.

“(5) Other individuals and organizations that the Secretary considers appropriate.

“§ 6303. Outreach services

“(a) **REQUIREMENT TO PROVIDE SERVICES.**—In carrying out the purposes of this chapter, the Secretary shall provide the outreach services specified in subsections (b) through (d). In areas where a significant number of eligible veterans and eligible dependents speak a language other than English as their principal language, such services shall, to the maximum feasible extent, be provided in the principal language of such persons.

“(b) **INDIVIDUAL NOTICE TO NEW VETERANS.**—The Secretary shall by letter advise each veteran at the time of the veteran’s discharge or release from active military, naval, or air service (or as soon as possible after such discharge or release) of all benefits and services under laws administered by the Department for which the veteran may be eligible. In carrying out this subsection, the Secretary shall ensure, through the use of veteran-student services under section 3485 of this title, that contact, in person or by telephone, is made with those veterans who, on the basis of their military service records, do not have a high school education or equivalent at the time of discharge or release.

“(c) **DISTRIBUTION OF INFORMATION.**—(1) The Secretary—

“(A) shall distribute full information to eligible veterans and eligible dependents regarding all benefits and services to which they may be entitled under laws administered by the Secretary; and

“(B) may, to the extent feasible, distribute information on other governmental programs (including manpower and training programs) which the Secretary determines would be beneficial to veterans.

“(2) Whenever a veteran or dependent first applies for any benefit under laws administered by the Secretary (including a request for burial or related benefits or an application for life insurance proceeds), the Secretary shall provide to the veteran or dependent information concerning benefits and health care services under programs administered by the Secretary. Such information shall be provided not later than three months after the date of such application.

“(d) **PROVISION OF AID AND ASSISTANCE.**—The Secretary shall provide, to the maximum extent possible, aid and assistance (including personal interviews) to members of the Armed Forces, veterans, and eligible dependents with respect to subsections (b) and (c) and in the preparation and presentation of claims under laws administered by the Department.

“(e) ASSIGNMENT OF EMPLOYEES.—In carrying out this section, the Secretary shall assign such employees as the Secretary considers appropriate to conduct outreach programs and provide outreach services for homeless veterans. Such outreach services may include site visits through which homeless veterans can be identified and provided assistance in obtaining benefits and services that may be available to them.

“§ 6304. Veterans assistance offices

“(a) IN GENERAL.—The Secretary shall establish and maintain veterans assistance offices at such places throughout the United States and its territories and possessions, and in the Commonwealth of Puerto Rico, as the Secretary determines to be necessary to carry out the purposes of this chapter. The Secretary may maintain such offices on such military installations located elsewhere as the Secretary, after consultation with the Secretary of Defense and taking into account recommendations, if any, of the Secretary of Labor, determines to be necessary to carry out such purposes.

“(b) LOCATION OF OFFICES.—In establishing and maintaining such offices, the Secretary shall give due regard to—

“(1) the geographical distribution of veterans recently discharged or released from active military, naval, or air service;

“(2) the special needs of educationally disadvantaged veterans (including their need for accessibility of outreach services); and

“(3) the necessity of providing appropriate outreach services in less populated areas.

“§ 6305. Outstationing of counseling and outreach personnel

“The Secretary may station employees of the Department at locations other than Department offices, including educational institutions, to provide—

“(1) counseling and other assistance regarding benefits under this title to veterans and other persons eligible for benefits under this title; and

“(2) outreach services under this chapter.

“§ 6306. Use of other agencies

“(a) In carrying out this chapter, the Secretary shall arrange with the Secretary of Labor for the State employment service to match the particular qualifications of an eligible veteran or eligible dependent with an appropriate job or job training opportunity, including, where possible, arrangements for outstationing the State employment personnel who provide such assistance at appropriate facilities of the Department.

“(b) In carrying out this chapter, the Secretary shall, in consultation with the Secretary of Labor, actively seek to promote the development and establishment of employment opportunities, training opportunities, and other opportunities for veterans, with particular emphasis on the needs of veterans with service-connected disabilities and other eligible veterans, taking into account applicable rates of unemployment and the employment emphases set forth in chapter 42 of this title.

“(c) In carrying out this chapter, the Secretary shall cooperate with and use the services of any Federal department or agency or any State or local governmental agency or recognized national or other organization.

“(d) In carrying out this chapter, the Secretary shall, where appropriate, make referrals to any Federal department or agency or State or local governmental unit or recognized national or other organization.

“(e) In carrying out this chapter, the Secretary may furnish available space and office facilities for the use of authorized representatives of such governmental unit or other organization providing services.

“(f) In carrying out this chapter, the Secretary shall conduct and provide for studies,

in consultation with appropriate Federal departments and agencies, to determine the most effective program design to carry out the purposes of this chapter.

“§ 6307. Outreach for eligible dependents

“(a) NEEDS OF DEPENDENTS.—In carrying out this chapter, the Secretary shall ensure that the needs of eligible dependents are fully addressed.

“(b) INFORMATION AS TO AVAILABILITY OF OUTREACH SERVICES FOR DEPENDENTS.—The Secretary shall ensure that the availability of outreach services and assistance for eligible dependents under this chapter is made known through a variety of means, including the Internet, announcements in veterans publications, and announcements to the media.

“§ 6308. Biennial report to Congress

“(a) REPORT REQUIRED.—The Secretary shall, not later than December 1 of every even-numbered year (beginning in 2008), submit to Congress a report on the outreach activities carried out by the Department.

“(b) CONTENT.—Each report under this section shall include the following:

“(1) A description of the implementation during the preceding fiscal year of the current biennial plan under section 6302 of this title.

“(2) Recommendations for the improvement or more effective administration of the outreach activities of the Department.”

(b) INCORPORATION OF RECOMMENDATIONS TO IMPROVE OUTREACH AND AWARENESS.—The Secretary of Veterans Affairs shall, to the extent appropriate, incorporate the recommendations for the improvement of veterans outreach and awareness activities included in the report submitted to Congress by the Secretary pursuant to section 805 of the Veterans Benefits Improvement Act of 2004 (Public Law 108-454).

(c) REPEAL OF RECODIFIED PROVISIONS.—Subchapter II of chapter 77 of title 38, United States Code, is repealed.

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) Subchapter III of chapter 77 of such title is redesignated as subchapter II.

(2) The table of sections at the beginning of such chapter is amended by striking the items relating to the heading for subchapter II, sections 7721 through 7727, and the heading for subchapter III and inserting the following:

“SUBCHAPTER II—QUALITY ASSURANCE”.

(3) The tables of chapters at the beginning of such title, and at the beginning of part IV of such title, are amended by inserting after the item relating to chapter 61 the following new item:

“63. Outreach Activities 6301”.

(e) CROSS-REFERENCE AMENDMENTS.—

(1) Section 3485(a)(4)(A) of title 38, United States Code, is amended by striking “subchapter II of chapter 77” and inserting “chapter 63”.

(2) Section 4113(a)(2) of such title is amended by striking “section 7723(a)” and inserting “section 6304(a)”.

(3) Section 4214(g) of such title is amended by striking “section 7722” and “section 7724” and inserting “section 6303” and “section 6305”, respectively.

(4) Section 168(b)(2)(B) of the Workforce Investment Act of 1998 (29 U.S.C. 2913(b)(2)(B)) is amended by striking “subchapter II of chapter 77” and inserting “chapter 63”.

SEC. 403. EXTENSION OF ANNUAL REPORT REQUIREMENT ON EQUITABLE RELIEF CASES.

Section 503(c) of title 38, United States Code, is amended by striking “December 31, 2004” and inserting “December 31, 2009”.

TITLE V—TECHNICAL AMENDMENTS

SEC. 501. TECHNICAL AND CLARIFYING AMENDMENTS TO NEW TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) SECTION 1980A.—Section 1980A of title 38, United States Code, is amended as follows:

(1) Subsection (a) is amended to read as follows:

“(a)(1) A member of the uniformed services who is insured under Servicemembers' Group Life Insurance shall automatically be insured for traumatic injury in accordance with this section. Insurance benefits under this section shall be payable if the member, while so insured, sustains a traumatic injury on or after December 1, 2005, that results in a qualifying loss specified pursuant to subsection (b)(1).

“(2) If a member suffers more than one such qualifying loss as a result of traumatic injury from the same traumatic event, payment shall be made under this section in accordance with the schedule prescribed pursuant to subsection (d) for the single loss providing the highest payment.”

(2) Subsection (b) is amended—

(A) in paragraph (1)—

(i) by striking “issued a” and all that follows through “limited to—” and inserting “insured against traumatic injury under this section is insured against such losses due to traumatic injury (in this section referred to as ‘qualifying losses’) as are prescribed by the Secretary by regulation. Qualifying losses so prescribed shall include the following:”;

(ii) by capitalizing the first letter of the first word of each of subparagraphs (A) through (H);

(iii) by striking the semicolon at the end of each of subparagraphs (A) through (F) and inserting a period; and

(iv) by striking “; and” at the end of subparagraph (G) and inserting a period;

(B) in paragraph (2)—

(i) by striking “subsection—” and inserting “subsection:”;

(ii) by striking “the” at the beginning of subparagraphs (A), (B), and (C) and inserting “The”;

(iii) in subparagraph (A), by striking “4 limbs;” and inserting “four limbs.”;

(iv) in subparagraph (B), by striking “; and” at the end and inserting a period;

(v) in subparagraph (C), by striking “1 side” and inserting “one side”; and

(vi) by adding at the end the following new subparagraph:

“(D) The term ‘inability to carry out the activities of daily living’ means the inability to independently perform two or more of the following six functions:

“(i) Bathing.

“(ii) Continence.

“(iii) Dressing.

“(iv) Eating.

“(v) Toileting.

“(vi) Transferring.”;

(C) in paragraph (3)—

(i) by striking “, in collaboration with the Secretary of Defense,”;

(ii) by striking “shall prescribe” and inserting “may prescribe”; and

(iii) by striking “the conditions under which coverage against loss will not be provided” and inserting “conditions under which coverage otherwise provided under this section is excluded”; and

(D) by adding at the end the following new paragraph:

“(4) A member shall not be considered for the purposes of this section to be a member insured under Servicemembers' Group Life Insurance if the member is insured under Servicemembers' Group Life Insurance only

as an insurable dependent of another member pursuant to subparagraph (A)(ii) or (C)(ii) of section 1967(a)(1) of this title.”.

(3) Subsection (c) is amended to read as follows:

“(c)(1) A payment may be made to a member under this section only for a qualifying loss that results directly from a traumatic injury sustained while the member is covered against loss under this section and from no other cause.

“(2)(A) A payment may be made to a member under this section for a qualifying loss resulting from a traumatic injury only for a loss that is incurred during the applicable period of time specified pursuant to subparagraph (B).

“(B) For each qualifying loss, the Secretary shall prescribe, by regulation, a period of time to be the period of time within which a loss of that type must be incurred, determined from the date on which the member sustains the traumatic injury resulting in that loss, in order for that loss to be covered under this section.”.

(4) Subsection (d) is amended by striking “losses described in subsection (b)(1) shall be—” and all that follows and inserting “qualifying losses shall be made in accordance with a schedule prescribed by the Secretary, by regulation, specifying the amount of payment to be made for each type of qualifying loss, to be based on the severity of the qualifying loss. The minimum payment that may be prescribed for a qualifying loss is \$25,000, and the maximum payment that may be prescribed for a qualifying loss is \$100,000.”.

(5) Subsection (e) is amended—

(A) by striking “of Veterans Affairs” each place it appears;

(B) in paragraph (1), by striking “as the premium allocable” and all that follows through “protection under this section”;

(C) in paragraph (2), by striking “Secretary of the concerned service” and inserting “Secretary concerned”; and

(D) by striking paragraphs (6), (7), and (8) and inserting the following:

“(6) The cost attributable to insuring members under this section for any month or other period specified by the Secretary, less the premiums paid by the members, shall be paid by the Secretary concerned to the Secretary. The Secretary shall allocate the amount payable among the uniformed services using such methods and data as the Secretary determines to be reasonable and practicable. Payments under this paragraph shall be made on a monthly basis or at such other intervals as may be specified by the Secretary and shall be made within 10 days of the date on which the Secretary provides notice to the Secretary concerned of the amount required.

“(7) For each period for which a payment by a Secretary concerned is required under paragraph (6), the Secretary concerned shall contribute such amount from appropriations available for active duty pay of the uniformed service concerned.

“(8) The sums withheld from the basic or other pay of members, or collected from them by the Secretary concerned, under this subsection, and the sums contributed from appropriations under this subsection, together with the income derived from any dividends or premium rate adjustments received from insurers shall be deposited to the credit of the revolving fund established in the Treasury of the United States under section 1869(d)(1) of this title.”.

(6) Subsection (f) is amended to read as follows:

“(f) When a claim for benefits is submitted under this section, the Secretary of Defense or, in the case of a member not under the jurisdiction of the Secretary of Defense, the

Secretary concerned, shall certify to the Secretary whether the member with respect to whom the claim is submitted—

“(1) was at the time of the injury giving rise to the claim insured under Servicemembers’ Group Life Insurance for the purposes of this section; and

“(2) has sustained a qualifying loss.”.

(7) Subsection (g) of such section is amended—

(A) by inserting “(1)” after “(g)”;

(B) by striking “will not be made” and inserting “may not be made under the insurance coverage under this section”;

(C) by striking “the period” and all that follows through “the date” and inserting “a period prescribed by the Secretary, by regulation, for such purpose that begins on the date”;

(D) by designating the second sentence as paragraph (2);

(E) by striking “If the member” and inserting “If a member eligible for a payment under this section”;

(F) by striking “will be” and inserting “shall be”; and

(G) by striking “according to” and all that follows and inserting “to the beneficiary or beneficiaries to whom the payment would be made if the payment were life insurance under section 1967(a) of this title.”.

(8) Subsection (h) of such section is amended—

(A) in the first sentence, by striking “member’s separation from the uniformed service” and inserting “termination of the member’s duty status in the uniformed services that established eligibility for Servicemembers’ Group Life Insurance”;

(B) by striking the second sentence; and

(C) by adding at the end the following new sentence: “The termination of coverage under this section is effective in accordance with the preceding sentence, notwithstanding any continuation after the date specified in that sentence of Servicemembers’ Group Life Insurance coverage pursuant to 1968(a) of this title for a period specified in that sentence.”.

(9) Such section is further amended by adding at the end the following new subsection:

“(j) Regulations under this section shall be prescribed in consultation with the Secretary of Defense.”.

(b) APPLICABILITY TO QUALIFYING LOSSES INCURRED IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM BEFORE EFFECTIVE DATE OF NEW PROGRAM.—

(1) ELIGIBILITY.—A member of the uniformed services who during the period beginning on October 7, 2001, and ending at the close of November 30, 2005, sustains a traumatic injury resulting in a qualifying loss is eligible for coverage for that loss under section 1980A of title 38, United States Code, if, as determined by the Secretary concerned, that loss was a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom.

(2) CERTIFICATION OF PERSONS ENTITLED TO PAYMENT.—The Secretary concerned shall certify to the life insurance company issuing the policy of life insurance for Servicemembers’ Group Life Insurance under chapter 19 of title 38, United States Code, the name and address of each person who the Secretary concerned determines to be entitled by reason of paragraph (1) to a payment under section 1980A of title 38, United States Code, plus such additional information as the Secretary of Veterans Affairs may require.

(3) FUNDING.—At the time a certification is made under paragraph (2), the Secretary concerned, from funds then available to that Secretary for the pay of members of the uniformed services under the jurisdiction of that Secretary, shall pay to the Secretary of

Veterans Affairs the amount of funds the Secretary of Veterans Affairs determines to be necessary to pay all costs related to payments to be made under that certification. Amounts received by the Secretary of Veterans Affairs under this paragraph shall be deposited to the credit of the revolving fund in the Treasury of the United States established under section 1969(d) of title 38, United States Code.

(4) QUALIFYING LOSS.—For purposes of this subsection, the term “qualifying loss” means—

(A) a loss specified in the second sentence of subsection (b)(1) of section 1980A of title 38, United States Code, as amended by subsection (a); and

(B) any other loss specified by the Secretary of Veterans Affairs pursuant to the first sentence of that subsection.

(5) SECRETARY CONCERNED.—For purposes of this subsection, the term “Secretary concerned” has the meaning given that term in paragraph (25) of section 101 of title 38, United States Code.

(c) CONFORMING AMENDMENTS.—

(1) Section 1965 of title 38, United States Code, is amended by striking paragraph (11).

(2) Section 1032(c) of Public Law 109–13 (119 Stat. 257; 38 U.S.C. 1980A note) is repealed.

SEC. 502. TERMINOLOGY AMENDMENTS TO REVISE REFERENCES TO CERTAIN VETERANS IN PROVISIONS RELATING TO ELIGIBILITY FOR COMPENSATION OR DEPENDENCY AND INDEMNITY COMPENSATION.

Title 38, United States Code, is amended as follows:

(1) Section 1114(l) is amended by striking “so helpless” and inserting “with such significant disabilities”.

(2) Section 1114(m) is amended by striking “so helpless” and inserting “so significantly disabled”.

(3) Sections 1115(1)(E)(ii), 1122(b)(2), 1311(c)(2), 1315(g)(2), and 1502(b)(2) are amended by striking “helpless or blind, or so nearly helpless or blind as to” and inserting “blind, or so nearly blind or significantly disabled as to”.

SEC. 503. TECHNICAL AND CLERICAL AMENDMENTS.

Title 38, United States Code, is amended as follows:

(1) TYPOGRAPHICAL ERROR.—Section 1117(h)(1) is amended by striking “notwithstanding” and inserting “notwithstanding”.

(2) INSERTION OF MISSING WORD.—Section 1513(a) is amended by inserting “section” after “prescribed by”.

(3) DELETION OF EXTRA WORDS.—Section 3012(a)(1)(C)(ii) is amended by striking “on or”.

(4) CROSS REFERENCE CORRECTION.—Section 3017(b)(1)(D) is amended by striking “3011(c)” and inserting “3011(e)”.

(5) STYLISTIC AMENDMENTS.—Section 3018A is amended—

(A) by striking “of this section” in subsections (b) and (c);

(B) by striking “of this subsection” in subsections (a)(4), (a)(5), (d)(1) (both places it appears), and (d)(3); and

(C) by striking “of this chapter” in subsection (d)(3) and inserting “of this title”.

(6) CROSS REFERENCE CORRECTION.—Section 3117(b)(1) is amended—

(A) by striking “section 8” and inserting “section 4(b)(1)”;

(B) by striking “633(b)” and inserting “633(b)(1)”.

(7) INSERTION OF MISSING WORD.—Section 3511(a)(1) is amended by inserting “sections” after “under both”.

(8) SUBSECTION HEADINGS.—

(A) Sections 3461, 3462, 3481, 3565, 3680, and 3690 are each amended by revising each subsection heading for a subsection therein (appearing as a centered heading immediately before the text of the subsection) so that such heading appears immediately after the subsection designation and is set forth in capitals-and-small-capitals typeface, followed by a period and a one-em dash.

(B) Section 3461(c) is amended by inserting after the subsection designation the following: "DURATION OF ENTITLEMENT.—".

(C) Section 3462 is amended—

(i) in subsection (d), by inserting after the subsection designation the following: "PRISONERS OF WAR.—"; and

(ii) in subsection (e), by inserting after the subsection designation the following: "TERMINATION OF ASSISTANCE.—".

(9) CROSS REFERENCE CORRECTION.—Section 3732(c)(10)(D) is amended by striking "clause (B) of paragraphs (5), (6), (7), and (8) of this subsection" and inserting "paragraphs (5)(B), (6), (7)(B), and (8)(B)".

(10) DATE OF ENACTMENT REFERENCE.—Section 3733(a)(7) is amended by striking "the date of the enactment of the Veterans Benefits Act of 2003" and inserting "December 16, 2003".

(11) REPEAL OF OBSOLETE PROVISIONS.—Section 4102A is amended—

(A) in subsection (c)(7)—

(i) by striking "With respect to program years beginning during or after fiscal year 2004, one percent of" and inserting "Of"; and

(ii) by striking "for the program year" and inserting "for any program year, one percent"; and

(B) in subsection (f)(1), by striking "By not later than May 7, 2003, the" and inserting "The".

(12) REPEAL OF OBSOLETE PROVISIONS.—Section 4105(b) is amended—

(A) by striking "shall provide," and all that follows through "Affairs with" and inserting "shall, on the 15th day of each month, provide the Secretary and the Secretary of Veterans Affairs with updated information regarding"; and

(B) by striking "and shall" and all that follows through "regarding the list".

(13) CITATION CORRECTION.—Section 4110B is amended—

(A) by striking "this Act" and inserting "the Workforce Investment Act of 1998"; and

(B) by inserting "(29 U.S.C. 2822(b))" before the period at the end.

(14) CROSS-REFERENCE CORRECTION.—Section 4331(b)(2)(C) is amended by striking "section 2303(a)(2)(C)(ii)" and inserting "section 2302(a)(2)(C)(ii)".

(15) CAPITALIZATION CORRECTION.—Section 7253(d)(5) is amended by striking "court" and inserting "Court".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from Colorado (Mr. SALAZAR) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MILLER of Florida asked and was given permission to revise and extend his remarks.)

Mr. MILLER of Florida. Mr. Speaker, I rise in support of S. 1235, as amended, the Veterans' Housing Opportunity and Benefits Improvement Act of 2006.

S. 1235, as amended, the Veterans' Housing Opportunity and Benefits Improvement Act of 2006, reflects a compromise agreement that has been

reached by the Senate and House Committees on Veterans' Affairs on the following bills:

S. 1235, as amended, which passed the Senate on September 28, 2005; H.R. 1220, as amended, which passed the House on July 13, 2005; H.R. 2046, as amended, which passed the House on May 23, 2005; and H.R. 3665, as amended, which passed the House on November 10, 2005.

Mr. Speaker, I will insert at this point in the RECORD for the benefit of my colleagues a joint explanatory statement describing the compromise agreement we have reached with the other body.

EXPLANATORY STATEMENT ON AMENDMENT TO SENATE BILL, S. 1235, AS AMENDED

S. 1235, as amended, the Veterans' Housing Opportunity and Benefits Improvement Act of 2006, reflects a Compromise Agreement reached by the Senate and House Committees on Veterans' Affairs (the Committees) on the following bills reported during the 109th Congress: S. 1235, as amended (Senate Bill), H.R. 1220, as amended, H.R. 2046, as amended, and H.R. 3665, as amended (House Bills). S. 1235, as amended, passed the Senate on September 28, 2005; H.R. 2046, as amended, passed the House on May 23, 2005; H.R. 3665, as amended, passed the House on November 10, 2005.

The Committees have prepared the following explanation of S. 1235, as further amended to reflect a compromise agreement between the Committees (Compromise Agreement). Differences between the provisions contained in the Compromise Agreement and the related provision of the Senate Bill and the House Bills are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

TITLE I—HOUSING MATTERS

Adapted Housing Assistance for Disabled Veterans Residing in Housing Owned by Family Member

Current Law.—Chapter 21 of title 38, United States Code, authorizes the Secretary to provide grants to adapt or acquire suitable housing for certain severely disabled veterans. The grant amounts are limited to \$50,000 for severely disabled veterans with impairments of locomotion or loss of function of both arms described in section 2101(a) of title 38, United States Code, and \$10,000 to severely disabled veterans with loss of vision or loss of function of both hands as described in section 2101(b) of title 38, United States Code. Currently a veteran may receive a grant for specially adapted housing only once. However, a veteran who has qualified for the smaller grant may nonetheless receive a higher grant if disabilities under that provision later develop.

Senate Bill.—The Senate Bill contains no comparable provision.

House Bills.—Section 101 (a) through (e) of H.R. 3665, as amended, would amend chapter 21 of title 38, United States Code, by inserting a new section 2102A. Subparagraph (a) would authorize the Secretary of Veterans Affairs to conduct a program providing a partial adapted housing grant to severely injured veterans residing temporarily in housing owned by a family member. Subparagraph (b) would authorize the Secretary to provide up to a \$10,000 grant for such veterans with disabilities involving impairments of locomotion and up to a \$2,000 grant for such veterans with visual impairments or loss of function of both hands. Subparagraph (c) would limit the assistance to one family

residence. Subparagraph (d) would require the Secretary to issue relevant regulations. Finally, subparagraph (e) would limit the program to 5 years after enactment.

Section 101(b) of H.R. 3665, as amended, would amend section 2102 of title 38, United States Code, to allow a veteran to receive no more than three grants of assistance under chapter 21 of title 8, United States Code. The total value of all grants would not exceed \$50,000 for the most severely disabled veterans and \$10,000 for less severely disabled veterans. However, a veteran who receives a grant under section 2102(b) of title 38, United States Code, would still be allowed to receive grants under section 2102(a) of title 38, United States Code, if he or she becomes eligible.

Section 101(c) would amend chapter 21 of title 38, United States Code, by adding at the end a new section 2107 to provide that the Secretary shall coordinate the administration of programs to provide specially adapted housing that are administered by both the Under Secretary for Health and the Under Secretary for Benefits under chapters 17, 21, and 31 of title 38, United States Code.

Compromise Agreement.—Section 101 of the Compromise Agreement generally follows the House language except in the case of veterans residing temporarily in housing owned by a family member, veterans with disabilities involving impairments of locomotion may receive up to \$14,000. Section 101 would also increase the funding fee for a subsequent use of the VA home loan guaranty with no money down by 5 basis points for the period October 1, 2006 through September 30, 2007.

Adjustable Rate Mortgages

Current Law.—Section 3707A(c)(4) of title 38, United States Code, limits the maximum increase or decrease of any single annual interest rate adjustment after the initial contract interest rate adjustment to 1 percentage point.

Senate Bill.—Section 201 of the Senate Bill would give VA the flexibility to prescribe an appropriate annual rate adjustment cap for VA hybrid Adjustable Rate Mortgage loans with an initial rate of interest fixed for 5 or more years.

House Bills.—The House Bills contain no comparable provision.

Compromise Agreement.—Section 102 of the Compromise Agreement follows the Senate language.

Permanent Authority To Make Direct Housing Loans to Native American Veterans

Current Law.—Section 3761 of title 38, United States Code, establishes a pilot program to make direct housing loans to Native American veterans for homes on tribal lands. The authorization expires on December 31, 2008. Section 3762 of title 38, United States Code, describes the administration of the program and limits the maximum loan amount to \$80,000, unless the Secretary allows a larger amount due to higher housing costs in a particular geographic area.

Senate Bill.—Section 203 of the Senate Bill contains a similar provision.

House Bills.—Section 102 of H.R. 3665, as amended, would make permanent the Native American Veteran Housing Loan Program. It would also limit the Secretary's discretion in approving a loan large than \$80,000 to the loan limitation amount provided by the Federal Home Loan Mortgage Corporation Act for a single-family residence.

Compromise Agreement.—Section 103 of the Compromise Agreement follows the House language.

Extension of Eligibility for Direct Loans for Native American Veterans to a Veteran Who Is The Spouse of a Native American

Current Law.—Section 3761 of title 38, United States Code, limits loans under the

Native American Home Loan Program to veterans who are Native Americans. Under current law, a veteran residing on tribal lands with a Native American spouse is not eligible to receive a home loan under this program.

Senate Bill.—The Senate Bill contains no comparable provision.

House Bills.—Section 103 of H.R. 3665, as amended, would extend eligibility for the Native American Veteran Housing Loan Program to non-Native American veterans who are spouses of Native American eligible to be housed on tribal land. The non-Native American veteran must be able to acquire a meaningful interest in the property under tribal law.

Compromise Agreement.—Section 104 of the Compromise Agreement follows the House language.

Technical Corrections to Veterans' Benefit Improvement Act of 2004

Current Law.—Section 2101 of title 38, United States Code, provides for grants to adapt or acquire suitable housing for certain severely disabled veterans. Section 401 of Public Law 108-183 amended section 2101 to authorize the Secretary of Veterans Affairs to provide adapted housing assistance to certain disabled servicemembers who have not yet been processed for discharge from military service, but who will qualify for the benefit upon discharge due to the severity of their disabilities. However, this provision was inadvertently omitted from section 2101 of title 38, United States Code when changes to that section were made by P.L. 108-454.

Senate Bill.—Section 202 of S. 1235 would amend section 2101 of title 38, United States Code, to reinstate the authority of the Secretary to provide adapted housing assistance to certain members of the armed services and make other conforming amendments. The amendments made by this provision would take effect on December 10, 2004, immediately after the enactment of Public Law 108-454.

House Bill.—Section 4 of H.R. 2046, as amended, contains a similar provision.

Compromise Agreement.—Section 105 of the Compromise Agreement contains this provision.

TITLE II—EMPLOYMENT MATTERS

Additional Duty for the Assistant Secretary of Labor for Veterans' Employment and Training To Raise Awareness of Skills of Veterans and of the Benefits of Hiring Veterans

Current Law.—Subsection (b) of section 4102A of title 38, United States Code, describes the duties to be carried out by the Assistant Secretary of Labor for Veterans' Employment and Training.

Senate Bill.—The Senate Bill contains no comparable provision.

House Bills.—Section 202(a) of H.R. 3665, as amended, would add a new duty for the Assistant Secretary of Labor for Veterans' Employment and Training (ASVET) under section 4102A of title 38, United States Code, to furnish information to employers (through meetings with hiring executive of corporations and otherwise) concerning the training and skills of veterans and disabled veterans, and the advantages of hiring veterans. The ASVET would also be required to facilitate employment of veterans and disabled veterans through participation in labor exchanges (Internet-based and otherwise), and by other means.

Section 202(b) of H.R. 3665, as amended, would require the Secretary of Labor, acting through the ASVET, to develop a transition plan for the ASVET to assume certain duties and functions of the President's National Hire Veterans Committee and transmit the

plan to the House and Senate Veterans' Affairs Committees not later than July 1, 2006.

Compromise Agreement.—Section 201 of the Compromise Agreement generally follows the House language, but does not include the requirement that the Secretary of Labor develop and transmit a transition plan.

Modifications to the Advisory Committee on Veterans Employment and Training

Current Law.—Section 4110 of title 38, United States Code, establishes the Advisory Committee on Veterans employment and Training, its membership, and its duties. The Advisory Committee advises the ASVET on the employment and training needs of veterans and how the Department of Labor is meeting those needs. No outreach efforts are required of the Advisory Committee in current law.

Senate Bill.—The Senate Bill contains no comparable provision.

House Bills.—Section 203(a) of H.R. 3665, as amended, would amend section 4110 of title 38, United States Code, by renaming the "Advisory Committee on Veterans Employment and Training" to "Advisory Committee on Veterans Employment, Training, and Employer Outreach".

Section 203(b) would modify the duties of the Advisory Committee to include assisting and advising the Assistant Secretary of Labor for Veterans' Employment and Training (ASVET) in carrying out outreach to employers.

Section 203(c) would modify the membership of the Advisory Committee to include representatives from the National Society of Human Resource Managers, The Business Roundtable, the National Association of State Workforce Agencies, the United States Chamber of Commerce, the National Federation of Independent Business, a nationally recognized labor union or organization, veterans service organizations that have a national employment program, and recognized authorities in the fields of business, employment, training, rehabilitation, or labor. **Section 203(c)** would also retain six nonvoting ex officio members of the Advisory Committee: Secretary of Veterans Affairs, Secretary of Defense, Director of the Office of Personnel Management, Assistant Secretary of Labor for Veterans' Employment and Training, Assistant Secretary of Labor for Employment and Training, and the Administrator of the Small Business Administration.

Section 203(d) of H.R. 3665, as amended, would require the Advisory Committee to submit a report to the Secretary of Labor on the employment and training needs of veterans for the previous fiscal year. The report would include a description of the activities of the Advisory Committee during that fiscal year as well as suggested outreach activities to be carried out by the Secretary of Labor to employers with respect to the training and skills of veterans and the advantage afforded employers by hiring veterans.

Compromise Agreement.—Section 202 of the Compromise Agreement follows the House language.

Reauthorization of Appropriations for Homeless Veterans Reintegration Programs

Current Law.—Section 2021 of title 38, United States Code, authorizes appropriations for the Homeless Veterans Reintegration Programs (HVRP) through fiscal year 2006.

Senate Bill.—The Senate Bill contains no comparable provision.

House Bills.—Section 301 of H.R. 3665, as amended, would reauthorize HVRP for fiscal years 2007 through 2009, and retain the maximum authorization of \$50 million per year.

Compromise Agreement.—Section 203 of the Compromise Agreement follows the House language.

TITLE III—LIFE AND HEALTH INSURANCE MATTERS

Duration of Servicemembers' Group Life Insurance Coverage for Totally Disabled Veterans Following Separation From Service

Current Law.—Section 1968 of title 38, United States Code, provides coverage at no charge under the Servicemembers' Group Life Insurance program for 1 year after the date of separation or release from active duty if a veteran is rated totally disabled at the time of separation. Veterans may also convert their insurance coverage from Servicemembers' Group Life Insurance to Veterans' Group Life Insurance, or to an individual policy of insurance, during the 1-year, post-separation period.

Senate Bill.—Section 101 of the Senate Bill would extend from 1 to 2 years, after separation from active duty service, the period within which totally disabled members may receive premium-free SGLI coverage. In addition, such members would be eligible to convert their coverage to Veterans' Group Life Insurance or an individual policy of insurance.

House Bills.—The House Bills contain no comparable provision.

Compromise Agreement.—Section 301 of the Compromise Agreement would extend the post-separation coverage period from 1 to 2 years until September 30, 2011, for all members who are totally disabled when separated or released from active duty 1 year before date of enactment of this Act. For members who are totally disabled when they separate or are released on or after October 1, 2011, the post-separation coverage period would be reduced to 18 months.

Limitation on Premium Increases for Reinstated Health Insurance of Servicemembers Released From Active Military Service

Current Law.—Section 704 of the Servicemembers Civil Relief Act (SCRA) provides that a servicemember who is ordered to active duty is entitled, upon release from active duty, to reinstatement of any health insurance coverage in effect on the day before such service commenced. Section 704 of the SCRA currently contains no express provision regarding premium increases.

Senate Bill.—The Senate Bill contains no comparable provision.

House Bill.—Section 2 of H.R. 2046, as amended, would amend section 704 of SCRA by adding at the end a new subsection that would limit health insurance premium increases. The amount charged for the coverage once reinstated would not exceed the amount charged for coverage before the termination except for any general increase for persons similarly covered by the insurance during the period between termination and the reinstatement.

Compromise Agreement.—Section 302 of the Compromise Agreement follows the House language.

Preservation of Employer-Sponsored Health Plan Coverage for Certain Reserve-Component Members Who Acquire TRICARE Eligibility

Current Law.—Section 4317 of title 38, United States Code, requires an employer to provide employees returning from active duty with the same employer-sponsored health benefits they had when they reported for active duty. However, section 4317 does not preserve employer-sponsored health plan reinstatement rights for certain Reserve-component members who acquire health insurance coverage under TRICARE prior to entering active duty under section 1074(d) of title 10, United States Code. This option became available by an amendment to the

TRICARE authority enacted on November 24, 2003.

Senate Bill.—The Senate Bill contains no comparable provision.

House Bills.—Section 3 of H.R. 2046, as amended, would amend section 4317 of title 38, United States Code, to preserve employer-sponsored health plan reinstatement rights under the Uniformed Services employment and Reemployment Rights Act for Reserve-component members who acquire TRICARE coverage prior to entering active duty. This includes those Reserve Component members whose active duty orders are canceled prior to reporting to active duty.

Compromise Agreement.—Section 303 of the Compromise Agreement follows the House language.

TITLE IV—OTHER MATTERS

Inclusion of Additional Diseases and Conditions in Diseases and Disabilities Presumed To Be Associated with Prisoner of War Status

Current Law.—Section 1112(b) of title 38, United States Code, contains two lists of diseases that are presumed to be related to an individual's experience as a prisoner of war. The first presumptive list require no minimum internment period and includes diseases associated with mental trauma or acute physical trauma, which could plausibly be caused by a single day of captivity. The second list has a 30-day minimum internment requirement.

Senate Bill.—Section 303 of the Senate Bill would codify a June 28, 2005, VA regulation which added atherosclerotic heart disease or hypertensive vascular disease (including hypertensive heart disease) and their complications (including myocardial infarction, congestive heart failure and arrhythmia), and stroke and its complications as presumptive conditions for service-connection when related to the prisoner of war experience. These diseases would be included under the list requiring minimum 30-day internment period.

House Bills.—The House Bills contain no comparable provision.

Compromise Agreement.—Section 401 of the Compromise Agreement follows the Senate language.

Consolidation and Revision of Outreach Activities

Current Law.—Section 7722 of title 38, United States Code, requires the Secretary of Veterans Affairs to distribute full information to eligible servicemembers, veterans, and dependents regarding all benefits and services to which they may be entitled under laws administered by the Department.

Senate Bill.—Section 301 of the Senate Bill would require the VA to prepare annually (and submit to Congress) a plan governing an upcoming year's outreach activities. Such a plan would incorporate the recommendations of the report mandated by Public Law 108-454, and would be prepared after consultations with veterans service organizations, State and local officials, and other interested groups and advocates.

House Bills.—The House Bills contain no comparable provision.

Compromise Agreement.—Section 402 of the Compromise Agreement follows the Senate language with modifications. VA outreach activities would be revised and consolidated in a new chapter 63 of title 38, United States Code. Additionally, VA would be required to prepare biennially an outreach plan governing an upcoming 2 years of outreach activities, beginning on October 1, 2007. Furthermore, VA would be required to report biennially on the execution of the outreach plan, beginning on October 1, 2008.

Extension of Reporting Requirements on Equitable Relief Cases

Current Law.—Section 503 of title 38, United States Code, authorizes the Secretary of Veterans Affairs to provide monetary relief to persons whom the Secretary determines were deprived of VA benefits by reason of administrative error by a federal government employee. The Secretary may also provide relief which the Secretary determines is equitable to a VA beneficiary who has suffered loss as a consequence of an erroneous decision made by a federal government employee. No later than April 1 of each year, the Secretary was required to submit to Congress a report containing a statement as to the disposition of each case recommended to the Secretary for equitable relief during the preceding calendar year; the requirement for this report expired on December 31, 2004.

Senate Bill.—Section 302 of the Senate Bill would extend the equitable relief reporting requirement through December 31, 2009.

House Bills.—The House Bills contain no comparable provision.

Compromise Agreement.—Section 403 of the Compromise Agreement follows the Senate language.

TITLE V—TECHNICAL AMENDMENTS

Technical and Clarifying Amendments to New Traumatic Injury Protection Coverage Under Servicemembers' Group Life Insurance

Current Law.—Section 1032 of Public Law 109-13 (119 STAT. 257) established, effective December 1, 2005, a new traumatic injury protection program within title 38, United States Code. Section 1980A provides servicemembers enrolled in the Servicemembers' Group Life Insurance (SGLI) program automatic coverage against qualified traumatic injuries. In the event a servicemember sustains a qualified traumatic injury, SGLI will pay the injured servicemember between \$25,000 to \$100,000, depending on the nature of the injury and in accordance with a payment schedule prescribed by the Secretary of Veterans Affairs.

Senate Bill.—The Senate Bill contains no comparable provision.

House Bills.—Section 401 of H.R. 3665, as amended, would make various technical and clerical amendments to section 1980A of title 38, United States Code. These technical amendments more clearly specify the responsibilities of the different uniformed services who participate in the Servicemembers' Groups Life Insurance program: military services under the jurisdiction of the Secretary of Defense, the United States Coast Guard under the Secretary of Homeland Security, the Public Health Service under the jurisdiction of the Secretary of Health and Human Services, and the National Oceanic and Atmospheric Administration under the jurisdiction of the Secretary of Commerce.

The technical amendments in section 401 are intended to clarify and to conform section 1980A of title 38, United States Code, to current provisions and are not intended to make any substantive change in current law.

Compromise Agreement.—Section 501 of the Compromise Agreement follows the House language.

Terminology Amendments To Revise References to Certain Veterans in Provisions Relating to Eligibility for Compensation or Dependency and Indemnity Compensation

Current Law.—Sections 1114(1), 1114(m), 1115(b)(2), 1122(b)(2), 1311 (c)(2), 1315(g)(2), and 1502(b)(2) of title 38, United States Code, contain language that refers to "helpless veterans" when relating to eligibility for compensation or dependency and indemnity compensation.

Senate Bill.—The Senate Bill contains no comparable provision.

House Bill.—Section 104 of H.R. 3665, as amended, would amend sections 1114(1), 1114(m), 1115(1)(E)(ii), 1122(b)(2), 1311(c)(2), 1315(g)(2), and 1502(b)(2) of title 38, United States Code, eliminating use of the obsolete term "helpless" when describing significantly disabled veterans. No substantive change is intended by these amendments.

Compromise Agreement.—Section 502 of the Compromise Agreement follows the House language.

LEGISLATIVE PROVISIONS NOT ADOPTED

Post Traumatic Stress Disorder Claims

Current Law.—Section 501 of title 38, United States Code, provides the Secretary of Veterans Affairs with the authority to prescribe all rules and regulations necessary or appropriate to carry out the laws administered by VA, including the methods of making medical examinations and the manner and form of adjudications and awards.

Senate Bill.—Section 304 would require VA to develop and implement policy and training initiatives to standardize the assessment of PTSD disability compensation claims.

House Bills.—The House bills contain no comparable provision.

Increase in Rates of Disability Compensation Paid to Certain Surviving Spouses With Children

Current Law.—Under current law, a surviving spouse with one or more children under the age of 18 is entitled to receive a transitional benefit of an additional \$250 per month for the first two years of eligibility or dependency and indemnity compensation (DIC).

Senate Bill.—The Senate Bill contains no comparable provision.

House Bills.—Section 206 of H.R. 1220, as amended, would provide a cost-of-living adjustment for the \$250 transitional DIC for 2006.

Treatment of Stillborn Children as Insurable Dependents Under Servicemembers' Group Life Insurance Program

Current Law.—Section 1967 of title 38, United States Code, provides coverage under the Servicemembers' Group Life Insurance program to the spouse and children of insured, full-time, active duty servicemembers, as well as covered members of the Ready Reserve. Coverage for the spouse may not exceed \$100,000, and the servicemember may elect in writing not to insure a spouse. Coverage for each child, in the amount of \$10,000, is automatic. Coverage for the dependent begins immediately following a live birth.

Senate Bill.—Section 102 of the Senate Bill would cover a member's stillborn child as an insurable dependent under the Servicemembers' Group Life Insurance program.

House Bills.—The House Bills contain no comparable provision.

Demonstration Project To Improve Business Practices of Veterans Health Administration

Current Law.—There is no applicable current law.

Senate Bill.—The Senate Bill contains no comparable provision.

House Bills.—Section 5 of H.R. 1220, as amended, would establish a demonstration project to improve the Department of Veterans Affairs' (VA) collections from third-party payers.

Parkinson's Disease Research, Education, and Clinical Centers

Current Law.—There is no applicable current law.

Senate Bill.—The Senate Bill contains no comparable provision.

House Bills.—Section 6 of H.R. 1220, as amended, would permanently authorize six Parkinson's disease Research Education and Clinical Centers (PADRECCs), subject to appropriations, and give priority to the existing PADRECCs for medical care and research dollars, insofar as such funds are awarded to projects for research in Parkinson's disease and other movement disorders.

Extension of Operation of the President's National Hire Veterans Committee

Current Law.—Section 6 of the Jobs for Veterans Act, Public Law 107-288, established the President's National Hire Veterans Committee (PNHVC) within the Department of Labor. The PNHVC furnishes information to employers with respect to the training and skills of veterans and disabled veterans and the advantages of hiring veterans. The Secretary of Labor provides staff and administrative support to the PNHVC to assist it in carrying out its duties under this section. The PNHVC also has the authority to contract with government and private agencies to furnish information to employers. Under current law, the PNHVC terminated on December 31, 2005. The PNHVC was authorized \$3 million appropriated from the Unemployment Trust Fund through fiscal year 2005.

Senate Bill.—The Senate Bill contains no comparable provision.

House Bills.—Section 201 of H.R. 3665, as amended, would amend section 6 of the Jobs for Veterans Act by extending, for up to 1 year, the President's National Hire Veterans Committee until not later than December 31, 2006. Section 201 would also extend the authorization for appropriations through fiscal year 2006 and require an additional PNHVC report to the House and Senate Veterans' Affairs Committees in 2006.

Mr. MILLER of Florida. The provisions in this bill will directly or indirectly impact the lives of servicemembers, veterans, and their survivors. Several of them fall within the jurisdiction of the Subcommittee on Disability Assistance and Memorial Affairs, which I chair.

The other provisions fall within the jurisdiction of the Subcommittee on Economic Opportunity, which is chaired by Mr. BOOZMAN. Mr. BOOZMAN is currently conducting a roundtable on employment in Michigan, so I will describe his subcommittee's provisions as well.

In title I of the bill, we provide additional flexibility to the Adapted Housing Grant program and the Native American Home Loan program. These provisions were originally in H.R. 3665, introduced by Mr. BOOZMAN, and H.R. 1773, introduced by Ms. HERSETH.

Mr. Speaker, some of those wounded in Iraq and Afghanistan return home with significant disabilities. Many severely disabled servicemembers spend much of their convalescence at a family home before moving on to a home of their own. Under current rules, VA cannot help adapt family homes to the veteran's disability unless the veteran has an ownership interest in that property.

Section 101 would eliminate the ownership requirement and would also provide a partial Adaptive Housing Assistance grant, ranging from \$2,000 to \$13,000 depending on the level of disability to veterans temporarily in housing owned by a family member.

It would also authorize up to three separate specially adaptive housing grants within the current maximum amounts.

Section 102 of this bill would give the Secretary of Veterans Affairs the authority to prescribe an appropriate annual rate adjustment cap for the VA Hybrid Adjustable Rate Mortgage Loan program. This provision brings VA ARMs in line with the mortgage industry and improves their value on the secondary market.

Mr. Speaker, this bill would also make permanent the Pilot Program for Housing Loans to Native American Veterans; extend the eligibility for Native American loans to certain non-Native American veterans who have a meaningful interest in the property under tribal law and are the spouses of a Native American; and, finally, adjust the maximum loan to conform to the Freddie Mac limits, similar to other VA loans currently at \$359,650.

Title II of the bill would transition some of the President's National Hire Veterans Committee's duties to the Assistant Secretary of Labor for Veterans' Employment and Training, and modifies the title of the Assistant Secretary's advisory committee to the Advisory Committee on Veterans Employment, Training, and Employer Outreach, its membership and its duties to improve employer outreach activities.

Taxpayers made a significant investment in the work of the President's National Hire Veterans Committee, and we feel strongly that some of the duties and products of the committee should be adopted by the Veterans Employment and Training Service at the Department of Labor.

Section 203 would reauthorize the Homeless Veterans Reintegration Programs for fiscal years 2007 through 2009, and retain the maximum authorization of \$50 million per year. Mr. Speaker, we recognize that homelessness among veterans continues to be a problem. While there are varying estimates about the total number of homeless veterans and the causes for homelessness, there is no disagreement that a job is one of the keys to breaking the cycle of homelessness and that the Homeless Veterans Reintegration Programs remain a valuable tool to assist homeless veterans in finding gainful employment.

I do want to emphasize that this is an employment program managed by the Veterans Employment and Training Service at the Department of Labor, and it is not a housing program.

Title III of the bill would amend the Servicemembers Civil Relief Act and the Uniformed Services Employment and Reemployment Rights Act to provide additional protections to servicemembers. Section 302 and 303 originated in H.R. 2046, introduced by Chairman BUYER.

Under current law, when a member is rated totally disabled at the time of separation, Servicemembers' Group Life Insurance coverage is provided for

1 year free of charge. Section 301 of the bill would extend this coverage to 2 years through September 30, 2011, and 18 months as of October 1, 2011.

Members then may convert to Veterans' Group Life Insurance or a commercial policy. Section 302 would prohibit any increase in premiums for health insurance after reinstatement except for any general increase in the premiums being charged by the carrier for persons similarly covered.

Currently, a servicemember who is ordered to active duty and terminated their health insurance, employer-sponsored insurance coverage upon release from active duty is entitled to reinstatement of their previous health insurance coverage.

Section 303 closes a current gap in health insurance coverage for those Reservists who elect TRICARE coverage in advance of activation and allows them to retain reinstatement rights under their employer-sponsored health plan, even if they do not eventually report to active duty.

Since members of the Reserve component play such an important role in today's military, these important changes to the law will protect the members and their families from loss of coverage and unwarranted cost increases.

Section 401 of the bill would codify a June 2005 Department of Veterans Affairs regulation to add heart disease and ensuing complications and stroke to the list of diseases presumed service-connected for former prisoners of war that were interned for at least 30 days.

Section 402 would revise and consolidate VA outreach activities into a new chapter of title 38, United States Code, to ensure that servicemembers, veterans, and their survivors are aware of the benefits and services to which they may be entitled.

This section would further require VA to prepare a biennial outreach plan, as well as report to Congress every 2 years on the execution of that plan. I held a committee hearing on March 16 of this year, and I was disappointed to learn that VA was no longer filing an annual outreach report as mandated by law.

It is our interpretation that by creating this chapter, VA will put more of an emphasis on its outreach activities.

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

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

Mr. Speaker, I rise today in strong support of Senate bill 1235, as amended, the Veterans' Housing Opportunity and Benefits Improvement Act of 2006. This bipartisan and bicameral benefit package incorporates a number of important measures aimed at improving the quality of life for our servicemembers, veterans, and military families.

I would like to thank Chairman BUYER and Ranking Member LANE EVANS for their leadership on the full committee and for their assistance in moving this bill to the floor today.

I also want to express my appreciation to the chairman and ranking member of the Economic Opportunity Subcommittee, JOHN BOOZMAN and STEPHANIE HERSETH, respectively, for their hard work and bipartisan leadership in this legislative package.

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Additionally, I would like to thank the chairman and ranking member of the Disability Assistance and Memorial Affairs Subcommittee, JEFF MILLER and SHELLEY BERKLEY, for their diligence and hard work on this bill.

Our Nation's servicemembers and veterans have earned and their families deserve all of the benefits and opportunities provided under Senate bill 1235. In fact, they deserve much more. I am pleased, however, that this legislative package takes a strong step in the right direction, and I am sure the veterans and military families in my home State of Colorado will appreciate their efforts.

Mr. Speaker, Senate bill 1235, as amended, will enable severely disabled veterans to make necessary adaptations to homes in which they are temporarily residing, and it will give totally disabled veteran servicemembers who are leaving military service an additional year of Servicemembers' Group Life Insurance coverage and limit unjustified health premium increases on activated National Guard members and Reservists. It will extend the Homeless Veterans Reintegration Program which provides employment opportunities for homeless veterans and improve the Department of Labor's Veterans Employment and Training Service.

In addition, the bill includes language from H.R. 1773, the Native American Veterans Home Loan Act, a measure introduced by Representative STEPHANIE HERSETH of South Dakota. This bill will make permanent the Native American Housing Loan Program so that veterans residing on tribal land can obtain an appropriate home loan.

It will also provide housing opportunities for veterans who are residing on tribal land with Native American spouses.

By all accounts, the pilot program has been a great success and, in fact, has a negative subsidy; that is, it actually pays for itself. That is something that is rarely done here at the Federal level. Making this program permanent is the right thing to do for Native American veterans and their families.

Mr. Speaker, we also know that veterans who are former prisoners of war have been found to have disproportionate rates of heart disease and stroke. This bill will assure that they will be compensated for these conditions by codifying a current regulation.

Finally, this bill will improve the Department of Veterans Affairs' outreach to veterans and their families in an organized fashion.

Mr. Speaker, the servicemembers, veterans and military families of this

Nation have earned and deserve our best efforts here in Congress. As we approach Memorial Day today, I am very proud to support this long overdue legislation, and I am confident that it will benefit the veterans of my home State of Colorado as well as other veterans around this country.

I fully support Senate bill 1235, as amended, and urge my colleagues to do the same. But before I reserve the balance of my time, I would like to bring attention to a matter of deep concern. We learned today of the theft of 26.5 million veterans' records from the home of a career VA employee. I am very concerned about this theft because the records include the name, Social Security number and date of birth of every veteran in this country.

I would like to encourage veterans to visit www.firstgov.gov or call 1-800-FED-INFO, 333-4636.

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

Mr. MILLER of Florida. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. SALAZAR. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding me time, and I thank Mr. MILLER of Florida.

I rise in strong support of this Veterans' Housing Opportunity and Benefits Improvement Act that is before us. This is bipartisan legislation and includes several provisions introduced by both Democrats and Republicans. It demonstrates what can be accomplished when we work together to deliver the best to our Nation's veterans, and again, I thank Chairman MILLER and all the Members on his side for bringing to us this bipartisan legislation.

One of the most important parts of the bill is the reauthorization of appropriations for the Labor Department's Homeless Veterans Reintegration Program (HVRP), through fiscal year 2009 with a maximum level of \$50 million per year. This program has proven to be very successful in providing job training and other services that help our Nation's veterans get back into productive lives.

Mr. Speaker, together with the ranking member, Mr. EVANS, I convened a homeless veterans forum just last Thursday, May 18. We heard some very tough statistics, hard-to-hear statistics about our Nation's veterans. Each night as many as 200,000 veterans are sleeping in a doorway, under a bridge, in an alley, in a box, in a barn or a car or homeless shelter. In fact, one out of every three homeless males is a veteran, most of those from Vietnam. A hard-to-believe fact is that the number of homeless Vietnam-era veterans is greater, Mr. Speaker, than the number of servicemembers who died during that war. This is almost unbelievable, and Congress must renew efforts to fight this plague.

Women veterans, unfortunately, are also joining the ranks of the homeless.

According to the National Coalition for Homeless Veterans, a survey of their members revealed that the percentage of women among homeless vets rose from 2 percent in 1966 to 7 percent at the end of 2005. Women who have served in the military are up to four times more likely to become homeless when compared with their peers in the general population. These statistics demonstrate the importance of passing S. 1235.

At the forum last week, we heard from a woman veteran, formerly homeless. Her story is one of a courageous person who fought for years to overcome the problems that kept her homeless. At the Mary E. Walker House on the grounds of the VA Coatesville Medical Center in Pennsylvania, she finally was able to get the assistance she needed to reestablish her life, regain her children and begin again. While testifying, tears came to her eyes. She said they were tears of joy at what the VA program had helped her accomplish.

We heard also about the success of the Stand Downs, which began in my home town of San Diego in 1988 and provide a one-stop 3-day event to provide all the services needed by homeless vets; that is, counseling, clothing, food, medical and dental, assistance with job applications.

We know how to help our vets. We have to bring together all these services in one place. And rather than have 3-day Stand Downs around the country, we ought to have these services available to our veterans everyday. In addition, the Homeless Court Program, which began a few years ago, brings the court to homeless shelters to assist homeless defendants in resolving outstanding cases that prevent them from getting jobs and moving forward.

I would also like to call attention to another important successful program not in this bill before us today, the VA Homeless Grant and Per Diem program which directs funding to providers of housing and traditional services for homeless vets. I believe this program should be given an authorized annual spending level of \$130 million for the next 5 years. This would mean that the funding level would increase each year to reach by increments the \$130 million level.

Our colleagues on the Appropriations Committee have authorized this program through September of 2007. I suggest our committee take steps to continue the authorization of this program through 2012.

Mr. Speaker, we have heard of other important components of this bill, improvements in employment, life and health insurance, adapted housing, and housing loans to Native American veterans. I would like to thank Chairman BUYER, Ranking Member EVANS, and the chairman and ranking members of the subcommittees and their staff who diligently worked to make this bill a reality. I urge the passage of this bill.

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

Mr. SALAZAR. Mr. Speaker, I yield 3 minutes to the gentleman from American Samoa, ENI FALEOMAVAEGA.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of Senate bill 1235, the Veterans Housing Opportunity and Benefits Improvement Act of 2006, and I thank my colleagues for including my provision which makes it possible for Samoan or Hawaiian or Native American veterans to qualify for VA home loans.

In 1992, as a result of the leadership of the chairman and ranking members of the Veterans' Affairs Committee of both Houses, we were able to establish a pilot program in 1992 which became Public Law 102-547, making it possible for Native Americans, Native Hawaiians and American Samoans to qualify for VA home loans.

One of the problems that was encountered by the thousands of Native Americans, Native Hawaiians and American Samoans was the fact that they were not able to get any commercial loans because they lived in reservations for Native Americans; they lived in reservations for Native Hawaiians. They lived in homestead lands. For my people, they lived in communally owned lands. What this legislation does is it simply allows these people to participate in this important program. I especially want to thank Chairman STEVE BUYER and Ranking Member LANE EVANS of the Committee on Veterans' Affairs and also Chairman JOHN BOOZMAN and Ranking Member STEPHANIE HERSETH of the Subcommittee on Economic Opportunity, and Mary Ellen McCarthy, Democratic Staff Director for Disability Assistance and Memorial Affairs, for their support and tireless efforts in making this possible.

I also want to thank the VA for assisting the Veterans' Affairs Committee and my office in drafting the appropriate language to make this a go.

Mr. Speaker, as we approach Memorial Day to remember and honor our military men and women who have died in serving our Nation during a time of war, I believe Senate bill 1235 is a fitting tribute to the veterans who are still with us. And I am especially pleased that this legislation provides my district's veterans with the housing opportunities and other benefits that they deserve. For this reason, I again thank my colleagues and I sincerely ask my colleagues to approve this legislation.

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

Mr. SALAZAR. Mr. Speaker, I would like today to let folks know that this is a great step in the right direction in making sure that we keep our promise to our veterans.

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

Mr. MILLER of Florida. Mr. Speaker, I want to thank Chairman BUYER,

Ranking Member EVANS, Chairman BOOZMAN, Ranking Member BERKLEY and Ranking Member HERSETH for their leadership on crafting this bill. I also want to recognize Chairman CRAIG and Ranking Member AKAKA of the Senate Veterans' Affairs Committee and the staff on both sides of the aisle for their hard work.

Mr. Speaker, I urge my colleagues to support Senate bill 1235, as amended.

Mr. BUYER. Mr. Speaker, I offer this statement in support of S. 1235, as amended, the Veterans' Housing Opportunity and Benefits Improvement Act of 2006.

Working together with the Senate Committee on Veterans' Affairs, we have reached a compromise that will provide significant improvements in veterans' benefits, for those who have served this country and for those who will follow in their footsteps.

Under title one, this bill will increase the flexibility enjoyed by the Adapted Housing Grant Program and the Native American Home Loan Program. I commend Mr. BOOZMAN and Ms. HERSETH for their leadership in originally introducing these provisions, in H.R. 3665 and H.R. 1773, respectively.

As they return home to convalesce from medical care, many injured or wounded servicemembers spend time in a family member's home before returning to their own home. This legislation authorizes the Department of Veterans Affairs to equip a family member's home with necessary adaptive equipment. Further, it provides a partial adaptive housing allowance grant of between \$2,000 and \$14,000 to accomplish that adaptation.

This bill also helps Native American veterans and their families by making it easier for them to own their own home. We do that by making permanent a housing loan pilot program for Native American veterans and extend eligibility for Native American loans to non-native American veterans who are spouses of a Native American and who have a meaningful interest in the property under tribal law. We also increase the maximum loan amount available on tribal lands from \$80,000 to the maximum limit used for Freddie Mac loans, now over \$417,000.

Finally, under title one, we authorize the Secretary of Veterans Affairs to prescribe annual rate adjustment caps for VA's hybrid adjustable rate mortgage loans, thus bringing these ARMs into line with the mortgage industry and enhancing their value on the secondary market.

Mr. Speaker, title two of the bill would migrate some of the sunsetted President's National Hire Veterans Committee duties to the Veterans' Employment and Training Service of the Assistant Secretary of Labor. Further, to improve employer outreach, the bill modifies membership and duties to the Department of Labor's newly named Advisory Committee on Veterans Employment, Training and Outreach.

Title two also reauthorizes the Homeless Veterans Reintegration Program for fiscal years 2007 through 2009, retaining the maximum authorization of \$50 million per year. Winning the fight against homelessness means finding homeless veterans good jobs, and that is what this program, managed by the Department of Labor, is intended to do. It is therefore a critical component of our program to end chronic homelessness among veterans.

Members of the Reserve and National Guard today play roles of unprecedented importance in our national security and must be accorded commensurate protections.

In provisions originally introduced by H.R. 2046, which I sponsored, title three of the bill increases job security among veterans by improving the Servicemembers' Civil Relief Act, SCRA, and the Uniformed Services Employment and Reemployment Rights Act, USERRA. Servicemembers who are activated and drop their commercial health insurance are now entitled to reinstatement of that policy upon their return from active duty. This bill prohibits premium increases after reinstatement other than such increases charged by that insurer for other policy holders similarly covered.

Some reservists choose to enroll in TRICARE before they are activated, for example in anticipation of activation; and S. 1235 as amended preserves their reinstatement rights under the provision detailed in the preceding paragraph, even if they ultimately do not serve on active duty.

Section 301 of the bill would, until September 30, 2011, double to 2 years the provision of Servicemembers' Group Life Insurance coverage free of charge when a member is rated totally disabled at separation. From October 2001 forward, the limit will be 18 months of free SGLI coverage.

Former prisoners of war experience great hardships that often manifest themselves in ailments years after interment. Section 401 of the bill would codify the VA's June 2005 regulation that added heart disease and ensuing complications, as well as stroke, to those diseases presumptively service-connected for former prisoners of war who were captive for at least 30 days.

Outreach to veterans is a perennial criticism leveled at VA by the Congress. Veterans cannot access benefits they don't know about. This bill will increase accountability by causing outreach activities to be collected into a discrete chapter of title 38, facilitating management and oversight of outreach and require VA to prepare a biennial outreach plan and report to Congress on its performance of that plan every two years.

Mr. Speaker, I commend and thank Ranking Member LANE EVANS, Chairman BOOZMAN, Chairman MILLER, Ranking Member BERKLEY, and Ranking Member HERSETH for their work bringing in this legislation to the Congress an ultimately to the cause of service to our veterans. I also recognize my counterpart, Senator LARRY CRAIG, chairman of the Senate Committee on Veterans' Affairs, and Ranking Member AKAKA, for their leadership on this important legislation.

Mr. CASE. Mr. Speaker, I rise in full support of S. 1235, the Veterans' Benefits Act, which addresses a multitude of important issues facing our nation's veterans: life and health insurance, housing for our disabled and Native American veterans, adjustable rate mortgages, POW diseases, Tricare, homeless veterans, and veterans outreach.

Section 104 of S. 1235 provides permanent authority for the Native American Direct Home Loan Program and extends eligibility for such loans to non-Native American spouses of Native Americans living on Native American trust lands. H.R. 3665, which I cosponsored and which passed the House last November, also contained this important provision.

The Native American Direct Home Loan Program has been a highly successful veterans effort, particularly in my Hawaii where it applies to veterans living on lands held in trust under this Congress' Hawaiian Homes Commission Act of 1920.

The majority of these Hawaiian home lands are in my 2nd Congressional District, on the islands of Oahu, Kauai, Molokai, Maui, Hawaii, and Lanai.

Since the inception of this program, which was spearheaded by Hawaii Senator Spark Matsunaga, and continued by Senator DANIEL AKAKA, Native Hawaiian veterans have successfully utilized this direct home loan program for their acute housing needs, and, I am proud to say, with nominal delinquency. Over \$20 million has been approved for over 200 loans in Hawaii, with 106 loans, totaling \$7.5 million, pending.

This is an incredible help not only with the needs of many veterans who would likely otherwise be precluded from quality housing, but with Hawaii's overall housing crisis.

Due to its success over the last 13 years, the Native American Direct Home Loan Program, which initially started out as a pilot program, was twice extended by Congress, but is currently set to expire on December 31, 2005.

It is vital to understand why this program is so important to our Native American veterans and why we should make the program permanent, as S. 1235 purposes.

Of course, the most basic reason is the success of the overall program in honoring our commitment to our nation's veterans.

Beyond that, Congress found some years ago that, during the entire history to that date of the program, not a single Native American veteran living on Indian trust lands or Hawaiian home lands had received a VA home loan under the VA's traditional home loan program.

The reason for that was that the unique trust status of native lands did not lend itself to conventional lending practices because banks and other financial institutions did not recognize those lands as valid collateral.

As part of our obligation to all of our Nation's veterans is to ensure that they are all able to tap fully into VA programs, the Native American Direct Home Loan Program addressed this unique and discrete challenge facing many Native American veterans and afforded them the same opportunity of homeownership availed their comrades-in-arms.

This bill recognizes and improves upon the clear success of this effort, and I ask my colleagues to vote in favor of S. 1235.

Mahalo.

Mr. CANTOR. Mr. Speaker, I rise today in support of the Veterans Benefits Improvement Act.

For more than 10 years, Congress has taken unprecedented steps to support our veterans and the families. The American veteran is the model of integrity. They have given this Nation so much and ask for so little in return. They symbolize all that is great about America.

Since 1995, Congress has increased the Department of Veterans Affairs' healthcare budget by 80 percent, drastically increased coverage and benefits, and taken great steps to better the lives of families left behind. This legislation continues to help our veterans, and it is my privilege to cast a vote in favor of our veterans.

Today, Congress takes another step in our on-going effort to better the lives and well

being our Nation's veterans and their families. This legislation will increase the availability and amount of coverage for life insurance, assist in stabilizing low mortgage rates, require educational outreach by the VA to better inform our veterans of services available to them.

As our brave service men and women continue to serve in harm's way, it is important that we always honor their sacrifices and support their families. They return home as veterans and join the ranks of many who have selflessly served our Nation. These brave men and women have given so much so that the American people and our values would remain safe.

As they faithfully upheld their duty to defend our flag and all that it stands for—now we have a duty to stand strong for them.

I urge passage of this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the Senate bill, S. 1235, as amended.

The question was taken.

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

Mr. MILLER of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on Senate bill 1235, as amended.

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

There was no objection.

LEWIS AND CLARK COMMEMORATIVE COIN CORRECTION ACT

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5401) to amend section 308 of the Lewis and Clark Expedition Bicentennial Commemorative Coin Act to make certain clarifying and technical amendments.

The Clerk read as follows:

H.R. 5401

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 "Lewis and Clark Commemorative Coin Correction Act".

SEC. 2. LEWIS AND CLARK COMMEMORATIVE COIN AMENDMENTS.

Section 308 of the Lewis and Clark Expedition Bicentennial Commemorative Coin Act (31 U.S.C. 5112 note) is amended—

(1) in subsection (a), by striking "Secretary as follows:" and all that follows

through the end of the subsection and inserting the following: "Secretary for expenditure on activities associated with commemorating the bicentennial of the Lewis and Clark Expedition, as follows:

"(1) NATIONAL COUNCIL OF THE LEWIS AND CLARK BICENTENNIAL.— $\frac{1}{2}$ to the National Council of the Lewis and Clark Bicentennial.

"(2) MISSOURI HISTORICAL SOCIETY.— $\frac{1}{2}$ to the Missouri Historical Society.";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection:

"(b) TRANSFER OF UNEXPENDED FUNDS.—Any proceeds referred to in subsection (a) that were dispersed by the Secretary and remain unexpended by the National Council of the Lewis and Clark Bicentennial or the Missouri Historical Society as of June 30, 2007, shall be transferred to the Lewis and Clark Trail Heritage Foundation for the purpose of establishing a trust for the stewardship of the Lewis and Clark National Historic Trail."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on this legislation.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 5401, the Lewis and Clark Commemorative Coin Correction Act introduced by the gentlewoman from Missouri (Mrs. EMERSON). This is a technical correction which addresses language in legislation that authorized the minting and sale of a commemorative coin recognizing the bicentennial of the great Lewis and Clark Corps of Discovery expedition.

□ 1500

The original legislation was sponsored by a former colleague, the gentleman from Nebraska (Mr. Bereuter), and the coin was issued in the year 2004.

That bill specified that the surcharge income from the sale of the coins be divided between the National Lewis and Clark Bicentennial Council and the National Park Service to be used for events commemorating the bicentennial. Unfortunately, the Park Service has no capacity to raise the private funding necessary to satisfy the matching funds requirement of statutes guiding the issuance of commemorative coins.

This legislation, which has broad bipartisan support, corrects that problem and will allow disbursement of the funds in ways that support the Lewis and Clark exhibit that has made its

way around the country and opened 2 weeks ago at the Smithsonian's Museum of Natural History. This is an extraordinarily educational exhibit with many items from personal collections that have not been together since the expedition itself.

Mr. Speaker, this is a technical correction with no cost to the government. The cause is deserving. American history has many elements, but the Lewis and Clark expedition is unique to our development as a Nation. The courageous trek deserves celebration because it helps define the innate sense of adventure which is such an integral part of the American spirit.

Mr. Speaker, I ask for its immediate passage and would simply note the wonderful support on both sides of the aisle as symbolized by the gentlewoman from New York (Mrs. MALONEY), a good friend.

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

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

Mr. Speaker, I rise in support of H.R. 5401, the Lewis and Clark Commemorative Coin Correction Act. This technical correction to the Lewis and Clark Expedition Bicentennial Commemorative Coin Act redirects a portion of the proceeds of sales of the Lewis and Clark silver dollars from the National Park Service to the Missouri Historical Society.

The Park Service does not want to and cannot receive the one-third share of the surcharge funds originally allocated to it since it has no mechanism to raise the required matching funds.

The Missouri Historical Society, in contrast, has to date raised matching funds equal to over half of the surcharge funds. The other share has been raised by the National Council of the Lewis and Clark Bicentennial.

Under the bill proposed today, the National Council and the Missouri Historical Society would each receive half of the surcharge funds. Any funds not expended by these two organizations would go to the Lewis and Clark Heritage Foundation for the establishment of a trust for the stewardship of the Lewis and Clark Historical Trail.

I am happy to say the coin has been very successful and raised almost \$5 million to date. I understand that this resolution is supported by Congressional Representatives from many of the States along the trail and by the board of the national council, which has members from all of the Lewis and Clark States.

It is a sensible way to assure that funds raised by this coin are used for activities that preserve and honor the achievements of the Lewis and Clark expedition.

Mr. Speaker, I yield such time as he may consume to the gentleman from the great State of Missouri (Mr. SKELTON), the lead Democratic cosponsor of this bill and the ranking member of the Armed Services Committee.

Mr. SKELTON. Mr. Speaker, I thank my friend and gentlewoman from New

York and friend and gentleman from Iowa for their support on this bill.

Mr. Speaker, several years ago, I hosted a small breakfast for the well-known historian Stephen Ambrose, and I asked him what it was that made America so great. Now, I fully expected him to mention the westward movement of American pioneer families in the 1800s.

Instead, Mr. Ambrose replied, "Look at Russia. They have abundant natural resources and a hearty workforce. But they never had a George Washington, a John Adams and a Thomas Jefferson. It was Thomas Jefferson who had the wisdom and the foresight to appoint Merriweather Lewis and William Clark to explore the Louisiana Territory."

I am pleased that we are considering this legislation that will continue to honor the historic achievements of Lewis and Clark, and I want to thank my good friend, JO ANN EMERSON, for introducing the bill; and I appreciate the support of Financial Services Committee Chairman MIKE OXLEY and Ranking Member BARNEY FRANK.

This bill will designate the National Council of the Lewis and Clark Bicentennial and the Missouri Historical Society as beneficiaries of proceeds from the sale of the Lewis and Clark commemorative coin. These nonprofit organizations have raised nearly \$5 million to conduct Lewis and Clark Bicentennial promotional activities. They will use funds from the sale of the coin to further historic investments in the Lewis and Clark Heritage Trail and to promote additional Lewis and Clark bicentennial celebrations.

This legislation has been endorsed by the National Council of the Lewis and Clark Bicentennial and the Lewis and Clark Trail Heritage Foundation, which includes representation from all the States along the Missouri River basin.

It is with a note of interest, Mr. Speaker, that the Missouri River flows right by my hometown of Lexington, Missouri, and as Lewis and Clark went up that river in that historic year 1804, they went by the bluffs which now contain my hometown of Lexington, Missouri. So it is special to those of us that do live along the river that we continue to honor the work, the courage of Lewis and Clark on their very, very courageous journey.

Mrs. MALONEY. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. LEACH. Mr. Speaker, I thank very much the gentlewoman from New York and, of course, the gentleman from Missouri; and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 5401.

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

A motion to reconsider was laid on the table.

PROVIDING FOR PARTICIPATION OF JUDICIAL BRANCH EMPLOYEES IN LEAVE TRANSFER PROGRAM FOR DISASTERS AND EMERGENCIES

Mr. SHAYS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1736) to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies.

The Clerk read as follows:

S. 1736

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

SECTION 1. LEAVE TRANSFER PROGRAM IN DISASTERS AND EMERGENCIES.

Section 6391 of title 5, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

"(f) After consultation with the Administrative Office of the United States Courts, the Office of Personnel Management shall provide for the participation of employees in the judicial branch in any emergency leave transfer program under this section."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. SHAYS) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise today in support of S. 1736, legislation to allow judicial branch employees to participate in the Federal leave transfer program in the event of disasters and emergencies.

In 1997, Congress authorized the creation of an emergency leave transfer program that allowed employees of the executive branch, as well as the Government Accountability Office, to transfer portions of their annual leave to other executive branch employees who are adversely affected by a natural disaster or emergencies. The 1997 legislation was built upon special procedures that were developed to assist Federal employees in the wake of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, on April 19, 1995.

In the aftermath of Hurricane Katrina, the Administrative Office of the United States Courts petitioned Congress to consider extending the existing emergency leave transfer program to cover employees of the judicial

branch. S. 1736, introduced last September by Homeland Security and Governmental Affairs Committee Chair SUSAN COLLINS, was passed by the Senate last October. While it may be too late to benefit the approximately 400 judicial branch employees displaced by Hurricane Katrina, this authority will be available to judicial branch employees should disaster strike again.

Mr. Speaker, this legislation demonstrates to our hardworking and dedicated Federal workforce that the Congress of the United States is committed to their safety and security. I urge all of my colleagues to support this important legislation.

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

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

Mr. Speaker, I rise in support of this legislation. On September 2, 2005, the President authorized the Office of Personal Management to establish an emergency leave transfer program for executive branch employees affected by Hurricane Katrina. The Judicial Conference of the United States subsequently requested legislative authority to do the same.

The judicial circuits and districts affected by Hurricane Katrina have thus far only been able to grant weather emergency-related administrative leave to their employees. Administrative leave for judicial employees will be curtailed as the courts slowly resume operations.

S. 1736 will ensure an emergency leave transfer program is in place to assist approved judicial branch leave recipients as their need for donated leave increases when affected courts resume operations and many of the employees who evacuated in response to Hurricane Katrina remain unable to return to work.

I join Senators COLLINS and LIEBERMAN in supporting this bill.

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

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

I just want to say that I should not have left out Senator LIEBERMAN. Senator LIEBERMAN and Senator COLLINS both worked very closely on a bipartisan basis to move forward important legislation. I think this is important legislation, and I join with my colleague, the gentlewoman from New York (Mrs. MALONEY), in urging passage of this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and pass the Senate bill, S. 1736.

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

A motion to reconsider was laid on the table.

SCOTT REED FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4530) to designate the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the "Scott Reed Federal Building and United States Courthouse".

The Clerk read as follows:

H.R. 4530

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

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, shall be known and designated as the "Scott Reed Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "Scott Reed Federal Building and United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Kentucky (Mr. CHANDLER) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4530.

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

There was no objection.

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

H.R. 4530 was introduced by the gentleman from Kentucky (Mr. CHANDLER). The bill designates the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the Scott Reed Federal Building and United States Courthouse.

Judge Scott Reed was born in Lexington, Kentucky, on July 3, 1921. He graduated from Henry Clay High School and the University of Kentucky College of Law, where he received many honors.

During his years as a private attorney, he distinguished himself as a trial lawyer of great integrity. His career as a jurist began in 1964 when he became a Fayette Circuit Court judge. Five years later, he was elected to the Kentucky Court of Appeals, where he sat for over 7 years.

During the mid-1970s, Kentucky's judicial system experienced a significant reorganization with the creation of the new Kentucky Supreme Court. Judge Reed played an instrumental role in the reorganization and was elected to serve as the first chief justice of Ken-

tucky in 1976. He was considered a strict interpreter of Kentucky's constitution and a staunch advocate of the separation of the judiciary from the other branches of government.

In 1979, he was named U.S. district judge for the Eastern District of Kentucky. He served as a U.S. district judge until he retired in 1990.

His opinions from the Supreme Court of Kentucky have received national acclaim for their scholarly content, and he has been recognized by many in a comparable light to Brandeis, Holmes, and Marshall.

□ 1515

I support this measure and urge my colleagues to do the same.

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

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

I first want to thank the gentleman from Pennsylvania (Mr. SHUSTER) for his working with me on this bill. He has been very helpful throughout the process.

Mr. Speaker, H.R. 4530 is a bill to designate the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the Scott Reed Federal Building and United States Courthouse. I can think of no other individual more deserving, no other public servant more worthy and no other action more appropriate than naming the Federal courthouse in Lexington after the Honorable Scott Reed.

A prominent central Kentucky attorney, first Chief Justice of the Kentucky Supreme Court and Federal judge, Scott Reed exemplifies the definition of honor and integrity. Born in Lexington, Kentucky, on July 3, 1921, Scott Reed graduated with distinction from the University of Kentucky. While in college, he was editor-in-chief of the Kentucky Law Journal and awarded the Order of the Coif, the highest academic award that can be given to a law graduate. He was also a member of the Phi Delta Phi Fraternity.

He achieved many honors at the University of Kentucky culminating, upon graduation, as the recipient of the Algernon Sydney Sullivan Medallion, an extremely prestigious award given to individuals who "exhibit ideals of heart, mind and conduct as evince a spirit of love for and helpfulness to other men and women."

Prior to his service on the bench, Scott Reed was County Attorney. He was retained as counsel for the Fayette County School Board and distinguished himself as a trial lawyer with great integrity. He served from 1948 through 1956 as an acting associate professor at the University of Kentucky College of Law, and from 1964 until 1969, he was judge of the First Division of the Fayette County Circuit Court, which is the highest trial court in the Commonwealth of Kentucky. He then was elected to the Kentucky Court of Appeals, at that time Kentucky's highest court.

As Chief Judge of the Kentucky Court of Appeals, Judge Reed oversaw the most comprehensive judicial reform in our State's history. It included passage of a constitutional amendment that unified and modernized Kentucky's court system. As part of the modernization, the Court of Appeals became the Kentucky Supreme Court, and Scott Reed was elected by his fellow justices to be the first Chief Justice of Kentucky.

As Chief Justice, he then oversaw the implementation of the reform that has led Kentucky into having one of the most efficient and modern court systems in the country. The Chief Justice of the Commonwealth holds equal rank with the Governor, the latter being the head of the executive branch and the Chief Justice serving as head of the judiciary.

He was elected as a fellow in the National College of the Judiciary in 1965 and Judge Reed was a voting member of the American Law Institute, a body of scholarly people who shape the laws of our Nation. The opinions written by Scott Reed during his time on the Supreme Court of Kentucky have received national acclaim for their scholarly content. He has been viewed as one of Kentucky's most accomplished and erudite jurists.

Judge Reed was a frequent lecturer to the National College of Trial Judges and has achieved the highest honors that can be bestowed on a member of his profession. Scott Reed was named to the University of Kentucky College of Law Hall of Distinguished Alumni on April 11, 1980. He crowned his career with 10 years on the Federal bench.

In 1989, he took senior status while battling the onset of Alzheimer's, which eventually took his life on February 17, 1994. Judge Scott Reed's fine legacy to his hometown of Lexington and to his home State of Kentucky will always be a proud part of our heritage.

Mr. Speaker, as the sponsor of H.R. 4530, I strongly urge its passage.

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

Mr. SHUSTER. Mr. Speaker, I appreciate the gentleman working on this, and just to let the gentleman know, I have a Henry Clay Township in Pennsylvania, which happens to be in Fayette County, Pennsylvania, so Pennsylvania and Kentucky have more in common than one would think.

Mr. OBERSTAR. Mr. Speaker, H.R. 4530 is a bill to designate the Federal building located at 101 Barr Street in Lexington, Kentucky, as the Scott Reed Federal Building and United States Courthouse. The bill was introduced by the Gentleman from Kentucky (Mr. CHANDLER) and his Kentucky colleague (Mr. ROGERS).

Scott Reed was born in Lexington, Kentucky, in 1921. He attended local schools and graduated from the University of Kentucky College of Law in 1945. While at the University, Reed received many awards and honors, including the Algernon Sydney Sullivan Medalion for Excellence.

The first years of Judge Reed's career were spent in private practice during which he dis-

tinguished himself as a trial lawyer of great integrity. During this time, he also taught at the University of Kentucky College of Law.

From 1964 to 1969, Judge Reed was judge of the First Division of the Fayette Circuit Court. From 1969 until 1976, he served on the Court of Appeals, 5th Appellate District. In 1976, Judge Reed became the Chief Justice of the Commonwealth of Kentucky, a position which holds equal rank with the Governor. His opinions from the Supreme Court of Kentucky have received national attention for their scholarly content and careful judicial reasoning.

In August 1979, Judge Reed was nominated by President Carter to the federal bench. He was confirmed later that year and served until his death in 1994. During his confirmation hearing for the federal bench, Judge Reed was characterized as possessing a great sense of fairness and objectivity, practical legal experience, and great respect for the law and its responsibility to our Nation's citizens. Both Senator Huddleston and Senator Ford participated in Judge Reed's confirmation hearing in October 1979.

Judge Reed enjoyed a rich and rewarding career. His contributions to the American judicial system are exceptional. It is fitting that the Lexington courthouse bears his name to honor his distinguished career and enduring legacy.

I support H.R. 4530 and urge its passage.

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

The SPEAKER pro tempore (Mr. CAMPBELL of California). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 4530.

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

A motion to reconsider was laid on the table.

PETS EVACUATION AND TRANSPORTATION STANDARDS ACT OF 2005

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3858) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

The Clerk read as follows:

H.R. 3858

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 "Pets Evacuation and Transportation Standards Act of 2005".

SEC. 2. STANDARDS FOR STATE AND LOCAL EMERGENCY PREPAREDNESS OPERATIONAL PLANS.

Section 613 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196b) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

"(g) STANDARDS FOR STATE AND LOCAL EMERGENCY PREPAREDNESS OPERATIONAL PLANS.—In approving standards for State and local emergency preparedness operational plans pursuant to subsection (b)(3), the Director shall ensure that such plans take into account the needs of individuals with household pets and service animals following a major disaster or emergency."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Kentucky (Mr. CHANDLER) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3858.

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

There was no objection.

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

H.R. 3858, originally sponsored by Representative LANTOS of California and Representative SHAYS of Connecticut amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act to require the Director of FEMA to ensure that State and local emergency preparedness operational plans take into account the needs of individuals with household pets and service animals following a major disaster or emergency.

During the evacuation of the gulf coast region last fall, we learned of the difficulty of evacuating household pets and service animals. Concerns over whether pets would be permitted to accompany their owners made some victims reluctant or unwilling to evacuate, choosing to wait out the disaster. The PETS Act would help ensure that household pets and service animals are considered by State and local emergency preparedness plans.

I would like to recognize my colleague, Mr. LANTOS, who introduced this bill soon after Hurricane Katrina devastated the gulf coast. Mr. LANTOS, a founding member of the Congressional Friends of Animals Caucus, has been an outspoken champion for animals.

I would also like to commend Mr. SHAYS for his dedication in moving this legislation and strong desire to resolve flaws in our Nation's emergency management system made apparent by Hurricane Katrina. I was lucky to have the opportunity to work with Mr. SHAYS on the Katrina investigation committee.

Both Mr. LANTOS and Mr. SHAYS have been champions of this issue and have worked to ensure that owners don't have to make a choice between their personal safety and their pets' safety.

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

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

Mr. Speaker, I rise in strong support of H.R. 3858, the Pets Evacuation and Transportation Standards Act of 2005. This legislation amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act to require the Director of FEMA to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or an emergency.

It must be a top priority of our Nation to save citizens from any disaster, yet we should not underestimate the importance of rescuing pets to our ability to help citizens in a disaster. None of us should be faced with the choice of abandoning our beloved pets and critically needed service animals or risking our own personal safety.

As we witnessed during the aftermath of Hurricane Katrina, a significant number of people chose not to abandon their pets and risked their lives to stay with their animals. Some areas of Florida where hurricanes are a yearly occurrence have long recognized saving animals saves people and include a place for animals in emergency plans. And now, in the wake of Hurricane Katrina, a few areas and other Gulf Coast States, including Harrison County, Mississippi, will have its first pet-friendly shelter in place for the 2006 hurricane season.

However, unfortunately, for most of the gulf coast and indeed the rest of the country, the issue is still unresolved unless legislation like this is approved today. All of us saw many horrible scenes of abandoned pets wandering through the flooded city of New Orleans. In addition to the humanitarian issue of forcing people to choose between their own safety and leaving their pets behind, there are serious problems, including health and safety risks to the disaster area, that are exacerbated by the abandoning of pets.

We know that many of these problems can be mitigated or even eliminated through proper emergency planning. Fortunately, legislation like this helps increase the awareness of lawmakers and emergency officials to recognize what animal advocates already know, that pets figure strongly in a person's decision to evacuate to safety. And we certainly want to encourage our citizens to do just that.

Mr. Speaker, this is a good bill. I applaud Mr. LANTOS and Mr. SHAYS for all of their efforts on this bill, and I urge its support.

Mr. Speaker, I think that Mr. SHUSTER has already mentioned Mr. LANTOS' interest in the welfare of animals. It is heartfelt. I have had the opportunity to work with Mr. LANTOS on the International Relations Committee, and I have the great privilege today of introducing him and yielding to him such time as he may consume to speak on this very important piece of legislation.

Mr. LANTOS. Mr. Speaker, I want to thank my good friend and colleague on

the International Relations Committee from Kentucky (Mr. CHANDLER). I want to thank Mr. SHUSTER for his extraordinarily gracious gesture. I also want to express my appreciation to Chairman YOUNG and Ranking Member OBERSTAR of the Transportation and Infrastructure Committee and the ranking member on that subcommittee, ELEANOR HOLMES NORTON.

I particularly want to thank my dear friend and colleague of many years, CHRIS SHAYS, for again joining with me in sponsoring a significant and major humane piece of legislation. But my most sincere thanks go to my wife, Annette, who has been my guiding light on all humane pieces of legislation I have had the privilege of working on.

Mr. Speaker, the work of my colleagues, along with the Herculean efforts of all the animal welfare organizations, will ensure not only the safety of household pets and service animals but of their owners in moments of potential fatal danger. Families will be able to prepare and evacuate from a disaster with more confidence and security knowing that all of their family members and their pets will be secure.

Mr. Speaker, the devastation in Louisiana, Mississippi and Alabama brought unbelievable images into every American home night after night.

□ 1530

The loss of life and property was staggering. But on top of all of that, the sight of evacuees having to choose between being rescued or remaining with their pets, perhaps even having to leave behind their service animals they rely on every day, was just heart-breaking.

I was watching television one night, Mr. Speaker, and I saw a 7-year-old little boy with his dog. His family lost everything, and all they had left was their dog. And since legislation such as ours was not yet on the statute books, the dog was taken away from this little boy. To watch his face was a singularly revealing and tragic experience.

This legislation was born that moment. Many pieces of legislation we pass in this body are the result of months and years of study and research and preparation. Not this bill. This bill was born the moment the 7-year-old little fellow had to give up his dog because there was no provision to provide shelter for his pet.

The Pet Evacuation and Transportation Standards Act will put an end to all of this. Until today, accommodating families with pets or disabled citizens with service animals was never considered an essential part of any evacuation plan. Our PETS Act requires State and local emergency preparedness authorities to include in their evacuation plans provisions to accommodate pets or service animals in case of a disaster.

The lack of planning in the past interfered with disaster operations in New Orleans where people who were worried about losing their animal com-

panions often refused rescuers' help. If evacuees know that their pets, who obviously are considered members of their family, are in good hands, they will be willing to cooperate with authorities.

According to the Humane Society of the United States, Mr. Speaker, there are 65 million dogs and 77 million cats owned as pets by American families. Thousands of visually impaired people depend on guide dogs to get around. These faithful pet owners and visually impaired citizens must be able to evacuate if in the path of harm, and they must know that all members of their family will be safe.

Since the gulf coast hurricanes, this Nation has endured other weather events. In many cases, local authorities made impromptu plans for people with pets or service animals. This demonstrates that authorities are capable of making effective plans for people with pets and service animals. But we cannot let the lessons learned from the gulf coast hurricanes be forgotten. Our PETS Act will ensure that years from now States will continue to plan for their pet and service animal populations. This will ensure a smooth and safe evacuation for all members of the family and their pets and service animals.

I strongly urge all of my colleagues to join me in supporting this potentially life-saving legislation, life-saving with respect to the animals we love, and life-saving with respect to members of our families.

Mr. SHUSTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I want to thank Mr. SHUSTER, Mr. CHANDLER, Mr. YOUNG and Mr. OBERSTAR. I wanted to defer my opportunity to go before Mr. LANTOS because it needs to be clear this began in the heart and mind of Mr. LANTOS' wife, and we are merely instruments of her goodness.

I rise, in support of H.R. 3858, the Pets Evacuation and Transportation Standards Act, which we do refer to as the PETS Act, which Congressman LANTOS and I, as co-chairmen of the Friends of Animals Caucus, introduced.

This commonsense bill requires State and local preparedness planners to include plans for evacuation of pet owners, pets and service animals, as has already been described by previous speakers.

Hurricane Katrina left so many victims in its wake, including an estimated 600,000 animals that either lost their lives or were left without shelter. Hurricane Katrina taught us the hard lesson that, as we prepare for future emergencies, it is important we incorporate pet owners and their pets in our plans.

Many pet owners had to choose between their safety and the safety of their pets, and anyone who owns a pet understands the difficult decisions that they had to make.

In order to qualify for Federal Emergency Management Agency funding, a jurisdiction is required to submit a plan detailing their disaster preparedness plan. The PETS Act would simply require State and local emergency preparedness authorities to plan for how they would accommodate household pets and service animals when presenting these plans to FEMA. Animals do not go before people, but animals will have a place in this plan.

The human horror and devastation in Louisiana, Mississippi and Alabama was a tragedy we are addressing, but it was also heartbreaking to hear stories of forcing evacuees to choose between being rescued or remaining with their pets.

This bipartisan legislation is necessary because when asked to choose between abandoning their pets or their personal safety, many pet owners chose to risk their lives and would continue today to risk their lives and remain with their pets. The plight of the animals left behind was truly tragic. This is not just an animal protection issue; this is a public safety issue. Roughly two-thirds of American households own pets. We need to ensure the pets and their pet owners are protected.

I urge my colleagues to support passage of this legislation. I, too, want to make reference to that young man; I guess he was around 7 years old. I think of him and think this young man may have lost his home, he may have lost everything he owned, but he had his pet. As long as he had his pet, he could deal with it. To see this pet being grabbed from him, to me it was the height of cruelty that I still have a hard time understanding and appreciating.

When my mom and dad moved when I was 8 or 9 years old to another place, our pet dog, Mack, kept running back to the original house, and we lost him. For 2 years, I didn't have a pet, but I grew up with a pet. Then we moved to a new home and my parents could afford nothing else. They told me no Christmas presents. There would be no Christmas presents. My Christmas present was a new home, a brand new room, and I dealt with that. I thought, this year, no Christmas presents.

They were gone Christmas Eve day, and they came home that night. They didn't tell me where they had been, which was very unusual. I was with my three older brothers. Then my parents asked me to come down into the garage. As I did, they were walking up holding a beautiful collie pup. That night I slept on the floor with Lance, my collie pup.

I will never forget the joy I had. It was the best Christmas I ever had, and it was just one little gift, a pet that remained in our household for years.

This is an important bill, and I urge its passage.

Mr. CHANDLER. Mr. Speaker, I yield myself the balance of my time.

I want to thank Mr. LANTOS and his wife, Annette, in particular for extend-

ing their well-known humanitarian instincts to the welfare of animals. I also want to thank Mr. SHAYS and Mr. SHUSTER for all of their work on this bill.

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

Mr. SHUSTER. Mr. Speaker, I yield myself the balance of my time.

I also want to thank Mr. LANTOS and Mr. SHAYS for their work on this bill.

The PETS Act would help ensure that household pets and service animals are considered by State and local emergency preparedness plans because there are people in this country, myself included, I have a dog Chloe that has a close relationship with my family, and I know people throughout this country have pets that are near and dear to their hearts.

When you go to a rooftop, as we saw down in New Orleans as Mr. SHAYS and Mr. LANTOS pointed out, people are unwilling to get aboard a boat or helicopter if they have to leave their beloved pet behind. Once again, this is so States and local emergency preparedness plans take into consideration situations that might occur if someone has to abandon their pets. I urge my colleagues to support this bill.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 3858, the Pets Evacuation and Transportation Standards (PETS) Act of 2005. This bill amends the Stafford Act to ensure that state and local emergency preparedness plans account for the needs of individuals with household pets and service animals following a major disaster or emergency.

There were many tragedies from Hurricane Katrina that will not soon be forgotten. Some of the most indelible images were the ones of people being forced to choose between leaving their pets behind or being evacuated to safety. In many cases, these loyal animals had stayed with their owners for days on rooftops waiting to be rescued, only to be abandoned because the rescuers refused to carry the pets to safety with their owners. In other cases, people chose not to be rescued—putting themselves in further danger—because they simply could not bear to leave their pets behind.

A person should not have to leave their seeing-eye dog behind in order to save her own life—as we saw in Hurricane Katrina. Nor should a child, who has already been traumatized by the devastation of a disaster, have to abandon his beloved pet in order to be transported to safety—as we saw in Hurricane Katrina. As the June 1st start of the next hurricane season approaches, it's important that this bill becomes law and that state and local officials start to plan for the evacuation of pets and service animals.

There are, of course, other issues in the wake of Hurricane Katrina that this Congress should address. Last week, the Transportation and Infrastructure Committee and the Government Reform Committee favorably ordered reported H.R. 5316, the Restoring Emergency Services to Protect our Nation from Disasters (RESPOND) Act to the House. The RESPOND Act not only restores FEMA as an independent, cabinet-level agency, but it also reforms and strengthens our national emergency preparedness system so that we never again have to witness such a dismal failure by

the federal government to respond to its citizens in need as we did with Hurricane Katrina.

H.R. 5316 ensures that FEMA's core functions of preparedness, response, recovery, and mitigation will once again coexist and work to complement each other in an independent FEMA, and not be separated and dismantled as they have been in the Department of Homeland Security.

Mr. Speaker, the bill we have before us is a much-needed first step in a longer process of reforming our emergency management system. I urge my colleagues to support H.R. 3858.

Mr. REYES. Mr. Speaker, I rise today in support of H.R. 3858, the Pets and Evacuation and Transportation Standards (PETS) Act of 2005. This is a sample, focused piece of legislation that will require local and state emergency preparedness authorities to include in their evacuation plans how they will accommodate household pets and/or service animals in case of a disaster. It deserves our support.

Hurricanes Katrina and Rita revealed gaping holes in our capacity to effectively manage the aftermath of large-scale disasters. Our failures in emergency response and evacuation were numerous, and they varied in both size and importance. One problem with our response was a blind spot in our disaster planning regarding the evacuation of pets and service animals. For too many caring animal owners, the opportunity to escape danger means separation from a beloved pet. More grievous, the evacuation of many residents of the Gulf Region who are dependent on service animals was complicated by inflexible regulations that did not take their special needs into account.

H.R. 3858 is commonsense legislation that will ensure planning for future disaster provides for the needs of pet owners. This bill is support by the Humane Society of the United States, the American Society for the Prevention of Cruelty to Animals, the Doris Day Animal League and the Best Friends Animal Society.

Mr. Speaker, I encourage all of my colleagues to join in support of H.R. 3858.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 3858.

The question was taken.

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

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

The yeas and nays were ordered.

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

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 42 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1832

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 6 o'clock and 32 minutes p.m.

REPORT ON H.R. 5441, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

Mr. LEWIS of California, from the Committee on Appropriations, submitted a privileged report (Rept. No. 109-476) on the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S. 1235, by the yeas and nays,

H.R. 3858, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second vote will be a 5-minute vote.

VETERANS' HOUSING OPPORTUNITY AND BENEFITS IMPROVEMENT ACT OF 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1235, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the Senate bill, S. 1235, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 372, nays 0, not voting 61, as follows:

[Roll No. 177]

YEAS—372

Abercrombie	Berkley	Boswell
Ackerman	Berry	Boucher
Aderholt	Biggert	Boustany
Akin	Bilirakis	Boyd
Alexander	Bishop (GA)	Bradley (NH)
Allen	Bishop (NY)	Brady (PA)
Baca	Bishop (UT)	Brady (TX)
Bachus	Blackburn	Brown (OH)
Baker	Blumenauer	Brown (SC)
Baldwin	Blunt	Brown-Waite,
Barrett (SC)	Boehlert	Ginny
Barrow	Boehner	Burgess
Bartlett (MD)	Bonilla	Burton (IN)
Barton (TX)	Bonner	Butterfield
Bass	Bono	Buyer
Bean	Boozman	Calvert
Beauprez	Boren	Campbell (CA)

Cantor	Herger	Napolitano
Capito	Higgins	Neal (MA)
Capps	Hobson	Neugebauer
Cardin	Hoekstra	Ney
Cardoza	Holden	Northup
Carnahan	Holt	Norwood
Carson	Honda	Nunes
Carter	Hooley	Obey
Case	Hostettler	Olver
Castle	Hoyer	Ortiz
Chabot	Hulshof	Osborne
Chandler	Hyde	Otter
Chocola	Inslee	Pallone
Clay	Israel	Pascarell
Cleaver	Jackson (IL)	Pastor
Clyburn	Jackson-Lee	Paul
Coble	(TX)	Payne
Cole (OK)	Jefferson	Pearce
Conaway	Jindal	Pelosi
Conyers	Johnson (CT)	Pence
Cooper	Johnson (IL)	Peterson (MN)
Costa	Johnson, E. B.	Petri
Costello	Johnson, Sam	Pitts
Cramer	Jones (NC)	Poe
Crenshaw	Kanjorski	Pomeroy
Crowley	Kaptur	Porter
Cubin	Kelly	Price (GA)
Cuellar	Kennedy (MN)	Price (NC)
Culberson	Kildee	Putnam
Cummings	Kind	Radanovich
Davis (AL)	King (IA)	Rahall
Davis (CA)	King (NY)	Ramstad
Davis (IL)	Kingston	Rangel
Davis (KY)	Kirk	Regula
Davis (TN)	Kline	Reichert
Davis, Jo Ann	Knollenberg	Renzi
Davis, Tom	Kucinich	Rogers (AL)
Deal (GA)	Kuhl (NY)	Rogers (KY)
DeFazio	LaHood	Rogers (MI)
Delahunt	Langevin	Rohrabacher
DeLauro	Lantos	Ros-Lehtinen
DeLay	Larsen (WA)	Ross
Dent	Latham	Rothman
Diaz-Balart, L.	LaTourrette	Roybal-Allard
Diaz-Balart, M.	Leach	Royce
Dicks	Lee	Rush
Dingell	Levin	Ryan (OH)
Doggett	Lewis (CA)	Ryan (WI)
Doyle	Lewis (KY)	Ryun (KS)
Drake	Linder	Sabo
Dreier	Lipinski	Salazar
Duncan	LoBiondo	Sanders
Edwards	Lofgren, Zoe	Saxton
Ehlers	Lucas	Schakowsky
Emanuel	Lungren, Daniel	Schiff
Emerson	E.	Schmidt
Engel	Lynch	Schwartz (PA)
English (PA)	Mack	Schwarz (MI)
Eshoo	Maloney	Scott (GA)
Etheridge	Manzullo	Scott (VA)
Everett	Marchant	Sensenbrenner
Farr	Markey	Serrano
Fattah	Marshall	Sessions
Feeney	Matheson	Shadegg
Ferguson	Matsui	Shaw
Filner	McCarthy	Shays
Fitzpatrick (PA)	McCaul (TX)	Sherman
Flake	McCollum (MN)	Sherwood
Fortenberry	McCotter	Shimkus
Fossella	McCrery	Shuster
Fox	McDermott	Simmons
Frank (MA)	McGovern	Simpson
Franks (AZ)	McHenry	Skelton
Frelinghuysen	McHugh	Slaughter
Garrett (NJ)	McIntyre	Smith (NJ)
Gerlach	McKeon	Smith (TX)
Gilchrest	McMorris	Smith (WA)
Gillmor	McNulty	Sodrel
Gingrey	Meehan	Solis
Gohmert	Meek (FL)	Souder
Gonzalez	Meeks (NY)	Spratt
Goode	Melancon	Stark
Goodlatte	Mica	Stearns
Gordon	Michaud	Stupak
Granger	Millender-	Sullivan
Green, Al	McDonald	Tancredo
Green, Gene	Miller (FL)	Tanner
Grijalva	Miller (MI)	Tauscher
Gutknecht	Miller (NC)	Taylor (MS)
Hall	Miller, Gary	Terry
Harman	Miller, George	Thomas
Harris	Mollohan	Thompson (CA)
Hart	Moore (KS)	Thompson (MS)
Hastert	Moore (WI)	Thornberry
Hastings (WA)	Moran (KS)	Tiaht
Hayes	Murphy	Tiberi
Hayworth	Musgrave	Tierney
Hefley	Myrick	Towns
Hensarling	Nadler	Turner

Udall (CO)	Wasserman	Wexler
Udall (NM)	Schultz	Whitfield
Upton	Watson	Wilson (NM)
Van Hollen	Watt	Wilson (SC)
Velázquez	Waxman	Wolf
Visclosky	Weiner	Woolsey
Walden (OR)	Weldon (FL)	Wu
Walsh	Weldon (PA)	Wynn
Wamp	Weller	Young (AK)
	Westmoreland	Young (FL)

NOT VOTING—61

Andrews	Herseth	Owens
Baird	Hinchey	Oxley
Becerra	Hinojosa	Peterson (PA)
Berman	Hunter	Pickering
Brown, Corrine	Inglis (SC)	Platts
Camp (MI)	Issa	Pombo
Cannon	Istook	Pryce (OH)
Capuano	Jenkins	Rehberg
Davis (FL)	Jones (OH)	Reyes
DeGette	Keller	Reynolds
Doolittle	Kennedy (RI)	Ruppersberger
Evans	Kilpatrick (MI)	Sánchez, Linda
Foley	Kolbe	T.
Forbes	Larson (CT)	Sanchez, Loretta
Ford	Lewis (GA)	Snyder
Gallegly	Lowey	Strickland
Gibbons	McKinney	Sweeney
Graves	Moran (VA)	Taylor (NC)
Green (WI)	Murtha	Waters
Gutierrez	Nussle	Wicker
Hastings (FL)	Oberstar	

□ 1859

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the Senate bill was amended so as to read: "An Act to amend title 38, United States Code, to improve and extend housing, insurance, outreach, and benefits programs provided under the laws administered by the Secretary of Veterans Affairs, to improve and extend employment programs for veterans under laws administered by the Secretary of Labor, and for other purposes."

A motion to reconsider was laid on the table.

PETS EVACUATION AND TRANSPORTATION STANDARDS ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3858.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 3858, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 349, nays 24, not voting 60, as follows:

[Roll No. 178]

YEAS—349

Abercrombie	Barrett (SC)	Bishop (GA)
Ackerman	Barrow	Bishop (NY)
Aderholt	Bartlett (MD)	Bishop (UT)
Akin	Barton (TX)	Blumenauer
Alexander	Bass	Blunt
Allen	Bean	Boehlert
Baca	Beauprez	Boehner
Bachus	Berkley	Bonilla
Baker	Biggert	Bonner
Baldwin	Bilirakis	Bono

Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Campbell (CA)
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al

Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kenny
Kennedy (MN)
Kildee
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourrette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McColum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender
McDonald

Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nunes
Obey
Oliver
Ortiz
Osborne
Otter
Pallone
Pascarelli
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pomeroy
Porter
Price (GA)
Price (NC)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner

Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman
Schultz

Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)

Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

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Blackburn
Buyer
Feeney
Flake
Garrett (NJ)
Gohmert
King (IA)

McHenry
Miller (FL)
Miller (MI)
Neugebauer
Norwood
Paul
Pitts
Poe

Putnam
Shadegg
Sodrel
Tancredo
Terry
Tiahrt
Wamp
Westmoreland

NOT VOTING—60

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Baird
Becerra
Berman
Brown, Corrine
Camp (MI)
Cannon
Capuano
Davis (FL)
DeGette
Doolittle
Edwards
Evans
Foley
Forbes
Ford
Gallegly
Gibbons
Graves
Green (WI)
Gutierrez

Hastings (FL)
Herseth
Hinojosa
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jones (OH)
Kennedy (RI)
Kilpatrick (MI)
Kolbe
Larson (CT)
Lewis (GA)
Lowey
McKinney
Moran (VA)
Murtha
Nussle
Oberstar
Owens

Oxley
Peterson (PA)
Pickering
Platts
Pombo
Pryce (OH)
Rehberg
Reyes
Reynolds
Ruppersberger
Sánchez, Linda
T.
Sanchez, Loretta
Snyder
Strickland
Sweeney
Taylor (NC)
Waters
Wicker

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1907

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GREEN of Wisconsin. Mr. Speaker, I was absent from Washington on Monday, May 22, 2006. As a result, I was not recorded for rollcall votes No. 177 and No. 178. Had I been present, I would have voted "aye" on rollcall No. 177 and No. 178.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the RECORD and regret that I could not be present today, Monday, May 22, 2006, to vote on rollcall votes Nos. 177 and 178 due to a family medical emergency.

Had I been present, I would have voted: "yea" on rollcall vote No. 177 on passage of S. 1235, the Veterans' Benefits Improvement Act of 2005, and "yea" on rollcall vote No. 178 on passage of H.R. 3858, the Pets Evacuation and Transportation Standards Act of 2005.

PERSONAL EXPLANATION

Mr. ANDREWS. Mr. Speaker, I regret that I missed two votes on May 22, 2006. Had I been present I would have voted "yea" on S.

1235 (Veterans' Benefits Improvement Act of 2005) and "yea" on H.R. 3858 (Pets Evacuation and Transportation Standards Act of 2005).

PERSONAL EXPLANATION

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, today I was unavoidably absent and missed rollcall votes Nos. 177 and 178. Had I been present, I would have voted: "Yea" on rollcall No. 177, S. 1235, the "Veterans' Benefits Improvement Act of 2005" and "yea" on rollcall No. 178, H.R. 3858, the "Pets Evacuation and Transportation Standards Act of 2005."

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Mr. Speaker, official business requires my absence from legislative business scheduled for today, Monday, May 22, 2006. Had I been present I would have voted "yea" on S. 1235, the Veterans' Benefits Improvement Act of 2005 (rollcall No. 177) and "yea" on H.R. 3858, Pets Evacuation and Transportation Standards Act of 2005 (rollcall No. 178).

PERSONAL EXPLANATION

Mr. FOLEY. Mr. Speaker, on rollcall Nos. 177 and 178 I was unavoidably detained. Had I been present, I would have voted "yea" on both measures.

PERSONAL EXPLANATION

Mr. POMBO. Mr. Speaker, I was unable to vote today on the House floor. I take my responsibility to vote very seriously and would like my intentions included in the CONGRESSIONAL RECORD.

I had been present, I would have voted "yea" on S. 1235, Veterans' Benefits Improvement Act of 2005.

Additionally, had I been present, I would have voted "yea" on H.R. 3858, the Pets Evacuation and Transportation Standards Act of 2005.

PERSONAL EXPLANATION

Ms. PRYCE of Ohio. Mr. Speaker, on the legislative day of Monday, May 22, 2006, the House had a vote on rollcall 177, on S. 1235, the Veterans' Benefits Improvement Act, Had I been present, I would have voted "yea."

The House also had a vote on rollcall 178, on H.R. 3858, the Pets Evacuation and Transportation Standards Act. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, I regret that I was unavoidably detained in my district due to congressional business. Had I been present, I would have voted "yea" on rollcall No. 177 and "yea" on rollcall No. 178.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KUHLE of New York). Pursuant to clause

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

Any record vote on the postponed question will be taken tomorrow.

PALESTINIAN ANTI-TERRORISM ACT OF 2006

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4681) to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4681

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 “Palestinian Anti-Terrorism Act of 2006”.

SEC. 2. LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY.

(a) DECLARATION OF POLICY.—It shall be the policy of the United States—

(1) to support a peaceful, two-state solution to end the conflict between Israel and the Palestinians in accordance with the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (commonly referred to as the “Roadmap”);

(2) to oppose those organizations, individuals, and countries that support terrorism and violence;

(3) to urge members of the international community to avoid contact with and refrain from financially supporting the terrorist organization Hamas or a Hamas-controlled Palestinian Authority until Hamas agrees to recognize Israel, renounce violence, disarm, and accept prior agreements, including the Roadmap;

(4) to promote the emergence of a democratic Palestinian governing authority that—

(A) denounces and combats terrorism;

(B) has agreed to and is taking action to disarm and dismantle any terrorist agency, network, or facility;

(C) has agreed to work to eliminate anti-Israel and anti-Semitic incitement and the commemoration of terrorists in Palestinian society;

(D) has agreed to respect the sovereignty of its neighbors;

(E) acknowledges, respects, and upholds the human rights of all people;

(F) implements the rule of law, good governance, and democratic practices, including conducting free, fair, and transparent elections in compliance with international standards;

(G) ensures institutional and financial transparency and accountability; and

(H) has agreed to recognize the State of Israel as an independent, sovereign, Jewish, democratic state; and

(5) to continue to support assistance to the Palestinian people.

(b) AMENDMENTS.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended—

(1) by redesignating the second section 620G (as added by section 149 of Public Law 104-164 (110 Stat. 1436)) as section 620J; and

(2) by adding at the end the following new section:

“SEC. 620K. LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY.

“(a) LIMITATION.—Except as provided in subsection (e), assistance may be provided under this Act to the Palestinian Authority only during a period for which a certification described in subsection (b) is in effect.

“(b) CERTIFICATION.—A certification described in this subsection is a certification transmitted by the President to Congress that contains a determination of the President that—

“(1) no ministry, agency, or instrumentality of the Palestinian Authority is controlled by a foreign terrorist organization and no member of a foreign terrorist organization serves in a senior policy making position in a ministry, agency, or instrumentality of the Palestinian Authority;

“(2) the Palestinian Authority has—

“(A) publicly acknowledged Israel’s right to exist as a Jewish state; and

“(B) recommitted itself and is adhering to all previous agreements and understandings by the Palestine Liberation Organization and the Palestinian Authority with the Government of the United States, the Government of Israel, and the international community, including agreements and understandings pursuant to the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (commonly referred to as the ‘Roadmap’); and

“(3) the Palestinian Authority has taken effective steps and made demonstrable progress toward—

“(A) completing the process of purging from its security services individuals with ties to terrorism;

“(B) dismantling all terrorist infrastructure, confiscating unauthorized weapons, arresting and bringing terrorists to justice, destroying unauthorized arms factories, thwarting and preempting terrorist attacks, and fully cooperating with Israel’s security services;

“(C) halting all anti-Israel incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and replacing these materials, including textbooks, with materials that promote tolerance, peace, and coexistence with Israel;

“(D) ensuring democracy, the rule of law, and an independent judiciary, and adopting other reforms such as ensuring transparent and accountable governance; and

“(E) ensuring the financial transparency and accountability of all government ministries and operations.

“(c) RECERTIFICATIONS.—Not later than 90 days after the date on which the President transmits to Congress an initial certification under subsection (b), and every six months thereafter—

“(1) the President shall transmit to Congress a recertification that the requirements contained in subsection (b) are continuing to be met; or

“(2) if the President is unable to make such a recertification, the President shall transmit to Congress a report that contains the reasons therefor.

“(d) CONGRESSIONAL NOTIFICATION.—Assistance made available under this Act to the Palestinian Authority may not be provided until 15 days after the date on which the President has provided notice thereof to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of this Act.

“(e) EXCEPTIONS.—

“(1) IN GENERAL.—Subsection (a) shall not apply with respect to the following:

“(A) ASSISTANCE TO INDEPENDENT ELECTIONS COMMISSIONS.—Assistance to any Palestinian independent election commission if the President transmits to Congress a certification that contains a determination of the President that—

“(i) no member of such commission is a member of, affiliated with, or appointed by a foreign terrorist organization; and

“(ii) each member of such commission is independent of the influence of any political party or movement.

“(B) ASSISTANCE TO SUPPORT THE MIDDLE EAST PEACE PROCESS.—Assistance to the Office of the President of the Palestinian Authority for non-security expenses directly related to facilitating a peaceful resolution of the Israeli-Palestinian conflict or for the personal security detail of the President of the Palestinian Authority if the President transmits to Congress a certification that contains a determination of the President that—

“(i) such assistance is critical to facilitating a peaceful resolution of the Israeli-Palestinian conflict;

“(ii) the President of the Palestinian Authority is not a member of or affiliated with a foreign terrorist organization and has rejected the use of terrorism to resolve the Israeli-Palestinian conflict;

“(iii) such assistance will not be used to provide funds to any individual who is a member of or affiliated with a foreign terrorist organization or who has not rejected the use of terrorism to resolve the Israeli-Palestinian conflict; and

“(iv) such assistance will not be retransferred to any other entity within or outside of the Palestinian Authority except as payment for legal goods or services rendered.

“(2) ADDITIONAL REQUIREMENTS.—Assistance described in paragraph (1) may be provided only if the President—

“(A) determines that the provision of such assistance is important to the national security interests of the United States; and

“(B) not less than 30 days prior to the obligation of amounts for the provision of such assistance—

“(i) consults with the appropriate congressional committees regarding the specific programs, projects, and activities to be carried out using such assistance; and

“(ii) submits to the appropriate congressional committees a written memorandum that contains the determination of the President under subparagraph (A).

“(3) DEFINITION.—In this subsection, the term ‘appropriate congressional committees’ means—

“(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

“(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

“(f) DEFINITIONS.—In this section:

“(1) FOREIGN TERRORIST ORGANIZATION.—The term ‘foreign terrorist organization’ means an organization designated as a foreign terrorist organization by the Secretary of State in accordance with section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

“(2) PALESTINIAN AUTHORITY.—The term ‘Palestinian Authority’ means the interim Palestinian administrative organization that governs part of the West Bank and all of the Gaza Strip (or any successor Palestinian governing entity), including the Palestinian Legislative Council.”

(c) APPLICABILITY TO UNEXPENDED FUNDS.—Section 620K of the Foreign Assistance Act of 1961, as added by subsection (b), applies with respect to unexpended funds obligated

for assistance under the Foreign Assistance Act of 1961 to the Palestinian Authority before the date of the enactment of this Act.

(d) **REPORT BY COMPTROLLER GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that contains a review of the proposed procedures by which United States assistance to the Palestinian Authority under the Foreign Assistance Act of 1961 will be audited by the Department of State, the United States Agency for International Development, and all other relevant departments and agencies of the Government of the United States and any recommendations for improvement of such procedures.

(e) **SENSE OF CONGRESS.**—It is the sense of Congress that the President should be guided by the principles and procedures described in section 620K of the Foreign Assistance Act of 1961, as added by subsection (b), in providing direct assistance to the Palestinian Authority under any provision of law other than the Foreign Assistance Act of 1961.

SEC. 3. LIMITATION ON ASSISTANCE FOR THE WEST BANK AND GAZA.

(a) **AMENDMENT.**—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.), as amended by section 2(b)(2) of this Act, is further amended by adding at the end the following new section:

“SEC. 620L. LIMITATION ON ASSISTANCE FOR THE WEST BANK AND GAZA.

“(a) **LIMITATION.**—Except as provided in subsection (d), assistance may be provided under this Act to nongovernmental organizations for the West Bank and Gaza only during a period for which a certification described in section 620K(b) of this Act is in effect with respect to the Palestinian Authority.

“(b) **MARKING REQUIREMENT.**—Assistance provided under this Act to nongovernmental organizations for the West Bank and Gaza shall be marked as assistance from the Government of the United States unless the Secretary of State or the Administrator of the United States Agency for International Development determines that such marking will endanger the lives or safety of persons delivering or receiving such assistance or would have a material adverse effect on the implementation of such assistance.

“(c) **CONGRESSIONAL NOTIFICATION.**—Assistance made available under this Act to nongovernmental organizations for the West Bank and Gaza may not be provided until 15 days after the date on which the President has provided notice thereof to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of this Act.

“(d) **EXCEPTIONS.**—Subsection (a) shall not apply with respect to the following:

“(1) **ASSISTANCE TO MEET BASIC HUMAN HEALTH NEEDS.**—The provision of food, water, medicine, sanitation services, or other assistance to directly meet basic human health needs.

“(2) **OTHER TYPES OF ASSISTANCE.**—The provision of any other type of assistance if the President—

“(A) determines that the provision of such assistance will further the national security interests of the United States; and

“(B) not less than 25 days prior to the obligation of amounts for the provision of such assistance—

“(i) consults with the appropriate congressional committees regarding the specific pro-

grams, projects, and activities to be carried out using such assistance; and

“(ii) submits to the appropriate congressional committees a written memorandum that contains the determination of the President under subparagraph (A) and an explanation of how failure to provide the proposed assistance would be inconsistent with furthering the national security interests of the United States.

“(3) **DEFINITION.**—In this subsection, the term ‘appropriate congressional committees’ means—

“(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

“(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.”

(b) **OVERSIGHT AND RELATED REQUIREMENTS.**—

(1) **OVERSIGHT.**—For each of the fiscal years 2007 and 2008, the Secretary of State shall certify to the appropriate congressional committees not later than 30 days prior to the initial obligation of amounts for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 that procedures have been established to ensure that the Comptroller General of the United States will have access to appropriate United States financial information in order to review the use of such assistance.

(2) **VETTING.**—Prior to any obligation of amounts for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual or entity that the Secretary knows, or has reason to believe, advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this paragraph and shall terminate assistance to any individual or entity that the Secretary has determined advocates, plans, sponsors, or engages in terrorist activity.

(3) **PROHIBITION.**—No amounts made available for any fiscal year for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 may be made available for the purpose of recognizing or otherwise honoring individuals or the families of individuals who commit, or have committed, acts of terrorism.

(4) **AUDITS.**—

(A) **IN GENERAL.**—The Administrator of the United States Agency for International Development shall ensure that independent audits of all contractors and grantees, and significant subcontractors and subgrantees, that receive amounts for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 are conducted to ensure, among other things, compliance with this subsection.

(B) **AUDITS BY INSPECTOR GENERAL OF USAID.**—Of the amounts available for any fiscal year for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961, up to \$1,000,000 for each such fiscal year may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of subparagraph (A). Such amounts are in addition to amounts otherwise available for such purposes.

(c) **SENSE OF CONGRESS.**—It is the sense of Congress that the President should be guided by the principles and procedures described in

section 620L of the Foreign Assistance Act of 1961, as added by subsection (a), in providing assistance to nongovernmental organizations for the West Bank and Gaza under any provision of law other than the Foreign Assistance Act of 1961.

SEC. 4. UNITED NATIONS AGENCIES AND PROGRAMS.

(a) **REVIEW AND REPORT.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, the President shall—

(A) conduct an audit of the functions of the entities specified in paragraph (2); and

(B) transmit to the appropriate congressional committees a report containing recommendations for the elimination of such entities and efforts that are duplicative or fail to ensure balance in the approach of the United Nations to Israeli-Palestinian issues.

(2) **ENTITIES SPECIFIED.**—The entities referred to in paragraph (1) are the following:

(A) The United Nations Division for Palestinian Rights.

(B) The Committee on the Exercise of the Inalienable Rights of the Palestinian People.

(C) The United Nations Special Coordinator for the Middle East Peace Process and Personal Representative to the Palestine Liberation Organization and the Palestinian Authority.

(D) The NGO Network on the Question of Palestine.

(E) The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.

(F) Any other entity the Secretary determines results in duplicative efforts or funding or fails to ensure balance in the approach to Israeli-Palestinian issues.

(b) **IMPLEMENTATION OF RECOMMENDATIONS BY PERMANENT REPRESENTATIVE.**—

(1) **IN GENERAL.**—The United States Permanent Representative to the United Nations shall use the voice, vote, and influence of the United States at the United Nations to seek the implementation of the recommendations contained in the report required under subsection (a)(1)(B).

(2) **WITHHOLDING OF FUNDS.**—Until the President certifies to the Congress that such recommendations have been implemented, the Secretary of State should withhold from United States contributions to the regular assessed budget of the United Nations for a biennial period amounts that are proportional to the percentage of such budget that are expended for such entities.

(c) **GAO AUDIT.**—The Comptroller General shall conduct an audit of the status of the implementation of the recommendations contained in the report required under subsection (a)(1)(B).

(d) **WITHHOLDING OF FUNDS WITH RESPECT TO THE PALESTINIAN AUTHORITY.**—

(1) **ASSESSED CONTRIBUTIONS.**—The Secretary of State should withhold from United States contributions to the regular assessed budget of the United Nations for a biennial period amounts that are equal to the amounts of such budget that are expended by any United Nations affiliated or specialized agency for assistance directly to the Palestinian Authority.

(2) **VOLUNTARY CONTRIBUTIONS.**—The Secretary of State shall withhold from United States contributions to the voluntary budget of the United Nations for a biennial period amounts that are equal to the amounts of such budget that are expended by any United Nations affiliated or specialized agency for assistance directly to the Palestinian Authority.

(3) **DEFINITION.**—For the purposes of this section, the term “amounts of such budget that are expended by any United Nations affiliated or specialized agency for assistance

directly to the Palestinian Authority" does not include—

(A) amounts expended during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is in effect with respect to the Palestinian Authority; or

(B) amounts expended for assistance of the type of assistance described in section 104(c), 104A, 104B, or 104C of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b, 2151b-2, 2151b-3, or 2151b-4) and which would, if provided by the Government of the United States, be permitted under such sections, or under chapter 4 of part II of such Act (22 U.S.C. 2346 et seq.) to carry out the purposes of such sections, by reason of the application of section 104(c)(4) of such Act.

SEC. 5. DESIGNATION OF TERRITORY CONTROLLED BY THE PALESTINIAN AUTHORITY AS TERRORIST SANCTUARY.

It is the sense of Congress that, during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority, the territory controlled by the Palestinian Authority should be deemed to be in use as a sanctuary for terrorists or terrorist organizations for purposes of section 6(j)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(5)) and section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f).

SEC. 6. DENIAL OF VISAS FOR OFFICIALS OF THE PALESTINIAN AUTHORITY.

(a) IN GENERAL.—A visa shall not be issued to any alien who is an official of, affiliated with, or serving as a representative of the Palestinian Authority during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

(b) WAIVER.—Subsection (a) shall not apply—

(1) if the President determines and certifies to the appropriate congressional committees, on a case-by-case basis, that the issuance of a visa to an alien described in such subsection is important to the national security interests of the United States; or

(2) with respect to visas issued in connection with United States obligations under the Act of August 4, 1947 (61 Stat. 756) (commonly known as the "United Nations Headquarters Agreement Act").

SEC. 7. TRAVEL RESTRICTIONS ON OFFICIALS AND REPRESENTATIVES OF THE PALESTINIAN AUTHORITY AND THE PALESTINE LIBERATION ORGANIZATION STATIONED AT THE UNITED NATIONS IN NEW YORK CITY.

The President shall restrict the travel of officials and representatives of the Palestinian Authority and of the Palestine Liberation Organization who are stationed at the United Nations in New York City to a 25-mile radius of the United Nations headquarters building during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

SEC. 8. PROHIBITION ON PALESTINIAN AUTHORITY REPRESENTATION IN THE UNITED STATES.

(a) PROHIBITION.—Notwithstanding any other provision of law, it shall be unlawful to establish or maintain an office, headquarters, premises, or other facilities or establishments within the jurisdiction of the United States at the behest or direction of,

or with funds provided by, the Palestinian Authority or the Palestine Liberation Organization during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

(b) ENFORCEMENT.—

(1) ATTORNEY GENERAL.—The Attorney General shall take the necessary steps and institute the necessary legal action to effectuate the policies and provisions of subsection (a), including steps necessary to apply the policies and provisions of subsection (a) to the Permanent Observer Mission of Palestine to the United Nations.

(2) RELIEF.—Any district court of the United States for a district in which a violation of subsection (a) occurs shall have authority, upon petition of relief by the Attorney General, to grant injunctive and such other equitable relief as it shall deem necessary to enforce the provisions of subsection (a).

(c) WAIVER.—

(1) AUTHORITY.—The President may waive the application of subsection (a) for a period of 180 days if the President determines and certifies to the appropriate congressional committees that such waiver—

(A) is vital to the national security interests of the United States and provides an explanation of how the failure to waive the application of subsection (a) would be inconsistent with the vital national security interests of the United States; and

(B) would further the achievement of the requirements outlined in the certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act).

(2) RENEWAL.—The President may renew the waiver described in paragraph (1) for successive 180-day periods if the President makes the determination and certification described in such paragraph for each such period.

SEC. 9. INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) UNITED STATES POLICY.—It shall be the policy of the United States that the United States Executive Director at each international financial institution shall use the voice, vote, and influence of the United States to prohibit assistance to the Palestinian Authority unless a certification described in subsection (b) is in effect with respect to the Palestinian Authority.

(b) CERTIFICATION.—A certification described in this subsection is a certification transmitted by the President to Congress that contains a determination of the President that the requirements of paragraphs (1), (2), and (3)(A), (B), (C), and (E) of section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) are being met by the Palestinian Authority.

(c) DEFINITION.—In this section, the term "international financial institution" has the meaning given the term in section 1701(c)(2) of the International Financial Institutions Act.

SEC. 10. DIPLOMATIC CONTACTS WITH PALESTINIAN TERROR ORGANIZATIONS.

It shall be the policy of the United States that no officer or employee of the United States Government shall negotiate or have substantive contacts with members or official representatives of Hamas, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, al-Aqsa Martyrs Brigade, or any other Palestinian terrorist organization, unless and until such organization—

(1) recognizes Israel's right to exist;

(2) renounces the use of terrorism;

(3) dismantles the infrastructure necessary to carry out terrorist acts, including the dis-

arming of militias and the elimination of all instruments of terror; and

(4) recognizes and accepts all previous agreements and understandings between the State of Israel and the Palestine Liberation Organization and the Palestinian Authority.

SEC. 11. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) PALESTINIAN AUTHORITY.—The term "Palestinian Authority" has the meaning given the term in section 620K(e)(2) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act).

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

Mr. BLUMENAUER. Mr. Speaker, I rise to claim the time in opposition. I am opposed to the bill.

The SPEAKER pro tempore. Is the gentleman from California (Mr. LANTOS) opposed to the motion?

Mr. LANTOS. No, Mr. Speaker, I strongly support the motion.

The SPEAKER pro tempore. On that basis, the gentleman from Oregon (Mr. BLUMENAUER) will control the time in opposition to the motion.

The Chair recognizes the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that debate on this matter be extended by 80 minutes, equally divided.

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield half of my time to the gentleman from California (Mr. LANTOS), and I ask unanimous consent that he be permitted to control that time.

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

There was no objection.

GENERAL LEAVE

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

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I thank the gentlewoman for bringing this resolution to the floor and to the gentleman from California for his support for this resolution. It is incredibly important that we bring this resolution to the floor today, and I rise in strong support

of the Palestinian Anti-Terrorism Act which reaffirms America's support for our allies in Israel and protects American interests.

It also brings an end to the dangerously infantilization of the Palestinian people, who through this legislation will finally be held responsible for their political decisions.

In and of itself, January's Palestinian election was a victory for the civilized world in the war on terror. The elections were fair, nonviolent, and added further evidence in support of democracy's fundamental compatibility with Middle Eastern culture.

The outcome of that election, the ascendancy of the unrepentant terrorist organization Hamas, was another story all together. The Palestinian people have made their choice; and while we must respect their God-given right to self-determination, the choice they made has consequences, chief among them the immediate end of foreign assistance to the Palestinian Authority.

American aid to the Palestinian people must be predicated on their rejection of terrorism. And as long as Hamas seeks the destruction of Israel and the murder of innocent Israelis, the United States cannot financially support the Palestinian Authority.

When the day comes that Palestinian leaders reject violence, break apart their terrorist infrastructure, embrace freedom, and seek membership in the civilized world, we will welcome them. Until that day, not a dime.

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

Everybody on this floor wants to send the same loud and clear message: that Congress is united in its opposition to terror and we are all deeply concerned about the future and security of our close friend and ally, Israel.

This debate is not about our shared revulsion at those who would murder innocent citizens or sow terror for political purposes.

□ 1915

It is not about current law, which prohibits any assistance to Hamas or a Hamas-controlled government, which Congress unanimously reaffirmed earlier this year. For many people, we will find tonight that this is a very personal issue. For anyone who has visited Israel, you understand.

When I first visited Jerusalem, I couldn't help but be struck by how close the holy sites of the three great religions are, less than the distance of a Tiger Woods 5-iron shot. I will always cherish the opportunity in a more optimistic time, to visit a security checkpoint outside Ramallah, jointly manned by Israelis and Palestinians. The possibility of that moment, its fragility and the ramifications of failure, have been brought home to me repeatedly in recent years.

I was and am impressed by the diversity of opinions in Israel, by its vibrant tradition of democracy and heated de-

bate. But I am also struck by how we are seeing elements of that vibrant debate within the American pro-Israeli community over the bill that is before us this evening.

As someone committed to Israel's security and to the vision of the two states living side by side in peace, I reluctantly oppose the legislation this evening, despite my deep respect for my colleagues who are bringing it forward on both sides of the aisle.

The bill before us is one that the administration does not need nor want. It sets permanent and inflexible limits on the United States, whether or not Hamas is in power. It could potentially limit the United States' ability to help our friend Israel if Israel decides in the future that working with a non-Hamas-controlled Palestinian Authority is in their best interests.

Remember in 1995, Israeli Prime Minister Itzhak Rabin asked the United States to support a flawed Palestinian Authority because he felt it was important for Israel's security. Had the stringent conditions in this bill been in place, we would have had to have said no.

In 2003, Israeli Prime Minister Ariel Sharon asked the United States to support the Palestinian Prime Minister, Mahmoud Abbas. Had the stringent conditions in this bill been in place, we would have had to say no.

Should a future Israeli leader come and ask us to support the Palestinian Authority, after Hamas is forced from power, we shouldn't allow the conditions in this bill to force us to say no.

Unfortunately, this bill defines the Palestinian Authority to include the Palestinian legislative council, as long as members of Hamas are in the Palestinian Parliament. We would have to say no to Israel's request.

As has been pointed out with Libya, the debate over Libya, sometimes we allow diplomatic relations with imperfect regimes because progress can best be made through engagement instead of isolation. This bill goes far beyond the ramifications of January's election and Hamas' rise to power.

It would restrict relations with and support for Palestinian groups and institutions that have nothing to do with terror or rejectionism. It places sanctions on the Palestinian leaders and parts of Palestinian civil society who support peace with Israel, oppose terrorism and who, if the two-state vision comes to pass, will form the backbone of a democratic society.

There is, in this legislation, no recognition that Palestinian society is deeply divided, and that it makes no sense to put sanctions on President Abbas, reformers, even activists for democracy, peace and coexistence. The bill would prohibit the assistance we give to schools that teach peace, to democratic and peaceful political organizations, to groups promoting cooperation with Israel on shared environmental challenges.

It would even punish the democratic opposition by prohibiting visas for

moderate Palestinian legislators or government officials who oppose Hamas. It would prevent the PLO, of which Hamas isn't a member, and which was not impacted by the election of Hamas, from having representatives in Washington or at the United Nations. I am afraid that this legislation may well backfire by actually strengthening the hands of extremists.

Remember, this past winter, the House, in our wisdom, voted to demand that the Palestinians prevent Hamas from running in the legislative elections, telling the Palestinian people to reject them. I don't think it was any accident that Hamas election banners had: "Israel and America say 'no' to Hamas. What do you say?"

I can't help think that any objective appraisal would suggest that the United States Congress, telling them what they could do, may well have provided that extra boost for Hamas' prospects at the election.

This bill provides no diplomatic horizon, no sunset. It is in perpetuity. It does little to prioritize on the basis of our strategic interest and provides no prospect for Palestinian reform coming through the process of negotiations. In so doing, it weakens the hands of those who advocate for peace negotiations and supports those extremists who believe in violence.

Democracy is a complex process in the Middle East and all too rare in the Middle East. The election of Hamas shows that for the kinds of democracies we want to see, elections aren't enough. We need to promote the kinds of democratic institutions, free civil society, conducive to sustainable, liberal democracy in Palestinian territories.

The President needs to be free to do just that, with congressional oversight, not congressional prohibitions and micromanagement. I understand the sincere concern that many people who support this legislation have, but it is too onerous and burdensome on an administration that needs to practice diplomacy.

Democracy is a continuing process that helps transform those who practice it. I agree with the rabbi from my district who wrote that, "change is everything in politics, no matter how bleak the situation currently is," in expressing his opposition to this legislation. We cannot support Hamas or other terrorist groups, but neither should we close the door on change.

Most of the Members of this body consider themselves to be strong friends and supporters of Israel. So do I. That is why I will urge a "no" vote on this resolution.

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

Mr. LANTOS. Mr. Speaker, I rise in strong support of this legislation and yield myself as much time as I may consume.

During the course of this debate, I will rebut point-by-point the items raised by my good friend from Oregon,

for whom I have great respect and great affection. But let me just say that while I am convinced that his position is motivated by the best of intentions, he totally misrepresents the nature of our legislation.

Mr. Speaker, it was my great pleasure to join my friend and distinguished colleague, ILEANA ROS-LEHTINEN, in introducing the Palestinian Anti-Terrorism Act. It has also been an honor to work with the chairman of the committee, HENRY HYDE, in bringing the bill to the floor in its present form. I would like to thank all 295 of my colleagues who are cosponsors of this bill, which was reported out of the International Relations Committee on a bipartisan vote of 36-2. I repeat, the legislation was reported out of the International Relations Committee representing the broadest spectrum of views and positions by a vote of 36-2. This is a bill that enjoys the broadest bipartisan support.

Mr. Speaker, a little more than a month ago, a 16-year-old boy from Florida, Daniel Wultz, arrived in Israel with his family. They were celebrating Passover, which commemorates Jewish liberation from brutality long ago. On a pleasant evening in Tel Aviv, Daniel met his father for dinner at a popular falafel restaurant in a working-class neighborhood.

Moments later, a Palestinian terrorist detonated 30 pounds of explosives just a few feet from the father and son. Daniel suffered severe internal injuries, and his leg had to be amputated.

After a valiant struggle for survival, Daniel died last week. As for his father, he faces a long and painful recovery physically; the psychological repercussions one can only speculate on.

This tragedy was compounded several times over, Mr. Speaker. In this one terrorist incident, perpetrated by Hamas, 10 people were murdered, more than 60 were injured, and hundreds of loved ones are suffering the atrocities, the effects of these atrocities for the rest of their lives.

Mr. Speaker, during the murderous Intifada, orchestrated, planned and perpetrated by Hamas, more than 1,000 Israelis were killed in incidents like this recent one, barbarous, random, sneak attacks on men, women and children, just going about their lives. Given its comparatively small population, less than 6 million, the loss of 1,000 innocent lives in Israel is the equivalent of losing 50,000 here in the United States. I wonder how many of our colleagues would stand up for the terrorists if we had lost 50,000, not 3,000 on 9/11.

What was the response of the Hamas government to the restaurant bombing? The spokesman for Hamas said that it was, and I quote, Mr. Speaker, "legal." This monstrous act, the most recent terrorist attack, killed 10 people, and Hamas leadership says, it's legal. No condemnation, no promise of pursuing the perpetrators of this vicious crime; just a blanket endorse-

ment of suicide attacks on both American and Israeli citizens.

Now, despite the pathetically naive hopes of some that Hamas would change its stripes upon assuming power, if anything, the anti-Israel rhetoric has only been stepped up. The foreign minister of the terrorist government, Mahmoud al-Zahar, recently told the world that he dreams of, and I am quoting again, Mr. Speaker, "hanging a huge map of the world on the wall at my Gaza home, which does not show Israel on it, because there is no place for the State of Israel on this land."

So much for moderation.

Mr. Speaker, such statements by Hamas government officials make crystal clear the rationale for our legislation. We must isolate the new terrorist authority in the West Bank and Gaza. The situation in the Middle East is alarming. The Palestinian Authority is now governed by a group of killers, like Iranian President Ahmadinejad, who believes that Israel, quote, should be wiped off the map.

It is therefore incumbent upon us, Mr. Speaker, as the ally and long-time supporter of the democratic State of Israel, to do everything we can to demonstrate the bankruptcy of Hamas' vision and to ensure that Hamas receives no help from the United States in implementing its evil plans.

Our bill does exactly that. We will end all assistance to the Palestinian Authority with exceptions for humanitarian aid. We will also end all contact between U.S. diplomats and the Hamas-controlled Palestinian Authority.

□ 1930

Our goal, Mr. Speaker, is not to punish the Palestinian people. Our goal is to demonstrate to them, and to their government, that hatred, murder, assassination and non-recognition of neighbors is unacceptable in a civilized world. Accordingly, we want to make sure that the U.S. taxpayer will not supply one penny of aid for which the Hamas government can claim any credit, and we want to make sure that Hamas and its government are accorded absolutely no legitimacy by the United States or our diplomatic representatives.

Our bill, of course, recognizes that humanitarian emergencies will arise and that we should be supportive of appropriate NGO activities. Just to cite one example, Mr. Speaker, I wrote Secretary of State Condoleezza Rice recently asking that the United States provide funding to assist the Palestinians in dealing with the serious outbreak of avian flu in the Gaza Strip, and I am pleased that our government has been responsive to my request. I think we would all agree on continuing the U.S. tradition of dealing with the humanitarian needs of any people, including the Palestinian people.

I am sure that all of my colleagues will join me in praising the government of Israel for the plan it an-

nounced just yesterday to release \$11 million and let these funds be used for medicine and equipment for Palestinian hospitals, bypassing entirely the terrorist government of Hamas.

Mr. Speaker, representatives of the United States have been meeting with their counterparts from Russia, the United Nations and the European Union to discuss the financial crisis that Palestinians have faced since Hamas came to power. Our bill is fully consistent with the positions and policies of the so-called quartet.

Mr. Speaker, we in this Congress are sickened by the fact that the Palestinians chose Hamas as their leader, and we are sickened and appalled by everything that Hamas stands for. Our bill, H.R. 4681, demonstrates that America will stand firm in the fight against terrorism, while remaining true to the hope for a peaceful Middle East. Our legislation will serve as a model for the right policy to take against terrorists, however they take power, and on behalf of the democratic ally that is the target of suicide bombings by a governmentally-organized campaign.

Allow me a personal word, Mr. Speaker. As all of my colleagues know, I am the only Holocaust survivor ever elected to the Congress of the United States. My family was wiped out by a government that systematically sought to eliminate an entire people.

I am here today to tell you that what Hamas has in mind is a holocaust on the installment plan. I repeat, I am here today to tell you that what Hamas has in mind is a holocaust on the installment plan. It is being done one atrocity at a time. As long as support continues to flow to Hamas, this holocaust on the installment plan will continue, and ultimately, it might succeed. But our bill will stop it.

I strongly urge my colleagues to join me in supporting this important, vital, bipartisan piece of legislation.

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

Mr. BLUMENAUER. Mr. Speaker, I yield 6 minutes to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM of Minnesota. Mr. Speaker, tonight we should be working to ensure security and peace for Israel and for more hope, opportunity and peace for the Palestinian people.

Among our colleagues in the U.S. House, there is unanimous intolerance and condemnation for the current Hamas-led government of the Palestinian Authority. The refusal of the political leadership of Hamas to recognize the State of Israel, renounce violence and terrorism and agree to previous agreements and obligations of the Palestinian Authority is unacceptable, and, therefore, they must continue to be isolated by the international community.

Congress should be here tonight unanimously passing a bill that supports Secretary of State Rice as she leads the international community to keep firm pressure on Hamas until

they agree to internationally recognized and civilized standards of conduct. At the same time, Congress should be working to support the Bush administration and the international community to avoid a serious humanitarian crisis among the Palestinian people.

On May 9, 2006, Secretary Rice said as she announced \$10 million of medical assistance to the Palestinian people, "We will continue to work and look for ways to assist the Palestinian people and will encourage other countries to join us in this effort." She goes on to say, "We will not, however, provide support to a Hamas-led government that refuses to accept the calls of the Quartet and the broader international community to renounce terror and to become a partner for peace."

I strongly support her efforts, and it is unfortunate that the bill tonight could not have been drafted to come to the floor that would be supported by the State Department. The State Department's comment regarding H.R. 4681 is, "this bill is unnecessary."

Instead of advancing the U.S. interests, H.R. 4681 does not recognize the three criteria set forth by President Bush, demanded by President Bush and the international community, for Hamas to commence any form of engagement and to work with the U.S. and the international community.

H.R. 4681 sets an elevated threshold which makes U.S. leadership for peace in the Middle East nearly impossible, even if Hamas does agree to recognize Israel, does renounce terrorism and does agree to abide by all previous agreements.

The outcome of this bill, if it were to become law, would be to isolate Palestinian leaders who have been committed to advancing the peace process, isolate leaders who have denounced terrorism and isolate leaders who are working with Israel for peace and a permanent two-state solution. How does this advance the U.S. goals in the region? It does not.

This bill's real result will be to isolate the U.S. among the members of the international community that are working for peaceful solutions between Israel and the Palestinians.

One of our partners in isolating Hamas and delivering humanitarian assistance to the Palestinian people is the United Nations. A section in this bill calls for the withholding of a portion of the U.S. contribution to the United Nations, as if this valuable partner were an enemy. For this bill to target the United Nations, a member of the quartet, in such a fashion is a clear signal that this bill's intent is to undermine the Bush administration's multilateral leadership.

This bill places extreme constraints on the delivery of humanitarian assistance by non-governmental organizations to the Palestinian people. This bill's unnecessary obstacles have the potential for very negative human consequences and would exacerbate a human crisis.

Palestinian families and children must not be targeted. They must not be deprived of their basic human needs by this Congress. Instead, this House should assure that Palestinian families and children will be treated in a fashion that reflects our values and the belief that their lives are valuable.

NGOs with significant experience in delivering humanitarian assistance have expressed serious concerns with the lack of flexibility in this bill. On April 6, 2006, a letter from the United States Conference of Catholic Bishops to Chairman HYDE expressing concerns regarding this bill states, "The legislation provides for the urgent needs of the Palestinian people. A further deterioration of the humanitarian and economic situation of the Palestinian people compromises human dignity and serves the long-term interests of neither the Palestinians nor of Israelis who long for peace."

In its present form, this bill will not allow NGOs to properly carry out the very assistance determined to be necessary by Secretary Rice, ensuring suffering and misery to the Palestinian people.

Later this week in this Chamber, we will be honored by the presence of Israeli Prime Minister Ehud Olmert. In an interview last week, Prime Minister Olmert said the Palestinians "are the victims of their own extremist, fundamentalist, religious, inflexible and unyielding leadership, and we will do everything in our power to help these innocent people."

I strongly associate myself with the honest and courageous comments of the prime minister and his desire for security and peace. I oppose this bill because it is a missed opportunity to keep pressure on Hamas.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. CANTOR), the chief deputy majority whip.

Mr. CANTOR. Mr. Speaker, first of all, I would like to salute the gentlelady from Florida on her unbelievable leadership in bringing this bill to the floor and her tireless efforts in the promotion of freedom and the rejection of terror around the world. I thank her for that.

I also would like to salute and thank Chairman HYDE for his leadership in bringing this bill to the floor, and certainly the gentleman from California for his dedication to the rejection of terror and the promotion of freedom in such a tireless way and such an articulate manner here on the House floor. I thank the gentleman as well.

Mr. Speaker, I do rise today in strong support of H.R. 4681, the Palestinian Anti-Terrorism Act. The policy behind this piece of legislation is identical to that which undergirds the Bush doctrine. It is simple: Terrorism is evil and will not be tolerated. Murderous acts carried out by the terrorists must be stopped, and those who perpetuate this evil deserve nothing less than condemnation and destruction. That is why this legislation must pass.

Israel has been fighting a war on terror for more than 60 years. Presently, Israel finds itself in the unique position of facing a terrorist organization that is hiding behind the legitimacy of the Palestinian Authority. Some have chosen to recognize Hamas, a terrorist organization, as a legitimate governing body for the Palestinian Authority. We in the United States Congress find this unacceptable.

Hamas believes that terrorism is a legitimate tool of political negotiation. Hamas does not hide from its endorsement of homicide bombings or its desire to use this tactic to achieve its goal of destroying Israel.

Make no mistake about it: Hamas kills. It murders. It maims. It orphans, and it robs. It blunts the future of innocence. It takes away the happiness of children, and it tears apart families. Hamas believes that this behavior is somehow acceptable.

Today, we must send a message to Hamas and President Abbas that the free nations of the world reject their desire to be recognized as legitimate leaders of their people. Both Hamas and Fatah's al-Aksa Martyrs Brigade have a record of terror and their leaders have a demonstrated lack of humanity by allowing these murderous activities.

Mr. Speaker, today the United States House of Representatives sends a strong message that our government does not and will not deal with terrorists, nor in this Congress should we or will we allow American taxpayer dollars to fund the terrorist activities.

Israel is engaged in a war on terror. It is a war that is part of that which is worldwide and in which we find ourselves engaged as well.

□ 1945

Make no mistake about it, the very freedoms that we hold dear are at stake, and we must never stop fighting this war until the last terrorist on Earth is in a cell or a cemetery.

Mr. Speaker, unfortunately, I stand before you as the violence and pain of Palestinian terror was felt by my family. As Mr. LANTOS, the gentleman from California has said, last week, Daniel Wultz died of wounds he suffered in a homicide bombing in Tel Aviv in April. Daniel was my cousin. He and his family were visiting Israel celebrating the Jewish holiday of Passover.

Daniel and his father were eating lunch at a cafe in Tel Aviv, when a homicide bomber blew himself up at the restaurant. For 27 days Daniel fought for his life, but last Sunday he died as a result of his wounds. Daniel was passionate about his family, friends and the community around him. He was an excellent student and a member of the varsity basketball team at the David Posnack Hebrew Day School in Plantation, Florida.

He was active in the Chabad Lubavitch of Weston and hoped to pursue his religious studies further after

high school. He was a handsome, witty and compassionate young man, and did not hesitate to speak out against any injustice he encountered in his daily life.

He was devoted to the laws and teachings of Judaism and Tikun Olam, the Jewish ideal that we must work to make the world a better place. Daniel was a young man with a bright future. Now he is gone, robbed of his bright and promising future.

Daniel is survived by his parents, Sheryl and Tuly Wultz, and his sister, Amanda. I join my colleagues in sending our deepest sympathies.

Mr. Speaker, I want to again salute the gentlewoman from Florida and her efforts on this bill and want to say that I wholeheartedly supported her bill in its original form as well.

Mr. Speaker, I would draw the House's attention to page 8 of the bill and section 2 in which we speak about the exceptions to the prohibition of assistance in the Palestinian Authority, especially to section 620K of the law in which the bill provides for an exception to fund the President of the Palestinian Authority for nonsecurity expenses.

It is this provision, Mr. Speaker, that I hope that we will be able to limit and remove in the conference with the Senate. Hamas must renounce terrorism, destroy all terrorist organizations that are allowed to operate in the Palestinian Territory, and it must recognize Israel's right to exist as a Jewish state. Hamas and the Palestinian President, Mr. Abbas, must understand that we in the United States Congress are serious about this policy.

We must make it clear to the world that the U.S. does not see terrorism as a viable tool for negotiations. This is a first step in the process. And I would like to bring to the attention of the House that I strongly disagree with one of the speakers from the opposition who stated that this bill does not provide for humanitarian efforts for emergency aid for the people in the Palestinian Authority. It does.

Mr. Speaker, I look forward to working with the gentlewoman, to working with Chairman HYDE and the gentleman from California to strengthen this bill. I urge passage of this bill, and note that we all must stand for the absolute rejection of terrorism and absolutely no U.S. taxpayer dollar being spent for terrorist activities.

Mr. BLUMENAUER. Mr. Speaker, I yield myself 45 seconds.

Mr. Speaker, invoking the Bush doctrine, the previous speaker talks about humanitarian assistance. One of the concerns that the Bush administration has in not supporting this bill is that it is too narrowly drawn, talking about "health," and not broader humanitarian assistance.

Mr. Speaker, I will discuss that later in the course of the evening. Due to the mandatory nature of the bill, its lack of a general waiver, the executive branch thinks it is unnecessary. It al-

ready has ample authority to impose all its restrictions, and constrains the executive branch's flexibility to use sanctions as appropriate as tools to address rapidly changing circumstances.

These are the words of the administration. And I think the Congress would do well to consider them.

Mr. Speaker, I yield 5½ minutes to the gentleman from North Carolina (Mr. PRICE).

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, almost exactly a year ago, I joined a bipartisan group of Members in visiting the Hope Flowers School in the Palestinian village of al Khader, just outside of Bethlehem on the West Bank.

Hope Flowers teaches its students a curriculum promoting tolerance, non-violence, democracy and peaceful coexistence. Our bipartisan delegation witnessed the signing of a USAID agreement to renovate several classrooms and other key facilities at the school.

Projects like this are supported by the United States throughout the Palestinian territories. Other projects are paying for modern school books to ensure that fundamentalist propaganda has no place in Palestinian schools; potable water projects to prevent the spread of disease, economic development to improve job prospects for Palestinian youth, and construction of hospitals, schools, sewers, power grids and business centers.

These types of projects are critical to our interests, to Israel, and to the prospects for peace. They help prevent humanitarian crises and diminish popular discontent, and they also inculcate values like those taught at Hope Flowers.

They train peacemakers; they improve America's standing in the Middle East. Why would we want to eliminate programs like these? Are they not needed now more than ever? And yet that is exactly what H.R. 4681 would do. It would cut off U.S. assistance to the West Bank and Gaza.

Mr. Speaker, I stress, despite the way some proponents are trying to frame this debate tonight, the issue is not aid to Hamas or to the Hamas-controlled Palestinian Authority. Nobody on this floor tonight has any tolerance for Hamas.

The issue is rather the bill's ban on aid to all nongovernmental groups, private groups, and organizations, many of whom are diametrically opposed to Hamas's philosophy. Let me clarify some further misconceptions about this legislation. I am not speculating here, Mr. Speaker; I am referring to page 12 of the bill. I invite colleagues to read it.

Mr. Speaker, some have suggested the bill contains sufficient exceptions to allow humanitarian assistance to pass through. Not so. The bill makes an exception for health-related humanitarian aid, such as food, water and

medicine. But it makes no provision for other forms of humanitarian assistance, such as aid for the homeless or displaced families and orphans.

Mr. Speaker, some have pointed to Presidential waiver authority in the bill and suggested that it would allow critical assistance to reach Palestinians. Not so. Unfortunately, all aid beyond health-related humanitarian assistance would be prohibited unless the President, on a case-by-case basis, were to certify that assistance is required by U.S. national security.

And then he would have to consult with Congress 25 days in advance and submit a written memorandum explaining why such assistance benefits U.S. security. How many projects would survive such a gauntlet? Think about the kinds of aid programs that would be cut off, projects that focus on building democratic institutions and civil society, projects that promote economic development to stabilize the territories, projects that ensure that school curricula provide students with a progressive education rather than fundamentalist propaganda, curricula that teach tolerance and conflict resolution skills. Surely programs like this are in our interest.

Mr. Speaker, they are exactly what we need to reduce violence, to build the capacity of Palestinian civil society, and make progress toward a peaceful resolution; and yet they are exactly the programs that would be eliminated in this bill.

Mr. Speaker, there are other problems with the bill as well. It would significantly handicap any effort to engage the moderate elements in the Palestinian Authority, such as Palestinian Authority President Abbas, by opposing restrictions on visas, travel, and official Palestinian Authority representation in the U.S.

Mr. Speaker, because of these fundamental flaws in the legislation, it is opposed by several leading voices for Israel and Middle East peace, including the Israel Policy Forum, Brit Tzedek, Americans for Peace Now, Churches for Middle East Peace, a broad Protestant coalition, and the U.S. Conference of Catholic Bishops.

The Bush administration also opposes this bill. In a paper delivered to the House International Relations Committee, the State Department calls the bill unnecessary and says it unduly constrains the Executive's flexibility.

Mr. Speaker, there is no denying that Hamas's election victory was a significant step backward in the quest for a peaceful resolution to this conflict. There is no disagreement here tonight that we should send Hamas a strong message that the world will not tolerate its violent and irresponsible behavior.

But this bill goes far beyond sending that message. Instead, it sends the message that the U.S. wants to punish the Palestinian people for Hamas's action, a message that serves no good purpose.

We can unanimously support, and that is what we should be doing tonight, my colleagues, we can unanimously support legislation blocking assistance to Hamas, and to a Hamas-controlled Palestinian Authority.

But if we adopt legislation that punishes the Palestinian people, instead of isolating the terrorists, we lose the moral high ground. Let us reclaim the moral high ground, signal our resolute opposition to terrorism and also our support for those Palestinian individuals and groups who are working for a peaceful and democratic future.

Mr. Speaker, we should defeat this bill and ask the IR Committee to bring back a bill truly reflective of American interests and values.

Mr. LANTOS. Mr. Speaker, I yield 7 minutes to my good friend and our distinguished colleague from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I thank the ranking member.

Mr. Speaker, first the criticism of the procedure. This is a difficult and complex bill. It has no business being before us under suspension of the rules. It ought to be subject to amendment and unrestricted debate. It's not like we didn't have enough time.

And to show our commitment to democracy by muffling it here serves no good purpose. But we do have the bill before us. I plan to vote for it after some conversation in which I hope I can be joined by the gentleman from California.

Mr. Speaker, let me explain my basic reason. We were told when Hamas won that election, tragically, when the majority of the people of Israel were ready to make significant concessions, had already begun to do that, an historic moment when Israel was ready to make significant concessions for peace, they were totally repudiated. We were told, well, don't overinterpret that election, because the victory of Hamas, which in percentage terms wasn't as great as in the Parliament for a variety of reasons, but we were told that victory for Hamas was not simply from people who agreed with their rejectionist, hateful philosophy; but it was probably because they were so much better than Fatah at delivering services.

To some extent, we got the explanation, frankly, for congressional earmarks. Why do Members here like to earmark? Because they can go deliver the goods to people back home and then get votes from people who don't agree with them. That is, we all know, why we have earmarks.

Well, I don't want Hamas getting any more earmarks. I don't want to contribute to a situation where Hamas can deliver the goods because they are well funded, and then can convert the good will they earned with that money into votes for rejection.

That is why I fully support a strict refusal to fund Hamas. And people say, well, you will be punishing the Palestinian people. I have heard the argu-

ment before. There are a lot of differences, but there is one common thing.

When this House helped override the veto of Ronald Reagan against sanctions against the hateful, racist regime of South Africa, we were told by many that we would be hurting the people of South Africa, and that was true. The average South African, the average black South African who was victimized by apartheid was, in the short term, victimized by sanctions. And we did not apply sanctions only against the racists who ran the government; we applied sanctions against the whole country.

It is sometimes the case that appropriate public policy will have short-term negative effects. But here is our problem, as I say. We have been told that Hamas won that election in part because of its skill at delivering goods and services. That means if you support peace, it is very much in your interest not to aid Hamas's ability to deliver goods and services.

So I fully support the part of the bill that says, no aid for Hamas. I have to say to some of my friends, I do also want to warn the President, as some of my liberal friends have come here to defend his right for flexibility in the foreign policy, please be warned that that is a very temporary alliance.

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Mr. President, please don't assume that your allies here arguing for your flexibility will last much longer than tonight. But I also am very skeptical of those who say, well, let's give the money so they can have better schools. Let's give the money so they can learn reconciliation, et cetera. No, I don't think a Hamas government is going to allow that. So I am very much in favor of this bill insofar as it says, no, we will not contribute to the further political growth of Hamas. I want that government to fail and fall. And that does mean, as it did with sanctions in South Africa, some short-term pain, although this bill, more than it has been described by its opponents, does allow for humanitarian aid.

Let me say for those of my liberal friends who mourn for the President's flexibility: Don't you know that whenever we grant waivers, no matter how complicated the process, they are waived? There is nothing about a requirement of a Presidential waiver that ever stops the President from doing what he has done. The President can certify that Abbas was pregnant if he had to to get the bill through, and he would do it. The history of waivers is they have been no obstacle to what policy is.

But here is my problem, and I would ask the gentleman from California to respond in this way, I agree that we shouldn't aid Hamas. But this bill says we should only aid any entity if it becomes democratic or has taken steps to become democratic and to become transparent. Now, I am all for democ-

racy and transparency, although their immediate benefit is a little unclear in the Middle East right now. But I believe that if there were a strict interpretation of this criteria, we could not have helped the Camp David Peace Agreement with Egypt which was neither democratic nor transparent, nor is Jordan, nor was the PLO and the PLA before Hamas.

Let me put it this way: If Abbas' team had won instead of Hamas, I believe there might have been an argument that they don't meet the criteria. So I would ask the gentleman from California, how strictly are we going to interpret these criteria? Can he give me some assurance that these criteria will not be so strictly interpreted that you would make it impossible to deal with the very imperfect regimes that we are going to have to deal with?

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

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. LANTOS. If I may take the floor, I fully agree with the interpretation of my friend from Massachusetts. We are not looking for protection from Hamas. There is no perfection in any of the governments with which we have diplomatic relations and which we support with huge amounts like the government of Egypt. We are merely asking for minimal standards of civilized behavior, the termination of suicide bombings and the acceptance of their neighbor in peace.

Mr. FRANK of Massachusetts. I thank the gentleman. Reclaiming my time, I hope as this process goes forward in the less restricted other body that we can clarify that and sharpen it. I will say that with regard to the international financial institutions over which the committee on which I serve has jurisdiction, we struck from the bill the requirement of democracy as a prerequisite for peace in the Middle East.

Let me also note, by the way, I was struck, the gentleman from Virginia lamented the inclusion in the provision in this bill which some of the opponents have denied existed. It is kind of an odd thing. The poor provision is attacked by people who don't like it and denied by people who do. That is the provision allowing aid to the president of the Authority. The bill does provide that the aid can go to President Abbas to make peace, not just for his personal security.

So I disagree with the gentleman from Virginia. It is that amendment and some of the other amendments that we have had in there. So I will be voting for the bill at this point in the spirit the gentleman from California has mentioned, namely that, yes, we say "no" to Hamas because we have no interest in funding Hamas so it becomes more politically popular in support of its rejectionism. But we do not interpret this bill as being an obstacle to negotiations of the sort that we have with Egypt, with Jordan, with

Arafat, certainly no winner of the civil liberties award from anybody.

With that assurance of the gentleman and the hope that we can refine this as it goes forward, I will vote for this bill.

Mr. LANTOS. We appreciate the gentleman's support.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KUHLMANN of New York). The Chair would remind Members to direct their remarks to the Chair, not the President.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. PENCE), a member of the International Relations Committee.

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

Mr. PENCE. I thank the gentleman for yielding, and more to the point, I thank Representative ROS-LEHTINEN for her extraordinary leadership of the Subcommittee on the Middle East and Central Asia where it is my privilege to serve. My heartfelt appreciation to Chairman Henry Hyde to demonstrate that the lion still roars. His leadership in bringing this legislation to the floor is meaningful and of global significance. And to my mentor and friend, the ranking member, the gentleman from California (Mr. LANTOS) I rise with gratitude for your moral leadership again demonstrated on this floor this evening with your eloquent and powerful words.

I rise today in strong support of the Palestinian Anti-Terrorism Act. As an original co-sponsor of the act, I come to this floor tonight saddened. I am saddened at what seems to be a diminishing opportunity for peace. In the wake of a world hopeful with the election of President Abbas, we saw it followed with the election of a legislative majority within the Palestinian Authority of a terrorist organization known as Hamas. I am saddened tonight by the story of Daniel whose family's loss will be remembered, not just as it was poignantly this evening by Congressman CANTOR on this floor as he spoke of his own flesh and blood, but will be remembered later this week as the Prime Minister of Israel comes with some of Daniel's family at his side.

The gentleman from California (Mr. LANTOS) reminded us of the human cost about which we debate tonight, and the policies and the messages that we will send from this well to a waiting world will speak to real human loss, a loss of opportunity, a loss of promise, to the loss of Daniel. It has been said many times tonight, and I take my colleagues at their word, that the State Department has said that this legislation is "unnecessary."

But let me say, as one of 435 Representatives in the United States House of Representatives, that the world waits for the leadership of this Congress and this Nation, and they wait for moral leadership that is clar-

ion, and this serious debate tonight about which there are serious differences that I deeply respect, this debate tonight about the future of American financial assistance to the Palestinian Authority is such a debate.

Let us say plainly, Hamas is a terrorist organization that advocates for its political ideology the murder of innocent civilians. This Congress, this President, his administration and the American people have been clear, the United States does not support, negotiate or fund terrorist organizations, even those that have won a majority of a legislature. Tonight we will say clearly in this Palestinian Anti-Terrorism Act: Not one penny for Hamas.

The Palestinian Anti-Terrorism Act promotes, however, a democratic Palestinian Authority that denounces and combats terrorism, de-arms and dismantles terrorist agencies, networks and facilities, and works to eliminate anti-Israel and anti-Semitic incitement and the commemoration of terrorists; one that agrees to respect the sovereignty of its neighbors and acknowledges, respects and upholds the human rights; and one at its very core that has agreed to recognize our cherished ally, the State of Israel, as an independent, sovereign, Jewish, democratic state.

Now, there are criticisms tonight well spoken and no doubt well intentioned that say that the administration and our country will lack the flexibility to meet the humanitarian needs on the ground. But I must say, Mr. Speaker, with the clear language of this legislation that I would argue otherwise; that this legislation excludes funding for "basic human health needs." There is also the allowance of security for President Abbas, and then perhaps the broadest exception that has even met with some criticism tonight, an exception for nonsecurity expenses that are "related to the facilitation of a peaceful resolution of the conflict between the Palestinian people and Israel."

Back in southern Indiana, we call that a hole that you could drive a truck through, and it is precisely the kind of flexibility that we need in these uncertain days. In these days, even in the last 24 hours, where we have seen nascent evidence of even a civil war emerging within the Palestinian Authority, as much as I might like a much more narrowly construed bill, I am prepared to endorse this legislation, carefully crafted for the exigencies of our time. I pray for the peace of Jerusalem and for all the people that live there.

Mr. Speaker, the Palestinian Anti-Terrorism Act sends a clear signal once again that the United States will not tolerate terrorism, and we take a critical stand at this moment in history in advocating for meaningful reform to the very center of the Hamas charter. I salute my colleagues, both Democrat and Republican, for bringing this critical and moral legislation to the floor

of this Congress, and I speak my heartfelt condolences to Daniel's family. May we act in such a way that Daniel and his loss will soon, some day soon, be simply a part of a history of a time gone by, a history that will be remembered as other violent pages of the history of mankind have been remembered, with respect, with grief but representative of a time that is past. And that will be my prayer.

Mr. BLUMENAUER. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. DINGELL), the Dean of the House.

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

Mr. DINGELL. Mr. Speaker, this legislation should be considered under an open rule with lengthy debate and full opportunity to discuss it, not at 8 o'clock at night with the corporal's guard here on the floor.

I yield to no man in my support for Israel. I have voted for hundreds of billions of dollars for it over the years I have served here. And I yield to no man my position to terror and terrorism and terrorists. But that is not what is at issue here tonight.

The administration says this bill is not necessary. It points out that this bill constrains the administration in delivering meaningful diplomatic effort to resolve the problems of the Middle East. The Middle East's problems and the problems of the Palestinians and the Israelis will not be resolved by starving the Palestinians or by creating additional hardship. They are desperate people, incarcerated in walls, afflicted with high unemployment, suffering from health and other problems. The non-governmental organizations point out that this will strip them in substantial part of contributing to this. It will in large part almost totally strip the United States from the ability to address the needs of the Palestinian people and to address the humanitarian concerns which we have about them.

Peace in the Middle East is not going to be achieved at gunpoint. It is going to be achieved by negotiations, by people working together; and that process may be ugly, dirty and slow, but it is the only process that will work. To create additional hardship and suffering for the Palestinians is simply going to guarantee more desperate, angry men who are fully determined that they will go forth to kill Israelis or Americans or anybody else. Our purpose here tonight should be to look to the well-being of the United States, craft a policy which is good for this country. And that policy can only be one which is good for Israel and for the Palestinian people, one which is fair to all, one which puts the United States as a friend and an honest broker of peace to both parties where we can be so accepted.

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To take some other course is simply to assure continuing hardship and a

continuing poisonous, hateful relationship amongst the parties in the area. When this Congress realizes that and when we, this Congress and the others here, will recognize that that is the way peace is achieved, then there will be a real prospect for peace. We can expect that the Palestinians will receive the justice that they seek. We can expect that the Israelis will achieve the security that they need and they want and they deserve and that we want them to have.

This legislation will do none of that. This legislation promises further angry men, more bitterness, more hate, more ill-will; and it assures that the thing which we must use to bring this miserable situation to an end, honest, honorable, face-to-face negotiation, will either not occur or will be moved many years into the future.

Think about it. The needs of Israel are not served by this resolution. The needs of the United States are not served by this resolution. The needs of the Palestinian people are not served by this resolution.

Let us vote it down and get something which makes sense and which serves the interests of all concerned.

Mr. Speaker, I rise in strong opposition to the resolution on the floor. I oppose Hamas. I oppose what they stand for. I oppose their use of violence, their targeting of civilians; their vision for the Palestinian people; their rejection of Israel; and most of all I deplore their rejection of peaceful reconciliation.

For all these reasons, and many more, I do not think that Hamas is a true partner for peace. But while Hamas may not be, the Palestinian people are. The vast majority of Palestinians want peace. The vast majority value peace, follow the law, oppose violence—and legislation like this only hurts the vast majority we need for peace.

I understand the House's desire to ostracize Hamas. But I do not understand how we keep making the same mistakes by punishing the very people we all say we want to help. The restrictions on aid in this bill will not hurt Hamas, they will receive plenty of money from Iran, but this will hurt the Palestinian people.

Under this bill assistance will be limited only to "basic health", a restriction we reject for almost every other nation. This bill would stop economic development assistance, sanitation assistance, environmental assistance—and most ironically, at a time when we are criticizing their choice of government—democracy assistance.

Make no mistake about it; their vote was to get back at our own repeatedly misguided attempts to punish rather than cajole, to batter rather than build trust, and to impoverish rather than to uplift. When we provided Mahmoud Abbas no deliverables and only hardships, it made Hamas's promises hard to ignore.

Our actions emboldened the Hamas, and we are about to do it again. My friends, passage of this legislation will create yet another failed state and humanitarian catastrophe in the Middle East. However, this one, unlike Iraq, will be surrounded by our staunchest ally in that region. If we destabilize Palestine we will destabilize Israel. If we help create chaos we weaken the chance for finding peace between Israel and her neighbors—and even threaten the very viability of the Jewish state.

If this legislation is signed into law we will lose once and for all the Palestinian people. Our rejection of them will create one clear victor—the government of Iran. If we pass this legislation, Iran will win by default. Instead of textbooks for Palestinian children being written by USAID they will be written by the Iranian Revolutionary Council. Schools will be built with Iranian oil money and our ability to influence peace will be weaker as a result.

What I find so strange is that this legislation is being championed by people who believe themselves to be the staunchest supporters of Israel. Mr. Speaker, in order to strengthen Israel peace needs to prevail in the region. In order to guarantee Israel's survival the Palestinians need to find prosperity and view the United States as a friend. This bill will only stymie those efforts. I ask my colleagues to vote no.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 4 minutes to the gentleman from New Jersey (Mr. PASCRELL), my good friend.

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

Mr. PASCRELL. Mr. Speaker, I thank the ranking member.

I am going to support this resolution when it comes to a vote tomorrow. I want to take this opportunity, if I may, to speak about some of the issues that have been raised during this very important debate, very critical debate. We have lowered our voices, really, and raised our commitment on all sides of this issue.

I represent one of the most diverse districts in the United States of America. When I was mayor of the city that was the center of my district, Paterson, where I have lived all my life, Jews and Arabs and Muslims and Palestinians, we worked together, we prayed together, and we still do.

The conflict is very serious, we know that. Building bridges is part of my bone marrow. You learn that when you are a mayor.

The conflict in Israel is the axis on which much of the Middle East and much of the Middle East politics spins, but let us not forget that what we do and say here has major implications across the globe. This is true in the Congress, as well as when the President speaks.

The United States is strongly committed to the security of Israel as a Jewish state. There is no question that our friend and ally has every right to defend itself against those who oppose freedom and democracy.

The record will show very clearly, Mr. Speaker, that I have not put my signature on every one of those pieces of legislation over the past 10 years, but I think this is different. Many of those pieces of legislation I think exacerbated the situation in the Middle East. The ranking member and I have talked about that many times. Not this time. This is a clear denunciation of Hamas, an organization motivated by hate, not pride.

The world community harbors deep trepidation regarding the rise of

Hamas. Having taken over the government of the Palestinian Authority, Hamas has reiterated its commitment to violence and the destruction of Israel. The charter of Hamas is quite clear about this. I have read that charter time and time again. It is unacceptable, and it is the duty of all nations to keep pressure on Hamas to renounce terrorism and recognize the State of Israel.

The resolution before us today is an effective and noteworthy vehicle for the Congress of the United States to send this message. The United States will not give assistance, financial or otherwise, to Hamas or any Hamas-controlled entity. Terrorism cannot be tolerated. We will not treat this government as legitimate as long as their current dangerous policies and rhetoric remain in place.

Many of us in the House are in favor of a peaceful, two-state solution to the Israeli-Palestinian conflict, but this will be unattainable while Hamas refuses to renounce terror.

We do not want to punish the Palestinian people. We know that the overwhelming majority of Palestinians and the overwhelming majority of American Palestinians and Palestinian Americans do not adhere to the destructive philosophy of Hamas. Hamas must reject its charter which calls for the destruction of Israel. Nothing less is acceptable.

The United States must encourage the meeting between Israeli Prime Minister Ehud Olmert and Palestinian Authority Chairman Mahmoud Abbas, planned for next week, a very critical time for this legislation, as an important way to keep a dialogue going between the Israelis and the Palestinians.

I will vote for this legislation because I feel strongly that the loudest message practicable must be sent to Hamas.

Mr. BLUMENAUER. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Mrs. CAPPS).

(Mrs. CAPPS asked and was given permission to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I thank my colleague from Oregon for yielding.

Mr. Speaker, let me begin by paying special tribute to Chairman HYDE. This may be his last year of service in this House, but his legacy of trying to bring peace to Israel and the Palestinians will live on for many years to come.

Mr. Speaker, I must rise in opposition to this bill.

Let there be no mistake, Hamas is a ruthless terrorist organization. Unless Hamas recognizes Israel's right to exist and renounces terror, the Palestinian Authority should receive no direct U.S. assistance. Direct aid to the Hamas-controlled PA has been cut off. The basic goal of this bill has already been accomplished.

But H.R. 4681 goes well beyond this objective. It is a punitive measure aimed at punishing the Palestinian people. It will undermine U.S. national

interests. It will do nothing to strengthen Israel security.

I have two main objections with this bill. First, it places nearly insurmountable efforts to future U.S. efforts to engage Palestinians and Israel in peace-making. It lacks the normal Presidential national security waiver; and unbelievably, it would limit United States diplomatic contact with moderate, non-Hamas Palestinian officials. Why is this? These are the very leaders who recognize Israel and who support peace, and it makes absolutely no sense for us to undercut them at this critical time.

Second, except for very limited circumstances, this bill will cut off humanitarian aid to the Palestinian people at the very moment when a horrendous humanitarian disaster is looming.

The United States, our Quartet partners, and Israel are all hard at work at present to avoid catastrophe and to deliver assistance around Hamas to credible and transparent NGOs. H.R. 4681 goes in the opposite direction.

I simply cannot see how denying chemotherapy treatment for Palestinian children increases Israel's security or advances U.S. national interests.

Mr. Speaker, there is significant opposition to this bill in the pro-Israel community, and I highlight again, respected national groups like Americans for Peace Now, Israel Policy Forum, and Brit Tzedek strongly oppose this legislation. They tell us voting "no" on this bill is a pro-Israel vote.

Groups like Churches for Middle East Peace and the Conference of Catholic Bishops, with decades of experience providing humanitarian relief, they oppose it as well.

The State Department also opposes the bill, calling it unnecessary and criticizing its provisions as objectionable.

On Wednesday, we will welcome Israeli Prime Minister Ehud Olmert to this Chamber. Yesterday, this is what he told his Cabinet: "We have no intention of helping the Palestinian government, but I say we will render such assistance as may be necessary for humanitarian needs." He also dispatched his top two ministers for a substantive meeting with Palestinian President Mahmoud Abbas.

If this policy of shutting the door on Hamas but opening it to Palestinian moderates and the Palestinian people themselves is good enough for the Prime Minister of Israel, it should be good enough for the U.S. House of Representatives.

So I urge my colleagues to vote "no" on H.R. 4681.

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

Before yielding time, I would like to just say a word about the avalanche of misrepresentations which we have heard on this floor.

This legislation does not in any sense provide any punishment for the Palestinian people, just the opposite. It is

carefully crafted and aimed at the terrorist organization called Hamas.

I did not know, Mr. Speaker, when I spoke about the 16-year-old young American citizen who was killed by Hamas that he is the cousin of one of our colleagues, and I would like to extend my condolences to my friend from Virginia who suffered this personal loss.

The avalanche of misrepresentations can only be ascribed to a sloppy reading of this legislation. It is extremely carefully crafted, and if, in fact, the issue would not be as serious, I would find it ludicrous that some of the sharpest critics of the Bush administration have suddenly found great affection for the Bush administration because, like all other administrations, it wants total flexibility.

It is ludicrous that the most virulent critics of the Bush administration suddenly find themselves in bed with the Bush administration. This is, to say the least, unseemly.

Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished Democratic whip, my good friend.

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

Mr. Speaker, I want to thank Mr. LANTOS and Ms. ROS-LEHTINEN for bringing this legislation to the floor.

The premise of this bill is eminently reasonable, in my opinion, and one with which the American people, I think, strongly agree. In short, the United States of America should not, indeed it must not, provide assistance to a government run by terrorists whose very policy and purpose is the destruction of another nation.

All of us are concerned about the plight of the Palestinian people, who have suffered tragically for decades under the leadership of Arafat and now Hamas.

I share those concerns. I have been to Gaza. I have been to the West Bank. I have met with President Abbas and other Palestinian officials, and I have seen the deprivation, the frustration, and the lack of opportunity in the Palestinian territories.

I think there is not one of us on this floor who is not concerned about their plight, as we should be. However, our legitimate concerns for the Palestinian people must not obscure the fact that the Palestinian Authority is now controlled by Hamas, an organization designated as a terrorist entity by the United States and by the European Union. No one here, I understand, stands to defend Hamas; but it is a movement that is committed to the destruction of another nation, in this case our ally Israel.

Mr. Speaker, I believe this balanced legislation is warranted.

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Among other provisions, it prohibits direct financial transfers to the Palestinian Authority. That is our policy: until the President certifies that

Hamas recognizes Israel's rights to exist, renounces terrorism, agrees to abide by previous PLO and PA agreements with Israel and the United States, and does not have a member of a foreign terrorist organization in a senior policy-making position.

And despite the prohibition of direct assistance, the bill includes exceptions, as it should. For example, the President still may provide assistance for nonsecurity expenses directly related to facilitating a peaceful resolution of the conflict. Furthermore, the bill restricts indirect assistance through non-governmental organizations unless the certification described above is made by the President.

However, let me add, this provision contains an unqualified exception for basic human health needs, such as food, water, medicine and sanitation services. I tell some of my friends, if that were not in here, I would have reservations, but those basic services are fully excepted in this legislation.

Mr. Speaker, this bill is, I think, measured and balanced and demonstrates the refusal of the United States to reward terrorists for terrorism. It should not be, and I think it is not, punitive as it relates to the Palestinian people. It provides, as I said, for health needs, food, water, medicine and sanitation services. They are in need of those services, and we ought to provide them.

But what we ought not to do and what we ought never to do is to give aid and comfort to terrorists or to terrorist organizations or to terrorist governments. Because if we do so, that will encourage others to commit heinous acts of terrorism, as were done here, as are done in Israel, and have been done around the world.

Mr. BLUMENAUER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Illinois (Mr. LAHOOD).

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

Mr. LAHOOD. Mr. Speaker, I thank the gentleman for the time. I think this is not a carefully crafted bill. I think this is, as much as I respect the chairman and the ranking member, and I do respect the chairman, I have known the chairman for the 20 years I have been in politics, and I respect the ranking member, but I think the approach that is offered in this bill is what I would characterize as a meat-axe approach.

This does not help common ordinary citizens. What it does is it hurts common ordinary citizens. There is no other way around it. You can protest as much as you want about Mrs. CAPPS and what she said, but she is right. Common ordinary citizens, common ordinary Palestinians are going to be hurt by this, because the funding is going to be cut off for educational services, for health services, for the services that these people need very badly.

And what we have now, it looks to me like at least a couple hundred Secretaries of State, as reflected in this

bill. Do you all know more than the Secretary of State? Do you know more than the President? Do you think your policy is better than the administration's policy? Yes, you do. Well, I don't happen to agree with that. I really don't.

And I ask Members, I may be the only Republican to vote against this. I am obviously going to be the only Republican to speak against it, but I ask Members who represent large Arab populations in their districts to think about this. This hurts the Palestinian people. There is no other way to put it. And I do not know why you are doing this. In the name of protecting Israel? I just think this is a bad idea, and I don't understand why it is being done.

I would say this: The new prime minister of Israel is in this country. In a day or two, he will be walking down this middle aisle. And if he were able to vote and have a card that would allow him to vote as he walks down, he would vote against this bill. He has recognized that it is a bad bill. And if he had the opportunity to put his voting card as he walks down, he would vote against it, as would a large part of this administration. Why? Because it hurts common ordinary people. That is why.

If you are going after Hamas, go after them, but don't restrict the funding that helps people. The reason that Hamas won the election is the Palestinians didn't have the right people on the ballot and didn't work the ballot in order to do it. And Hamas has gone out into those communities and provided services, and they have endeared themselves to the Palestinian people while the leadership of Palestine has been pocketing a lot of money. That's the reason they won the elections. They ran better elections. But why fault the people for that? And why take this kind of funding away from common ordinary citizens?

Now, for all of you that come out on this floor all the time and talk about what we should be doing and what we are cutting and what we are not cutting, this is an opportunity to say to common ordinary citizens in Palestine: We care about you. We care about your health care. We care about education. We care about your opportunity for jobs and to really be able to do the things you want to do.

But if you vote for this, we say: The heck with you. We care more about sending a message to Hamas leadership than we do about the people of Palestine. I think that is what the message is. This will not hurt the leadership of Hamas. It will not. Because they are going to have the money and the resources that they need, and they will say what they want, but it will hurt common ordinary people.

Vote "no" on this resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that debate on this matter be extended by 60 minutes, equally divided. Perhaps the opponents of the bill would have an opportunity to read the legislation. And I would

like to yield half of my time to Mr. LANTOS, and ask unanimous consent that he be permitted to control that time.

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he consume to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I thank the gentlewoman, the chairwoman of our committee, and I want to applaud her and Congressman LANTOS, two Members who cut through the partisan rancor of this institution to act with clarity against murderous intolerance.

Mr. Speaker, we sometimes may ask the question: If I was alive in 1939, what would I have done? If I was alive in 1939, would I have recognized the coming danger to America? If I was alive in 1939, would I have seen the seeds of genocide? But we do not live in 1939. We live in 2006, and many of the dangers we see today have parallels in history.

Across the sea now, there is an intolerant dictator rising who says that one Holocaust is not enough. The people in Israel rightly fear a new intolerant Islamic mullah who might say that another 6 million should be murdered.

The Iranians have many allies in the world. None of their allies are better than Hamas, leaders trained by tyrants, funded by murderers and utterly clear in their political program. One of the lessons of history is that dictators say what they are going to do and then do what they said. And Hamas has told us that they are for killing innocent civilians, and they have done that. They tell us that they support international terrorist attacks, and they have done that, too. Hamas has told us that they wish to drive our democratic allies in Israel into the sea, and we cannot let them do that.

Democracies are best when they defend each other, and the best way to defend our allies is to support moderate Arabs willing to join in peace. So we did that. The United States, the Congress, this House over the last many fiscal years, provided hundreds of millions of taxpayer dollars to support moderate Arabs.

We in this House funded the rise of Yasir Arafat. We created the Palestinian Authority. We embraced the ineffective government of Mahmoud Abbas. And each of these efforts, at a cost of hundreds of millions of taxpayer dollars from the United States, have failed. And so now we see Hamas taking power, a Hamas that what it does not get politically is taking militarily. Yesterday, Hamas tried to assassinate a top key official who works for President Abbas. A civil war is breaking out on the West Bank because Hamas does not have enough power yet and is willing to kill anyone in their way.

Mr. Speaker, I do not support this bill just because I support our allies in

Israel. I support this bill because Hamas has claimed responsibility for the murder of 26 American citizens. Those American citizens include: David Applebaum of Ohio; Nava Applebaum, also of Ohio; Alan Beer of Ohio; Marla Bennet of California; Benjamin Blutstein of Pennsylvania; David Boim of New York; Yael Botwin of California; Dina Carter of North Carolina; Janis Ruth Coulter of Massachusetts; Sara Duker of New Jersey; Matthew Eisenfeld of Connecticut; Tzvi Goldstein of New York; Judith Greenbaum of New Jersey; David Gritz of Massachusetts; Dina Horowitz of Florida; Eli Horowitz of Illinois; Tehilla Nathanson of New York; Malka Roth of New York; Mordechai Reinitz of New York; Yitzhak Reinitz of New York; Malka Roth of New York; Leah Stern of New Jersey; Goldie Taubenfeld of New York; Shmuel Taubenfeld of New York; Nachshon Wachsmann of New York; Ira Weinstein of New York; and Yitzhak Weinstock of California.

My colleague from New York talked about the common people that this would hurt. Common Americans have been killed by Hamas, and their blood is on the fingers of Hamas leaders. It is time for us to call it as we see it: intolerant murderous leaders, people who in other uniforms at other times we have seen before; and for us to cut off their funding, to say that the only Hamas moderate is a Hamas radical out of money and bullets, and for us to say that we wish this government, this Hamas government to fail, that in its place a more moderate government will rise, and at that time, it will be the time for the United States to support it and not a minute before that.

And I want to take one more personal privilege to say to the gentleman from California, Mr. LANTOS: Thank you. Thank you for your leadership. Thank you for your history. And thank you for cutting through all of the rhetoric and giving us clear direction to use your eyes and your experience to teach us of how the past can inform the future so that it does not happen again.

Mr. BLUMENAUER. Mr. Speaker, before I recognize the gentleman from Ohio, I would yield myself 5 minutes, because I have been sitting here reflecting on my good friend from California's comments about people who suddenly are the best friend of the administration who have been critical of them.

Well, I have only been here 10 years, not as long as my distinguished friend, but one of the things I have tried to do with Republican and Democratic administrations alike, when it comes to foreign policy, is to attempt to be supportive when I agree but to be clear that when I disagree, when I think they are wrong, to stand up.

I take a back seat to no one in terms of my opposition to this administration's reckless conduct in Iraq. I have been consistent on that from the beginning. One of the concerns I had about this administration was their disdain

for nation-building. You will recall the rhetoric of then Governor Bush.

But part of our obligation as Members of this chamber is to be supportive when we can. Because in the conduct of foreign policy, it would be nice if it did stop at the water's edge. I appreciate that the administration has changed its position on nation-building and has actually requested more assistance than it looks like this Congress is going to give them for foreign aid.

□ 2045

When they were willing to work with us in water and sanitation, I embraced that. I think we should reinforce positive things that we can agree on. That is what the American public wants. I do not think we should be reflexive and negative.

The administration has raised a legitimate concern about flexibility, about being able to implement it, and these are consistent with Republican and Democratic administrations in the past in terms of not wanting sanctions to go on forever and wanting to have the flexibility to respond, not after 25 days of consultation according to very, narrow little channels, but to be able to act responsibly to practice diplomacy.

The history of this House of Representatives is not very illustrious when it comes to many of these questions. Congress has sort of flitted around and has been subjected to the pressures of the moment and has not always been a constructive ally.

As we know, this House passed a draft by only one vote immediately before World War II. Lots of simple, commonsense straight-ahead solutions that we have been involved with have not always been the best and most carefully crafted.

I come forward not being a fan of this administration in many areas, in many areas, but in this one, as I listen to them, as I look at the requested flexibility, as I look at independent experts, as I hear from religious leaders back home and the National Conference of Catholic Bishops, I see a wide range of people that support the concerns that the administration share with us.

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

Mr. BLUMENAUER. I yield to the gentleman from California.

Mr. LANTOS. I appreciate my good friend yielding, and allow me to point out the fatal flaw in your logic. We are not discussing the fact that some of us occasionally support the administration, and you just expressed great delight that on this issue you find yourself on the side of the administration.

The issue logically is flexibility. The people who have criticized this administration most vigorously over the years have claimed that the administration is riding roughshod over the Congress, not asking for more flexibility. This is a spurious argument. This is a phony argument. This administration, as do all administrations,

wants flexibility. They do not want congressional restraints.

Our legislation provides for restraints because we are a co-equal branch of government, and we wish to express the policies that we want to see our government pursue.

To claim that on this issue the administration should have total flexibility is contrary to the interests of the Congress as a body.

Mr. BLUMENAUER. Mr. Speaker, to respond to my distinguished colleague, nowhere here have I said I want the administration to have unrestrained flexibility. Not once. And I am not expressing delight that we are on the same side.

What I said was when I find I am in agreement, I look forward to ways to work with them. When I see them move in directions I wish they had done with Afghanistan and Iraq, for heaven's sake, I am going to move in this direction with the stakes so high. With all due respect, it is not a question of giving unlimited flexibility to the administration. I have never said that, am not interested in it.

There is a framework here in terms of the sanctions that we are talking about, things like extending beyond the narrow definition of health to deal with humanitarian assistance and environmental cleanup. There are a whole host of things that could have been dealt with here in the ambit of this legislation.

I share with my good friend an interest in having this administration be more accountable to Congress and come forward and answer our questions. I would like oversight about what is going on in Iraq and what is going on in Afghanistan. Heaven knows I would.

But that does not mean that we ought to have unnecessarily restrictive and burdensome activities that are going to work against what I think are the interests of the Israeli people, the Palestinians and citizens of the United States.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. KUCINICH).

(Mr. KUCINICH asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. KUCINICH. Mr. Speaker, I thank the gentleman for yielding me this time, and I include for the RECORD a statement by Americans for Peace Now relative to H.R. 4681 and also a statement by Brit Tzedek v'Shalom, the Jewish Alliance for Justice and Peace.

[From Americans for Peace Now]

H.R. 4681: GRANDSTANDING ABOUT PALESTINIANS, AT THE EXPENSE OF U.S. AND ISRAELI INTERESTS.

Tomorrow the House is expected to suspend the rules and take up H.R. 4681, the "Palestinian Anti-Terrorism Act of 2006." This legislation would impose sweeping sanctions against the Palestinians in response to the victory of Hamas in the January Palestinian legislative elections.

Hamas' victory in the elections for the Palestinian Legislative Council (PLC) was

regrettable. It is imperative that the international community (including the U.S.) make a concerted and coordinated effort to pressure Hamas. However, H.R. 4681 represents a case of Congress using a blunt instrument where a surgical tool is needed. In doing so, the bill risks undercutting such efforts, harming U.S. national security, and undermining those Palestinian officials and activists who recognize Israel, reject terror, and support a two-state solution to the Israeli-Palestinian conflict.

This legislation is fundamentally flawed and deserves to be rejected by the House. APN urges Members—including those who have cosponsored and/or plan to vote for the measure—to speak out on the House floor and submit statements for the record drawing attention to the many serious problems with H.R. 4681.

APN talking points on H.R. 4681:

H.R. 4681 unnecessarily risks U.S. national security. The U.S. can maintain a tough line against Hamas without compromising our own national security or unreasonably tying the President's hand in the conduct of foreign policy. Rejecting terrorism is not incompatible with ensuring that U.S. national security interests remain the primary concern of U.S. foreign policy.

H.R. 4681, however, irresponsibly and unnecessarily subjugates U.S. national security interests to political grandstanding. It does so by eliminating the President's authority to waive sanctions in the interests of U.S. national security—a waiver that is a standard component of virtually all U.S. sanctions legislation. This waiver, which has only rarely been invoked, represents minimal flexibility for the President to waive sanctions on assistance when U.S. national security interests are at stake. It is unfathomable that Congress would decide that, in the wake of the Hamas election, the President no longer needs or can be trusted with such authority. Indeed, it is not difficult to imagine scenarios under which U.S. national security might clearly call for direct, quick assistance—for instance, following new Palestinian elections or in the wake of a natural disaster. Moreover, the Bush Administration has already put in place tough new restrictions on aid to the Palestinians, clearly indicating the uncompromising stance this Administration is taking in response to the Hamas victory. APN urges Congress to demand that a real national security waiver be added to this bill, enabling the President to waive the various sanctions if he deems it to be in the national security interests of the U.S. to do so.

H.R. 4681 risks undermining Palestinian moderates and strengthening extremists. In response to the Hamas victory, we should seek to strengthen those Palestinians who reject violence, recognize Israel, and support a two-state solution. In doing so, we put pressure on Hamas to reform, and we strengthen those Palestinians who, we hope, will replace Hamas if it fails to reform.

H.R. 4681, however, undermines these positions and the Palestinians who hold them, by providing no political horizon for an alternative leadership to strive to reach. Under this bill, the PA—even if replaced by more welcome leadership—will likely be unable to meet the reform requirements in the short- or medium-term, especially outside the context of progress towards a peace agreement. Thus, even if new elections were held and won by a different party, all sanctions would remain in place until the other reform requirements had been met. APN urges Congress to demand that a "sunset clause" be added to H.R. 4681, providing a political horizon for moderate, reasonable Palestinian political leaders and activists, and sending a

signal of real support and hope to the Palestinian people. [A sunset clause is like an "expiration date" for legislation, stipulating a date or event after which Congress will either let the legislation lapse, renew the legislation, or amend it in some way.]

H.R. 4681 loses sight of the real priorities. H.R. 4681 seeks to precondition U.S. relations with the PA—and impose sweeping sanctions—based on the demand that the PA meet a list of requirements that include wide-ranging reforms unrelated to the election of Hamas. Important as these reforms may be, neither the U.S. nor Israel has ever considered them a prerequisite for engaging with the PA (or, for that matter, the PLO, Jordan, or Egypt, in the context of their agreements with Israel). Adding these reforms as preconditions for engagement loses sight of real priorities—like saving lives—and undermines the incentive for the most critical demands to be taken seriously. For example, under this bill, if Hamas renounced terror, changed its charter, acted decisively against other terrorist organizations, disarmed its own militants, and recognized Israel, but had not yet made substantial progress toward replacing all textbooks with "materials to promote tolerance, peace, and coexistence with Israel," all sanctions would remain in place. APN urges Congress to reject preconditioning U.S. relations with the Palestinians on requirements that are unrelated to the specific issues raised by the Hamas election; rather, Congress should set focused, meaningful performance benchmarks.

H.R. 4681 loses sight of U.S. strategic interests. A serious response to the Palestinian elections should clearly target Hamas and its control of the Palestinian Authority. Effective sanctions should clearly differentiate such targets from, for example, elected members of the Palestinian Legislative Council (PLC) who are not affiliated with Hamas or any other terrorist organization—political leaders and activists who, running on platforms that included rejection of terror, recognition of Israel, and support for a two-state solution, beat Hamas candidates in the January election.

However, H.R. 4681 not only fails to distinguish between Hamas and the PA, and the non-Hamas members of the PLC, it explicitly defines the PA as including the entire PLC—extending sanctions to longtime supporters of peace with Israel (like PLC member Salam Fayyad). Moreover, the bill includes extraneous sanctions that, while ostensibly aimed at Hamas, will in fact have zero impact on Hamas, but only serve to punish Palestinians who recognize Israel and reject terror, and make it difficult or impossible for the U.S. to talk to them. These include restrictions on visas (Hamas members are already barred by law from obtaining visas), limits on freedom of movement for officials of the PLO in the U.S. and sanctions on PLO representation in the United States (Hamas is not a member of the PLO a group that recognizes and has signed agreements with Israel), and an entirely superfluous attack on the United Nations that does not even make the pretense of having anything to do with Hamas. In the interests of U.S. national security, including our concern for Israeli security, it is vital to open the door for dialogue and engagement with alternative leaders and representatives of the Palestinians. APN urges Congress to reject provisions of this bill that will have no real impact on Hamas—except, perversely, to strengthen them while undermining moderate Palestinian political leaders and activists, and making it more difficult for the U.S. to engage with alternatives to a Hamas-led government, like President Mahmoud Abbas or the PLO.

APN urges Congress to reject this bill's misguided effort to attack the UN, especially at a time when Israel is asking the UN to play a greater role in providing services to the Palestinians. This attack has nothing to do with the Hamas election or UN activities in the West Bank and Gaza, and instead risks sending the message that the real goal of this bill is to assail Palestinians in every possible forum. APN is the premier Jewish, Zionist organization working to enhance Israel's security through peace. APN believes that strong U.S. leadership is the best hope for reducing Israeli-Palestinian violence and bringing about a political process that can eventually pave the way for security and peace for Israelis and Palestinians.

Brit Tzedek v'Shalom—Jewish Alliance for Justice and Peace

Brit Tzedek v'Shalom urges representatives to vote no on H.R. 4681. Brit Tzedek v'Shalom, the Jewish Alliance for Justice and Peace, is the nation's largest Jewish grassroots peace organization with a network of over 34,000 supporters who are committed to Israel's well-being through a negotiated two-state resolution of the Israeli-Palestinian conflict.

H.R. 4681, the Palestinian Anti-Terrorism Act of 2006, fails to serve the long-term interests of either the United States or Israel. Despite improvements over the original version, H.R. 4681 weakens moderate pro-peace Palestinians and emboldens extremists, ties the President's hands in dealing with emergency security crises, and drastically cuts critical US assistance to the Palestinian people. While there is international consensus that Hamas must renounce terrorism, recognize Israel, and abide by all previous agreements, this legislation goes well beyond those demands and undermines the U.S. role in bringing Israelis and Palestinians back to the negotiating table towards the end of achieving a two-state resolution of the conflict.

Specifically, H.R. 4681: Obstructs a return to negotiations. H.R. 4681 requires an impossible-to-achieve Presidential certification, composed of an overly extensive number of requirements, in order to bypass the bill's many sanctions. This standard of certification goes well beyond the Quartet's demands, setting unprecedented preconditions for U.S. engagement with the Palestinians. Because these demands are unachievable in the near term or outside the context of a peace process, they prevent a return to negotiations and provide little incentive for Hamas to moderate its stance towards Israel.

Without the Presidential certification, whose requirements as noted above are nearly impossible to meet, this bill prohibits all direct aid to the Palestinian Authority (PA), with the small exception of a very limited Presidential waiver for funds to support independent elections and the peace process. Current law already forbids direct U.S. funding to the PA but allows the President much broader discretion in waiving this prohibition in the interests of national security. Limiting this waiver undercuts the Administration's ability to offer the PA incentives in addition to sanctions or to respond to unexpected security or humanitarian crises.

At a time when the UN is reporting an impending humanitarian disaster in the West Bank and Gaza, H.R. 4681 restricts U.S. assistance to the Palestinian people delivered through non-governmental organizations (NGOs). While the bill makes a small exemption for "basic human health needs," it still creates onerous pre-notification requirements for all other NGO assistance to the Palestinian people. These NGOs address pressing humanitarian needs and help de-

velop Palestinian civil society. A humanitarian crisis in the Palestinian territories will only increase support for extremism, thereby endangering Israel and further destabilizing the region.

H.R. 4681 restricts US diplomatic relations by prohibiting visas and travel (with limited waivers) for all members of the PA and the PLO regardless of whether or not they have connections to Hamas. In this respect, the bill prevents the US from fully engaging and bolstering moderate Palestinian leaders, such as President Mahmoud Abbas, who recognize and support peace with Israel. Existing US law already forbids members of Hamas and other foreign terrorist organizations from obtaining visas or having diplomatic relations with the United States.

As American Jews, we share profound dismay at the election of Hamas to the Palestinian Authority. Yet in this challenging hour, we urge you to maintain a cautious approach to the new Palestinian government, so as to preserve the future possibility of bringing Israelis and Palestinians back to the negotiating table—which is the only path to achieve true peace and security for both peoples.

Vote No on H.R. 4681.

Mr. KUCINICH. I want to extend my condolences to the family of our colleague Mr. CANTOR and also thank Ms. ROS-LEHTINEN for her leadership and her commitment to attempting to create peace, as well as to speak directly to my dear friend, Mr. LANTOS.

I think it is fair to say Israel has no greater champion in the Congress, and the American people have no greater champion for human rights than Mr. LANTOS. His escape from the Holocaust is a story worthy of being taught in all of our schools.

I am here to ask: Is the past prologue? Is war and violence inevitable, or do we have the ability to create a new future where nonviolence, peace and reconciliation are possible through the work of our own hearts and hands?

I would not take issue with my friend Mr. LANTOS' informed experience, and I join him in defense of Israel's right to survive. Mr. LANTOS is my brother. The Israelis are our brothers and sisters. The Palestinians are our brothers and sisters. When our brothers and sisters are in conflict, when violence engulfs them, it is our responsibility to help our brothers and sisters end the violence, reconcile and fulfill the biblical injunction to turn hate to love, to beat swords into plowshares and spears into pruning hooks.

These are universal principles that speak to the triumph of hope over fear. We must call upon Hamas to renounce terror. We must call upon Hamas to disavow any intention for the destruction of Israel.

This ought to be a principle of negotiation with Hamas, not separation from the aspirations of the Palestinian people to survive.

I think we can speed the cause of peace by calling upon Israel to accept the Palestinians' right to self-determination and economical survival and humanitarian relief, for food, medical care, for jobs.

I ask, how can we arrive at a two-stage solution if we attempt to destroy

one people's government's ability to provide? A two-state solution, I believe, can be achieved with our mutual, thoughtful patience and support.

At a time when the U.N. is reporting a pending humanitarian disaster in the West Bank and Gaza, I believe this legislation would restrict U.S. assistance to the Palestinian people delivered through nongovernmental organizations. We know that, today, up to 80 percent of all Palestinians, particularly in parts of the Gaza strip, live at or below the poverty line. Unemployment stands at 53 percent of the total workforce.

Just as I join my good friends on both sides of the aisle in speaking out against violence against Israel, I object in the strongest terms to any measure that will increase the humanitarian crisis of the Palestinian people. It is true that the recent Palestinian legislative elections have created a tense situation in the international community. It is a situation that demands thoughtful and deliberate action in pursuit of peace. Despite the best intentions of those who wrote this legislation, I do not believe this legislation will advance peace between the Palestinian and the Israeli people.

There are people in this Congress of goodwill and good intention who want to see both the Palestinian people and the Israeli people survive. Let us continue to work towards that end.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 10 minutes to the gentleman from New York (Mr. ACKERMAN), my good friend and a distinguished senior member of the Committee on International Relations.

Mr. ACKERMAN. Mr. Speaker, I want to thank Ms. ROS-LEHTINEN and the chairman of the subcommittee for bringing this measure to the floor.

As for Mr. LANTOS, the distinguished ranking member, I have to say I absolutely marvel at his eloquence in the opening statement that he made.

The very fact that he is, is important. The very fact that he is and is here is proof positive that if people of goodwill are determined to stand up to the forces of evil, that the forces of good can win out, and not unless that happens.

And those forces of evil, whether they be called the Nazi Party or the Hamas Party, each of which came to power in uncontested democratic elections, each of which have in common the destruction of an entire people and were uncompromising in their attitude, in their philosophy, in their belief; how do we compromise with the notion of administrations and evil forces whose goal is the destruction of another people? Where do you begin to compromise unless they denounce those goals, which has not happened in either case?

Mr. Speaker, with 295 cosponsors of this bill, there is not really much of a question about how the House is going to act. The bill will pass overwhelmingly. The only question is how many Members will be lured into opposition

to this measure by good intentions, false claims and by shrill prophecies of doom.

A "no" vote on this bill will not benefit the Palestinian people. Read the bill. The bill already allows humanitarian aid to flow under congressional scrutiny. And with the President's judgment, it can continue to go to nongovernmental groups.

A "no" vote will not benefit Palestinian President Mahmoud Abbas. The bill already creates a clear opening to keep him relevant and involved to becoming a channel for pursuing peace.

A "no" vote will not support the peace camp in Israel. Israelis just went to the polls and put Prime Minister Olmert into power with a government that strongly supports congressional efforts to sanction and block assistance to the Hamas-led Palestinian Authority.

□ 2100

I sat here in amazement as my good friend from Illinois (Mr. LAHOOD) said things that were absolutely unbelievable. The politician people, what do they have to do with Hamas? Duh. They elected them.

Elections have consequences. People have to live with that. They can't elect a terrorist government whose purpose is to destroy another people and then say they have nothing to do with it.

That makes no sense at all. A "no" vote will not impress our allies in the Quartet either. The United States and other members of the Quartet remain in lock-step in rejecting any funding for the Hamas-led PA and are working, as this bill does, to find alternative approaches to assist the Palestinian people, and that is who we intend to help.

For someone to say that the Prime Minister of Israel is going to walk down this aisle, and if he had a voting card would vote for Hamas is an absurdity. It defies the imagination.

It is one of the many things that opponents of this legislation carefully, carefully constructed, have been saying mischaracterizing this bill. If you think that the Prime Minister of Israel would vote to give aid to Hamas, then you must be on another planet, and you should vote "no."

A "no" vote will do only one thing. It will give hope to the terrorist Hamas. It will give them hope that the wall of opposition in the West is cracking. It will give them hope that their embrace of terrorism will not have to be abandoned in order to govern. It will give them hope that support for Israel is not as strong as it seems. It will give them hope that with tenacity and will their terrorist objectives will succeed.

No Member of this House wants to send that message. No Member of this House supports Hamas. But make no mistake. A "no" vote will be used again and again to show that the path of Hamas is correct and that compromise will come only from the West, and there is no price to be paid by those who espouse terrorism. We can-

not afford to send that message, even in the smallest, most unintentional way.

Let us recall for a moment just what the international community has demanded of Hamas, three words. All Hamas has to do is to say three words: Israel, peace and agreement. Israel, Hamas has to accept the existence, just the existence, of a U.N. member state.

Peace, that there has to be two states for two people and that they will live side by side in peace and agreement. Hamas has to accept the resolution of the conflict, which will only be achieved by peaceful means and that agreement will be honored.

This is not a difficult list, three words. Hamas could win the international community over. Hundreds of millions of dollars would begin to flow to the Palestinian people. Salaries could be made, projects could be started, roads could be built, schools could be constructed. Before you say no, those few people in the House who will, ask yourself why they will not say those three words. Why won't they?

The answer is that Hamas thinks that their religion forbids it. They believe that they are engaged in a holy war that can only be resolved with the destruction of Israel and the Jewish people and to put their population in exile or subjugation.

There can be no compromise, according to them, of their view. Cease-fires, temporary borders, negotiations for Hamas or just way stations on their path to the ultimate destruction of Israel and the Jewish people. They will not waiver, and we must not waiver.

Hamas has made clear again and again that they will not be held answerable for the hundreds of innocent civilians they slaughtered with bombs. They will not be held accountable for their overt racism and vile anti-Semitic bigotry. They will not be punished for all the times they shatter the fragile peace or destroy a nascent trust.

All they have to do is say those three words. A "no" vote tells them they don't have to. A "no" vote says hold fast. A "no" vote reassures them that they will not have to say Israel, peace and agreement.

Until they do, we must assure that they bear the full brunt of responsibility forever the condition of the Palestinian people. Not a humanitarian crisis, but a firm sanction of the United States against the government born of terror, bred on violence, and bound for ruin. Contrary to this leading report, this bill absolutely cannot and will not be used to deny humanitarian aid.

The bill will not allow, with proper oversight, the Presidential confirmation that it serves our national security interest, continued assistance through properly screened and audited nongovernmental organizations. The

bill provides a clear channel for President Mahmoud Abbas to show our continued appreciation for his vocal support for the peaceful two-state solution. This bill constitutes a carefully crafted balance.

Some wanted it stronger; others wanted it more flexible. But the bill is strong enough to prevent American money from subsidizing a government run by terrorists and flexible enough to allow the administration to engage with Palestinians who are willing to seek peace.

Members will have a choice. Let the perfect be the enemy of the good, and in doing so undermine the peace they seek, or stand firm against doing business as usual with a governing entity controlled by a terrorist organization.

I know some Members are conflicted. There have been mixed signals, even misleading information about this legislation. I want to be perfectly clear. The pro-Israel vote is "yes." The pro-Palestinian vote is "yes." The pro-peace vote is "yes." The pro-engagement vote is "yes." I thank the House for their attention.

Mr. BLUMENAUER. Madam Speaker, as I yield the gentleman from New York 4 minutes, I would give myself 30 seconds to make two observations.

One, there will be no aid to Hamas, whether this bill passes or not. It is against United States law to give assistance to a terrorist organization.

Second, I would reference the exact language of the word where the exemption is assistance to meet basic human health needs, not broad humanitarian. The language of the bill is actually quite clear.

Madam Speaker, I yield to my friend, Mr. HINCHEY, for 4 minutes.

Mr. HINCHEY. Madam Speaker, I want to express my appreciation to the gentleman from Oregon for yielding me this time.

I also want to express my admiration, respect and affection for the gentleman from California, who is the sponsor of this legislation. But I do disagree with him on the effects that this legislation would have.

I am a strong supporter of the State of Israel. As such, I believe it is important to maintain independent and principled positions on Middle East issues. I believe that that requires a "no" vote on resolution 4681.

Hamas' victory in the elections for the Palestinian legislative council was indeed regrettable, and Hamas government's failure to condemn, much less take steps to prevent acts of terrorism is abhorrent. It is appropriate that the international community, including, of course, the United States, make a concerted and coordinated effort to pressure Hamas.

However, H.R. 4681 risks undermining such efforts, harming United States national security and undermining those Palestinian officials and activists who do recognize Israel, who do reject terror, and who do support a two-state solution to the Israeli-Palestinian conflict.

H.R. 4681 subjugates U.S. national security interests to political grandstanding. It does so by eliminating the President's authority to waive sanctions in the interests of United States national security, a waiver that is a standard component of virtually all U.S. sanctions legislation.

H.R. 4681 risks undermining Palestinian moderates and strengthening extremists by providing no political horizon that an alternate Palestinian leadership can strive to reach.

H.R. 4681 preconditions U.S. relations with the Palestinian Authority and imposes sanctions based on criteria that are unrelated to the issues raised by the Hamas elections, and 4681 makes it more difficult for the United States to engage with alternatives to a Hamas-led government like President Mahmoud Abbas or the PLO. This proposal, unfortunately, is itself extreme, and as such, I believe, would do no good.

Rather, it will strengthen the position of extremists and increase the violence and destruction which has become more prevalent as the result of the expression and implementation of policies such as those contained in H.R. 4681.

I believe that we should defeat this proposed legislation and instead focus on something that would be more productive to achieve the kinds of solutions that we need to the problems that exist in the Middle East.

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

Madam Speaker, Hamas' political victory in the January election presented an opportunity for this Islamic jihadist group to lay down its arms, to renounce terrorism, to recognize the State of Israel, and to dismantle its militant infrastructure, to become an entity that could lead the Palestinian people to peace, to prosperity, to security with the Jewish nation.

But, unfortunately, much like its predecessor, who never missed an opportunity to miss an opportunity, Hamas has instead continued its violence, has aligned itself with pariah states and with state sponsors of terrorism that seek to extend their extremist, hateful ideology throughout the region and, indeed, throughout the world. Hamas has chosen to dedicate its resources and its energy to supporting continued terrorist attacks against Israel rather than to helping the Palestinian people.

It is its choice, so Hamas can spend its money on suicide and homicide attacks; but it is up to the United States to support and provide for the needs of the Palestinian people. It is our responsibility, instead of Hamas'.

Previous speakers in opposition to the bill have said, Madam Speaker, that this bill will deny chemotherapy to cancer victims. It is preposterous; it does not. That it would hurt the common Palestinian citizen. No, it does not. That it would undermine the Pal-

estinian reformers by denying democracy. No, quite the opposite. That it has unbearable roadblocks to non-government organizations to provide assistance to the Palestinian people. Absolutely not.

The bill requirements are to ensure that humanitarian aid goes to the intended recipients for the intended purposes, oversight. The United States must make it unambiguously clear that we will not support such a terrorist regime, that we will not directly or indirectly allow American taxpayer funds to be used to perpetuate the leadership of an Islamic jihadist group that is responsible for the murder of hundreds and the wounding of scores of innocent Israeli civilians, of U.S. citizens and other foreigners throughout the years.

It has been almost 4 months, Madam Speaker, since this Islamic jihadist extremist won a majority of seats in the Palestinian parliamentary elections. We have made our conditions clear, but Hamas' commitment to bloodshed has remained unabated.

□ 2115

Hamas' leaders have expressed their support for rockets being launched from Gaza into Israel, and stated that the recent attack, a bombing that killed nine innocent people and wounded 60 at a Tel Aviv restaurant, was "justified." Their words, not mine.

Since the elections, the leaders of Hamas have officially expressed their refusal to change a single word in its charter. Their hate-filled covenant is Hamas' most valued document. It focuses on killing Jews and destroying Israel.

I would like to read some of the words that are included in the charter of Hamas and that accurately depict the group's violent views: "The time of Muslim unity will not come until Muslims will fight the Jews and kill them; until the Jews hide behind rocks and trees, which will cry, 'O Muslims, there is a Jew behind me. Come on and kill him.'"

The Islamic extremists running the Palestinian Authority have made it very clear, crystal clear, that they do not intend to moderate their vicious views nor seek a peace agreement with Israel. They may speak of a long-term cease-fire, but this is only a temporary means to regroup and rearm for yet more terrorism.

A two-state solution envisioned and proposed by the Quartet is not part of Hamas' agenda, because it runs contrary to the core principles of this terrorist group that says, "The land of Palestine from the river to the sea is considered an Islamic endowment, and no Muslim has the right to cede any part of it."

So our actions here tonight and the vote tomorrow must be clear and it must be firm. We must work toward eradicating such Islamist jihadist hatred and the extremist ideology that feeds it, or we will compromise our own

immediate as well as long-term security interests and the stability and the security of our allies in the region.

In an effort to promote U.S. national security and foreign policy priorities and to help ensure that U.S. taxpayer dollars do not reach the hands of Hamas and other Palestinian terror groups, I introduced, with my good friend the ranking member of the House International Relations Committee, Mr. TOM LANTOS, this bill that is before us tonight, Madam Speaker. It has 295 cosponsors, and it opposes the provision of assistance or political recognition to any entity under the tutelage of a terrorist organization such as Hamas.

This bill does prohibit direct assistance to the Palestinian Authority, but it has exceptions, and we have talked about them. Many of the people who have spoken here tonight want to overlook those exceptions. It does seek to prohibit travel to the United States by members or associates of terrorist entities, it provides for the United States to withhold contributions to the United Nations proportional to the amounts the United Nations provides to these duplicative Palestinian-related entities that are directly tied to the Palestinian Authority, and it calls for the Palestinian Authority to be designated as a terrorist sanctuary under the 9/11 bill.

But it is not just about what is right for the U.S. in terms of our priorities and our allies, Madam Speaker. It also is about honoring the memory of all who have died at the hands of Hamas and other Palestinian jihadist groups.

That is why tonight we have spoken about and we have given our condolences to our good friend from Virginia, Mr. CANTOR, whose 16-year-old cousin, Daniel Wultz from South Florida, close to my congressional district, died 2 weeks ago after suffering these fatal injuries caused by an April 17 suicide bombing in Tel Aviv while he was having lunch with his father. Daniel fought courageously for 27 days for his life, but the injuries were far too severe.

Our thoughts and our prayers go not just to Daniel, but also to all who have lost family members and friends to Hamas and other jihadist groups, and the list is, unfortunately, too long for us to mention all of their names. We want to pass this legislation to help ensure that we in Congress have done everything possible to prevent another Daniel Wultz from dying at the hands of these extremists.

Madam Speaker, I ask my colleagues to render their full support to this legislation.

Madam Speaker, I yield 8 minutes to the gentleman from California (Mr. LANTOS), and I ask unanimous consent that he be permitted to control that time.

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

There was no objection.

Mr. BLUMENAUER. Madam Speaker, I yield 6 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Madam Speaker, I would like to thank the gentleman from Oregon, Mr. BLUMENAUER, for yielding me this time, and to thank Ms. ROS-LEHTINEN, a staunch supporter of human rights, for coauthoring this legislation with our dear, dear and respected colleague from the State of California, Congressman TOM LANTOS, who is the once and future chair of this committee, I am sure, some day, and to say, as many others have stated this evening, we respect your life. Many of us love you and love your family.

Perhaps some of us have a deeper understanding of some of the tribulation that you have faced in your own life because our families have faced the same. We had relatives in what is now the nation of Ukraine, but in the Soviet Union, our uncles, who were sent to the gulag for over 20 years by Joseph Stalin. One died and one survived, miraculously, after 20 bitter years. So I think our family shares a deep personal understanding of what despotism and terror is.

I rise this evening because I have to say that this act, the Palestinian Anti-Terrorism Act, I fear will result not in less terrorism, but in more. I do not really believe it is in the interest of the United States, of Israel or the world to further radicalize elements in the Palestinian population, and I do believe this bill will do exactly that.

It is not in the interest of the government of the United States nor Israel nor the world to make it impossible for Palestinians to become more educated and to learn how to govern an emerging nation. Indeed, if our current policies as a world were so intelligent, they would not have yielded a Hamas to the point where it actually won an election and other elements of Palestinian society were so crippled and so inept and so disorganized that they were not able to govern in a way that an emerging nation state would.

I have asked myself during the gruesome Soviet period, what glimmers did we have, what connections did we have, what elements were we able to nurture that even provided a road forward?

I think of our family's East European heritage in Poland and enduring the most repressive times in Poland. This country found a way to support a non-governmental organization in the form of Solidarity, and there were church groups working and there were other groups that provided just small glimmers of light.

I remember a dear, dear friend, Reverend Martin Hernati born in the homeland of Congressman LANTOS, who said to me, "MARCY, I am walking through a tunnel. It is very dark in the tunnel and I see no light at the end of the tunnel, but I must keep walking."

I remember Cardinal Mindszenty in the nation of Hungary, locked up in the U.S. embassy for many years, as a sin-

gle man, a single individual, as a symbol to the West.

I thought about the "Refuseniks" in the Soviet Union, how we connected with them, helping them to publish their works, helping to hear a voice from inside a closed society, and I asked myself, in this situation, what are the parallels? What are the parallels?

In this bill, no one wants to support Hamas. All we are asking for is the right to amend this bill to find other non-governmental groups that we can help to support, to help educate, to help inform, to help teach, in the hope, even though we are all walking through the tunnel and we see no light at the end of the tunnel, that we give the ordinary person, the moderate, and there are some moderates, some hope, some ability to connect.

I read from the statement of the U.S. Conference of Catholic Bishops, who say in opposition to the current form of this bill, "A further deterioration of the humanitarian and economic situation of the Palestinian people compromises human dignity and serves the long-term interests neither of Palestinians nor of Israelis who long for a just peace."

"Non-governmental organizations have a long history of helping the world's most vulnerable people. Their humanitarian role should be respected. While this work is not easy," and surely the gentleman from California knows it is not easy, surely the gentlewoman from Florida knows it is not easy, "it is essential. It deserves Congress' continued support."

I would hope that with the Prime Minister of Israel coming here this week, that we would have a proposal that would take the Quartet and actually somehow have discussions, even a resolution, to try to restart the failed peace process between Israel and the Palestinian Authority. Wouldn't that be a great moment? Wouldn't it be worth being here and serving here? We need resolutions that will not radicalize, that will not divide, that will make peace possible.

Mr. LANTOS. Madam Speaker, before yielding, I want to thank my good friend from Ohio, Ms. KAPTUR, for her thoughtful and very serious comments, as I want to express my appreciation to all of my colleagues who have spoken against this resolution.

Madam Speaker, I am very pleased to yield 5 minutes to my good friend the gentleman from New York (Mr. ENGEL), the distinguished senior member of the International Relations Committee.

Mr. ENGEL. Madam Speaker, I thank my colleague for yielding to me, and I would say that all the compliments that have been heaped upon him and Ms. ROS-LEHTINEN during this debate are certainly well-deserved.

Madam Speaker, some of our colleagues here who say they are voting "no" also tell us that they are good friends of Israel. Well, to Israel, I would say that with friends like that, she certainly doesn't need any enemies.

Israel and the civilized world and the United States do have enemies. The enemy is called terrorism. And in the Middle East, terrorism has another name. It is called Hamas.

We have to deal with things, Madam Speaker, as they are, not as what we wish them to be. The Palestinians elected a terrorist organization, Hamas, to run their government and be their leaders. We are told by people who oppose this bill, oh, the poor Palestinian people. This legislation hurts the poor Palestinian people.

Well, let me tell you what hurts the poor Palestinian people: The government they elected, Hamas. That is what hurts the Palestinian people.

This bill has been called inflexible and stringent and other such nonsense. Not true at all. And I am proud to be an original cosponsor of this bill. This bill is flexible. Humanitarian aid is allowed. Some of us have some questions about that, quite frankly, because money is fungible and can be moved around, and we don't want money that is being given under the guise of humanitarian aid to be transferred and used for other things, and we know Hamas is capable of doing that.

We are told by some of the opponents that the bill has consequences. Sure it does. Elections have consequences. Nobody denies that the Palestinian people went to the polls and voted for Hamas. But when you vote for someone, there are consequences, and this is the consequence of electing a terrorist organization as your leadership.

□ 2130

Now we are asking Hamas to do three things, it has been said many times here before. I want to repeat them. Three things. They have to say that they are opposed to terror, that they are ending their support for terror.

They have to recognize Israel's right to exist. They have to recognize previous agreements that were signed by previous Palestinian governments. What is so difficult about that? How can we ask Israel to sit and negotiate with a group that does not recognize their right to exist, with a group that wants to destroy them and kill them, and have another Holocaust? This is nonsense.

All this bill does is simply say that we will be cutting off aid to Hamas. And for my colleagues who say that the administration does not want it now, we should not do it because the administration does not want it, Ms. ROS-LEHTINEN and I were sponsors of the Syria Accountability Act.

The administration at first opposed it. Do you know why? Administrations always oppose bills like that because administrations do not think that Congress should play any role in the conducting of foreign policy.

Well, we do. We are here. We have a right to pass laws that express the desires of this Congress and the desires of the American people. So it is nonsense to say that the administration opposes

it and therefore we should go along. The administration opposed the Syria Accountability Act, and ultimately we persuaded it to go along and support the bill.

This bill passed, as was pointed out, in the International Relations Committee 36-2. I was proud to be one of those 36 people. And I think that tomorrow this bill will pass overwhelmingly. This Congress has got to send a strong message that it opposes terror. It opposes terror whether it is Hamas, it opposes terror whether it is al-Qaeda, it opposes terror whether it is Hezbollah. All terrorist groups must be opposed. That is what this legislation does. That is what this legislation says.

The United States and Israel are strong allies in the fight against terror, and this legislation will go a long way in saying to Hamas, we will not do anything with you or help you in any way as long as you do not renounce terror.

Mr. LANTOS. Madam Speaker, I yield to the gentlewoman from Nevada (Ms. BERKLEY) 5¾ minutes.

Ms. BERKLEY. Madam Speaker, I want to also express my gratitude to Ms. ROS-LEHTINEN, my very dear friend on the other side of the aisle, and of course my very special friend and mentor, Mr. LANTOS. His eloquence was almost matched today by Mr. ACKERMAN and Mr. ENGEL. They did a remarkable job. And I do not believe I can equal theirs, but I would like to speak on behalf of this piece of legislation.

Madam Speaker, I rise in strong support of this bill and I am hoping for its immediate passage. Like some of my colleagues, I also want to express my sincerest sympathy to my colleague and good friend on the other side of the aisle, Mr. CANTOR, for the unnecessary loss of his 16-year-old cousin, Daniel. I am heartsick about that, and did not know until this evening that he had died.

This bill, Madam Speaker, is not about punishing the Palestinian people. This bill is about reasonable demands for United States assistance. There are three requirements on the Hamas-led PA to receive and to continue to receive financial aid from the United States.

You must recognize Israel's right to exist. They must denounce and combat terrorism, and they must accept the roadmap and other past agreements. These are the three simple requirements that must be met in order to receive continued financial aid from the United States.

The problem the Palestinians have, as I have said so many times before is not money, the problem has been and continues to be a complete failure of leadership.

If one was tuning in tonight and listened to some of my colleagues, they would think that the United States has been rather stingy with the Palestinians. But I would like to enlighten those that do not know, that since the

1993 Oslo Accord, the United States has given more than \$1.8 billion to the Palestinians. In that same time we have given over \$130 million directly to the Palestinian Authority.

After decades of aid and billions of dollars, it boggles my mind that there is no economic self-sufficiency and no improvement to the quality of life for the Palestinian people. Why is this? Because the desperation of the Palestinian people is not about money, it is about the Palestinian Authority failing to do what any responsible government would have done with several billion dollars, provide security for its people, build infrastructure, improve health care, provide economic opportunities, improve education and move their people into the 21st century.

The money is not going to housing. Palestinians continue to live in wretched conditions in refugee camps with corrugated roofs in dilapidated ramshackle huts. The money is not going to schools. If it was, the Palestinian children would be sitting in classrooms being trained as the next generation of doctors and engineers who would lead their people in the 21st century.

The money is not going to security. Rather than imposing security, the Palestinian Authority forces first attacked the Israelis, now they are attacking each other as Gaza is close to civil war.

The Palestinian Authority under Fattah was corrupt and morally bankrupt. Is there any wonder that the Palestinian people turned to Hamas, the most dangerous terrorist organization operating today, to have their basic needs met?

Year after year, we have given hundreds of millions of dollars to the Palestinians despite no accountability, no modern financial controls, no transparency, and no actual knowledge of where our tax dollars are going, and the continued attacks on innocent Israeli women and children.

I am an original cosponsor of this legislation. However, it is substantially weaker than the one that I originally authored. In my opinion, we should be eliminating all aid to the Palestinian Authority, not granting the administration broad-based exemptions to continue to fund this regime.

The legislation grants direct aid to Abu Mazen for nonsecurity expenses. It also grants direct aid for his personal security detail. Abu Mazen is a powerless and ineffective leader. Since being elected president, he has had every opportunity to create peace with the Israelis and establish a Palestinian State.

When he had the power he would not or could not take the first step to disarm the terrorists and end the violence against Israel. Now he is the President of nothing. Why is the United States continuing to prop him up? Why are our tax dollars being used to support this guy in the first place?

This bill also grants a broad-based exemption for indirect aid through the

NGOs within the West Bank and the Gaza. Why should Americans be forced to foot the bill when the PA is unable to provide us an accounting for literally billions of dollars that we have spent?

Madam Speaker, it is time for the Palestinian leadership and the Palestinian people to stop blaming Israel and the United States for their utter failure to provide for their own needs. Yassar Arafat stole millions of dollars from his own people.

If Hamas needs money to provide basic services for the Palestinian people, let them hunt down Yassar Arafat's widow and get the millions of dollars that her husband stole from his own people. The problem is a lack of leadership, a lack of vision, a lack of hope for the future, lack of civilized behavior, not a lack of money.

Until Hamas agrees to recognize Israel's right to exist, denouncing and combating terrorism and accepts the roadmap and other past agreements, not only should we not be giving one more dime, we should be asking for a refund from the Palestinian Authority.

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

Madam Speaker, as I prepare to conclude my presentation and yield back my time this evening, I truly have enjoyed the give and take that we have had this evening under the leadership of our subcommittee chair, Ms. ROS-LEHTINEN, the work that has been done by staff members on both sides of the aisle, the passion, the emotion, the concern, and the professionalism that we have witnessed.

I personally have appreciated it. I think it is a healthy give-and-take that we have had. I think it is an important debate. It is not the last word that we are going to enjoy. I would simply make a couple of points in closing. I continue to be concerned that we not talk past one another. There is going to be, under existing United States law, no aid for Hamas. It is illegal to give assistance to a terrorist organization. Hamas certainly is.

And they are not going to be entitled to aid regardless of what happens with this bill. I continue to be concerned that the language of the bill is not, as some of my friends who have spoken on the other side of the aisle refer to, talking about how humanitarian aid can go through. That is not what the bill says. It is health that is the automatic pass-through.

Education, as has been referenced, is not a part of the automatic exemption. This lack of flexibility is one of the reasons why this bill is opposed by Americans for Peace Now, the Israel Policy Forum, Brit Tzedek, Shalom, Churches for Middle East Peace, and the United States Conference of Catholic Bishops.

The bill sets permanent and inflexible limits on the United States's ability to be involved with Israel and Palestine, whether or not Hamas is in

power. And that is a mistake. It goes far beyond dealing with the ramifications of January's elections, and Hamas's rise to power, essentially Palestinian moderates and institutions that have nothing to do with Hamas.

Most independent observers feel that that is counterproductive and it may well end up backfiring and actually providing further strength to the extremists. I listened to the delightful exchange between Mr. LANTOS and Mr. FRANK on the floor earlier. I always marvel watching two parliamentary masters go back and forth. I listened to Mr. FRANK's argument tying it back to earmarking. And it was a thoughtful and amazing argument.

But one of the concerns I have, given the nature of Hamas, and listening very carefully to Mr. FRANK's words, is they are going to claim credit any way they can for anything that happens, much as we see political processes generally do that.

It is important that in our desire to stop Hamas from either assistance or a foothold for claiming credit, that we are very surgical about what we do for the Palestinian people, and the ability to move forward with peace.

Madam Speaker, I think it is important for us to review the administration's concerns. They have stated that they feel it is unnecessary, as the executive branch already has ample authority to impose all its restrictions. It does constrain the executive's ability in the flexibility to use sanctions as appropriate to address rapidly changing circumstances, which we all sincerely hope happen for the positive in this troubled area of the world.

Their concerns about the mandatory nature of the bill's sanctions, the relative absence that relates to activities absent an unachievable certification, a lack of a general waiver authority on its key ban on assistance, and that these limitations should be time limited.

The administration has also raised the concern that the exemption for "basic human health needs" is too narrow and should be broadened to "basic human needs". Indeed both sides on the floor this evening often used those two terms interchangeably, but they are very different under the bill.

But I do think we have reached the point where both my leg and my store of information here has been exhausted. I wanted to make one last point, because there has been reference this evening to the joy of serving with Mr. LANTOS.

I never cease to marvel, when we are in the midst of this, that he adds a dimension to the debate that I think is very important. I never cease to learn something in the course of what happens in the committee or here on the floor. Reference has been made to him as the only Holocaust survivor who has walked these halls.

And it adds a dimension, not just to this debate, but one that carries through in activities in Asia, in Africa, in the bigger picture across the world.

□ 2145

But there is one other accolade because Mr. LANTOS is a professor, and I appreciate the scholarly approach he brings that tempers his experience and his emotion that makes this a learning experience. And I truly believe that as a result of his input this evening that this has been a valuable learning experience for me, and I think it has enriched the record. Whatever happens with this legislation as it goes through the course of the legislature, as I do not doubt that it will pass tomorrow, that we will all be a little more knowledgeable as a result of this, and I think, in the long run, we will be able to do our jobs better, and for that, I thank him.

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

Mr. LANTOS. Madam Speaker, before yielding the balance of our time to my good friend from Texas, let me express my deepest appreciation to my friend from Florida, who has done her usual extraordinary job, for her principled statement and impeccable logic. We are all in her debt.

I want to express my deep appreciation to my very good friend from Oregon for his unduly gracious comments which I deeply appreciate. And I want to thank all of my colleagues who have spoken on all sides of this issue. This has been an excellent debate, and it is appropriate that it should be wound up by one of our best debaters, my friend from Texas, SHEILA JACKSON-LEE. I yield her the balance of our time.

The SPEAKER pro tempore. The gentlewoman is recognized for 3¼ minutes.

Ms. JACKSON-LEE of Texas. The gentleman is very kind. Before I start, may I ask for additional time from the distinguished gentlelady from Florida, 1½ minutes. I thank the distinguished gentlelady very much.

Madam Speaker, let me thank Mr. LANTOS for his extreme kindness to yield to, in essence, a non-member of this great committee this time. Let me acknowledge my good friend from Florida for her leadership, and also I might add my appreciation to the distinguished gentleman from Oregon for bringing his vast perspective to this debate. I believe this is what democracy is all about.

Certainly I could not stand here tonight and not add my appreciation for Chairman HYDE who I believe has worked over the years to seek a level and a plateau and a place of, if you will, harmony and bipartisanship.

Tonight is a very difficult time for many of us. And, in fact, I think we have had an enormously thoughtful debate. We find ourselves this evening, as I offer my sympathy to the family of Congressman CANTOR for his loss, we find ourselves on the piercing horns of dilemma, and they are piercing outside. That is that we find ourselves fighting for peace between the Palestinian Authority and Israel, and we find ourselves fighting for the existence and recognition of the State of

Israel and the acceptance by the world of a two-state position that has been authored and supported by so many, including the now ailing former Prime Minister Sharon.

I was in Israel just a few months ago visiting Prime Minister Sharon at the Hadassah Hospital, listening to a variety of individuals pontificate about the pending election and having some small iota of hope that Hamas, if elected, would assume the realm of leadership and stand up and acknowledge we want two states, we reject terrorism, and we reject any idea that Israel should not exist. Unfortunately, this did not happen.

This reminds me of the time that Dr. King led as he moved into the time when more groups began to circle and intervene in "the movement" as we called it; and he welcomed the youngsters and those who had provocative and different thoughts. He knew that the ultimate end was what they all cherished, and that is the elimination of the shackles of segregation and racism and the divide of this country that was then black and white. But Dr. King had to make a very important decision, whether or not this movement required his standing firm on denouncing violence. So he had to reject some of the groups who came to the circle of the movement. He had to stand for non-violence. He had to stand for the movement being one that we could seek the plateau of freedom without violence. And so I stand here today because I want to at least express the fact that those of us who argue for the opportunities around the world, for the peace around the world, for the elimination of the shackles of the Sudanese people and who claim that we want that kind of fierce and absolute pressure on government, have to be able to understand this legislation. I want divestiture and sanctions in Sudan. And so, clearly, I have to understand that there are times when we must intervene in order to make the point so that freedom might live.

I hope President Abbas will meet with the prime minister, the new prime minister of Israel. I hope that they will find a common ground and a way to promote peace. But at the same time, I think it is important that we make a firm stand to find in our hearts and our minds the ability to stand up to Hamas and ask them to reject violence but also to say these three words: Israel can exist. That is what we are asking for tonight.

I guess I speak as one who has a great kinship and friendship with many Muslims around this Nation and this world. Particularly, I speak tonight to those Palestinian Americans who are frustrated and confused by legislation such as this. I beg of them to link arms with all of us and demand of the Hamas that they rid themselves of this violence so their children can learn, so the sick and the feeble can be taken care of. But I do thank the authors of this legislation for putting these exceptions in,

and they can be read clearly that health and humanitarian needs can be taken care of and educational needs can be taken care of with the consultation of this Congress. This is a very difficult time. There are hard choices to make and I would argue that the Arab League has been, if you will, absent from the team. The Arab League has been absent from this process.

So as I close, let me say that there is fault everywhere. We can blame anyone and everyone. But it is clear what has to be done. That is the denouncing of violence. I want to say to our friends here in America, Palestinian friends and others, you can be part of this solution. We are not here to undermine the children of Palestine or the women or the families or those who are sick, but we are here to heal the land and to cause an opportunity for peace so that two states can live along with each other.

I cannot be a hypocrite tonight, and as I cry out for Sudan, I must cry out for peace between Israel and the Palestinians. I hope this legislation will begin the debate, and I hope the Arab League and others will join us in this fight for freedom.

Madam Speaker, I rise today to support, and express my views, on H.R. 4681, the Palestinian Anti-Terrorism Act.

For the last few months, we have watched the Middle East transform once again, and every day, we have witnessed history in the making.

Israel experienced the end of an era when the Honorable Ariel Sharon was disabled by a powerful stroke. Israel also resurrected its government into an entity focused on stability and the necessity of safety. The Palestinian Authority successfully elected a new government in the spirit of democracy.

I had the opportunity this past January to visit Israel, to once again tread the soil of the Holy Land, and meet with state officials to discuss the ramifications of Mr. Sharon's illness, and prospects of peace in the Middle East. At the time, apprehension toward the upcoming Palestinian elections was tangible, and the Israeli elections were not too far in the future. All of Israel and the Middle East knew that this was a turning point.

Now, however, we have a conundrum. Where we want to encourage and celebrate a democratic election, we are dismayed that the party elected has a history that disappoints hopes of peace and a mutually beneficial resolution in the near future.

Until we can achieve a two-state solution with lasting peace, we must address the fact that the government now in power has not met the baseline requirements for returning to the discussion table.

Over the last few months, we have seen the Palestinian people elect a government that promised more organization and resilient public administration, as well as less corruption and abuse of its citizens. However, the charter of Hamas remains committed to the destruction of the nation of Israel, and the supremacy of the Islamic faith around the world. The Palestinian Authority is struggling to deliver the stability it promised on the campaign trail.

H.R. 4681 states that it shall be U.S. policy to promote the emergence of a democratic

Palestinian governing authority that denounces and combats terrorism, upholds human rights for all people, and has agreed to recognize Israel as an independent Jewish state.

The Palestinian Anti-Terrorism Act of 2006 would freeze aid to the Palestinian Authority (PA) and nongovernmental agencies (NGOs) unless for educational needs and overridden by the President, operating in the West Bank and Gaza so long as Hamas, or any other terrorist group, is a part of the Palestinian government. The Palestinian Anti-Terrorism Act puts in place a stringent benchmark that must be met by the PA before America resumes aid. The aid will not be resumed until the President certifies that the PA is not controlled by and does not include terrorist groups and that the PA has demonstrated substantial progress towards a number of specified goals. I know we can have peace if people of good will—no matter what their faith help denounce violence and begin to work for two peaceful states.

I hope that this bill will not be misinterpreted as stifling the Palestinian Authority or harming the Palestinian people. This bill has been carefully written to make a compelling statement against any government that would challenge the sovereignty of another nation, and yet preserve the international aid and support to a people in need of stability.

We welcome Prime Minister Ehud Olmert this week to address a Joint Meeting of Congress. I hope that, while he is here, we may discuss actions that will serve to dissuade stakeholders from violence, and actions that will be a catalyst toward peace and stability in the Middle East.

One event occurred this week that fills me with hope: Deputy Prime Minister Shimon Peres and Foreign Minister Tzipi Livni met with Palestinian President Mahmoud Abbas on the sidelines of the World Economic Forum in Sharm el-Sheik, Egypt, achieving the highest-level public talks between Israel and the Palestinian Authority in months. While the discussion focused on ideas for alleviating Palestinian humanitarian problems, both sides said it could lead to a first Olmert-Abbas summit. I am pleased that conversations between the governments continue, and I hope that we do, indeed, see such a summit in the coming months.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I thank all of my colleagues who have participated in this debate and most especially my dear friend from California (Mr. LANTOS). He is always on the right side of all of these issues. Thank you, Mr. LANTOS, for your friendship and your leadership.

Madam Speaker, Hamas has a choice to make. It can be part of our broader post-9/11 policy of being with peace-loving, freedom-loving, democratic nations, or it can be with the Islamic terrorists. Yet, this is what Hamas' choice has been.

On its commitment to terrorism, the security forces head says, "We have only one enemy, they are Jews. I will continue to carry the rifle and pull the trigger whenever required to defend my people."

On refusing to recognize Israel, the Hamas spokesman says, "I believe that

the question of recognizing Israel will never be at any time on the agenda of the Hamas movement, the PLC or the Palestinian government."

The foreign minister has said, "Even if the U.S. gave us all its money in return for recognizing Israel and giving up one inch of Palestine, we would never do so even if this costs us our lives. Our right to pursue the resistance will remain as long as the occupation continues over our lands and our holy sites."

This is the leadership of Hamas. So we have a choice, Madam Speaker. Allow American taxpayer dollars to help support Hamas and other Islamic extremists or prevent such a manipulation of U.S. funds and ensure that they help promote our U.S. interests. I hope that our colleagues make the right decision tomorrow, and I hope that they will help us pass this bill.

Mr. RAHALL. Madam Speaker, I rise today to urge my colleagues to exercise restraint and perspective in our consideration of H.R. 4681.

President Bush's Administration has already stated the bill is "unnecessary as the Executive branch already has ample authority to impose all its restrictions and it constrains the Executive branch's flexibility to use sanctions, if appropriate, as tools to address rapidly changing circumstances." With that kind of endorsement, we must ask ourselves what this legislation seeks to accomplish.

Additionally, the so-called Anti-Terrorism Act of 2006 limits diplomatic visas to members of the Palestinian Authority and would tie the hands of the foreign policy community when it comes time to negotiate peace between the PA and Israel. How many times has peace been brokered on American soil? Eliminating dialogue does not help to advance peace in the region. Peace only comes through mutual understanding.

Reasonable, even intelligent people can, and frequently do, disagree on how best to achieve peace in the Middle East, but, peace must be the goal of our foreign policy tools, whether they be by the stick or by the carrot.

Peace cannot come from punishing the Palestinian people. Even Israel's Foreign Minister knows that. He states in Reuters, that, "Israel is prepared to release Palestinian tax revenues into a proposed aid mechanism being set up by Middle East mediators to avert the collapse of the Palestinian health sector . . ."

Instead, this legislation seeks to accomplish exactly what President Bush's Administration and the Israeli Foreign Minister realize is counterproductive. I can tell you that after 30 years in Congress, I have seen legislation succeed and fail. This legislation is rigid, and unnecessary.

To put it plainly, when you take from people who already have nothing, you breed trouble, you don't combat it. How easy will it be for Al-Qaeda to tell a man whose child is dying that the doctors are no longer there because the Americans took them away? How easy will it be to recruit a whole new generation of listless, impoverished youths?

Madam Speaker, I reject the idea that this legislation will combat terrorism. I reject it because we have history as our teacher.

The best nation-building, goodwill act that the United States has ever produced was the

Marshall Plan after World War II. By rebuilding Europe, America continues to be stronger. Yes, there were communist factions that the United States deplored, but we knew the need was real, and punishing the whole for the acts of the few was wrongheaded in the extreme.

Today, our actions must be motivated only by our intense desire to achieve a just and lasting peace. The compassion and charity of the American people should be reflected in this legislation, though sadly, they are silenced.

Madam Speaker, make no mistake, a vote cast in favor of H.R. 4681 is not a vote for peace, it is not a vote for America and it is not a vote that I will cast.

I urge my colleagues to cast their votes against this unwise and unproductive resolution.

Mr. GENE GREEN of Texas. Madam Speaker, I rise in strong support of this legislation.

Earlier this year we watched as the Palestinian people went to the polls and voted into power a group that has employed car bombings, suicide bombings, mortar attacks, Qassam rocket attacks, and assassinations to achieve its stated goal of destroying Israel.

Last January, Hamas—the radical Islamic Palestinian organization that has sought to expel Jews and destroy the state of Israel to establish an Islamic Palestinian state based on Islamic law—won a majority of the seats in the Palestinian Legislative Council.

This group has been recognized by the United States and the European Union as a terrorist organization, and has committed hundreds of acts of terrorism against Israeli citizens since its creation in 1987.

I fully support the democratic process, but the views of Hamas are at odds with that process and its principles, and I do not believe we should continue providing funding to a group that's stated purpose is the destruction of another democratic country.

This legislation sends a message to Hamas, but protects humanitarian assistance for the Palestinian people by continuing U.S. assistance through NGOs and USAID.

H.R. 4681 also gives the President authority to waive many of the provisions of the bill if Hamas changes its stance or a new Palestinian Authority government emerges.

We cannot allow U.S. taxpayer dollars to get in the hands of a Hamas-controlled government to be used against Israel, and this bill will prevent that from happening while protecting humanitarian aid to the Palestinian people.

Madam Speaker, we need to send Hamas a message that we will not stand by while it continues to endorse terrorism and violence.

I urge my colleagues to join me in supporting H.R. 4681.

Mr. LANTOS. Madam Speaker, in conclusion I reject the claim that our bill does not allow our government to support worthwhile projects for the Palestinians in the West Bank and Gaza. In fact, it makes every possible allowance for such projects, consistent with U.S. national interests.

First of all, our legislation makes an explicit exception for supporting the basic human health needs of the Palestinian people.

Second, it includes a waiver that requires the President only to certify that such assistance furthers our national security interests. That is not an unreasonably high standard to

meet, Madam Speaker, given our need to ensure that such projects do not in any way benefit Hamas, either politically or economically.

Nor, Madam Speaker, is it too much to ask that the consultation period be a bit longer than usual—25 days instead of 15—given this unprecedented situation, in which we would provide aid to a people whose government is controlled by terrorists. This is new territory, and we owe it to the taxpayers to proceed cautiously. Indeed, we cannot be sure that the new Hamas-controlled Palestinian Authority will not exert control over schools and other institutions currently run by non-governmental organizations.

In this unusual and potentially explosive situation, it seems to me the very least we should ask is that our assistance to the Palestinian people clearly further our national security interests. This is our minimal obligation to our constituents.

We will insist on this basic standard, Madam Speaker, and we will give assistance for appropriate purposes—and I am quite sure the level of our assistance will continue to be greater than that of any Arab nation, including those who have been wallowing in ever-increasing windfall profits over the past three years.

Also, Madam Speaker, H.R. 4681 cuts off U.S. contact with those who represent terrorism, not those who represent democracy.

H.R. 4681 establishes a policy that the U.S. should not negotiate or have substantive contacts with terrorist organizations such as Hamas or Palestinian Islamic Jihad.

H.R. 4681 explicitly recognizes that working with Palestinian moderates is in U.S. interest by allowing assistance to be provided to President Abbas to facilitate a peaceful resolution of the Israeli-Palestinian conflict.

H.R. 4681 allows travel to the UN and gives the President an authority to waive this restriction to allow Palestinian moderates who are in the Palestinian Legislative Council to come to the United States to visit.

I urge all my colleagues to support H.R. 4681.

Ms. ROS-LEHTINEN. Madam Speaker, I attach an exchange of letters between Chairman HYDE and Chairman OXLEY concerning the bill H.R. 4681 "Palestinian Anti-Terrorism Act of 2006."

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, May 15, 2006.

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

DEAR MR. CHAIRMAN: I am writing to confirm our mutual understanding with respect to the consideration of H.R. 4681, the Palestinian Anti-Terrorism Act of 2006. This bill was introduced on February 1, 2006, and referred to the Committees on International Relations, Judiciary and Financial Services. I understand that committee action has already taken place on the bill.

Section 9 of the bill as introduced falls within the jurisdiction of this Committee and could be the subject of a markup. However, in response to a request from this Committee, I thank you for your agreement to support in moving this legislation forward the modification of section 9 to remove from the certification requirement for international financial institutions a determination of the President that the Palestinian Authority has taken effective steps and

made demonstrable progress toward “ensuring democracy, the rule of law, and an independent judiciary, and adopting other reforms such as ensuring transparency and accountable governance.” Given the importance and timeliness of the Palestinian Anti-Terrorism Act, and your willingness to work with us regarding these issues, further proceedings on this bill in this Committee will no longer be necessary. However, I do so only with the understanding that this procedural route should not be construed to prejudice the jurisdictional interest of the Committee on Financial Services on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my committee in the future. Furthermore, should these or similar provisions be considered in a conference with the Senate, I would expect members of the Committee on Financial Services to be appointed to the conference committee on these provisions.

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

Yours truly,

MICHAEL G. OXLEY,
Chairman.

COMMITTEE ON INTERNATIONAL RELATIONS,
HOUSE OF REPRESENTATIVES,

Washington, DC, May 15, 2006.

Hon. MICHAEL G. OXLEY,
Chairman, House Committee on Financial Services, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning H.R. 4681, the Palestinian Anti-terrorism Act of 2006. As you noted, this bill has been referred to both of our committees as well as the Committee on the Judiciary. The Committee on International Relations has filed its report on the bill (109-462, Part I). I concur that provisions within Section 9 of the bill, as introduced, fall within the jurisdiction of this Committee and could be the subject of a markup in your committee. In order to expedite consideration of the bill by the House, I am willing to modify language in Section 9 relating to international financial institutions.

Based on the agreement to modify the manager's amendment to reflect our understanding, I appreciate your willingness to forgo a committee markup of the bill. I understand that this waiver should not be construed to prejudice the jurisdictional interest of the Committee on Financial Services on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to your committee in the future. I also agree that, should these or similar provisions be considered in a conference with the Senate, I will request the Speaker to name members of the Committee on Financial Services to the conference committee on these provisions.

As requested, I am inserting a copy of our exchange of letters in the Congressional Record during the deliberation on this bill. I thank you for your consideration.

Sincerely,

HENRY J. HYDE,
Chairman.

Mr. HYDE. Madam Speaker, the election of Hamas to a majority within the Palestinian Legislative Council and to the formation of a terrorist organization-led government in the Palestinian Authority poses a serious challenge to the United States and its allies. The Committee on International Relations has crafted an excellent response to that chal-

lenge. The bill which is before the House today is based on a proposal by our colleagues, ILEANA ROS-LEHTINEN and TOM LANTOS.

The fact that the Palestinians voted, albeit by a plurality and not a majority, to put Hamas in power in the Palestinian Authority does not mean that the United States has to support that government. The Palestinian people must live with their own decisions; the United States need not, and should not, deal with, let alone support, terrorists—whether elected or not.

The legislation we have before us today provides a series of firewalls to prevent funding under the Foreign Assistance Act from flowing to the Palestinian Authority, from which it could support, or be seen to be supporting, the Hamas' terrorist leadership of the Palestinian Authority. It also provides for ways, subject to appropriate findings and consultation with the Congress, to get funding to the Palestinian people through the funding of non-governmental organizations.

We have provided exceptions, subject to certain certification and consultation requirements, for—among other things—assistance to the President of the Palestinian Authority. Mahmoud Abbas, the current Palestine President, is clearly not a terrorist, and having worked with him, we must make it possible for him to be protected, if required, and to be an effective negotiator. He still has a lot of institutional power under the Palestinian constitution, and he should be encouraged and enabled in exercising that power responsibly.

Under the Foreign Assistance Act, it will be possible to provide assistance, even to a terrorist-dominated Palestinian Authority, to deal with health emergencies such as avian flu. That sort of assistance should flow, and indeed flows today.

Finally, we establish, by statute, a policy that officials of the United States should not negotiate with members of terrorist organizations such as Hamas and that our government should oppose funding the Palestinian Authority, under the current circumstances, through International Financial Institutions.

With that brief outline of the bill's key points, Madam Speaker, I would like to express my thanks to Ms. ROS-LEHTINEN and Mr. LANTOS for their efforts.

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today in support of this bill and in support of peace and prosperity for all the people of the Middle East.

For years, the international community has tried to work with Israelis and Palestinians to forge a lasting peace in the Middle East. But the election of Hamas to control the Palestinian Parliament was a shock to all of us, and the announcement that their party would rule alone disheartening.

It remains to be seen whether participation in the democratic process can truly have a moderating effect on organizations that have supported terror. But until we see evidence to that effect, we are forced to deal with the world as it is—and in that world, Hamas is a terrorist organization.

Hamas uses violence against the innocent to further its political objectives. It does not accept the Roadmap, and it does not recognize the right of Israel to exist. Clearly, we cannot support—with our words or with our deeds—such an organization.

At the same time, we must recognize that most Palestinian people voted for Hamas not

because they support terror, but because they were desperate for a better quality of life. Hamas was providing basic services that their existing government was, for whatever reason, unable to provide.

I would like to take this opportunity to say that supporting this bill is not a rejection of the Palestinian people. America's position is clear: we support a two-state solution in accordance with the Roadmap.

And although we cannot and should not support Hamas, we must not abandon the Palestinian people. We must continue to support humanitarian aid—including health, education, and civil society initiatives—to ensure that the next generation of Palestinian children can know something other than violence, desperation, and hatred. Only then will we have any hope of achieving true peace.

Mr. FOSSELLA. Madam Speaker, I rise in strong support of H.R. 4681, the Palestinian Anti-Terrorism Act of 2006. I was deeply concerned when I learned that the Hamas party was elected to take control of the Palestinian Authority. In FY 2005, the United States appropriated \$275 million to the West Bank and Gaza, with \$50 million of that funding going directly to the Palestinian Authority. But now, with Hamas in control of the Palestinian Authority, not one dollar of taxpayer money should go to this terrorist organization. The Palestinian people have every right to elect a terrorist organization to control their government—and the United States has every right to eliminate any financial assistance for it.

Under H.R. 4681, the Hamas-led Palestinian Authority would become eligible for United States foreign assistance only when Hamas renounces violence, dismantles the terrorist infrastructure in the West Bank and Gaza, recognizes Israel's right to exist as a Jewish state and accepts all previous Israeli-Palestinian agreements.

Hamas is responsible for countless homicide bombings that have killed hundreds of Israeli citizens. They have waged a terror war with the sole intent of murdering innocent people. Hamas is responsible for some of the most horrific terrorist attacks in recent years, including the March 2002 Passover Massacre that killed 30 people; the June 2002 Patt Junction Massacre which killed 19 people; and the 2003 Jerusalem Bus attack which killed 23 people. And recently, Hamas backed the April 2006 bombing of a Tel-Aviv restaurant that killed 9 people.

The Hamas Charter reads: “Israel will exist and will continue to exist until Islam will obliterate it, just as it obliterated others before it.”

Hamas' victory further jeopardizes the peace process and creates greater instability in the region. I have no confidence in Hamas as a responsible leader of the Palestinian Authority nor do I believe the terrorist group wants peace with Israel. I urge the new government to proceed with caution and exercise restraint as it assumes power. Any provocation on their part will rightly be met with fierce resistance by the Israeli people.

H.R. 4681 does allow for humanitarian assistance, including providing funds to Fatah party member Mahmoud Abbas, President of the Palestinian Authority. Under this bill, the Palestinian People may be eligible for additional aid on a case-by-case basis. While strong against Hamas, this bill is not need-blind to the people of Palestine. Just recently,

the United States sent \$10 million worth of pharmaceuticals to local clinics in the Gaza Strip on May 10.

Mr. SHAYS. Madam Speaker, the founding charter of Hamas reads, "Israel will rise and will remain erect until Islam eliminates it as it had eliminated its predecessors." Madam Speaker, when your enemy says he is going to kill you, you better pay attention.

The Hamas victory in Palestinian parliamentary elections is of great concern to me and many others and presents a major challenge to the peace process. Hamas ran a campaign primarily based on cleaning out the corruption of the Fatah party. The Palestinian people responded to this pledge, but sadly in the process elected a terrorist government.

Unless Hamas recognizes the State of Israel's right to exist, ceases incitement and permanently disarms and dismantles their terrorist infrastructure, there is no hope for peace. The bottom line is neither our government nor Israel can meet with or provide assistance to a government led by this terrorist organization.

Ms. ROS-LEHTINEN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 4681, as amended.

The question was taken.

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

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5384, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Mr. HASTINGS of Washington (during debate on H.R. 4681), from the Committee on Rules, submitted a privileged report (Rept. No. 109-477) on the resolution (H. Res. 830) providing for consideration of the bill (H.R. 5384) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPUBLICANS OFFERING ENERGY SOLUTIONS

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

Ms. FOXX. Madam Speaker, many Americans are concerned about gasoline prices. They can rest assured that

House Republicans are focused on their concerns and are working very hard to lower the costs of gasoline over the mid and long term.

Republicans introduced and passed the Gasoline for America's Security Act which will ban price gouging and increase U.S. fuel supply by encouraging new refineries while at the same time promoting conservation efforts. The bill passed the House but still needs immediate attention in the United States Senate.

Republicans also passed the Energy Policy Act which reduces the cost of energy, reduces our reliance on foreign oil sources, encourages the use of alternative power sources and improves our electricity transmission capability. The bill also provides relief to our hardworking farmers by providing tax incentives and money for research and development by ethanol and biodiesel energy sources.

In addition, House Republicans have repeatedly supported legislation to open up the Arctic National Wildlife Refuge to oil and gas exploration.

The Democrats, on the other hand, have opposed building new refineries, have opposed drilling in ANWR and, in fact, voted against both of these bills.

Madam Speaker, Republicans have worked hard to address America's energy needs. And the Democrats? They vote "no" on every solution.

□ 2200

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. DRAKE). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

UNDERAGE DRINKING

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

Mr. OSBORNE. Madam Speaker, underage drinking flies under the radar screen for most people. Alcohol is legal and widely accepted by adults, and yet many times we do not realize the devastation that this is causing for young people.

The average at which young people begin drinking is 12.7 years of age, and that age is declining annually.

Binge drinking is something that is very common among young people. On average, teenagers drink more by double what adults drink per sitting and per consumption.

Teens who start drinking before age 15 are four times more likely to be-

come addicted to alcohol than someone who starts drinking at age 21 or later.

Prevention efforts have been, I would say, very minimal. The Federal Government currently spends about 25 times more annually to combat youth drug use than to prevent underage alcohol use.

Alcohol is a gateway drug. Usually those who begin to use cocaine, heroin, and methamphetamine do not start with those drugs. They start with alcohol. Television ads for alcohol products outnumber responsibility messages by 32-1. In other words, those ads that promote the consumption of alcohol are 32 times more prevalent than those ads that urge restraint, responsible drinking or discourage underage drinking. From 2001 to 2003, the industry spent \$2.5 billion on television advertising and promoting their product and only \$27 million, a mere fraction, on responsibility programs.

Underage drinkers currently account for 17 percent of all alcohol sales in the United States, and that is a huge margin. In my State, Nebraska, underage drinking accounts for 25 percent of all alcohol sales, and of course, those sales are all illegal.

Recent studies have found that heavy exposure of the adolescent brain to alcohol interferes with brain development. In other words, drinking at age 10 is qualitatively and quantitatively different than drinking at 21 or 25 or 30 or 35 or whatever because of developmental aspects.

This is a brain scan showing a brain scan of two 15-year-old young men. The scan on the right is a 15-year-old male, heavy drinker, a binge drinker, the person who is sober at the time of the brain scan, drinks regularly, binge drinker. The 15-year-old young person brain scan on the left is someone who is an abstainer, someone who does not drink at all. These young people were asked to perform memory tests, and you see the brain scan on the right showing minimal brain activity, as compared to the young person doing the same memory test on the left. So we see what excessive exposure to alcohol does to brain function.

Many young people drop out of school, who do not perform well in school, are simply people who are heavy drinkers. An estimated 3 million teenagers are full-blown alcoholics at the present time, and that is about six times more than those who are addicted to other kinds of drugs.

Alcohol kills six times more young people than all illicit drugs combined, all other illicit drugs. Underage drinking costs the United States roughly \$53 billion annually. So this is something, again, that I mention that oftentimes people are simply not aware of.

The bill that we have introduced in the House that we think is relevant to this problem is called the Sober Truth on Preventing Underage Drinking Act, the STOP Act, and what it would do is create a Federal Interagency Coordinating Committee to coordinate efforts

directed at underage drinking. Right now, we have multiple programs aimed at different types of substance abuse alcohol is one of those. Some of those programs are in the Department of Justice, some are in Education, some are in Health and Human Services, but there is practically no coordination of these programs. Sometimes they duplicate each other. Sometimes these programs do not work well, and so we feel there needs to be some coordinating commission that coordinates all of these programs, particularly those that are aimed at alcohol abuse by young people.

It also authorizes a national media campaign directed at adults. You say, well, why would you direct it to adults. Well, the main thing is that the attitude of parents is the number one predictor as to whether a young person will abuse alcohol as an underage drinker or not, and so many parents many times feel if a young person is using alcohol, that pretty much prevents them from being involved with heroin or cocaine or methamphetamine, when exactly the opposite is true. Someone who starts abusing alcohol at an early age is much more apt to be addicted to all kinds of substance, and therefore, we feel there is a lot of drug awareness that has to occur with drugs.

It also provides additional resources to communities and colleges and universities to prevent underage drinking. At the present time, annually 1,700 young people, college students, die each year on the college campus because of alcohol abuse. It is the leading cause of death on the college campus. This is double the rate that we have had for deaths in Iraq. So we feel that this is critical.

Also, it increases Federal research and data collection on underage drinking.

THE SIXTY-FIFTH ANNIVERSARY OF THE HEROIC BATTLE OF CRETE

The SPEAKER pro tempore (Ms. FOXX). Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Madam Speaker, I rise proudly today to celebrate the 65th anniversary of the Battle of Crete, a World War II event of epic proportions that profoundly impacted on the determination of many countries to resist the aggression of Nazi Germany. This is a story of the sacrifices made by a battered but brave group of individuals thrown together in a combined effort to halt the domination of a smaller, weaker nation by a larger, more powerful aggressor.

Amidst the cataclysm that engulfed the countries of Europe at the time, it seems now preposterous that a small island dared to stand up to the aggressor to preserve its freedom and defend its honor. Today, more than half a century later, the heroic events that took place in the Battle of Crete remain etched in the memory of people around the world. In

commemoration of this anniversary, and for the benefit of future generations, I will share a brief account of these events as they unfolded.

In early April 1941, the German army rushed to the aid of their defeated ally, Italy, and invaded Greece. Following a valiant struggle, Greek forces had been pushed entirely off the continent and were forced to take refuge on the island of Crete.

The German army then looked covetously across the sea to Crete because of the British airfields on the island, which could be used by the Allies for air strikes against the oil field of Rumania, thereby denying this vital war commodity to Hitler's forces now preparing for their attack on Russia. If captured, it would also provide air and sea bases from which the Nazis could dominate the eastern Mediterranean and launch air attacks against Allied forces in northern Africa. In fact, the Nazi high command envisioned the capture of Crete to be the first of a series of assaults leading to the Suez Canal. Hitler intended a short, one month, campaign, starting in March. On successful completion, his troops would be reassigned to Russia.

Crete's defenses at the time had been badly neglected due to the deployment of Allied forces in North Africa. GEN Bernard Freyberg of the New Zealand Division was appointed by British Prime Minister Winston Churchill as commander of a small contingent of Allied troops which had been dispatched to the island a few months before and re-enforced by additional troops who had retreated from the Greek mainland.

Early on the morning of May 20, 1941, Crete became the theater of the first and largest German airborne operation of the war. The skies above Crete were filled with more than 8,000 Nazi paratroopers, landing in a massive invasion of the island, which was subjected to heavy bombing and attacks in what became known as "Operation Mercury."

Waves of bombers pounded the Allied positions followed by a full-scale airborne assault. Elite paratroopers and glider-borne infantry units fell upon the rag-tag Allied soldiers and were met with ferocious resistance from the Allied troops and the Cretan population.

Although General Freyberg had decided not to arm the Cretans because they were believed to be anti-royalist, they fought bravely with whatever was at hand during the invasion. As soon as the battle broke out, the people of Crete volunteered to serve in the militia. Centuries of oppression and several revolts against Venetians and Turks had taught them that freedom is won and preserved by sacrifice, and there was hardly a family without a gun stashed somewhere in the house. For the first time, the Germans met stiff partisan resistance.

War-seasoned men joined the regular troops in the effort to repel the invader. Old men, women and children participated and used whatever makeshift weapons they could find. They pointed their antiquated guns at the descending German paratroopers. They used sticks, sickles and even their bare hands to fight those soldiers already on the ground. Most of them were illiterate villagers but their intuition, honed by the mortal risk they were facing, led them to fight with courage and bravery. "Aim for the legs and you'll get them in the heart," was the popular motto that summarized their hastily acquired battle experience.

Seven days later, the defenders of Crete—though clinging to their rocky defensive positions—knew that they would soon be overrun. The evacuation order was given, and nearly 18,000 men were rescued. These valiant survivors had bought the Allies a week's precious time free of Nazi air and sea attacks based from Crete. More importantly, they inflicted severe losses on the German airborne forces, the showpieces of the Nazi army. Although well-armed and thoroughly equipped, the Germans didn't break the Cretans' love of freedom.

Although the Germans captured the island in 10 days, they paid a heavy price. Of the 8,100 paratroopers involved in this operation, close to 4,000 were killed and 1,600 were wounded. So injured were the German units that they never again attempted an airborne assault of the magnitude launched at Crete. Hitler may have won the Battle of Crete, but he lost the war. The German victory proved a hollow one, as Crete became the graveyard of the German parachute troops. In fact, it is a lesson taught in almost every major military academy in the world on what not to do.

In retaliation for the losses they incurred, the Nazis spread punishment, terror and death on the innocent civilians of the island. More than 2,000 Cretans were executed during the first month alone and thousands more later. Despite these atrocities, for the 4 years following the Allied withdrawal from the island, the people of Crete put up a courageous guerrilla resistance, aided by a few British and Allied officers and troops who remained. Those involved were known as the Andartes (the Rebels).

Cretan people of all ages joined or aided the Andartes. Children would pile rocks in the roads to slow down the German convoys. They even carried messages in their schoolbooks because it was the only place that the German soldiers never looked. These messages contained information critical to the Andartes who were hiding in the mountains and would come down for midnight raids or daytime sabotages.

The German terror campaign was meant to break the fighting spirit and morale of the Andartes. Besides the random and frequent executions, German soldiers used other means to achieve their goal. They leveled many buildings in the towns and villages, destroyed religious icons, and locked hundreds of Cretans in churches for days without food or water, but nothing worked. These actions only made the Cretans more ferocious in their quest for freedom.

Even in the face of certain death while standing in line to be executed, Cretans did not beg for their lives. This shocked the German troops. Kurt Student, the German paratrooper commander who planned the invasion, said of the Cretans, "I have never seen such a defiance of death."

Finally, the Cretan people participated in one of the most daring operations that brought shame and humiliation to the German occupation forces and exhilaration and hope to the enslaved peoples of Europe. Major-General Von Kreipe, commander of all German forces in Crete, was abducted from his own headquarters in April 1944 and transferred to a POW camp in England.

The German troops had never encountered such resistance. Hitler had initially sent 12,000 troops to Crete, thinking that the occupation

would be swift. By the end of the 3½ years of occupation, Hitler had sent a total of 100,000 troops, to confront a little more than 5,000 Cretan Andarte fighters. These German troops could have been deployed somewhere else. More German troops were lost during the occupation of Crete than in France, Yugoslavia and Poland combined.

Most importantly, as a result of the battle in Crete, Hitler's master plan to invade Russia before the coming of winter had to be postponed, which resulted in the deaths of many German troops who were not properly prepared to survive the harsh Russian winter.

As we Americans know from our history, freedom does not come without a price. For their gallant resistance against the German invasion and occupation of their island, Cretans paid a stiff price. Within the first 5 months of the Battle of Crete, 3,500 Cretans were executed and many more were killed in the ensuing 3½ years of occupation.

Mr. Speaker, there are historical reasons why we Americans appreciate the sacrifices of the Cretan people in defending their island during the Battle of Crete. We have a history replete with similar heroic events starting with our popular revolt that led to the birth of our Nation more than two centuries ago.

We must always remember that as long as there are people willing to sacrifice their lives for the just cause of defending the integrity and freedom of their country, there is always hope for a better tomorrow. May we take inspiration from the shining example of the people of Crete in ensuring that this is indeed the case.

FORMER STATE SENATOR JOE BURTON AND GEORGIA'S VOTER ID LAW

Mr. GINGREY. Madam Speaker, I ask unanimous consent to speak out of turn for 5 minutes.

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

There was no objection.

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

Mr. GINGREY. Madam Speaker, I rise today to congratulate my State of Georgia on its new voter ID law which hopefully will be fully implemented soon. Additionally, I rise today to honor a friend and former Republican colleague in the Georgia State Senate, Joe Burton of DeKalb County.

Though retired, Senator Burton was one of the legislature's greatest proponents of voter identification reform, as well one of the legislative architects of this reform. While he may no longer be in the Georgia State Senate, the passage of this voter ID reform legislation can be directly attributed to his efforts.

Madam Speaker, Senator Burton, like most of us, realized open and fair elections are critical to the preservation of our democratic form of government. Every citizen has not only the right but, in many ways, the obligation to choose their leaders through the electoral process.

However, to ensure the integrity of our elections, we must verify those who vote are actually registered voters and the person they claim to be. Preventing election fraud and taking reasonable precautions to do so are fundamental in reassuring us all that our election results are a legitimate expression of the will of the people.

Last year, Madam Speaker, the Georgia legislature passed, and Governor Sonny Perdue signed into law a comprehensive voter identification bill. This bill requires an individual to produce a photo ID in order to vote rather than 1 of 17 different forms, including utility bills, bank statements, mail, and various non-photo licenses, which in no way guarantee that the possessor of the document is actually the identified person.

Madam Speaker, this law hit a slight speed bump when a Federal appeals court maintained an injunction on the voter ID law pending certain changes. Thankfully in the opening weeks of this year's legislative session, the Georgia legislature and the governor quickly passed a bill making all the necessary changes ensuring every Georgian can obtain a free photo ID in each and every one of Georgia's 159 counties.

Madam Speaker, this path to reform has not been an easy one. Legislators on both sides of this issue feel very passionately, and throughout this debate, emotions ran high, and they will probably continue to run high until these reforms are enacted and the law's opponents can see these reforms actually help, not hinder, voters.

While this law may have a few more legal tests to pass, it has been reviewed by the Department of Justice throughout the process. I remain confident that, given a fair hearing, this law will stand all legal tests and will provide all Georgians with a more fair electoral process.

Madam Speaker, strengthening voter confidence in the electoral process will only encourage more people to vote. I know this, and I know Senator Burton knew this when he helped lay the foundation for this reform in the Georgia Senate. Now, with a Republican majority in the Georgia legislature and a Republican governor, these nonpartisan reforms will become a reality to strengthen the integrity of our elections for the sake of all Georgians.

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

(Mr. George MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. ROHRABACHER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. STUPAK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. DUNCAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for today.

Ms. CORRINE BROWN of Florida (at the request of Ms. PELOSI) for today and May 23 on account of official business in the district.

Mr. CAPUANO (at the request of Ms. PELOSI) for today on account of his son's graduation from Boston College.

Mr. LARSON of Connecticut (at the request of Ms. PELOSI) for today and May 23 on account of a family medical emergency.

Mr. REYES (at the request of Ms. PELOSI) for today on account of official business.

Mr. RUPPERSBURGER (at the request of Ms. PELOSI) for today on account of business in the district.

Mr. SNYDER (at the request of Ms. PELOSI) for today.

Mr. GIBBONS (at the request of Mr. BOEHNER) for today and May 23 until 5:00 p.m. on account of personal reasons.

Mr. GRAVES (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. REHBERG (at the request of Mr. BOEHNER) for today through 5:00 p.m. May 23 on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

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

Mr. BURTON of Indiana, for 5 minutes, May 23, 24, 25, and 26.

Mr. ENGLISH of Pennsylvania, for 5 minutes, May 24.

Mr. BILIRAKIS, for 5 minutes, May 23, 24, and 25.

Mr. ROHRBACHER, for 5 minutes, today.

Mr. GINGREY, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

ADJOURNMENT

Mr. GINGREY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 13 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 23, 2006, at 9 a.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

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

7598. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: FuelSolutions (TM) Cask System Revision 4 (RIN: 3150-AH86) received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7599. A letter from the Deputy Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting the Bureau's final rule — Administrative Changes to Alcohol, Tobacco and Firearms Regulations Due to the Homeland Security Act of 2002 [T.D. TTB-44] (RIN: 1513-AA80) received April 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7600. A letter from the Administrator, Office of Workforce Security, Department of Labor, transmitting the Department's final rule — Changes to UI Performs — received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7601. A letter from the Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule — Withholding of District of Columbia, State, City and County Income or Employment Taxes by Federal Agencies (RIN: 1510-AB06) received January 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7602. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Announcement of Rules Implementing American Jobs Creation Act of 2004 Section 415 Modifications of the Subpart F Treatment of Aircraft and Vessel Leasing Income [Notice 2006-48] received May 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7603. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous (Rev. Proc. 2006-20) received April 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7604. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Low-Income Housing Credit (Rev. Rul. 2006-14) received April 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7605. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Conditions for Payment of Power Mobility Devices, including Power Wheelchairs and Power-Operated Vehicles [CMS-3017-F] (RIN: 0938-AM74) received April 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

7606. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Medicare Graduate Medical Education Affiliation Provisions for Teaching Hospitals in Certain Emergency Situations [CMS-1531-IFC] (RIN: 0938-A035) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

7607. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Payment for Respiratory Assist Devices With Bi-level Capability and a Backup Rate [CMS-1167-F] (RIN: 0938-AN02) received January 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly

to the Committees on Ways and Means and Energy and Commerce.

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. BARTON of Texas: Committee on Energy and Commerce. H.R. 5359. A bill to amend the automobile fuel economy provisions of title 49, United States Code, to authorize the Secretary of Transportation to set fuel economy standards for passenger automobiles based on one or more vehicle attributes (Rept. 109-475). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Kentucky: Committee on Appropriations. H.R. 5441. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes (Rept. 109-476). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 830. Resolution providing for consideration of the bill (H.R. 5384) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes (Rept. 109-477). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 9. A bill to amend the Voting Rights Act of 1965; with an amendment (Rept. 109-478). 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 Mr. BARTON of Texas (for himself and Mr. DINGELL):

H.R. 5438. A bill to amend the Public Health Service Act to transfer the National Disaster Medical System to the Department of Health and Human Services, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, 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. SMITH of Texas:

H.R. 5439. A bill to amend title 17, United States Code, to provide for limitation of remedies in cases in which the copyright owner cannot be located, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Texas:

H.R. 5440. A bill to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. ROGERS of Kentucky:

H.R. 5441. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

By Mr. EHLERS (for himself, Mr. HOLT, Mrs. BIGGERT, and Mr. BOEHLETT):

H.R. 5442. A bill to amend the Elementary and Secondary Education Act of 1965 to require the use of science assessments in the calculation of adequate yearly progress, and for other purposes; to the Committee on Education and the Workforce.

By Mr. NEY (for himself, Ms. WATERS, Mr. FRANK of Massachusetts, and Mr. SHAYS):

H.R. 5443. A bill to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937; to the Committee on Financial Services.

By Mr. KNOLLENBERG:

H.R. 5444. A bill to amend title 38, United States Code, to provide for annual cost-of-living adjustments to be made automatically by law each year in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans; to the Committee on Veterans' Affairs.

By Mr. PRICE of Georgia (for himself, Mr. BACHUS, and Mr. SCOTT of Georgia):

H.R. 5445. A bill to provide clarification relating to credit monitoring services; to the Committee on Financial Services.

By Mr. JINDAL:

H.R. 5446. A bill to direct the Administrator of the National Oceanic and Atmospheric Administration to report to the Congress on the effects of Hurricanes Katrina, Rita, and Wilma on the fisheries and fish habitat of the United States; to the Committee on Resources.

By Mr. JINDAL:

H.R. 5447. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to authorize the Secretary of Commerce to establish a regional economic transition program to provide immediate disaster relief assistance to the fishermen, charter fishing operators, United States fish processors, and owners of related fishery infrastructure affected by a catastrophic regional fishery disaster, and for other purposes; to the Committee on Resources.

By Mr. JINDAL:

H.R. 5448. A bill to establish the Louisiana Hurricane and Flood Protection Council for the improvement of hurricane and flood protection in Louisiana; to the Committee on Transportation and Infrastructure.

By Mr. LATOURETTE:

H.R. 5449. A bill to amend title 49, United States Code, to modify bargaining requirements for proposed changes to the personnel management system of the Federal Aviation Administration; to the Committee on Transportation and Infrastructure.

By Mr. EHLERS (for himself, Mr. BOEHLERT, and Mr. GILCREST):

H.R. 5450. A bill to provide for the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Science, and in addition to the Committee on 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 Mrs. MILLER of Michigan (for herself and Mr. REHBERG):

H.R. 5451. A bill to prevent congressional reapportionment distortions; to the Committee on Government Reform.

By Mr. DUNCAN (for himself, Mr. PITTS, Mr. GINGREY, Mrs. BLACKBURN, Mr. ROGERS of Kentucky, Mr. WAMP, Mr. GOODE, Mr. SULLIVAN, Mr. SESSIONS, Mr. WILSON of South Carolina, Mr. HAYES, Mr. WELDON of Florida, Mr. TANCREDO, Mr. LEWIS of Kentucky, Mr. KING of Iowa, Mr. HOSTETTLER, Mr. MCCOTTER, Mr. TERRY, Mr. RYUN of Kansas, Mr. WESTMORELAND, Mr. MILLER of Florida, Mr. SHIMKUS, Mr. TIAHRT, Mr. KUHL of New York, Mr. CHABOT, Mr. PICKERING, Mr. JONES of North Carolina, Mr. EVERETT, Mr. SOUDER, Mr.

DAVIS of Tennessee, Mr. FORD, Mr. HERGER, Mr. SCHWARZ of Michigan, Ms. FOXX, Mr. POE, Mrs. JO ANN DAVIS of Virginia, Mrs. MYRICK, Mr. STEARNS, Mr. BUYER, Mr. GOHMERT, Mr. DOOLITTLE, Mr. CANNON, Mr. MCKEON, Mr. BURTON of Indiana, Mr. JENKINS, and Mr. ALEXANDER):

H. Con. Res. 411. Concurrent resolution commemorating the anniversary of, commending, and reaffirming the national motto of the United States on the 50th anniversary of its formal adoption; to the Committee on the Judiciary.

By Ms. ROS-LEHTINEN (for herself, Ms. BERKLEY, Mr. WEXLER, Mr. MCCOTTER, Mr. PENCE, Mr. CANTOR, Mr. GARRETT of New Jersey, Mr. BURTON of Indiana, Mr. POMBO, Mr. KING of Iowa, Mr. RYUN of Kansas, Mr. MCHENRY, Mr. ENGEL, Mrs. JO ANN DAVIS of Virginia, Mr. CROWLEY, Mr. CANNON, Mr. CHANDLER, Mr. CHABOT, and Mr. ACKERMAN):

H. Con. Res. 412. Concurrent resolution commemorating the thirty-ninth anniversary of the reunification of the city of Jerusalem; to the Committee on International Relations.

By Ms. KAPTUR:

H. Res. 831. A resolution to support the goals of an annual National Time-Out Day to promote patient safety and optimal outcomes in the operating room; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

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

H.R. 98: Mr. UDALL of Colorado.
H.R. 115: Mr. DOYLE.
H.R. 136: Mr. WHITFIELD.
H.R. 202: Mr. SANDERS.
H.R. 558: Ms. MATSUI.
H.R. 559: Mr. DAVIS of Illinois and Ms. ZOE LOFGREN of California.
H.R. 676: Mr. DOYLE and Mr. MEEHAN.
H.R. 713: Mr. FORD.
H.R. 745: Mr. EDWARDS.
H.R. 759: Mrs. MCCARTHY.
H.R. 881: Mr. LEWIS of Georgia.
H.R. 1227: Mr. TANCREDO, Mr. PASCRELL, Mr. WALDEN of Oregon, and Mr. MILLER of North Carolina.
H.R. 1249: Mr. FITZPATRICK of Pennsylvania.
H.R. 1315: Mr. CONAWAY.
H.R. 1425: Mr. RANGEL.
H.R. 1548: Mrs. CUBIN, Mr. MILLER of North Carolina, Ms. LEE, and Mr. PRICE of Georgia.
H.R. 1558: Mr. YOUNG of Alaska.
H.R. 1578: Mr. FARR.
H.R. 1598: Mr. BOSWELL.
H.R. 1749: Mr. FORD.
H.R. 2121: Ms. HOOLEY.
H.R. 2328: Mr. ISTOOK.
H.R. 2498: Mr. BOOZMAN.
H.R. 2808: Mr. KLINE, Mr. PAYNE, Mr. SABO, Mrs. CUBIN, Mr. KENNEDY of Minnesota, Mr. WAMP, Mr. BARRETT of South Carolina, Mr. BUYER, Mr. CHOCOLA, Mr. BRADLEY of New Hampshire, Mr. SAXTON, Mr. HOLDEN, Mr. GUTKNECHT, Mr. LINDER, Mrs. MCCARTHY, Mr. DOYLE, Mr. STUPAK, Mr. TERRY, Mr. FORTENBERRY, Ms. ROS-LEHTINEN, Mr. BOUSTANY, Mr. WU, Mr. AL GREEN of Texas, Mr. TANNER, Mr. ROGERS of Kentucky, Mr. JENKINS, Mr. BILIRAKIS, Mr. TIBERI, Ms. HART, Mr. WALSH, Mr. BLUNT, Mr. BURGESS, Mr. PITTS, Mr. SMITH of Texas, Ms. PRYCE of Ohio, Mr. BROWN of South Carolina, Mr. PETRI, Mr. BROWN of South Carolina, Mr. PETRI, Mr. STEARNS, Mr. FRELINGHUYSEN, Mr. REGULA, Mr. FRANK of Massachusetts,

Mr. LEWIS of Kentucky, Mr. THOMAS, Mr. MURTHA, Mr. MCNULTY, Mr. PLATTS, Mr. MCCOTTER, Mr. COLE of Oklahoma, Mr. PORTER, Mr. MCKEON, Mr. CHABOT, Mr. ISTOOK, Mr. KING of New York, Mrs. JOHNSON of Connecticut, Mr. EHLERS, and Mr. ROGERS of Michigan.

H.R. 2939: Mr. MARSHALL.
H.R. 2963: Ms. MCKINNEY.
H.R. 3063: Ms. LEE.
H.R. 3282: Mr. CRENSHAW.
H.R. 3547: Ms. CARSON.
H.R. 4023: Mr. JEFFERSON, Ms. MCKINNEY, Mr. PASTOR, Mr. COBLE, Mr. SALAZAR, Mr. CRAMER, and Mr. MCGOVERN.

H.R. 4033: Mr. LAHOOD, Mr. FERGUSON, Mr. GERLACH, Mr. LEWIS of Kentucky, Mr. LEWIS of Georgia, Mr. FOSSELLA, Mr. CARDIN, Mr. GEORGE MILLER of California, Mr. DELAHUNT, Mr. COBLE, Ms. MATSUI, Mr. CUELLAR, Mr. SOUDER, Mr. FRANKS of Arizona, Mr. JOHNSON of Illinois, Mr. MCINTYRE, Mrs. EMERSON, Mr. PLATTS, Mr. LANGEVIN, Mr. KING of New York, Mr. SCHAKOWSKY, Mr. LUCAS, Mr. GONZALEZ, Mr. ISRAEL, Mr. SULLIVAN, and Mr. EHLERS.
H.R. 4197: Mr. ABERCROMBIE and Mr. SERRANO.

H.R. 4259: Mr. HIGGINS.
H.R. 4704: Ms. LEE.
H.R. 4747: Mr. RAMSTAD, Mr. GENE GREEN of Texas, Mr. SHERWOOD, Mr. PALLONE, Mr. GEORGE MILLER of California, Mr. PLATTS, Mrs. DAVIS of California, Ms. CARSON, Mr. SHAYS, Mr. GOODE, Ms. DELAURO, Ms. MCKINNEY, Mrs. JONES of Ohio, and Mr. FORTENBERRY.

H.R. 4755: Mr. FORD.
H.R. 4854: Mr. ROGERS of Kentucky.
H.R. 4890: Mr. CRENSHAW and Mr. HYDE.
H.R. 4942: Mr. DAVIS of Kentucky.
H.R. 4953: Mrs. MILLER of Michigan.
H.R. 4974: Mr. DAVIS of Illinois.
H.R. 4982: Ms. HART.
H.R. 4992: Mr. EDWARDS.
H.R. 4997: Mr. MCDERMOTT.
H.R. 5067: Mr. ALEXANDER.
H.R. 5134: Mr. SOUDER, Ms. BALDWIN, and Mr. LANGEVIN.

H.R. 5150: Mr. CONYERS, Mr. DAVIS of Illinois, Mr. FARR, and Mr. PETERSON of Minnesota.

H.R. 5159: Mr. PLATTS and Mr. BRADLEY of New Hampshire.

H.R. 5201: Mr. HEFLEY.
H.R. 5230: Mr. WELDON of Florida.
H.R. 5249: Mr. FERGUSON.
H.R. 5250: Mr. FOSSELLA, Mr. CLYBURN, Mr. GRIJALVA, Mr. MILLER of North Carolina, Mr. KENNEDY of Minnesota, and Mr. CRAMER.

H.R. 5289: Mr. ALEXANDER.
H.R. 5291: Mrs. BLACKBURN and Mr. ALEXANDER.

H.R. 5316: Mr. BUTTERFIELD.
H.R. 5333: Ms. SCHWARTZ of Pennsylvania, Mr. SNYDER, Ms. MATSUI, Mr. FORTENBERRY, and Mr. GONZALEZ.

H.R. 5346: Mrs. SCHMIDT.
H.R. 5347: Ms. HARRIS and Mr. RENZI.
H.R. 5399: Mr. MORAN of Virginia, Mr. LOBIONDO, and Mrs. EMERSON.

H.R. 5401: Mr. POMEROY and Mr. CARNAHAN.
H.R. 5423: Mr. TOWNS.

H. Con. Res. 338: Mr. PENCE, Ms. HARRIS, Mr. CROWLEY, Mr. WILSON of South Carolina, Mr. POMBO, and Mr. SHIMKUS.

H. Con. Res. 380: Ms. LINDA T. SANCHEZ of California and Mr. MEEKS of New York.

H. Con. Res. 393: Mr. SCOTT of Virginia and Ms. MCKINNEY.

H. Con. Res. 401: Ms. BORDALLO, Mr. LEWIS of Georgia, Mr. GRIJALVA, Mr. HINOJOSA, and Ms. ESHOO.

H. Con. Res. 408: Mr. BROWN of South Carolina, Mr. FORTUÑO, Mr. WILSON of South Carolina, Mr. BASS, Mr. MANZULLO, Mr. ENGEL, Mr. TIAHRT, Mrs. MILLER of Michigan, Mr. MCCOTTER, and Mr. KUHL of New York.

H. Res. 466: Mr. RUPPERSBERGER.
 H. Res. 763: Mr. DAVIS of Illinois.
 H. Res. 784: Mr. PAYNE.
 H. Res. 785: Mr. WAXMAN.
 H. Res. 790: Ms. MCKINNEY.
 H. Res. 799: Mr. LANTOS, Mr. ENGEL, and Mr. McNULTY.
 H. Res. 826: Mr. WOLF and Mr. SABO.

AMENDMENTS

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

H.R. 5384

OFFERED BY: MR. PAUL

AMENDMENT No. 15: At the end of the bill (before the short title), insert the following new sections:

SEC. _____. None of the funds made available in this Act may be used to implement or ad-

minister the National Animal Identification System.

H.R. 5384

OFFERED BY: MR. LATHAM

AMENDMENT No. 16: Strike section 741 (page 78, lines 8 through 17), and insert the following new section:

SEC. 741. None of the funds appropriated or otherwise made available by this Act shall be used to pay salaries and expenses of personnel who implement or administer section 508(e)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(3)) or any regulation, bulletin, policy, or agency guidance issued pursuant to such section for the 2007 and the 2008 reinsurance years, except that funds are available to administer such section for policies for those producers who, before the date of the enactment of this Act, had in effect a crop year 2006 crop insurance policy from a company eligible for the opportunity to offer

a premium reduction under such section for the 2006 reinsurance year.

H.R. 5384

OFFERED BY: MR. KENNEDY OF MINNESOTA

AMENDMENT No. 17: Page 9, line 10, insert after the first dollar amount the following: “(reduced by \$500,000)”.

Page 19, line 8, insert after the first dollar amount the following: “(increased by \$500,000)”.

H.R. 5384

OFFERED BY: MR. HOLT

AMENDMENT No. 18: Page 5, line 15, after the dollar amount, insert the following: “(reduced by \$3,145,000)”.

Page 17, line 14, after the dollar amount, insert the following: “(increased by \$3,145,000)”.

Page 17, line 24, after the dollar amount, insert the following: “(increased by \$3,145,000)”.



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152

WASHINGTON, MONDAY, MAY 22, 2006

No. 64

Senate

The Senate met at 1 p.m. and was called to order by the Honorable CRAIG THOMAS, a Senator from the State of Wyoming.

PRAYER

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

Let us pray.

Sovereign Lord, guide our Senators today. Teach them to express in word and deed the spirit of justice. Teach them to discharge their duties that other nations may see our true value and honor our decisions. Teach them to labor with such integrity that this Nation will be one we profess, a land of liberty and justice for all. Teach them to work not only for time but also for eternity. So order their steps with Your wisdom that Your will might be done on Earth. We pray in Your holy Name, Amen.

PLEDGE OF ALLEGIANCE

The Honorable CRAIG THOMAS 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 22, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CRAIG THOMAS, a Senator from the State of Wyoming, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. CRAIG assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we will be debating the comprehensive immigration bill. Several Senators will be coming over throughout the day to discuss either pending amendments or amendments to be proposed. At this point we have at least two amendments scheduled for votes beginning at 5:30 today. The first vote will be on the Chambliss amendment relating to wage requirements for agricultural workers. The second vote will be on the Ensign amendment which relates to the use of the National Guard.

Other amendments may be offered today, and we hope to schedule debate and votes on those amendments.

I thank my colleagues for helping us move the bill forward to this point. We will finish the bill this week, and I believe Senators will agree to reasonable debate on amendments and we can finish that bill in relatively short order.

We have other issues to consider this week prior to the recess. We will address a supplemental appropriations conference report when that measure is available for floor action. We also will be considering other conference reports that may be raised this week.

We have several important nominations that are available, or soon will be available, after committee action for the full Senate to consider. The Kavanaugh nomination is on the Executive Calendar and will be voted on this week. Other nominations are in committee and will become available.

We have the nomination, for example, of Dirk Kempthorne, our former

colleague, to be Secretary of the Interior. This week the Hayden nomination may be available from the Intelligence Committee as well.

We have the nominations of Sue Schwab for the USTR and Rob Portman for OMB—a number of nominations.

Needless to say, the days will go quickly, and we will need to work together in a collaborative, collegial way to get our business completed prior to the start of the recess.

Finally, in order to get all of this done, Friday votes are likely if we are to complete this busy agenda.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized

DEFENSE AUTHORIZATION AND SUPPLEMENTAL APPROPRIATIONS

Mr. REID. Mr. President, if I could ask the distinguished majority leader a couple of questions, we had a lot of trouble last year and we finally worked something out on the Defense authorization bill. This is such an important bill, and I hope in the planning which is taking place that we will find some time to spend on that most important piece of legislation. I ask the majority leader if we have an idea how the supplemental is coming along? The reason I ask the question is there is no end of questions coming to me and people saying it is really important to get this done before we leave.

Mr. FRIST. Mr. President, on the Defense authorization, I have talked to both the chairman and ranking member, as I am sure the Democratic leader has, and have asked them to do their very best to address how we can best bring that bill to the floor and have

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



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reasonable time for debate and amendment where we don't have to be starting and stopping and starting and stopping like we had to do over the last several years. Both of them are working very hard in that regard. It is a high priority.

I agree with the Democratic leader. We want to address it as soon as possible. The supplemental bill is in committee now. I have met with leadership involved in that bill, in terms of the managers on Thursday night and with the House as well. I was advised to let them work hard and aggressively over these last what has now been 3 or 4 days, and I will get a report back later today.

I, too, have been both advised and called by a number of people, both from the Department of Defense, our military, and it is clear that this money is needed. We need to work together to accomplish that this week. That is my intention.

After I talk to our conferees later today, I can get back in terms of whether that is going to be possible, but we are working very hard.

Mr. President, I see the Senator from Iowa. I want to make a statement. If the Senator from Iowa would allow me to suggest the absence of a quorum so I can speak to the leader, and I will be back and talk, it shouldn't be too long.

I suggest the absence of a quorum.

The ACTING 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 dispensed with.

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

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS JOHN LUKAC AND
CORPORAL WILLIAM SALAZAR

Mr. REID. Mr. President, I just finished a meeting in my office. It was emotional, to say the least. Two mothers—both mothers of Marine Corps men—came to my office to tell me about their boys who were killed in Iraq. I asked each of them to tell me about their sons.

Helena Lukac, of Hungarian ancestry, a beautiful woman, spoke with an accent telling me about her boy. He had better than a 4-point grade average at Durango High School. He loved math and science. He wanted to be an FBI agent or a CIA operative.

He told his mom: I am not sure I can do that because we came from a Communist country. I am not sure they would let me do that.

He joined the Marine Corps when he was 18, and at 19 years old he was killed.

Gloria Salazar's son was 23 when he was killed. He wanted to be in the Marine Corps from the time he was little, but at the first attempt he couldn't pass the physical. But he worked on his

deficiencies and came back and joined the Marine Corps. She was very proud of him. She showed me a picture of his arrival in Iraq with his camera that he used which was part of his job in Iraq.

The mothers told the same story. They knew when their sons had been killed.

Ms. Salazar was shopping in a mall, and that afternoon her son's picture kept falling out of her purse. She was so troubled she went home, and during the day she went to sleep, which was unusual. The time was assessed thereafter. She slept from the time he was injured until the time he died. The same thing happened to Helena Lukac. She was at work. She described her feeling as "a nut with nothing inside it." She felt empty.

I expressed to them my sorrow and sympathy and the appreciation of a grateful nation for these two young men having given their lives. It was a very emotional experience to hear the mothers talk about PFC John Lukac killed in Anbar Province and CPL William Salazar in Karabilah, Iraq.

FORMATION OF IRAQI GOVERNMENT

Mr. REID. Mr. President, like most Americans, I welcomed the news over the weekend that the Iraqi political leaders had created parts of a new government. It is certainly a useful step toward the kind of Iraq we all want to see.

Like most Americans, I hope this new government will be able to bring security and order to a country wracked by insurgency, extremist attacks, and sectarian strife. We know more work needs to be done, both with forming this government and with fashioning a secure and stable Iraq. Three of the most important security ministers are still unnamed. That is hard to comprehend. We have been waiting and waiting for a cabinet to be formed, but is it really a cabinet? As unbelievable as it may seem to many, there is even talk of disgraced Ahmed Chalabi filling one of those security posts. That is hard to comprehend, but that is what the news accounts indicate.

I wonder how much longer this administration will insist that the burden of securing Iraq continue to fall squarely on the backs of our heroic U.S. troops, troops such as John Lukac and William Salazar. Secretary Rumsfeld was asked the question in Senate hearings last week. It turned out to be a question he could not answer. This past weekend, when he was asked about the possible redeployment of U.S. forces in Iraq coming home, going someplace else, Secretary Rice said that it depends on the outcome of discussions with the Iraqi Government. Apparently, Secretary Rice believes Iraqi leaders should decide the fate of our troops.

We are almost at the midpoint of 2006, the year a bipartisan majority in

Congress said must be a year of significant transition. That is the law of the land. It passed on a bipartisan vote during the Defense authorization bill. An amendment was offered and passed on a bipartisan basis saying that the year 2006 must be a year of significant transition in Iraq, with Iraqis assuming responsibility for governing and securing their own country.

Unfortunately, there appears to be little evidence of this transition. In fact, we learned on Friday that there will be an increase in U.S. troops to deal with the recent surge in violence. But none of us should be surprised that this administration in this instance is not following the law. It hasn't on many other occasions.

April was the deadliest month of the year for coalition troops. If the current rate of violence is sustained, May will surpass April. The situation is similar for Iraq's security personnel. More Iraq military and police were killed in April than any time in the previous 6 months.

Economically, the trends are no better. Oil production is still about 400,000 barrels per day, less than it was prior to the war. Available electricity in Baghdad dropped from 16 hours per day prior to the war to its current average of 4 hours per day. Clean water is below prewar levels, and because of mismanagement and violence, only 49 of the 136 U.S. funded projects in the water sector will be completed. The rest have been abandoned. All of these factors reduce Iraq's support for our activities there and fuel anti-American sentiment and insurgent activity.

While we all should welcome this partially formed new government, we recall other political milestones that were achieved and quickly swallowed by more violence. For example, since the December election, 325 coalition troops have been killed.

In order to ensure the milestone produces a different, more lasting result, Iraqis, working with the Bush administration, must address outstanding issues surrounding their Constitution. They must form a police force and diffuse the sectarian conflicts which have left their country on the brink of civil war, if not in a civil war.

Let's not forget that while the President and his team have chosen to focus this Nation's attention on Iraq, we see resurgent Taliban activity in Afghanistan. Iran and North Korea are thumbing their noses at the international community, and there has been a surge in terror attacks across the globe. Also, the mastermind of the deadly attacks on this Nation, Osama bin Laden, remains at large, while his al-Qaida network has morphed into a global franchise operation.

This is a time of great challenge for our Nation and for the Iraqis. Great challenges require strong leadership. Today's speech by the President was yet another missed opportunity to provide that leadership. We heard little about his plan to engage Iraq's neighbors in finding a regional solution to

Iraq's problems. We heard little about his diplomatic efforts to end the sectarian strife. We heard little about his thoughts on how to put Iraq's reconstruction back on track. We heard little of what he is doing to counter extreme ideology making such dangerous inroads in Iraq and around the world.

Instead of kicking the can down the road and letting future Presidents find our way out of Iraq, as we have been told by Secretary Rice and the President himself will happen, it is time for the President to lay out the comprehensive strategy that our troops, our families, and the American people have been waiting for. They have been waiting a long time.

The Nation should no longer have to guess what is on the President's mind and grapple for some insight on what "condition based" withdrawal actually means, a phrase the Defense Secretary does not even understand. We should all understand, a full-page ad in major newspapers around the country, paid for by current CEOs, says Secretary Rumsfeld should go. These are CEOs of some of the major companies in America. "Condition based withdrawal" is a phrase the Defense Secretary does not understand. It is time for a clear plan that is as good as the men and women who serve our Nation each day. It is time for the Iraqi people to take control of their own country, their own affairs, and long past time for this administration to come up with a plan that places the burden of securing Iraq forces on Iraq itself. The burden of securing Iraq should be on Iraqis, not the United States. We have done a lot. Even though the news over the week-end creating part of the new government is a step forward, we still have a long way to go.

I apologize to my friend from Iowa for taking as much time as I did. I appreciate very much his courtesy, as usual.

RESERVATION OF LEADER TIME

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

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006

The ACTING 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.

Pending:

Ensign/Graham modified amendment No. 4076, to authorize the use of the National Guard to secure the southern border of the United States.

Chambliss/Isakson amendment No. 4009, to modify the wage requirements for employers seeking to hire H-2A and blue card agricultural workers.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I understand the time is now reserved for the Senator from New Mexico to speak on the pending matter; is that correct?

The ACTING PRESIDENT pro tempore. The Senator may proceed.

Mr. DOMENICI. Mr. President, I rise today to speak about border security and the immigration reform bill. I have some very strong views on this issue because my home State shares its southern border with Mexico. Every day I hear stories about the problems of lax border security, a cause for concern among my constituents. They tell me directly the problems this causes. I am convinced we must do more to secure our borders than we have been doing. However, I am very pleased we are making headway. I hope, in the not too distant future, the American people will see the fruits of that headway. I hope I can explain in my time allotted how we are going to do more and what we are doing.

Border security and immigration enforcement should be top priorities in our debate this week. Whether they are top priorities will influence my vote on any border and immigration package considered in the Senate.

The first step to secure our border is more border security funding. I believe Senator JUDD GREGG, as chairman of the Appropriations Subcommittee on Homeland Security, understands this. Sometimes it has been difficult to let the American people hear what is going on, what he is doing in his subcommittee, what the Senate is doing when it follows his lead, and what happens when we finish work with the House on the bills that start out in his committee.

He helped us provide \$635 million for border security in fiscal year 2005 in an emergency supplemental appropriations bill. With his efforts, we provided more than \$9 billion for border security and immigration enforcement in the fiscal year 2006 Homeland Security appropriations bill. He worked to include \$1.9 billion for border security in the Senate fiscal year 2006 emergency supplemental appropriations bill. Add that up, and one can understand that Congress is finally responding to the gigantic needs of making our international borders secure.

The fiscal year 2006 emergency supplemental funding I have alluded to includes such items as \$100 million for sensors and surveillance technology; \$120 million for new Border Patrol stations, checkpoints, and vehicle barriers; \$80 million for Border Patrol vehicles; and \$790 million for border security helicopters and other air assets. Believe it or not, until recently, while we have talked a great deal about the Border Patrol and what they must do, they had helicopters from the Vietnam era. We have finally decided to buy them a new fleet of helicopters. After all these years of talking, we are finally doing something. Also, we included \$50 million for an upgraded CBP communications system.

Many Americans must be wondering, what have we been doing all these years in all these appropriations bills when we have talked so much? The truth is, we have done little. But we are doing more now.

Second, we need more border security provisions as part of border security and immigration reform legislation. Many security provisions in the current border and immigration bill are good, but they are not enough. I have filed three amendments to the bill which I will discuss shortly. I understand and think once Senators have heard these amendments and the managers have had a chance to review them, they may be accepted.

Lastly, we should try to address what to do with the millions of undocumented workers in America today. In March, I joined with a bipartisan group of Senators to support what has been called the Hagel-Martinez compromise. I supported the compromise in hopes that it would allow a border security and immigration bill to move forward. I also supported it because, as I understand the bill, anyone who came to the United States illegally after January 7 of 2004 receives no special treatment; that is, those hundreds of thousands of people who have been running to the border or who have been taken to the border, who have purchased their way to the border in the last few months, will receive no special treatment. It is my understanding these individuals—that is, post-January 7, 2004 illegal entrants—would be subject to removal and deportation under existing immigration laws. The record needs to clearly reflect that.

That means one group of people that Americans are wondering about will not receive any special privileges under this bill. They are sort of the Johnny-come-latelies who have run to the border thinking if they can get here quick enough they will be included in our immigration reform efforts. But it is my understanding that these individuals would be subject to removal and deportation under existing immigration law. I repeat that because I believe a number of Senators, on this side of the aisle at least, are indicating their support for this bill because they believe that is in the bill.

As the most senior Senator representing a southwest border State, I would like to now discuss the amendments I have filed, which I believe make eminent sense and should be accepted by the Senate.

The first is an amendment regarding Mexican cooperation. This amendment will require the Secretary of State to cooperate with Mexico to improve border security and to reduce border crime. The amendment is the result of a lot of hard work and is cosponsored by the distinguished Senator from Connecticut, Mr. DODD, who is very familiar with the border problems and the problems with Mexico.

I would like to read that amendment because a reading of it does more than

I could do by trying to summarize it. This amendment has as its purpose:

To improve coordination between the United States and Mexico regarding border security, criminal activity, circular migration, and for other purposes.

(a) COOPERATION REGARDING BORDER SECURITY.—The Secretary of State, in cooperation with the Secretary of Homeland Security and representatives of Federal, State, and local law enforcement agencies that are involved in border security and immigration enforcement efforts, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico regarding—

(1) improved border security along the international border between the United States and Mexico;

(2) the reduction of human trafficking and smuggling between the United States and Mexico;

(3) the reduction of drug traffic and smuggling between the United States and Mexico;

(4) the reduction of gang membership in the United States and Mexico;

(5) the reduction of violence against women in the United States and Mexico; and

(6) the reduction of other violence and criminal activity.

Next:

(b) COOPERATION REGARDING EDUCATION ON IMMIGRATION LAWS.—The Secretary of State, in cooperation with other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to carry out activities to educate citizens and nationals of Mexico regarding eligibility for status as a non-immigrant under United States' law to ensure that the citizens and nationals are not exploited while working in the United States.

(c) COOPERATION REGARDING CIRCULAR MIGRATION.—The Secretary of State, in cooperation with the Secretary of Labor and other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico to encourage circular migration, including assisting in the development of economic opportunities and providing job training for citizens and nationals in Mexico.

(d) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary of State shall submit to Congress a report on the actions taken by the United States and Mexico under this section.

I believe this amendment is absolutely necessary, and I am very pleased Senator DODD has joined me in supporting the amendment. I hope this will become part of this bill. My amendment will require an annual report which I think will push the leaders of Mexico to do the kinds of things that Americans expect these two countries to do. If we do not work together, we will have chaos. But with an agreement to work together on these issues, annually the people of both countries should know what is going on in terms of cooperation in the areas I have just spoken to.

Now, sources estimate that as much as 85 percent of apprehended illegal immigrants are from Mexico. So we must work with Mexico to address the security of our southern border and the number of illegal entries from Mexico.

My amendment calls on the Secretary of State to work with Mexico to

improve border security; reduce human smuggling, drug trafficking, violence against women, and to inform Mexican nationals of the benefits of U.S. immigration. I have just read the amendment in its entirety on each of these subjects.

Mexico must do its part in this initiative.

On Sunday, there was an Associated Press article titled "Mexico Works to Bar Non-Natives from Jobs." That article says—and I quote—

Even as Mexico presses the United States to grant unrestricted citizenship to millions of undocumented Mexican migrants, its officials at times calling U.S. policies "xenophobic," Mexico places daunting limitations on anyone born outside its territory.

Mexico expects us to have much more humane, much more liberal, and much more constructive immigration policies in our Nation than it is willing to implement within its own borders. Can you imagine the uproar if we were to try to make our immigration policies anything like the policies of Mexico?

In addition to changing its own immigration policies, Mexico has some other responsibilities, in my view. How many of its citizens, seeking economic sustenance, does Mexico expect us to take before it reforms its own economic policies?

Estimates released over the weekend reveal that about 10 percent of the Mexican workforce now works not in its homeland but in the United States, and that 10 percent provides about 15 percent of the Mexican national income.

We have an unusual, perhaps unique, situation along the border between the United States and Mexico. On no other border of this length in the world does such a disparity exist between the economic prowess and programs of the two nations sharing such a border.

Here is America, the leading economy in the world, bordered for almost 2,000 miles by a nation that persists in economic policies that have failed to provide sufficient jobs or salaries for much of its people. No similar situation exists anywhere on the globe. So we have a unique challenge that is attendant to this unique situation.

That challenge needs to be met not just by the United States, but by Mexico, too. They must join us in an effort to solve this challenge. Economic reform, greater emphasis on the private economy, and modernizing more of its facilities remain great challenges that Mexico must face.

We are forced to tighten our borders not because we are a mean nation, but because the economy to the south of us is driving millions to our country's economy. I believe my amendment will provide for more cooperation between the United States and Mexico. As a result, I believe our border could be more secure.

I have another amendment that has to do with Federal judges. I note the distinguished Senator from California, Mrs. FEINSTEIN, is on the Senate floor,

and her state is impacted by this amendment. It has to do with the inadequate number of Federal judges that is going to result when this new law is put into effect. The U.S. district courts in the southwest are overly burdened with immigration caseloads. We must have additional judges, as recommended by the 2005 Judicial Conference.

Let me explain. While immigration cases typically go before immigration judges, repeat offenders can be charged with felonies and tried in Federal district court. As a result, four of our district courts have immigration caseloads that total more than 50 percent of their total criminal filings.

The fiscal year 2004 immigration caseload for the Southern District of Texas totaled 3,668 filings. This is more than 65 percent of the district's 5,599 criminal filings.

The District Court for Arizona had 2,404 immigration filings, more than 59 percent of the district's 4,007 criminal filings.

The Southern District of California had 2,206 immigration filings. That is more than 64 percent of its total 3,400 criminal filings.

The district court for my home State of New Mexico had 1,502 immigration filings. That is more than 60 percent of its total of 2,497 criminal filings.

I am glad we are improving border security and interior enforcement with this legislation. But, obviously, we must also provide the adequate machinery to go along with that, and that means enough Federal judges to handle the caseload that will be generated.

In short, if we put more Border Patrol agents and immigration personnel on the southwestern border, we need to provide more resources to the other Federal agencies that also deal with immigration.

The immigration bill recognizes this to some degree by calling for more DHS and DOJ attorneys, public defenders, and immigration judges. But we must add new district judges necessary to hear the cases of repeat immigration law violators. Failure to do that means we will create even more of an unworkable situation that already involves mass arraignments and sentencings.

As we work on this bill to provide more resources to the Departments of Homeland Security and Justice, we must also address related needs, so I am proud to offer this amendment with Senators KYL, CORNYN, and HUTCHISON.

I also address a related need for more deputy marshals in an amendment. We have a dramatic shortage of deputy marshals to handle the increased caseload that will be associated with repeat immigration law violators. My third amendment, offered with Senators BINGAMAN, KYL, CORNYN, and HUTCHISON, awaits consideration. It adds 50 new deputy marshals each year for 5 years.

Lastly, I would just comment on a very important part of the bill, the land port-of-entry improvements sections. Those provisions are based on

legislation I authored in the 108th Congress with Senator DORGAN and which 13 other border state Senators cosponsored.

These provisions address the needs of our land ports of entry.

I am grateful that the managers of the bill have adopted that legislation as part of their bill. These sections are critical because neither American border has undergone a comprehensive infrastructure overhaul since Senator DeConcini, a Senator from Arizona, and I put forth an effort to modernize the southwest border 20 years ago. We have done nothing comprehensive since 1986 on either the north or south international border. A great deal has changed since then, including the passage of legislation to improve security of our airports and seaports, following September 11, 2001.

I appreciate Chairman SPECTER including my legislation to identify port-of-entry infrastructure and technology improvement projects, prioritize and implement these projects based on need, require a plan to assess the vulnerabilities of each of the ports of entry located on the northern and southern borders of our great Nation, implement a technology demonstration program to evaluate new ports of entry technologies, and provide training necessary for personnel who must implement these new technologies. I believe these provisions are essential for border security. I am glad and appreciative that they are in the bill.

Mr. President, we must secure our international borders. I believe with Chairman GREGG's leadership on the Homeland Security Appropriations Subcommittee and strong border security provisions in this bill, we can do just that.

I thank the Chair for the time granted me to express my views and to the Senators who have listened. Certainly, I hope what I have said will have an impact to some extent on this bill and that the amendments that have not yet been adopted, of which I have spoken, will, before we come to final closure, become part of this great effort to secure our borders, provide for an orderly transition for those who have come to our country illegally, and create orderly rules for future guest workers. This is important so the relationships between America and other countries can move forward, and so our country, which is going to need immigrants in the future, can look forward to that in an orderly manner based on a border that is secure and an agreement between the U.S. and Mexico that is going to be carried out and rendered operative.

I yield the floor.

AMENDMENT NO. 4087

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from New Mexico for his thoughtful comments on the bill. I have the privilege of serving as a member of the Energy

Committee, of which he is chairman. It has been a pleasure for me to serve under his chairmanship. I thank him for those comments.

I come to the floor to discuss an amendment, SA 4087, which I filed this morning. It is entitled "To modify the Conditions Under Which Aliens Who Are Unlawfully Present in the United States Are Granted Legal Status." I ask unanimous consent that Senator HARKIN be added as a cosponsor of the amendment.

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

Mrs. FEINSTEIN. I ask unanimous consent that letters of support for the amendment from the Congressional Hispanic Caucus and over 115 groups and organizations from around the country be printed in the RECORD.

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

CONGRESS OF THE
UNITED STATES,
Washington, DC, May 22, 2006.

DEAR SENATOR: We write to express our strong support of the Feinstein amendment to S. 2611 and ask you to vote for it when considered on the Senate floor.

The Feinstein "orange card" amendment would simplify the implementation of the legalization program considerably, creating a uniform and tough path to permanency for all hard-working undocumented immigrants living in the United States—without providing them an automatic pardon or amnesty.

To qualify, undocumented individuals would be required to have been physically present in the United States and working by January 1, 2006. They would have to pay a \$2000 fine and back taxes, learn English and American civics, and pass extensive criminal and security background check. After working for at least 6 years, orange card holders could apply for legal permanent residence, but only after all current applicants for a green card are adjudicated.

S. 2611, as currently drafted, creates a complicated, three-tiered process that could undermine the success of the legalization program. We fear that without amendment, the legalization program will be costly and difficult to administer, prone to widespread fraud and inherently unfair to those that it would, perhaps even inadvertently, exclude.

It is our position that for a comprehensive approach to work, immigration reform must be tough and enforceable and bring as many undocumented individuals out of the shadows as possible. If reform fails to do this, we will be wasting an important and historic opportunity to get at the root of the problem with our immigration policy. Rather than fixing our broken system once and for all, S. 2611 could postpone our ability to get control of migration flows into our country and secure our homeland.

The Feinstein amendment would strengthen the effectiveness and fairness of S. 2611, and is, therefore, in the best interests of all Americans. We urge you to vote yes on the Feinstein amendment.

Sincerely,

GRACE FLORES
NAPOLITANO,
Chair, Congressional
Hispanic Caucus
(CHC).

LUIS V. GUTIERREZ,
Chair, CHC Immigra-
tion Task Force.

COALITION FOR COMPREHENSIVE

IMMIGRATION REFORM.

DEAR SENATOR: On behalf of the undersigned organizations, we are writing to express our strong support for the Feinstein "Orange Card" amendment which replaces the three-tiered treatment of undocumented immigrants in S. 2611 with one simple process that applies to undocumented immigrants who lived in the U.S. on January 1, 2006 and meet other strict requirements including paying taxes, learning English, passing criminal and security background checks, and paying a \$2000 fine.

Under the Feinstein amendment Orange Card holders may become lawful permanent residents when all current applicants for green cards have been received from them (estimated to be 6 years), or 8 years after the bill becomes law, whichever is earlier. This means that they are essentially "in line" behind those who are currently awaiting visas through our legal immigration system. Orange Card holders must check in each year with the government and show that they continue to meet all of the requirements listed above.

There are numerous other important advantages of the Feinstein Orange Card amendment including: one simple process to legalize qualifying undocumented immigrants who entered the U.S. before January 1, 2006; equal treatment of all family members; and ease of administration with less potential for fraud. Moreover, the amendment increases the effectiveness of comprehensive immigration reform by maximizing the extent to which undocumented immigrants currently in the United States can access a path to U.S. citizenship.

We are deeply concerned that S. 2611 will exclude too many immigrants who are hard working, law abiding, and making important contributions to this country. We believe the best way to reform the law is to maximize the number of immigrants who legalize and to create a process that works. We urge you to recognize the many contributions that these immigrants make to our country and provide a path to citizenship which is consistent with the spirit of S. 2611 in that immigrants would have to meet the same requirements for working paying taxes, learning English, and waiting in line behind others but without creating unnecessary and cumbersome parallel processes which will be difficult to administer and will leave too many behind.

We strongly support the Feinstein Orange Card amendment and urge you to support it.

Sincerely,

ACORN; Aceraimiento Hispano de Carolina del Sur; The American-Arab Anti-Discrimination Committee; American Friends Service Committee, Miami; Asian American Justice Center; Asian Americans for Equality; Association of Mexicans in North Carolina (AMEXCAN); CASA of Maryland, Inc.; Center for Community Change; The Center for Justice, Peace and the Environment; Center for Social Advocacy; Central American Resource Center/CARECEN-L.A.; Centro Campesino Inc.; Coalition for Asian American Children and Families (CACF); Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA); Coalition for New South Carolinians; Community Wellness Partnership of Pomona; Dignity Through Dialogue and Education; Eastern Pennsylvania Conference of the United Methodist Church; El Centro Hispanoamericano; El Centro, Inc.; Empire Justice Center; En Camino, Diocese of Toledo; FIRM (Fair Immigration Reform Movement); Family & Children's Service; Fanm Ayisyen Nan Miyami/Haitian Women of Miami, Inc.; The Farmworker Association of Florida Inc.; Farmworkers Association of Florida; Florida Immigrant Coalition;

Fuerza Latina; Fundacion Salvadoreña de la Florida; Georgia Association of Latino Elected Officials (GALEO); Guatemalan Unity Information Agency; Haitian Women of Miami; HIAS and Council Migration Service of Philadelphia; Heartland Alliance; Hebrew Immigrant Aid Society (HIAS); Hispanic American Association; Hispanic Coalition, Miami; Hispanic Federation; Hispanic Women's Organization of Arkansas; Holy Redeemer Lutheran Church, San Jose, CA; ISALAH, Twin Cities and St. Cloud Regions, MN; Illinois Coalition for Immigration and Refugee Rights; Interfaith Coalition for Immigrant Rights, California; Interfaith Coalition for Worker Justice of South Central Wisconsin (ICWJ); Intl. Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, Miami; International Immigrants Foundation; International Institute of Rhode Island; Institute of the Sisters of Mercy of the Americas; Irish American Unity Conference; Irish Immigration Pastoral Center, San Francisco; Irish Lobby for Immigration Reform; Korean American Resource and Cultural Center, Chicago, IL; Korean Resource Center, Los Angeles, CA; JUNTOS;

Joseph Law Firm, PC; LULAC; Labor Council for Latin American Advancement, LCLAA; Latin American Immigrants Federation; Latin American Integration Center, New York City; Latino and Latina Roundtable of the San Gabriel Valley and Pomona Valley; Latino Leadership, Inc.; Latinos en Acción de CCI, a chapter of Iowa Citizens For Community Improvement; Law Office of Kimberly Salinas; League of Rural Voters; MALDEF; Make the Road by Walking; Mary's Center for Maternal and Child Care; Massachusetts Immigrant and Refugee Advocacy Coalition (MIRA); Medical Mission Sisters' Alliance for Justice; Michigan Organizing Project; Minnesota Immigrant Freedom Network; The Multi-Cultural Alliance of Prince George's County Inc.; Nashville Area Hispanic Chamber of Commerce; National Advocacy Center of the Sisters of the Good Shepherd; National Alliance of Latin American & Caribbean Communities (NALACC); National Capital Immigration Coalition (NCIC); National Council of La Raza; National Farm Worker Ministry (NFWM); National Immigration Forum; National Korean American Service & Education Consortium, Los Angeles, CA; Nationalities Service Center; Nebraska Appleseed Center for Law in the Public Interest; Neighbors Helping Neighbors; NETWORK—A National Catholic Social Justice Lobby; New York Immigration Coalition; ONE Lowell, Lowell, MA; Pennsylvania ACORN; People For the American Way (PFAW); Pineros y Campesinos Unidos del Noroeste (PCUN); Presbyterian Church (USA), Washington Office; Project HOPE; Project for Pride in Living; Rockland Immigration Coalition; Rural Coalition/Coalicion Rural; Service Employees International Union (SEIU); SEIU Florida Healthcare Union; SEIU Local 32BJ; Seattle Irish Immigrant Support Group; Society of Jesus, New York Province; South Asian American Leaders of Tomorrow; Tennessee Immigrant & Refugee Rights Coalition (TIIRC); UN DIA (United Dubuque Immigrant Alliance); UNITE HERE! U.S. Committee for Refugees and Immigrants (USCRI); Unite for Dignity for Immigrant Workers Rights, Inc.; United Farm Workers, Miami; United Food and Commercial Workers; United Methodist Church, General Board of Church and Society; Virginia Justice Center for Farm and Immigrant Workers; We Count!; Westchester Hispanic Coalition; Westside Community Action Network Center (Westside CAN Center); The Workmen's Circle/Arbeter Ring; YKASEC—Empowering the Korean American Community, New York, NY; Yee & Durkin, LLP.

Mrs. FEINSTEIN. Mr. President, I make these remarks as a 13½-year member of the Senate Judiciary Committee and the Immigration Subcommittee. I also come from a State which is very large in terms of immigrants, both legal and illegal, and a State which is a dynamic economic engine for our country. I strongly believe that any comprehensive immigration bill must address three issues: a strengthening of our borders so that they are safe, effective, strong; a limited guest worker program and an overhaul of the visa system; and most importantly, I believe, the creation of a pathway to earned legalization for the large number of people, estimated at between 10 and 12 million, who live today invisibly in our Nation and who have become a critical part of the American workplace and on whom employers depend to do work Americans will simply not do.

I respond to our analysis of the Hagel-Martinez amendment, and my remarks are in two parts. The first part will be to propose an alternative to Hagel-Martinez. The second part will be a critique on what I see are substantial flaws in the Hagel-Martinez amendment.

I first thank both Senators HAGEL and MARTINEZ. They have done a great service to the Senate and our country by trying to come up with a compromise solution to what is a major problem facing our Nation. Nonetheless, I find significant structural and practical faults and have tried to correct those with the proposal I have just introduced and will be speaking on now.

I am introducing what is called an orange card amendment. This amendment would streamline the process for earned legalization. It would create a more workable and practical program and dedicate the necessary dollars to cover its costs of administration. This amendment builds on the compromises already agreed to under McCain-Kennedy and Hagel-Martinez, and it incorporates the amendments already adopted on the Senate floor. But it eliminates what I see as an unworkable three-tiered program under Hagel-Martinez.

This amendment only deals with earned legalization. It does not change any of the border security provisions, the guest worker program, or any other part of this bill. Therefore, this amendment would essentially eliminate the program created by Hagel-Martinez and replace it with the orange card program I am now going to explain.

Under this amendment, all undocumented aliens who are in the United States as of January 1, 2006, would immediately register a preliminary application with the Department of Homeland Security. At the time of the registration, they would also submit fingerprints at the U.S. Customs and Immigration Service's facility so that criminal and national security back-

ground checks could commence immediately. That is the first step. It would also create a more precise registration system that would allow the immediate inflow of information into the Department of Homeland Security to be processed electronically, which the Hagel-Martinez amendment does not, and which is what we have been told is essential to ensuring that DHS can handle this new workload. It would give the Department time to vet the application through a thorough and orderly process. This would be the first step.

Under the second step, petitioners would submit a full application for an orange card in person by providing the necessary documents to demonstrate their work history and their presence in the United States. Their application would also require that they pass a criminal and national security background check that would be carried out based on the information and fingerprints from the preapplication; they demonstrate an understanding of English and U.S. history and Government, as required when someone applies for their citizenship; they have paid their back taxes; and they would pay a \$2,000 fine. The money from this fine would be used to cover the costs of administering the program. These requirements are the second step of what is required to earn an orange card. They also comply with previous amendments passed on the floor of the Senate during this debate.

If the application is approved, each individual would be issued what I call an orange card. I selected orange because the color had no connotation I could think of. This card would be encrypted with a machine-readable electronic identification strip that is unique to that individual. The card itself would contain biometric identifiers, anti-counterfeiting security features, and an assigned number that would place that individual at the end of the current line to apply for a green card. The number would correspond to the length of time that the petitioner has been in the United States so that those who have been here the longest would be the first to follow those currently waiting to receive a green card. That is the 3.3 million people outside of the country awaiting a green card. These cards would go in order following the expunging of that line.

The issuance of an orange card would allow individuals to remain in the United States legally and work, as well as travel in and out of the country. It would become their fraud-proof identifier, complete with a photo and fingerprints. This is the second step to earning legalization.

The third step is that on an annual basis, each individual who applies for an orange card would submit to DHS documentation either electronically or by mail that shows what they have been doing in that year, the work they have carried out, that they have, in fact, paid their taxes that year, and

whether they have been convicted of any crime during that year, either through court documents or an attestation, and they would pay a \$50 processing fee. These three steps, plus the required wait at the back of the green card line, clearly indicates that this is not an amnesty program.

The legalization in the orange card must be earned, and it must be earned over a substantial period of time. It would be available to all who are here from January of this year.

This language will ensure that there are enough funds to run the program because there is a \$2,000 fine that would be dedicated to paying for the administration of the program and a \$50 annual processing fee. For example, assuming there are between 10 and 20 million undocumented aliens already in the United States who would have to pay a \$2,000 fine, if 10 million came forward, that alone would raise \$20 billion. So the program would be covered. By including this language, this amendment protects against creating a new burden on taxpayers and ensures that the Federal Government has the necessary money to make the program work.

Another safeguard contained in the amendment is the annual reporting requirement. By including this process, this amendment will ensure that individuals who apply to this program remain productive and hard-working members of their communities. The amendment requires that individuals must work for at least 6 years before they may adjust their status. Realistically, from what we know about the number of green card petitioners legally waiting in other countries for their green card, it is much more likely that they would have to wait a longer time before the process is completed. Again, this is not amnesty. It is a clear path to an earned legalization. These prospective reporting requirements ensure that only individuals who deserve to adjust their status and continue to be productive members of their communities may become legal permanent residents.

In addition, by focusing on prospective requirements, this amendment streamlines the process and helps avoid the bureaucratic morass that has been created other times when Congress has acted. If we don't get this right, we will end up repeating mistakes of the past. We will simply create new incentives for illegal immigration, and we will enhance the problems our country now faces in tracking who is coming and going across our borders.

Remember, it is estimated that about one-third of those who receive visas do not leave the United States when their visas expire. So the problem is not only people coming across the border; the problem is also people misusing their visas. In 2004, there were just over 30 million visas issued. That is an unbelievable amount, but it is true. That means there could be up to 10 million people who overstayed their visas and remained in the United States. Now, of

course, most of them probably didn't stay here permanently. But it is clear from these statistics that our visa program has a serious problem when it comes to enforceability.

I strongly believe we must find an orderly way to allow those already here, many of whom have families, strong community ties, and some who have U.S. citizen children, to earn legalization over a substantial period of time. And virtually every poll I have seen has shown that over 70 percent of the American people agree. They know there are many people who are critical parts of our workforce. They work in agriculture, in landscaping, in housing, in the service industry, in the hotel industry, and they work all throughout our economy. I know some who not only have children, but their children are excelling. They not only live here, but they own homes, pay taxes, and they work hard. This is important so that this population can live fully productive lives without being subject to abuse or exploitation, and so that American commerce has the workforce that is necessary for agriculture, as well as many other industries.

During consideration of this bill in the Judiciary Committee, of which you are a distinguished member, Mr. President, we adopted an amendment referred to as the McCain-Kennedy program that was offered by Senator GRAHAM. This amendment created an earned legalization program that would also set up a number of hurdles individuals must pass through in order to earn their legalization. The Graham amendment was adopted by a bipartisan vote of 12 to 5 and was in the base bill previously considered by the Senate.

However, since that time, a new program was created and replaced McCain-Kennedy in the underlying bill. That program is known as the Hagel-Martinez compromise. It is important to point out that neither this body nor the Judiciary Committee has voted to adopt the three-tiered system which the Hagel-Martinez compromise proposes and which is now before this body.

Hagel-Martinez would treat people differently, depending on how long they have been in the United States. It is estimated that 6.7 million have been in the United States for more than 5 years; 1.6 million, less than 2 years; and 2.8 million, 2 to 5 years. The source of the numbers is the Pew Current Population Survey. So we have three tiers—more than 5 years, 2 to 5 years, and less than 2 years.

After an examination of the Hagel-Martinez language, I have come to believe that the three-tiered system is unworkable, that it would create a bureaucratic nightmare and it would lead to substantial fraud. My staff has consulted with current and former Government staff who have expressed serious concerns with the practical implications of how such a program could be implemented.

We already know the Department of Homeland Security is overburdened.

Just for a moment, look at the problems they face today. Our current system is running neither efficiently nor effectively, and we all know that. Let me just put on the table a few examples.

Currently, the Department of Homeland Security is struggling to implement a fully functioning US-VISIT Program to monitor those who are entering and exiting our country. This system of checking people in and out with a biometric card is only half completed. It is many years overdue.

The Bureau of Citizenship and Immigration Services struggles with enormous backlogs in applications from those who come to this country and attempt to adjust their status legally. FBI background checks often take between 1 or 2 years to process fingerprints. Naturalization lines are so long, it can take a person years and sometimes even decades to get through the system. How on Earth is DHS going to be able to handle a new program which cannot be run electronically and which will require massive documentation and enormous staff time?

What we have done is provided a structure for an electronic handling of the data submitted by the individuals, the electronic verification of the data, the checking out of this data. Hagel-Martinez creates a tiered system where those here less than 2 years are subject to deportation and those here from 2 to 5 years must return to their country and get themselves somehow into a guest worker program. It is estimated that 1.6 million people have been here for 2 years or less, and approximately 2.8 million have been here from 2 to 5 years. So that is 4.4 million people who are going to be asked to leave the country one way or another. Do you believe they will? History and reality shows that they will not. How will the Government find all of them and deport those who do not leave voluntarily? And if they are found and deported, what would lead us to believe they will not come right back to join their families and return to their jobs?

Secondly, individuals who have been here just under 2 or 5 years will inevitably try to argue they qualify for a higher tier. I think it is only realistic to expect that these tiers will become a breeding ground for flawed, fraudulent documents, and true evaluations will be virtually impossible to make. How on Earth are DHS personnel going to be able to verify when an individual entered the country to determine the less than 2 years or the 2- to 5-year tier?

When it comes to the second tier, 2 to 5 years, and the deferred mandatory departure program of Hagel-Martinez, I am concerned about how this process is going to function and who is going to follow through with executing its requirements. How is the Department of Homeland Security going to find these people who have been here 2 to 5 years and ensure that they actually leave the United States? Does anyone really expect that a father or a mother will voluntarily leave their families and go

outside the country for this so-called touchback? What is the incentive for people who have already been living in the United States to come forward and go through this process?

In order to understand why I have these questions, I think it is important for everyone to understand how the deferred mandatory departure program of Hagel-Martinez is supposed to work. There has been a lot of discussion about the program, but when you read the fine print of the bill language, there are serious questions and consequences that need to be better understood.

My understanding of the bill language is that a person who falls into this second tier, who has been here for 2 to 5 years, may remain in the United States legally for up to 3 years and then they must leave the country and find a legal program through which they may reenter the United States. This is the critical flaw in Hagel-Martinez. People will not risk leaving their families or their jobs in the hopes that once they leave the United States they will be able to reenter through a visa program, whether that be the new H-2C guest worker program or another visa program.

To compound this problem but ostensibly to make it possible, Hagel-Martinez waives the 200,000 visa cap that we just reduced from 325,000 in the Bingaman-Feinstein amendment on the H-2C program. In doing that, this would create a larger bureaucratic hurdle, a difficult standard of proof, and a complete decimation of the limits on the guest worker program. Instead of a new guest worker program—H-2C—that will bring in 200,000 people a year, we would be, in effect, creating a guest worker program that is supposed to accommodate 2.8 million people, plus another 200,000 people annually. So through this deferred mandatory departure, the Congress creates a guest worker program that will need to accommodate over 3 million people.

But putting all that aside, assuming this was actually doable, there are other problems. For instance, the H-2C guest worker visa only lasts a maximum of 6 years. So every person will quickly see that this is not an automatic path to earn their legalization, and they will be forced out of the country at the end of the 6 years. Will they go? I doubt it. I think you will have a new illegal immigrant problem.

The path to legalization has been modified through the amendment process on this floor, and now an H-2C worker will likely need their employer to petition for a green card on their behalf. An employer has to petition for it, meaning that, for 2 million people, their only hope to continue to live in the United States is through the grace of an employer. I think this places an undue burden on an employer, and it leaves workers vulnerable to exploitation from bad employers.

Also, H-2C workers, their spouses, and their children are not allowed to

remain in the United States if the worker fails to work for an approved employer for more than 60 consecutive at any time during the 6 years, with no exception for health problems or injuries. This will mean that if an individual does become injured or ill, they become deportable. In addition, all rights to administrative or judicial review of any future removal actions, are eliminated. Combined, in my view, these provisions are ill-advised. They make individuals extremely vulnerable to abuse, they put high burdens on employers, and they open the situation up to exploitation.

That leaves me to wonder, with these shortcomings, why would anyone in these categories participate in this program?

Why would someone who is already living here clandestinely, working, and already active in their community voluntarily come forward and register with the Department of Homeland Security and leave the United States to join this program? With these risks and pitfalls, my experience in California and my 13½ years on the Immigration Subcommittee tells me they won't. At worst, I fear we are creating an incentive for individuals to continue living under an illegal status, and I don't know how that benefits this Nation, the people of our Nation, the employers, or the people who are here today in an undocumented status. At best, we are creating a new burden on DHS to locate and monitor millions of people who are clandestinely integrated into the fabric of our Nation today.

In addition, the Hispanic National Bar Association specifically criticized this second tier, and it wrote this: We are particularly concerned that requiring individuals in the [second tier] to leave this country in order to fully legalize their status will result in severe disruptions for families, workers, and employers . . . We [also] believe that creating an additional class of undocumented immigrants will lead to greater administrative burdens as it will require the implementation of two different paths to legalization.

I think that is a very true statement.

Let me speak about the third tier for those who have been here for less than 2 years because according to Hagel-Martinez, they must all be deported. This means that DHS would be required to find and deport 2 million people. That is the bill we are going to pass—2 million, find them, deport them. How is that going to get done? Even President Bush acknowledged that such a large-scale deportation program is unworkable when he said this:

It is neither wise nor realistic to round up millions of people and send them across the border.

The only method to compel compliance with Hagel-Martinez is through employer sanctions, and we know from experience over dozens of years that employer sanctions do not work.

In fiscal year 2004, only 46 employers were convicted of illegal immigrant

employment—46 employers—out of the tens of thousands of employers whom we know employ the undocumented, and the number of employer sanctions cases resulting in fines has declined from a peak of nearly 900 under President Clinton to only 124 in fiscal year 2003. Not to mention even when employers are raided and then sanctioned, there is a backlash from the public.

So I am one who doesn't believe it is realistic to assume that, first, the Department of Homeland Security is going to be able to go out and deport 2 million people; and then secondly, to ensure that the other 2.8 million leave to go back for the touchback program.

So because of these concerns about the workability, the practicality, and the real-world impact of such a three-tiered system, I believe we have to create a much more efficient process, and I believe the orange card process is the best way to ensure that our policy goals in creating a path to legalization can be implemented and realized.

The structural flaws of Hagel-Martinez must be corrected, and this amendment essentially corrects them. It is workable, it is practical, it does not reward illegal immigration, but it creates a pathway for everyone in this country as of the beginning of this year to show over a substantial period of time annually that they have been and will continue to be a responsible and productive member of American society. It puts the burden on them to go in, to petition, to submit their fingerprints, to submit their photographs, and to wait for those to be checked out before they would be issued the orange card.

Once you have this orange card then you know you are legal. You can come in and out. It has the biometric identifiers. It is fraudproof. And the orange card has the additional ability of being numbered, so you also know that the lower numbers are going to people who have been here for the 10, 15, 20, 25, and 30 years that we know people, in fact, have been in this country. It is done in a way that can be carried out electronically, and I think that is part of the strength of the program.

Here we have a pathway that requires an individual to show over a substantial period of time that they have been and will continue to be a responsible and productive member of American society and to do so with certain tangible deeds: the tangible deed of work, the tangible deed of living a legal life, the tangible deed of paying back taxes, the tangible deed of learning to speak English. This is not amnesty. Nothing happens immediately. Amnesty is the immediate transition of someone from an illegal status to a legal status. If an individual cannot demonstrate these things, they will not receive a green card at the end of this long pathway, and then at that time they are deportable.

If a bipartisan majority agrees that an earned legalization program is a critical part of a comprehensive immigration reform bill, then the program

must work on the streets and it must be carefully structured so that it can be carried out. I believe this program can be carried out, and I am sorry to say that as currently structured, I do not believe the three-tiered process of Hagel-Martinez can or will be carried out.

This is an amendment on which I hope we will vote. It is at the desk. I ask my colleagues to look at it, study it, and if they have modifications—this is a complicated issue—if they have modifications they would like to see, please bring these to us because we hope there will be a vote in the next couple of days.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. McCONNELL. Mr. President, I ask unanimous consent to proceed as in morning business.

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

(The remarks of Mr. McCONNELL are printed in today's RECORD under "Morning Business.")

Mr. McCONNELL. 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. GRASSLEY. 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. GRASSLEY. Mr. President, I have been a Member of the Senate, now in my 26th year, and one of the issues that I have some regret about is voting for amnesty in the 1986 immigration bill, the last time that we had amnesty for people who illegally came to our country.

Another regret I have that has followed on is that probably we have not done enough to keep on top of our laws of anticipating when there was labor or workers needed from outside the country to come into our country, and we haven't provided then maybe the workers that we need when there aren't enough Americans to fill various jobs. That could be laborers in the case of construction, it could be service workers in the case of hotels, it could be engineers, if we don't educate enough engineers. And probably those two regrets I have relate to how I feel about the present legislation before the Senate.

I have looked back at my vote for amnesty, and I have tried to recall as best I can 20 years back. But it seems to me that I was convinced at that time that if we had amnesty along with worker verification, along with sanctions against workers, which I think was set in the law with a \$10,000 fine, we would solve all of our illegal immigration problems.

Well, at that particular time, we did not predict and foresee the development of an industry of fraudulent

documentmaking, so that if I came to this country illegally and I went in to get a job and I showed a passport that looked like the real thing but was fraudulent, and the employer didn't see the difference and they hired me, then he was absolved of any responsibility for willfully hiring a person illegally in this country. And amnesty was supposed to work with that to legalize 1 million people who were illegally in the country at that particular time.

So looking back now 20 years, it seems as though we winked at abuse of the law, and it gives credibility to people who think they can avoid the law because there is never going to be a penalty for it. So what was a 1 million-person problem in 1986, today the number is up to a 12 million-person problem, people coming into this country illegally.

So I have some apologies to the people of this country because I made a judgment that amnesty in 1986 would solve our problems, and ignoring illegality, I find, has encouraged further illegality, and we have 12 million people now in the country illegally.

Then I wonder whether, now that I am 72 years old, 20 years down the road when my successor is in office will they be dealing with an illegal alien problem of 25 million. Another thing I learned from 1986 was that we allowed family members of people who were here illegally to then come to the head of the line, and instead of legalizing 1 million people, we probably made it possible for 3 million people to be in this country as opposed to waiting to come in under the normal process. Then, the other part of it, to repeat, is maybe if we had been a little more on top of the employment situation in the United States in recent years, we would have changed our laws so that more people could come legally to this country to work. Having learned from those lessons—obviously I have been burned once on the issue of amnesty—I am not sure I want to be burned twice on the issue of amnesty.

Of course, at this point, with 1 more week to go in the debate on this bill and many amendments, I don't know, there might be a bill I can vote for. But I don't think I am prepared to vote for amnesty again. I am not prepared to vote for amnesty again and then create a problem 20 years down the road for our successors to have yet a bigger problem.

I think we have learned in America that we are a nation of the rule of law and that we ought to enforce the law. I think we made a mistake by ignoring illegality in 1986 because it encouraged further illegality. It is a little bit like getting crime under control in New York City. When Mayor Giuliani first came into office, he decided that the way to get at big crime was not to allow the petty crime. He went to work concentrating on people who were abusing the law even in a minimal sense. Soon it made an impact that he was going to be tough on crime, and

pretty soon you found a great reduction in major crime. If we start enforcing our immigration laws and if at the same time we have a realistic law for people to legally come to this country, then maybe we will be able to get the sovereignty of our Nation to what it is supposed to be, and that is at least the controlling of our borders.

One of the things I wish to make clear is that there is a guest worker program used in place of amnesty. I understood previous speakers to say you can earn your way to legality, you can earn your way to citizenship. There are a lot of people who commit crimes who never get a chance to work their way out of that crime. It probably signals to people in other lands a softness of our concern about whether people come here obeying our laws and sends a signal that it is OK to disregard our laws. So a guest worker program that is used to cover up amnesty I can't buy into.

There are proposals connected with this bill to allow people to come here legally to work, to have a job and to have papers when they cross the border to come into our country to work. We are expanding some of those provisions for people to legally come to this country, and we are inviting people to come in as guest workers.

My belief is people would rather come to work legally than illegally. If we had a temporary worker program that was not a bureaucratic nightmare and people who wanted to work in America and had a job in America knew they could come here legally, they would choose the legal way to come as opposed to the illegal way to come. I believe if we had such a program that worked and was efficient and people could count on it, including employers counting on it, then pretty soon, one by one, we would have legal workers replacing illegal workers because surely employers would rather hire people who came here legally.

If we are going to have an amnesty program, it ought to be one about which people can at least say that it meets the commonsense test, that it is not a joke, that it is a real, serious effort to make people earn their way to citizenship. I want to point out some things in the present bill before the Senate that do not meet the laugh test, as far as amnesty is concerned.

The biggest flaw is providing legal status to 12 million people who are breaking our law by coming here illegally. Not only do we give amnesty to those who are here, but we give it to spouses and children in their home countries. In 1986, I voted for amnesty. I was burned once. I don't want to be burned twice. With a 1 million-people problem at that time, we actually ended up maybe with 3 million people coming here under the laws we passed at that time, particularly considering family. If it is 12 million people we are talking about now, and 3 times that, are we talking about 36 million people as opposed to 12 million people? Amnesty is giving a free ride to 12 million

people, and maybe 36 million people if you consider 3 for 1. That was the lesson we learned in 1986.

Let's look at the so-called earned legalization provisions. Proponents of the bill say that an alien has to pay their taxes, pay a fine, learn English, and get in the back of the line—the line leading to legalization, the line that eventually could lead to citizenship.

I respectfully disagree with my colleagues who say that they are earning their citizenship. I will go into detail about each of these provisions, starting with the \$2,000 fine. An illegal alien can go from illegal to legal just by paying a fine of \$2,000. That is chump change, particularly considering that the same people could have paid a smuggler five times that amount to get across the border in the first place. This is not a heavy fine for the law that they broke. People here illegally knowingly crossed our border and overstayed their visa each day. They get legal status overnight for a small price; \$2,000 is a small price to pay for citizenship, especially since they have been working in the country and making a living for over 5 years. This fine is nothing but a slap on the hand, and it doesn't fit the illegality involved.

The fine of \$2,000 isn't due right away. In other words, you don't have to pay it right away. For those in the amnesty program, what is called the first-tier program, aliens here illegally are supposed to pay a fine of \$2,000. However, the way the bill is written, many aliens here illegally may not have to pay that fine until year 8, 8 years from that point. The bill says that the \$2,000 fine has to be paid, in the words of the legislation, "prior to adjudication." What does that mean? The fine is not going to be required up front. If it is left the way it is, then the alien here illegally can live, work, and play in our country and is immune from deportation, all without paying any fine for maybe up to 8 years and all the time imposing a financial burden on local taxpayers for health, education, and infrastructure costs that are not reimbursed for 5 to 10 years.

Let's look at the requirement about learning English and civics. Under the bill, an illegal alien could fulfill the requirement of learning English history and U.S. Government by "pursuing a course of study." Until Senator INHOFE's amendment last week, the alien didn't have to show their understanding of English or civics, yet the authors of this legislation wanted us to believe that in order to get this legal status, you had to show proficiency in English and understand how our political system works. The Inhofe amendment took care of that, but it was certainly a low bar for people illegally in our country to meet.

On the issue of paying taxes: Under the bill, aliens illegally in our country only have to pay 3 of the last years in back taxes. Let me ask any taxpayer, wouldn't you like to have the choice of

only paying taxes on 3 out of any 5 years? But that is supposed to be a step toward earning your way to citizenship. Why, if any of us did that and fraud was involved, we would be in jail. At the very least, you would have to pay all your taxes for all those years and pay fines and penalties. But, no, people illegally in our country get an option. You don't get an option; my constituents don't get an option, what years they want to pay back taxes. We have a tax gap of \$345 billion in this country, taxes that the IRS is owed but that are not collected. Of course, this makes the problem even worse. This bill would treat tax law breakers better than the American people. Let's make the alien who is here illegally, who gets amnesty, pay all outstanding tax liabilities. That is the only way this bill—or at least the portion of this bill we call amnesty—can meet the commonsense test.

On the issue of payment of taxes and the burden that might cause for the IRS, that is another portion of this bill that doesn't meet the commonsense test. Under the bill, the Internal Revenue Service has to prove that an alien here illegally has paid their back taxes. Frankly, it will be impossible for the Internal Revenue Service to truly enforce this because the Agency cannot audit every single person in the country.

I am chairman of the Senate Finance Committee. We have jurisdiction over the Internal Revenue Service. I can tell you that the tax man is going to have a difficult time verifying whether an individual owes any taxes. Why aren't we putting the burden on the aliens? They need to go back and they need to figure out what they owe. That is what each one of us does every spring between January and April 15, before we file our taxes. We figure out how much we owe, and we have to pay what we owe. Then in turn let who is here illegally certify to the Internal Revenue Service that they have paid their dues.

I have an amendment to fix this language and allow the IRS to devise a system to make that work. But the end result for this chairman of the Finance Committee is that these people who are here illegally should not have a better tax posture toward the IRS than any other hard-working American man and woman.

Now I want to go to security clearances to be given in 90 days, another part of this bill that doesn't meet the commonsense test. The compromise would require the Department of Homeland Security to do a background check on aliens who are here illegally. In fact, this compromise has placed a time limit on our Federal agents. The bill encourages the Federal Government to complete the background checks on 10 million aliens who are here illegally within 90 days. Can you imagine that?

Can you imagine taking care of background checks on 10 million people in 90 days? That doesn't meet the com-

monsense test. It is unrealistic. It is not only unrealistic, it is impossible, and a huge burden, as you can see, and a huge expense. Homeland Security will surely try to hurry with those background checks. They will pressure Congress to rush them. There will be a lot of rubberstamping of applications despite possible gang participation, criminal activity, terrorist ties, or other violations of our laws.

I am not talking about the vast majority of people who are working in America and here illegally. I am talking about a small percentage of these people. But with that small percentage, we ought to be sure our national security concerns are taken care of, and, no, we should not be rushing these clearances through in 90 days.

When it comes to criminal activity, terrorist ties, other violations of the law, and gang participation, that is not true. I will bet that 99 percent of the people who are here illegally, who are working hard to improve their lot in life but still here illegally, violating our laws, want a better life. But a small group of them, we have to know that they are not a national security risk. And you can't do that in 90 days with 10 million people.

Let's talk about during the amnesty process and people having to go to the back of the line to work their way toward citizenship. The proponents say the aliens who are illegal would have to go to the back of the line so they are not getting ahead of those who use our legal channels. That whole approach, if you are going to have amnesty, is the way to do it. This doesn't meet the commonsense test, but someone has to explain to me actually how it works.

This is important because at my town meetings—I had 19 town meetings in Iowa during the Easter break—some of the most vociferous statements against amnesty were made by naturalized citizens who said: How come I had to go through all these things and stand in line for long periods of time to become a citizen or even be legally in this country and you are going to move all of these other people to the head of the line?

The theory is that they are going to take care of that criticism in this bill, but it isn't very practical. How is the Citizenship and Immigration Service going to keep track of these people? They can't even count right because they give out more visas than the law requires. Besides, an alien on an amnesty track is getting the benefits that people in their home countries waiting in line to come here legally can't get. This whole process denigrates the value of legal immigration.

While here, they get to travel, send their kids to school, open a business, and get health services. Is that really going to the back of the line?

The work requirements also don't meet the commonsense test. The bill says that an illegal alien has to prove that they have worked in the United States for 3 of the last 5 years. It also

says they have to work for 6 years after the date of enactment. However, there is no continuous work requirement through amnesty. So you could work 30 days on, 30 days off, 30 days on. It is dishonest to say these people are working the entire time.

Let's get to the evidence of that work history which the bill requires. It says a person illegally in the United States has to prove they have worked in the United States 3 of the last 5 years. How do you do that? They can show the IRS or Social Security Administration records or records maintained by Federal, State, and local governments. Their employer can attest that they have been working; their labor union or day labor center can attest, but that is not all. It might meet the commonsense test. But if you can't get records from the IRS or the labor union, you can ask anybody to attest that you have been employed. The bill doesn't even prohibit the alien to attest themselves. Anybody, including a friend, a neighbor, a man on the street, could sign the attestation.

This opens the door to fraud. The Government cannot realistically investigate them. Senator VITTER tightened this loophole, but sworn affidavits still exist. This is an issue of confidentiality in reporting. If an alien illegally in the country is applying for amnesty, the Federal Government cannot use information provided in the application by adjudication; that is, adjudicating that petition. If aliens illegally in the country write in their application that they are related to, let's say, Bin Laden, then our Government cannot use that information. In fact, it says that the Secretary of Homeland Security can only share that information if someone requests it in writing.

Why shouldn't the Secretary be required to provide that information to the CIA? If we can link an alien to a drug trafficking kingpin, then why shouldn't the application be a source of intelligence?

This provision severely handicaps our national security and criminal investigators, and again a provision in this bill that doesn't meet the commonsense test.

Let's look at the so-called \$10,000 fine for bureaucrats. Let's say a Federal agent uses the information I just spoke about by an alien in an application for amnesty. Under the bill, the agent would be fined \$10,000. Yes, fined five times more than the alien has to pay to get amnesty in the first place. That does not pass the commonsense test.

Let's look at qualifying for Social Security for aliens who are here illegally. The bill does not prohibit illegal aliens from getting credit for the money they put into the Social Security system if they worked in the United States illegally. Immigrants here illegally who paid Social Security taxes using a stolen Social Security number did not do so with the expectation that they would ever qualify for Social Security benefits. They paid

those taxes solely as a cost of doing their job. They never paid into the system with a reasonable expectation that they would receive any benefits. People who have broken the law should not be able to collect benefits based upon unlawful conduct. Their conduct has caused damage to countless numbers of American citizens and legal immigrants. Because of breaking our law, the victims are faced with Internal Revenue audits for unpaid taxes. Americans have trouble finding their own jobs and are left to reclaim the credit and clear up their personnel information. The Enzi amendment would have taken care of this, but it did not pass.

Our Members, again, gave up an opportunity of having this legislation meet another commonsense test. Employers get a criminal pardon for hiring illegal aliens under this bill. Not only does this bill legalize people who are here illegally, it is going to pardon employers who committed criminal activity in hiring illegal aliens in the first place.

The bill says employers of aliens applying for adjustment status "shall not be subject to civil or criminal tax liability relating directly to the employment of such aliens."

That means a business that hired illegal workers now gets off Scott-free from paying the taxes they should have paid. This encourages employers to violate our tax laws and not pay what they owe the Federal Government. Why should they get off the hook?

What damage are we doing, once again as we did in 1986, in ignoring the breaking of law, giving amnesty and encouraging further disregard for the law in the future?

In addition to not having to pay their taxes, employers are also off the hook for providing illegal aliens with records or evidence that they have worked in the United States. The employers are not subject to civil or criminal liability for having employed illegal aliens in the past or before enactment.

Then fines for failing to depart, for aliens illegally in this country—those in what the bill calls the second tier who have been here for a period of time, from 2 years to 5 years, they must depart and reenter. If an alien doesn't depart immediately, they face a fine of \$2,000. If they don't leave within 3 years, they get a \$3,000 fine. These fines are not incentives for aliens to leave. They could then live in the United States for up to 3 years without facing deportation. There is no requirement for them to leave immediately.

Take a look at that subtlety in this legislation. If you want to be satisfied with paying a \$3,000 fine, you can stay here an additional 3 years illegally, and we presumably know that you are here illegally.

The second-tier employment requirements—these illegal aliens also have to prove that they have been working in the United States since January 7, 2004. They can prove it by attesting to the Federal Government or an employer,

not necessarily the one that employed them. They can also get around the requirement by providing bank records, business records, sworn affidavits, or remittance records.

Since when does proof of sending money back to Mexico prove employment? That, too, doesn't meet the commonsense test and is another case where the legislation talks about mandatory departure. It really is not mandatory.

The bill says the Secretary of Homeland Security may grant deferred mandatory departure for aliens here illegally in the 2- to 5-year category. He may, the law says, also waive the departure requirement if it would create a substantial hardship for the alien to leave.

In this legislation, there is a waiver interview requirement. Illegal aliens in the second tier who are required to leave the country can reenter the United States on a visa, but the bill says they do not have to be interviewed. In fact, it doesn't even give discretion to our consular officers around the world to require an interview.

I have advocated for in-person interviews since 9/11, especially since the hijackers weren't subject to appear in person. Today, the State Department is requiring interviews for most applicants and waives them for certain people, particularly those over 60 years of age. If an adjudicator wants to have an interview before giving a person a visa, they should have the power to do it.

Guest workers, under the provisions of this compromise, can become permanent workers. Unlike almost all visas, the H-2C visa can be used as an avenue to legal permanent residence and citizenship. The H-2C visa was created as a temporary worker program. In fact, the alien, at the time of application, has to prove they did not plan to abandon their residence in the foreign country. However, the visa can be redeemed for legal permanent residence after only 1 year in the United States.

H-2C workers can self-petition under this compromise. No other visa program allows an alien to petition for himself or herself to go from temporary worker to seeking citizenship. After 4 years, the alien can sponsor themselves for permanent residence in the United States. We had an amendment to tighten this provision, but the self-petition measure is still in the bill.

Family members of H-2C visa holders need not be healthy. Under current law, aliens must prove they are admissible and meet certain health standards. Many times, visa applicants must have a medical exam to show they do not have communicable diseases. They have to be up to date on immunizations and cannot have mental disorders. Spouses and children of H-2C visa holders, however, are exempt from this requirement. I have an amendment to fix this provision.

The H-1B visa cap can increase automatically. The annual cap is increased from 65,000 to 115,000, but it contains an

additional built-in escalator. If the cap is reached in 1 year, it can be increased by 20 percent the next year. It cannot be decreased; it can only go up.

There will be no serious evaluation of the need for foreign workers, and Congress loses its control over importation of cheaper labor.

There are no strings attached in this bill to new student visas. The bill creates a new visa that lowers the bar for foreign students who wish to come here and study math, science, and engineering. They can work off campus while in school, thus taking American jobs. They also can easily adjust from a student to a U.S. worker. They do not have to prove they will return to their home country when applying for the visa. Why would a student come here to study anything if they could be approved instantly without the requirement of the old visa system? Have some people forgotten that the September 11 terrorists came on student visas?

Now the US-VISIT provision. Congress mandated in 1996 the entry-exit system known to us under the acronym of US-VISIT. This program was authorized 10 years ago. It is still not up and running.

The bill says Homeland Security has to give Congress a schedule for equipping all land border ports of entry and making the system interoperable with other screening systems. Why, oh why, aren't they getting this job done? Why does Congress give the agency more time to get this system running? It does not make sense for us to ask for another timeline; it seems sensible just to get it done.

In the final analysis, I am probably only 1 of 15 Senators still in this Senate since the 1986 immigration law was passed, but I was led to believe in 1986 that by voting for amnesty with employer sanctions, we would solve our illegal immigration problem. It just encouraged further illegal immigration. I quantify that by saying it was a 1 million-person problem in 1986. Today, it is a 12 million-person problem. And 20 years from now, if we do not do it right this time, it is going to be a 25 million-person problem. You get burned once, but you should not get burned twice or you have not learned anything. In the process, we ought to get it right this time. I don't think granting amnesty 20 years after we made the first mistake is the way to do it.

I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I express my appreciation for the leadership of Senator GRASSLEY. He spoke from the heart. He was here during the 1986 amnesty debate. I happened to go back and I saw a summary of that debate. The Members argued on one side saying it was a one-time amnesty; others said amnesty begets amnesty, that if this occurs, there will be more to come. In truth, we see which side has prevailed.

Chairman GRASSLEY has given much insight and wisdom. I hope our Members will consider what he has to say. It is thoughtful, honest, and direct, as always.

I do remain troubled that the Senate is moving steadily, like a train down the tracks, to pass an immigration bill that is deeply flawed. It dramatically increases legal immigration and has no guarantee that significantly improved enforcement procedures will ever be carried out. In fact, the Senate rejected the Isakson amendment which would have conditioned amnesty on effective enforcement. Clearly, we have not comprehended the ramifications of rewarding those who have broken our laws with all the benefits we give to those who lawfully enter, thereby undermining, as Senator GRASSLEY said, the rule of law in this country.

Further, this legislation, which claims to be comprehensive, provides a radical increase in future legal immigration almost with no discussion or consideration of what is good policy for our future. In addition, the legislation has been crafted in a way that hides and conceals, even misrepresents, its real effects.

Thus, I have said it should never pass. I have said that these actions are unworthy of the great Senate of the United States. I have said, and I think correctly, we should be ashamed of ourselves.

What should we be doing? What should the Senate of the United States be doing? We should be working openly and diligently on these issues and should have been for some time. We should be seeking the input of experts and carefully studying relevant data. Certainly we should be consulting with those who have hired us—at least for a term—the American people.

In my view, the American people have been right from the beginning. They have rejected an immigration system that makes a mockery of law, a system that rewards illegal behavior, while placing unnecessary bureaucratic hurdles in the face of those who dutifully attempt to comply with the law. In the decades before the 1986 amnesty and after, they have urged and pleaded with the powers that be to end the illegality, to secure the border, and to develop a system based on the common-sense interests of our Nation. The American people have been arrogantly ignored by the executive branch and by the Congress.

We have failed to fulfill our responsibilities, in direct opposition to the legitimate and clearly stated will of the American people.

In every way, the American people have been correct. They have been motivated by the highest of American ideals, despite what the critics say. They have sought a lawful, wise system of immigration. It is unfair to ascribe to the good American people the words of some frustrated and extreme person whose anger overflows—the talk show callers and the like. That is not the

heart of the American people, just because someone mis-spoke on a talk show or in a conversation. What they are saying is legitimate, principled, and consistent with the American ideals. We have not responded to it. We did not respond to it before 1986. We did not respond to it in 1986. We have not responded to it since.

The American people will support a fair and generous immigration policy for the future, and they will support compassionate and fair treatment of people who have come here illegally. They are not asking that they be prosecuted, locked up, or that every one be hauled out of America. That is not so. No one is proposing that in any serious way.

Make no mistake, we cannot treat lightly and it is a grave step to concede, to admit, that the laws of the United States will be ignored and not enforced. During the 1986 amnesty debate, it was argued that amnesty would be a one-time event. People argued that if that were done, it would weaken the rule of law and encourage more people to enter the country illegally, confident that at some day in the future, amnesty would be available to them, too. I ask my colleagues, who was right 20 years ago?

Senator GRASSLEY just told us who was right. He said he believed it was a mistake when he voted for it. Not many Senators have the gumption to come to the Senate and admit they made a mistake. While amnesty just 20 years ago created a legal route to citizenship for 3 million people not here legally, today we are expecting, 20 years later, 11 million and perhaps 20 million people could benefit from this amnesty.

We must acknowledge that when you play around with the rule of law in a nation that expects to be treated seriously, you have done something quite significant. It cannot be altered or undermined without real consequences. Life has consequences. If you pass a law and then turn around and admit you cannot enforce it, with a promise that we are going to enforce it in the future and we are going to allow everyone who violated a law a free pass, what does that say about the future? These are not light matters. If we could do it like that, if we could make this kind of 180-degree turn without consequences, it would be one thing, but life is not that way. We are supposed to be a mature branch of Government of the greatest Nation on the face of the Earth. Surely we know that. Surely we know we cannot do this lightly. I am afraid some have not given enough thought to that.

I wanted to share those remarks at the beginning because we are dealing with huge numbers of people who will be legalized. We will be dealing with a fundamental expansion of immigration, a massive amnesty, large increases in governmental expenditures, and an enforcement promise I am not sure we will ever see occur because enforcement was promised in 1986. It was

faithfully and honestly guaranteed by supporters of that bill in 1986, and it was never accomplished.

I will introduce four amendments this afternoon. The four amendments are, first, a numerical limit amendment, an amendment to cap the immigration increases caused by this bill. The numbers CBO and the White House say we should expect include 7 million and their dependents under amnesty. Additionally, CBO and the White House estimate that under this bill 8 million new immigrants will flow into the country above the current level 10 million over the next 10 years. Got that? What my amendment will do is cap green cards at 7 million for amnesty, plus we are going to add 8 million to the current flow in the future.

We think the numbers are higher than that. But that is what the CBO says the numbers are. That is what the White House has trumpeted as the numbers. So at least, I suggest, this Senate should make clear those are the numbers, and let's pass it, so we will not have this danger that the bill will spin out of control or in fact will be much more generous to immigration than some are currently suggesting, even CBO.

Another amendment will be the earned-income tax credit. This would be an amendment to eliminate the earned-income tax credit for illegal aliens and those who have adjusted status under this bill. Once illegal aliens become citizens, they will once again be eligible for the earned-income tax credit. But it is a huge expense, maybe over \$20 billion over 20 years.

I will have an amendment to deal with chain migration which has to do with provisions that are continued in current law but are not principled and do not serve our Nation well. If we want to admit more skill-based immigrants, we must reduce the right of immigrants to bring in certain categories of relatives, regardless of skill, regardless of ability to perform.

We will work on those four amendments, and I hope we will be able to get a vote on them. I know people are saying: No, no, we need to move this bill on. We can't go another day. We have to finish this debate. You guys have had your little amendments. The train is moving. Get off the track. We are going forward. And I am already hearing that we are moving in that direction: The debate is going to be limited, and we will have to curtail our legitimate amendments.

I submit to you, the amendments I am offering here are legitimate amendments that go to real issues of national importance, not some technical thing.

My amendment that deals with the total number of immigrants into the United States comports with the estimates of the Congressional Budget Office which has run these numbers. I thought they were low, but that is what they say, and the White House has jumped right on it and said: These are the numbers, and SESSIONS and the

Heritage Foundation are all wrong. Their numbers are not good. These are good numbers, so let's just have a vote on it and let's make it law.

They estimate that a total of 7 million illegal aliens and their dependents will be granted status under the bill. Of the 11 million, they say 7 million will be granted status.

Additionally, the CBO and the White House estimate this bill will increase current immigration levels—which are now about 1 million a year legally—by about 8 million over a 10-year period, making total immigration into the United States over the next 10 years nearly 18 million instead of the currently expected 10 million, setting aside those who get amnesty.

Under various provisions of current law, the United States issues just under 1 million—approximately 950,000—green cards every year to people coming through immigration channels legally.

In 10 years, if this law remains the same as today, almost 10 million people will join the United States. Over 20 years, it would be about 18.9 million people—just under 20 million—under current law.

Under this bill that is on the floor today, we have been shocked to find the breadth of the numbers.

Almost 2 weeks ago, my staff and the Heritage Foundation did separate extensive analyses to determine the total number of people who would be coming into America under this bill, if it passes.

At a press conference last Monday—the first time anybody had even discussed it—Robert Rector, senior research fellow at the Heritage Foundation, joined with me to reveal the results of our studies and to shed some light on the future immigration policy changes in the bill.

According to my projections, the bill would have increased the legal immigration population by 78 million to 217 million over the course of the next 20 years. I would note, the current population of the United States today is less than 300 million. So 100 million would be a one-third increase in the population by immigration; 200 million, of course, would be two-thirds of an increase in the population.

Mr. Rector's estimate was within the range I projected—coming in at 100 million over the course of 20 years. I just tried to figure out what the low numbers could be and the high numbers could be. He focused on what he thought the number would turn out to be. He found it to be 103 million people over the next 20 years—one-third of the current population of the United States of America.

So the day after those numbers were released, the Senate adopted an amendment offered by Senator BINGAMAN—I see him on the floor today—which is, I think, perhaps, the most significant amendment we have adopted to date, that capped the number of people who could come into the country under that

bill's new H-2C temporary guest worker program at 200,000 per year, not 325,000. And it ended this 20-percent automatic escalator clause.

I say to Senator BINGAMAN, I thank you for your effectiveness on that amendment. And it ended up having a pretty nice vote. But until that time, we had not begun to discuss on the floor of the Senate anything other than enforcement at the border and amnesty provisions. We had not even thought about it. How did they put this in there? How did they come up with an automatic 20-percent increase in immigration for a low-skilled provision of this bill? Who wrote that in there? Did anybody even know it was there?

If my fine staff had not been digging into it, I am not sure it would have been found. Well, the Heritage Foundation also dug into it, but awfully late. The bill had been tried to be pushed through this Senate about a month ago without any debate, without any amendments. They were just going to move that through. So it was a good improvement.

We now expect, after this however, that the numbers are still huge. I project the expected numbers in the next 20 years will be between 73 million and 92 million. Robert Rector has estimated that it will be 66 million over the next 210 years. He didn't include H-1B in his calculations.

So without any growth in the H-1B, the high-skilled visa program, we come in at 73 million. Under the maximum growth, we would come in at 92 million. Current levels, under current law, would be 10 million. Now, that is a big, big deal. It represents a serious policy decision of the people of the United States. And how many American people know we are talking about that? And 92 million is over four times the current rate of immigration in this country—five times really. From where did that come?

So even after Senator BINGAMAN's effective amendment, it is important to remember that both the Heritage Foundation's—Mr. Robert Rector's—projections and mine calculate the bill will still increase current levels of immigration three- to fivefold over the next 20 years. The realistic estimate, I think, is four times the current rate. Is that what we need? Maybe it is. But we sure have not talked about it. Have you heard the American people consulted on that? We already have a pretty generous immigration system, I submit. It brings in a million people a year.

People say: Well, you have lots of illegal immigrants too. That would be 50 percent more, maybe 500,000 a year, as estimated. That is not three, four, five times the current rate.

Last Tuesday, the CBO released its final score of the Senate immigration bill. They estimated that if it passes, it would result in an 8 million person increase in the population over the first 10 years. The precise estimate is 7.8 million, which can be found on page 4 of the CBO score.

This estimated 8 million increase accounts for only future legal immigration caused by the bill. It does not include an estimate for the number of illegal aliens. We are not going to take that to zero, surely. Surely, we will make some progress to reduce illegal immigration, but it is not going to zero.

The CBO estimate for how many in the illegal alien population would benefit from the bill's amnesty provisions is contained in a separate calculation on page 22. On page 22, CBO estimates that 1 million illegal aliens will be adjusted under the AgJOBS provisions, and that two-thirds of the 6 million illegal aliens here for more than 5 years, and 50 percent of the 2 million illegal aliens here between 2 and 5 years, will adjust status under the bill's provisions.

So according to CBO, a total of 6 million illegal immigrants will become legal permanent—permanent—residents under the bill and be placed on an automatic path to citizenship.

Now, the White House, last Thursday, in a press release, entitled "Setting the Record Straight"—OK—wholeheartedly embraced the CBO report and claimed that the 8 million future immigration estimate by CBO is "consistent with most research on immigration issues."

The White House press release also embraced the CBO estimate on the current illegal alien population but stated it a little differently. According to the White House, CBO estimated that about one-third of illegal immigrants eligible for legalization under the bill are unlikely to become legal permanent residents. Therefore, the logical conclusion of this statement is that two-thirds of the eligible illegal alien population will likely become legal permanent residents.

The White House press statement directly implies that the White House does not expect more than two-thirds of the illegal alien population to become legal permanent residents under the bill.

If 10.3 million people have been illegally present for more than 2 years, two-thirds of that number would mean approximately 7 million people now living here illegally will benefit from the amnesty provisions. This estimate—7 million—is 1 million higher than the way CBO lays out the numbers on page 22 of their score.

As the press statement points out, these estimates are much lower than the estimates that Robert Rector or my staff, after extensive review, came up with.

Although I highly doubt we have true numbers from the CBO, I sincerely hope they are accurate, and not mine. It is imperative that the American people, however, be able to trust their Government—particularly those agencies that enforce these laws—when discussing issues such as these. My amendment will adopt the CBO and White House estimates as the realistic result of S. 2611's increases in immigration.

Under the amendment we are offering, the number of green cards that CBO and the White House estimate will be needed will be made available for the adjustment of status provisions and future immigration levels caused by the bill.

First, the amendment limits the number of green cards available under the bill's amnesty provisions to two-thirds of the qualified illegal alien population of about 10.3 million—a total of 7 million green cards.

Second, the amendment limits the increase in future immigration to 8 million above the current level of 10 million over 10 years. Under the amendment, the total number of green cards issued shall not exceed 18 million over any 10-year period, starting with the 2007–2016 10-year period.

Because real numbers of current immigration levels would only reach about 9,500,000 in 10 years, an additional 500,000 green cards are added to the White House's estimate in this amendment.

It is important that we limit the bill's effects to the numbers being used to justify the bill's passage, at least. The American people are much more accepting when they know the numbers we are asking them to believe in. And they are asking us to make sure we tell them truthfully, and that we comply with it. Though I am not in favor of granting amnesty to those who break the law, I believe it is important to hold the administration to its word when enacting a comprehensive reform bill.

My amendment limits the number of illegal aliens who can be granted amnesty under the bill. This limit will in turn limit the potential for fraudulent adjustments of status. It would also say if there were more claiming for green cards under amnesty than projected, and they met all the qualifications, they would get those green cards, but the future flow numbers would be reduced to cover that. Unlike the bill as written, my amendment would allow for a controlled increase in legal migration by placing a cap on the number of green cards that can be issued under the bill's other provisions. The fact is, we cannot admit everyone who wants to come to our country. Unlimited immigration will put a strain on finite resources. Therefore, in addition to properly enforcing our laws and securing our borders, we must put reasonable limits on the number of people who can enter permanently.

Under my amendment, future immigration will be increased by—hold your hat—80 percent, but not as much as the current bill allows, 300 to 500 percent. Eighty percent is too high. We haven't had the evidence to justify that, but I am saying, let's put this up for a vote so when this bill goes through here, we will at least know what the top level is.

This amendment is sensible and responsible. I ask my colleagues to vote for it. Later, I hope to have the oppor-

tunity in the debate—I see others, and I won't utilize any more time—to talk in more detail about the earned-income tax credit amendment, the need to reform in a significant way the unprincipled chain migration provisions of the bill, and the H-2C green cards future flow cap for H-2C green cards to be issued.

I thank my colleagues for their time. I urge each one of us to spend some serious time in analyzing the impact of this hugely important piece of legislation that the American people care about, and rightfully so. It is our responsibility to get it right. We don't want to be back here, as Senator GRASSLEY has done today, and say we have made a mistake in 2006.

I yield the floor.

The PRESIDING OFFICER. The distinguished majority whip.

Mr. McCONNELL. I ask unanimous consent to proceed as in morning business.

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

UNANIMOUS-CONSENT REQUEST— EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I rise today because five families in Harlan County in the Commonwealth of Kentucky suffered a devastating and tragic loss this past weekend. As many of our colleagues are aware, an explosion rocked the Kentucky Darby Mine No. 1 around 1:30 Saturday morning.

According to news reports, the blast occurred nearly a mile underground near a sealed-off area of the mine. The force of the explosion was so powerful it caused damage over 5,000 feet up at the mine opening.

Five miners were killed. Their families are, of course, completely devastated, and the entire community is struggling for answers in the face of such a catastrophe, an unexpected tragedy that is so overwhelming it breaks your heart and almost leaves you numb.

There is one ray of light in this otherwise very dark episode. One miner, a man named Paul Ledford of Dayhoit, KY, managed to escape the blast. He was injured but reportedly was still able to walk out of the mine on his own two feet. After a short stay in the hospital, he was released, and I am sure his family is thrilled that he survived the catastrophe.

The Darby mine explosion brings this year's total number of deaths from mining accidents in Kentucky to 10, double what it was just 72 hours ago. Thank goodness Paul Ledford's name is not on that list.

But these Kentuckians' names are: Paris Thomas, Jr., 53, of Closplint; George William Petra, 49, of Kenvir; Jimmy B. Lee, 33, of Wallins Creek; Amon "Cotton" Brock, 51, of Closplint; and Roy Middleton, 35, of Evarts. All were lost in this explosion Saturday.

The Harlan County coroner's report indicates that Amon Brock and Jimmy

Lee were killed instantly by the tremendous force of the explosion. The other three survived long enough to put on breathing devices, but still died of carbon monoxide poisoning.

Their loved ones will never forget the last time they saw them before they descended into the mines. Nor will they forget the calamity that, sadly, added their names to this list. Neither should we ever forget them.

The authorities are still investigating the cause of this accident. Some accidents are, unfortunately, entirely unpreventable. But other accidents are all the more horrific because they could have been prevented. When it comes to the second type, this Senate can and must act to prevent them. The list of Kentucky mining deaths is too long already.

I am sure my colleagues, Senator ROCKEFELLER and Senator BYRD, will agree that the list of West Virginia names is too long as well. Every American watched the terrible events at the Sago mine this past January, when 12 miners were killed.

The Senate should act quickly by passing S. 2803, the Mine Improvement and New Emergency Response Act of 2006, of which, I am happy to say, I am a cosponsor.

This measure, drafted by Senators ENZI and KENNEDY, was unanimously reported out of the HELP Committee last week, and the Senate should move expeditiously to pass this legislation. It is the most comprehensive package of miner-safety legislation in a generation. Once it is fully implemented, the brave men and women who descend in the darkness to provide the rest of us with light and heat will have safer working conditions than ever before.

The MINER Act, as it is called, will require mining companies to submit to the Mine Safety and Health Administration, MSHA, up-to-date emergency preparedness and response plans. The plans must be adapted to each individual mine, and MSHA must review and recertify them every 6 months. As conditions change, so must the response plans in order to best protect our miners.

The bill will require the mining companies to put in place state-of-the-art, two-way wireless communications and electronic tracking systems. Mine rescue team response will be both faster and safer.

The bill will require every miner to have at least 2 hours of oxygen on hand and stores of oxygen to be stashed every 30 minutes along escape routes for evacuating miners. Randal McCloy, Jr., the only miner who survived the Sago tragedy, has reported that at least four of his fellow miners' air packs were faulty, leaving the team without enough air.

Given the fact that three of the miners in the Darby mine died with their breathing masks on, it seems the same thing happened yet again in Kentucky this weekend. That is unacceptable and must not be tolerated.

The bill will give the Secretary of Labor new, stronger enforcement powers to ensure the mines are in compliance. The Secretary will have the authority to shut down a mine for failing to meet the Department's orders, and the bill raises penalties significantly for serious violations.

The bill will also clarify that mine safety rescue teams are not liable for any injuries or deaths that may happen due to rescue activities. This is important because up to now, some mining companies have hesitated to have mine rescue teams for fear of being sued. This provision of the bill will ensure the mining companies have the incentive to put a mine rescue team in place.

Finally, the bill will create grant programs to improve safety training, direct studies of safety techniques, and create an interagency group to facilitate the development of new safety technologies and activities.

I understand this may not be the perfect bill. Not everyone has gotten everything in it they want. But it represents the best, most comprehensive approach to this problem in many years. In fact, both the National Mining Association and the United Mine Workers of America have endorsed it. That ought to tell you something right there. These two groups don't agree on things very often, so I am sure my colleagues can see how their agreement is a signal that the MINER Act is the breakthrough that we have been waiting for.

It is too late for us to do anything for the five Kentucky miners who died this Saturday. Right now the healing for their families and that community is happening in Harlan County. I was touched by an article I read today about a memorial service that took place at the Closplint Church of God in Closplint, KY, just 10 miles down the road from the Darby mine. The Rev. Frank Howard led a prayer for the victims' families. He said, "We're a coal community, and we need to lift each other up."

I know the people of Harlan County well. And I am sure of this: They certainly do have the strength to lift each other up in this hour of anguish. And when they need help, they will get it. It will pour in from every corner of Kentucky and beyond.

So we here in the Nation's Capital must also do our part. When this Government acts swiftly and with purpose, we can uplift the fortunes of many who may otherwise be cursed to suffer in despair. By passing this legislation, we can lessen the burden on others who work in the mines and their families by letting them know that we are listening and doing everything we can.

It is my understanding that efforts are underway on both sides to get this legislation cleared, we hope, as soon as tomorrow. But there is one other thing we ought to do. I was looking at the Executive Calendar. I noticed that the MSHA, the Mine Safety and Health Ad-

ministration, is without a Director, and not because the HELP Committee has not acted. On March 8, 2006, the HELP Committee reported out an individual from West Virginia to be Director of the Mine Safety and Health Administration. His nomination has been languishing on the calendar for 2½ months. I can't think of a worse time to have MSHA without a permanent Director than now. We have had a raft of coal mine deaths this year in West Virginia and Kentucky. With coal production up and coal prices up, it is a virtual certainty that more and more coal is going to be mined. Therefore, more and more miners will be involved in mining coal. We need a permanent Director of MSHA, and we need to pass the legislation I hope we will pass tomorrow.

I know there has been a hold on the MSHA Director nomination on the other side of the aisle. I have been told that there will be an objection yet again today. But I want to plead with those from the other side who may believe that this is not the perfect nominee—he is the nominee, nominated by the President, reported out of the HELP Committee. If he were to be drawn down and this whole process were to be started all over again, we wouldn't have an MSHA Director for months and months into the future. We need a permanent Director of the Mine Safety and Health Administration.

Bearing that in mind, I ask unanimous consent that the Senate now proceed to executive session for the consideration of Calendar No. 553, the nomination of Richard Stickler of West Virginia to be the Assistant Secretary of Labor for Mine Safety and Health; provided further that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

Before the Chair rules, as I have indicated already, let me say again, this nominee has been reported out of the HELP Committee. He has been on the calendar since March 8 of this year. MSHA is without a permanent Director, and I would hope that my unanimous consent request will not be objected to.

THE PRESIDING OFFICER. Is there objection?

Mr. BINGAMAN. Mr. President, on behalf of the Democratic leader, I have been requested to object, and I do object.

THE PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. Mr. President, if the Senator from Kentucky will yield for a question, just a few years ago, not long after 9/11, we had the Brookwood mine disaster in Alabama, where 13 miners lost their lives. Basically, like the firemen in New York, they were responding to help someone in need, another miner that they believed needed help in an emergency, and lost their lives in a rescue attempt. It was a very emotional time for me and the families and

the town. We were joined on that occasion at the Brookwood mine area by the Secretary of Labor, Elaine Chao. I want you to know how proud I was of her that night. She went over to the union hall.

She had to be up at 5 o'clock the next morning to catch a flight. But she stayed there almost 2 hours meeting and talking with the victims of that disaster. I was able to call just Friday several family members and others who were involved in that to tell them of the passage of this piece of legislation out of committee. They were very excited about it—a lawyer for the union official, families of people who were killed in that disaster. As the Senator said, the price of coal is up. The demand for energy is up. We are going to be doing more mining. This legislation will clearly be a step forward into making those mines safer. I thank him for those comments. I hope we can move rapidly.

Mr. McCONNELL. Mr. President, before yielding the floor, I thank my friend from Alabama. I hope this legislation will clear the Senate sometime tomorrow. I know people are working on both sides of the aisle to get it cleared. It should not be controversial. After all, it came out of committee unanimously. It is supported by the National Mining Association and the UMW. We need to get that bill passed.

I hope, also, we can get a permanent Director of MSHA. It is without a permanent Director at a very important time in the life and safety of our Nation's coal miners.

Mr. SESSIONS. Mr. President, I certainly agree with that. I just ask that when the Senator gets home tonight, he thank the Secretary of Labor for the good work she has given to the committee in helping us pass this legislation.

Mr. McCONNELL. Mr. President, I yield the floor.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006—Continued

The PRESIDING OFFICER (Mr. CHAMBLISS.) The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I want to speak briefly this afternoon about two amendments that I intend to offer, and I hope can be favorably considered by the Senate before this bill is completed. The first will just take a moment. It relates to forestry workers.

This is amendment No. 4055. It would make H-2B guest workers who are invited here to work in our forestry sector eligible for limited legal aid. I believe this amendment should be non-controversial. Under current law, agricultural guest workers are eligible for legal aid with respect to employment rights provided for in their H-2A contract. This amendment would provide H-2B forestry workers with the same eligibility for legal aid. We have had hearings in our Energy Committee on the issue. We had a recent hearing

where we heard that making H-2B forestry workers eligible for legal aid is the single most effective thing Congress could do to address the problem of exploitation of forestry workers.

These guest workers have been asked to come to the United States because of a labor shortage that was certified by our Government. They are here legally. They pay U.S. taxes. Currently, the law prohibits legal-services-funded organizations from providing them with any legal aid to enforce their rights under their guest worker contract. The amendment would correct this issue, and I hope that this amendment can be adopted when it is appropriate to take action on it.

Mr. President, I also want to talk about another amendment which goes to the issue of the number of employment-based immigrant visas admitted each year—the number of employment-based immigrants that we admit each year under the current version of this immigration bill as it stands in the Senate today. Let me first describe the big picture as I see it, as far as people becoming legal permanent residents under our laws.

First, let me preface this entire discussion by saying that none of what I am talking about relates to the people who are here on an undocumented basis today. There are other provisions of the law that apply to them and that give them rights under this proposed legislation to adjust their status and become legal permanent residents at some stage down the road. So that is separate. I am not in any way talking about that. I know that has been a subject of great controversy in the Senate and in the Congress in general, but that is not the purpose of my proposed amendment.

When you talk about people who are not here illegally today, there are basically two major ways that a person can become a legal permanent resident under our immigration laws. The two ways are through the family-based visa program or through the employment-based visa program. This chart shows the numbers that have been admitted into the country up until the end of 2004 through the family-based and employment-based programs combined, under both of those. You can see that those two together—it comes out to somewhere around 800,000. That is a total annual figure I am talking about for people coming and getting legal permanent residency through both of those major avenues.

Now, this legislation we are talking about would, according to the Congressional Research Service, substantially increase those numbers. You can see that their projection—and this is an estimate because, in fact, we are eliminating some caps that have been in the law previously, and I will discuss that in a minute. But these estimates from the Congressional Research Service are that we will get closer to 2 million legal permanent residents that we are accepting each year under this legislation. So that is the overall picture.

The amendment I am talking about does not try to deal with this entire picture. It just looks at the employment-based legal permanent resident visas.

Let me go to a different chart in order to describe the concern I have. Current law says there is a cap of 140,000 persons, or 140,000 visas, that can be issued under the employment-based LPR categories of our laws. That has been the case now for some time—140,000 per year. This includes family. These are people who come here and seek legal permanent status in order to take work. But it also includes their families. Each member of the family, of course, uses a visa as well. So the total number of employees under this system, and family, spouse, and children, does not exceed 140,000. That is what the law currently provides.

Now, when Senators McCain and Kennedy—this is my understanding of the history, and I am sorry that neither Senators McCain or Kennedy are here so they could correct me in case I misstated anything, but my understanding is that they concluded that we needed to reform the law, and part of the reform that we should adopt was to clear out the backlog and make more room for additional immigration under this employment-based LPR system. I agree with that. Clearly, that is one of the purposes of this legislation and one of the effects of this legislation.

They set out to do this in several different ways. Let me mention the three main ways that they set out to do it. First of all, they said let's clear out the backlog. By that, it is meant in the legislation that any visa that was available to be issued in the last 5 years that was not issued because the immigration service could not get the processing done—that any of those visas would be once again made available. And the estimate we have from the Congressional Research Service is that there are about 140,000 of those.

So we are going back for the last 5 years and saying: OK, are there visas that should have been or could have been issued? Let's bring those forward and issue them and make them available again. Clearly, I support doing that.

They also said: OK, in order to help clear out the backlog, we need to encourage some groups to come here and exempt them from any of this cap. This idea that we only allow 140,000 people to come should not apply to people we are particularly interested in bringing to this country, for whatever reason. One idea is to allow students who come here to be exempted from the cap so they can remain here and become legal permanent residents—scientists, technicians, engineers, people with careers in mathematics. We need those people to create a strong economy. Let's allow them to come.

They said also let's eliminate some of these schedule A groups; that is, people who have specialty occupations we

need to bring here. So let's take them out from under the cap. Again, I have no problem with that approach.

The one other thing they said, which is a major change in the law—this was the bill they introduced last May, the McCain-Kennedy legislation—is that we should raise the cap, that we have outgrown that. Let's raise it to 290,000, so the total number of people who are being allowed to come each year—employees and their spouses and children—will be 290,000, in addition to the ones permitted to come because of our bringing these visas forward from previous years and in addition to the people who come not subject to any cap at all.

That is how the McCain-Kennedy legislation was introduced. Frankly, my own reaction was that it sounded like a fairly reasonable approach. Then the Judiciary Committee decided to proceed with legislation, and the Judiciary Committee began to mark up the chairman's bill—Senator SPECTER's bill—and as I understand what occurred there, and in reading the record of those hearings, the Specter bill agreed with the effort to clear out the backlog that I have described, agreed with the effort to exempt certain groups from the 290,000-person cap. It agreed to keep the number 290,000, but they changed the definition of what the 290,000 applied to.

Under McCain-Kennedy, it had been a cap on the number of workers, along with their accompanying family members. Under the Specter legislation, it was defined as a cap on the workers themselves, and there was to be no cap on the spouses and family members.

If you look at this chart, you can see the progression. Current law is the first column. The second column is S. 1033, which takes it up to 290,000. Then the third column is the one that is the chairman's mark that was marked up and reported by the Judiciary Committee, and that is the one that keeps the 290,000 but says: OK, on top of that we are going to allow spouses and family members.

On this chart, you see an estimated 638,000. The reason I put that in is because the Congressional Research Service was asked how many spouses and family members they expect to come along with these people? They said, looking back at past history, they estimate perhaps at least 1.2 people per employee. So you would be talking about 638,000, roughly, under that legislation. But that is an estimate. This is the first time we have not had a cap. We have an estimate instead of a cap. So the obvious question we have to deal with is whether that is the right level.

As we all know, the legislation that came through the Judiciary Committee was changed once it got to the floor, and we then began to work on what is called the Hagel-Martinez legislation. That is the legislation pending today. That is the legislation about which we are having a great deal of discussion.

Let me recount what the Hagel-Martinez legislation does. That is the fourth of these columns. The Hagel-Martinez legislation says that we agree with the proposal to clear out the backlog, just as McCain-Kennedy did. They are saying they agree with the proposal to exempt certain categories from the cap. That was also in the McCain-Kennedy proposal. And they agree with the Specter proposal that the definition of who should be covered should not include spouses and family members. But they also believed the 290,000 was too low a figure, and they raised it to 450,000. What we have now is 450,000 workers permitted to come and no limit on the number of spouses and family members who can accompany them. That is the legislation pending before us. That continues under the bill, as it is before us, for a 10-year period, through 2016. After 2016, for the period from then on, it drops back to 290,000, plus their spouses and family members, rather than the 450,000.

Why did Hagel-Martinez insist upon going to this 450,000 instead of 290,000? That is the obvious question. They did it for a very logical reason. They did it because they were providing that a certain group of those who are currently in the country—that is, people who have been here at least 2 years and fewer than 5 years—that group of individuals would have to go through this same system, so they had to increase the amount of that cap as they saw it.

What I am suggesting we ought to do first and what my amendment will propose, once I have the opportunity to offer my amendment, is we should put a cap on the total number of people we are allowing into the country under this employment-based legal permanent residency visa program.

We have always had a cap on the number of immigrants coming into this country on an employment-based system. We have done that now for well over half a century. I think we have done it for over a century. I think it would be a fairly radical change for us to say we are giving up on having any cap on this group and instead we are going to an open-ended system, and we will work on estimates.

Part of the debate we have had in the Senate, frankly, is the result of the fact that we don't have a hard cap for how many people will actually be admitted each year. I believe that is not good public policy. It is not fair to the Immigration Service, which has to plan for the number of employees they will need and the number of applications they will receive each year. We are much better off having a cap.

I also believe we should make it clear that whatever cap we have on this group excludes those aliens who are adjusting their status because they have been here from 2 to 5 years. If they are in that category, they should not be counted in the numbers we calculate.

My amendment would try to exclude that group and would basically other-

wise take the numbers that are estimated by the Congressional Research Service and say: OK, let's go ahead and put a cap, and let's make it a 650,000-person cap each year. That is slightly more than the Congressional Research Service estimated would be required or would be expected to apply. It is a substantial increase over current law, more than four times, nearly five times the current level. It is substantially more than twice what Senators MCCAIN and KENNEDY proposed in their legislation.

I think, frankly, it would be a major liberalization of our laws. I know there are those who will argue that we shouldn't have any cap at all, but I think that is not a wise course. This legislation will be improved if we can assure our constituents that we have a cap on the number of people who are coming in under this employment-based system. That is what the amendment will do.

I hope to be able to explain it further when we get closer to actually offering the amendment. I am told we cannot offer an amendment today. This would be a very useful change and improvement in the pending legislation.

I hope my colleagues will take the time to look at this issue and will educate themselves on what the effect of the current proposed legislation would be and the reasons we should put some cap on that number. I believe it would be a wise course to follow.

Mr. President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I compliment the Senator from New Mexico. He has approached this very contentious and very complicated issue in a very thoughtful way, looking at realities and numbers. I appreciate his observations today. His proposal, and an amendment he offered that was adopted last week, changes the numbers. I am not going to stand here on the floor as an advocate of the legislation and suggest we have gotten it right, but we spent a great deal of time attempting to get it right, recognizing the importance of the migrant labor force inside the American economy and, at the same time, recognizing the wishes of the American people to make it a transparent legal process with secured borders. That is what they are asking of us. I hope, as we finalize this legislation this week, that is the outcome of it before we send the bill to the President for his signature.

I have come to the Chamber this afternoon to talk once again about an issue that is before us. The Presiding Officer is the author of the amendment. Again, it is one that, in part, is a bit technical. I suggest this afternoon in my opposition to the amendment that it is predicated on what I hope are appropriately the unforeseen consequences of this amendment and the impact it would have on American agricultural employment.

Last Thursday night, Senator CHAMBLISS opened the debate on his

amendment, and I talked about its impact on the users of the H-2A agricultural guest worker program. To get right to the bottom line, my argument is that the Senate should keep the provision that is in the bill now and deny Senator CHAMBLISS the success of his amendment. Why? A deal doesn't necessarily have to be a deal, but at the same time, over the course of the last 4 years, in negotiating with agricultural employees and agricultural employers, we attempted to bring some rationale to a method of compensation under the H-2A program that simply in most opinions was out of touch with reality. It was escalating on an automatic basis every year, and it simply was not fitting the need, especially when more and more in agriculture were illegal and were not under that program.

Now a small minority actually, some 40,000-plus a year, are under the H-2A program and identified with the wage set by that program. It is possible—and we are not sure—but a million-plus are not and are simply out there in the marketplace bidding for a salary that, in most instances, is below the H-2A adverse wage that is proposed.

So what did we do? Recognizing that disparity, we reached back, with the agreement of all of the parties involved, and said that one of the pieces of getting this puzzle right was to freeze that wage in 2003 at the 2002 level, and that is what is in the bill. So that pushes that wage scale back substantially for a period of 3 years while we look at what Senator CHAMBLISS has attempted to do in his legislation in developing a prevailing wage for American agricultural employers and employees that fit into this guest worker category.

I don't know that we, with all of the different categories of wages, can automatically put it all under one at this time. Of course, that is what the Senator attempts to do. The agriculture section of S. 2611, as I said, immediately drops that wage down, and then over a period of 3 years, we look at it and adjust as the program is adjusting because we are not going to have everybody inside the program once it becomes law for a period of several years as the program adjusts and as we work our way through and people begin to qualify under the blue card system that we proposed to become legal workers and have permanent visas for the purpose of moving back and forth across the border as guest workers to work in American agriculture.

What I have attempted to do and what I am attempting to understand is what in the bill is now the best deal for American agriculture. That is one reason I believe a vote on the Chambliss amendment is not a good deal for American agriculture at this moment. But that is not the only reason. Let me talk about the rest of agriculture, the million-plus who will now be affected by the Chambliss amendment if it is to become law, because I see that as the

rest of the story, and the rest of the story deals with the blue card and the blue card transitional program, the earned status which is a part of the whole of this program. It isn't just a matter of putting in a wage; it is a matter of how that wage ultimately affects the transition into a blue card status.

We have done a pictorial chart tonight that I think better explains what we are talking about.

We believe the blue card built within the agricultural jobs is that transitional tool which allows American agriculture to cross the chasm, if you will, and allow a reformed H-2A program, a guest worker program, to come into being. It won't happen overnight, but it will happen under the law, and it will happen with a wage scale that is pushed back as we make sure we get it right. That is under the reform program.

The second part of the agricultural jobs is a one-time-only program, right here, a blue card. It will last for a specific period of time while we are transitioning the illegals here today into a legal status so they can continue to work and move back and forth across the border in a guest worker program.

The blue card program is a critical piece of the agricultural job solution. It is an essential transition program. Let me repeat, agriculture needs this blue card if we don't want to throw it immediately into havoc because agriculture, whether we like it or not, based on an H-2A law that didn't work at all well and a very transparent border, has grown increasingly dependent on an illegal workforce. There are no wage requirements for blue card workers in the bill. It is only the 40,000-plus H-2A we shove back. They are paid whatever the farmer is paying, whatever the current wage is in the area, and other workers are gaining. And those wages would differ from place to place and job to job, farm to farm.

What the Chambliss amendment does, however, is it says that blue card workers must be paid a prevailing wage. It pushes the base up substantially. The Chambliss amendment doesn't just deal with the wages of the H-2A program, the 40-plus, it applies the same fix to every farmer who employs a blue card transitional worker.

Now, why is that significant? Here is why: By definition, the prevailing wage is neither the lowest nor the highest wage; it is just about in the middle or between the two. It is the 51st percentile in wages. So even if a farmer is paying a lower wage for a particular job, if he hires a blue card worker, if the Chambliss amendment becomes law, he is going to have to pay the blue card worker a higher wage than he is currently paying today. And if the Chambliss amendment is adopted, the lower 50th percentile of wages, that is the figure that becomes the calculating base for the next year. While you freeze for 3 years and let the wage scale work

as it is, the Chambliss amendment begins to ratchet the wages up, setting them at a 51st percentile level. I don't think American agriculture has that one figured out yet.

What could ultimately happen is that we lose the value of the transition of the blue card, especially when it comes to vegetable crops and crops that can move very quickly out of this country that aren't mechanized and are labor intensive. Already, we are beginning to lose those farmers because the worker isn't there. If all of a sudden that wage scale shoots up under the Chambliss bill, as I propose it will, to a prevailing status, my guess is not only will you not have the worker but you will not have the producer out there in the field simply because they will not be able to afford to pay that wage in a competitive way. More and more of our production, tragically enough, I believe will go south of the border in some of these areas. Much of that production today happens outside the United States.

So I think when we are talking about what sounds like a good idea, we better put it in the context of what the bill is really about; that is, the transitional time of 2 to 3 years of blue card workers who are in the market today working at a variety of wages, depending upon the particular job, the particular type of agriculture, and all of a sudden establishing a whole new wage base substantially above where they are being paid but, as the Senator from Georgia would argue, below H-2A. But remember, once again, only about 45,000 workers are in H-2A, and there are well over a million who are all of a sudden going to be affected by the blue card status and by the Chambliss amendment. So it is tremendously important that we bring this into context.

Now, that is not going to be just a couple of workers, as I said. That is nearly 70 percent of the current agricultural workforce we believe to be undocumented. Not all of those workers are going to qualify for the blue card program, but a lot of them will. Our blue card program envisions that it could go as high as, over a 3-year period, 1.5 million, and if I am not mistaken, those higher wages won't be limited to the blue card worker.

But what the Senator from Georgia is doing is setting a new, higher floor for all agricultural employment. Somehow, you are talking about inflating the wages of a large percentage of the American agricultural workforce. I am not against higher salaries. I am for a fair salary. What I am concerned about in particular is labor-intense areas, and those crops will simply cease to exist and they will go south of the border, to Chile or somewhere else. In areas of agriculture that are highly mechanized, there will be limited to no effect. And it is that which I believe we have to put into context.

So what is the result? The result is that employers, in my opinion, won't be able to afford blue card workers. Is

that the intent of the Senator from Georgia? I don't think so, but I believe it is the unintended consequence we are talking about and something I think my colleagues need to understand.

Part of that was the discussion over the last 4 years. This is something which didn't just come up yesterday. There were 4 years of negotiation between the employer and the employees as to how to get an H-2A wage right. We had the adverse wage for a lot of reasons, such as because of where agriculture was located and because housing wasn't available. There were a lot of things that were brought into that discussion. We know our country has changed since the creation of the first H-2A law. And while there are still other benefits tied to the wage, that is why we could effectively negotiate rolling that wage back and allowing American agriculture and the employers in American agriculture to effectively look at what we were doing and strike the kind of balanced margin that is necessary.

What happens? What happens if the blue card is removed? I am going to argue tonight that the Chambliss amendment has the effect of removing the blue card substantially because it inflates that lower wage base significantly. What happens if it is removed? The bridge that is the chasm we cross as we transition with American agriculture into a legal—a legal—guest worker program goes away. That is what I am worried about, dramatically worried about, and that is why I am urging my colleagues to vote against the Chambliss amendment because I think if that goes away, there is no transition. Within a very short time, even under tight labor conditions today, because our borders are getting tighter and because of shifts in the workforce, this drives that workforce even further out of the ability to be hired by much of American agriculture. I think it is tremendously important that we look at all of that and understand it.

Here is something else that is ironic. The Chambliss amendment creates a federally mandated wage base for American agriculture. Some will argue that we have done it in a couple of other areas, but most of us will say the market ought to work. It was only in the unique status of H-2A that we had a different kind of wage base. I will argue today, and I think appropriately so, that we are setting an entirely new standard for 70 percent of the American workforce. Instead of allowing us to make sure that it fits right in the program, looks at the diversity, looks at the kind of representation that is reflected all over the United States when it relates to where you are working, how you are working, the type of work you are doing—is it piecework, are you doing it by the amount produced instead of by the hour of work—all of that kind of thing works today, and I am not so sure it is not effectively dis-

torted by the proposal which is being offered by the Senator from Georgia.

That is why I hope my colleagues would stay with us and stay with what is in the bill and in the provision that we call AgJOBS, that rolls back—on 40,000-plus workers qualified under the H-2A program, rolls their wage back to the 2002 level, freezes it for 3 years, while the Department of Labor, working with American agriculture, can get this right because I am convinced that the unintended consequences of now mandating a Federal floor, if you will, to American agriculture is not where we want to go.

If we want American agriculture to transition across this chasm, to get its workforce legalized, as it wants and as the Senator from Georgia and I want, then we have to make sure the transition which allows that to happen effectively uses this tool, the blue card, which will allow that kind of transition to go forward in a way that causes us to adjust.

We can't take the blue card off the table. I will argue that in the end, if the Chambliss amendment passes, we have taken that worker out of the workforce. That is not going to be good for American agriculture. That is not going to be good for the crops that are rotting in the fields today if, by that action, we now have a Federally mandated prevailing wage which brings that wage rate up across the board in a way that disallows American agriculture from being competitive.

I believe those are the critical points involved in the difference between where we are and where we know we need to get. We need to get there in a way that allows the worker to be treated fairly, the producer to be treated fairly, and most importantly that we have an available, legal workforce to meet the needs of American production agriculture. That workforce is at risk today, and with the passage of the Chambliss amendment, significantly changing the base rate, it will be at even greater risk as production agriculture looks where it needs to farm to be competitive in a world market. It may not be on the soil of this great country, and that would be the wrong thing for us, the wrong thing for our country, and certainly for our consumers. So I hope my colleagues will look at that and consider it as we deal with this issue.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Georgia is recognized.

Mr. HARKIN. Parliamentary inquiry, Mr. President.

Mr. CHAMBLISS. I am happy to yield to the Senator from Iowa.

Mr. HARKIN. Mr. President, my inquiry is, is the Senate under a unanimous consent agreement that it would go from one side to the other in this debate or is it just jump ball? It is just whoever gets recognized by the Chair to speak?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. I thank the Presiding Officer.

Mr. CHAMBLISS. Mr. President, I appreciate very much the arguments made by the Senator from Idaho, but there are a couple of very obvious faults in the argument relative to the wages farmers should pay to the folks who work for them.

First of all, the adverse effect wage rate, which is in the current law and is in the current bill, and is supported by Senator CRAIG, is the only provision in the labor laws of this land that uses the adverse effect wage rate, and we both recognize that this is a flawed system. By his own admission, the Senator from Idaho recognized it, and I recognize it. It is a flawed system because it was never intended to be used by the Department of Labor as a means by which wages would be set. So my response to that is, let's take what all other labor laws utilize in determining wages, and that is a prevailing wage.

You come up with a method whereby the skills that are attached to the individual laborer, the location where that laborer is going to work, and the type of job for which that person is to be hired determine how much that person is going to be paid. What happens now is there is simply a rollback in the current bill of the adverse effect wage rate to the year 2002. That is 4 years ago. And by rolling it back 4 years, there is an admission that there is a significant problem there.

I don't want to misquote my friend from Idaho, but the other night, Thursday night, when we were arguing about this on the floor—I might add, in a way that moves both of us to the same conclusion, which is to make sure we provide that quality workforce—the Senator from Idaho said that at the end of the day, what he wants to get is a prevailing wage. I am going to talk about that again in a minute. But if we want to get to a prevailing wage, let's get to it now.

Mr. CRAIG. Would the Senator yield?

Mr. CHAMBLISS. I am happy to yield.

Mr. CRAIG. Mr. President, I don't think he and I disagree. My concern is you are affecting 1.5 million workers by your immediate action, and I am affecting 40,000-plus in rolling them back. And we are giving a period of transition of 3 years to get right what you have proposed. My concern is that in getting right what you proposed, you have an immediate effect on the next phase of agricultural jobs, and that is the transitional period of time in qualifying the blue card worker to become a permanent worker or a permanent legal worker, and that immediately inflates the wage base. And then immediately upon inflating it once, you inflate it again the next year and the next year because you have lifted the base, ratcheted it up by each year's calculation. I think that is a very legitimate concern. So I ask you, is that not the impact of what you do? I am affecting 40,000-plus; you are affecting 1.5 million.

Mr. CHAMBLISS. I reclaim my time, Mr. President.

Here is the deal. The deal today is that a farmer in America, wherever he may be, whether he is in Idaho or Georgia, who goes out and hires workers to come here legally, pays the adverse effect wage rate. In my State, that happens to be about \$8.37 an hour right now. In addition to that, they pay for their transportation, they pay for all their consular fees, they provide housing, so the \$8.37 an hour is a little bit misleading. It is actually more in benefits than that. The neighbor next door to that farmer, which is that category of blue card worker that you address in your comments, he is paying probably \$5.15 an hour to that individual. So the farmer who is trying to be legal is paying a fair wage rate, or paying a wage rate with benefits that is significantly different than the gentleman that he is competing with on the farm next door.

What the proposed legislation does is continue that difference. It takes those individuals who are here illegally today and says we are not going to guarantee them the adverse effect wage rate or the prevailing wage rate. We are going to continue to treat them as a second class citizen, and we are going to allow farmers who use them to have an advantage over farmers who use legal workers.

All my amendment says is that everybody ought to use legal workers. We ought to give farmers across America the opportunity to choose from a pool of workers to plant, tend, and harvest their crops. During the whole course of the time that they are here in a legal manner, working under that contract, before they have to go home, we want to make sure they are paid a fair wage. That wage is determined as the prevailing wage rate by the Department of Labor, and it is based, again, on the skill of that worker, on the job for which that worker is hired, and on the wages that are prevailing in the area in which that worker is hired. That is exactly what my amendment does.

We don't eliminate the blue card. You still have the blue card. The folks who hire blue card workers under the current bill are going to have an advantage over those employers, those farmers who have been legal and utilized H-2A and who want to utilize H-2A in the future.

It is a very skewed way of arriving at a wage rate that we both agree upon. The question is, How do you get from today, from May 22, 2006, to a prevailing wage rate?

I say let's do it now. What the underlying bill says is let's take 35,000 or 40,000 workers who are here currently under H-2A, and let's allow them get to a prevailing wage rate down the road, within some certain period of time. But let's take this other 1.5 million and let's keep them depressed. Let's let farmers who hire that blue card worker continue. And it is not going to go away. You better believe they will be here working because they are going to

pay them a lower wage rate. It is not fair.

My amendment is all about fairness, and it requires farmers to pay a reasonable wage rate. They don't mind paying a reasonable wage rate to get an honest day's work out of an employee.

This amendment is not about numbers either. We had a lot of discussion the other night about numbers which, frankly, were developed by the American Farm Bureau. The American Farm Bureau has access to every farm in America. They have the ability to come up with what are the wage rates that are being paid by every farmer in America. That is how we arrived at our numbers. It is not about how Senator CRAIG arrived at his numbers for the adverse effect wage rate. That is not an argument on our part. This amendment is simply about fairness.

The AgJOBS portion of the underlying bill is simply not fair. It is not fair to the employers across the United States, and it is not fair to those who work on our farms—whether they are illegal, whether they are in a temporary worker program, a legal permanent resident, or a U.S. citizen.

Why? Because the underlying bill provides wage guarantees only to those foreign workers who come in under the temporary H-2A program. At present, those workers do number in—I don't know whether it is 35,000 to 40,000 or 45,000 to 50,000 this year, but that is the range it will be. The 1.5 million workers who will be legalized under the AgJOBS blue card program do not receive a wage guarantee. This is a tremendous flaw in the AgJOBS bill, in my opinion. If these blue card workers are willing to work for \$5.15 an hour, then that is all their employers have to pay them. Those folks who are here legally are going to be required to be paid the adverse effect wage rate, which is significantly above that minimum wage rate of \$5.15.

What is ironic to me is that these workers, whether here on a blue card or on a H-2A visa, are essentially the same. Most come from the same country, Mexico; and many from the same villages. Most are here because of the poverty that exists in their home countries. All are here to earn money to support their families and improve the quality of their lives.

Many will work in the same occupations. Shouldn't they be treated the same? I believe they should. Under the AgJOBS bill, they are not. The distinguished Senator from Idaho might argue that they are different and should be treated differently. He does, in a way, say that because those who are legalized with the blue card program will be here permanently. However, legalized blue card workers do not have permanent status. The blue card program simply allows these legal workers to stay here, employed in agriculture, until they meet all the requirements for legal permanent status.

No one can calculate how many of these transitional workers will ever be-

come legal permanent residents. Until they achieve legal permanent resident status they should be considered temporary foreign workers and treated similarly.

From the employer's side, no difference exists between employers who utilize the H-2A program and those who use the blue card program. This applies across the board to all commodities produced and livestock raised production methods and for their need of dependable workers. There is a major difference though. H-2A workers, many of whom have been coming to the same employers for years in this country legally—the vast majority did not bring their family members, and they returned home at the end of their periods of employment, just as the law requires.

These H-2A workers were not exploited while they were here because the employers played by the rules. Playing by the rules was expensive. The adverse effect wage rate is expensive. But those employers did it to their competitive disadvantage with a neighbor who employed illegals at a significantly lower rate, who did not pay the transportation costs of those workers, and did not provide those workers with housing.

On the other hand, illegal workers who will benefit from the blue card program broke our laws when they came here, even though they came here for the same reasons as the H-2A worker. The employers who hired them, perhaps some out of absolute necessity—and I understand that—but, by doing that, they also broke our laws. Regardless of the circumstances under which those illegal workers are employed in agriculture now, I would be willing to bet that many were exploited, underpaid, and indentured along the way.

That is why I do not understand why the underlying bill fails to protect the illegal workers, who adjust their status, and guarantee them a fair wage.

I also don't understand why the AgJOBS bill fails to protect U.S. workers who do farm work by neglecting to require employers who use foreign labor, whether they access via the H-2A program or the blue card program, to pay all workers in that occupation a prevailing wage.

Mr. CRAIG. Will the Senator yield on that point?

Mr. CHAMBLISS. I will be happy to.

Mr. CRAIG. Inside the AgJOBS Act there is a U.S. labor pool established. They would pay the going wage. They have to make sure that pool is exhausted so U.S. citizen agricultural workers are protected. You go there first before you go to hire a blue card worker or a H-2A-qualified worker.

I hope the Senator understands that they are protected in that sense, as it relates to making sure that they are the first in line, if you will, for a job that is available if they would choose to work in that field at the wage that exists at that point.

Mr. CHAMBLISS. I guess the question is, though: How many U.S. workers are out there who do take advantage of that now, or would in the future? I think you and I both know the answer. It is minimal at best.

Reclaiming my time—I am about to run out of time.

Mr. CRAIG. OK.

Mr. CHAMBLISS. We are going to have our time split at 5:15. Agricultural employers who utilize blue card workers must only pay the blue card workers the minimum wage and are not required to pay U.S. workers any more than the minimum wage. I think we can agree on that.

The H-2A program requires that employers who utilize H-2A pay all workers in the same occupations in which they employ H-2A workers the same wage guaranteed to every other H-2A worker.

Throughout this immigration debate we have heard that widespread use of foreign workers will depress wages and that employers will reject U.S. workers in favor of foreign workers who are willing to work for less. In fact, the Senate passed by a voice vote an amendment that was put forward by the distinguished Senator from Illinois, Mr. OBAMA, addressing this very issue.

Rather than trying to make the same argument that Senator OBAMA made, I simply want to quote him because it was on the same issue of prevailing wage for another program, the H-2C program. Here is what he said. It was a very good explanation. Senator OBAMA said that his amendment essentially says:

... 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.

That is exactly what I am saying because, if we have a prevailing wage, American workers are going to be more inclined to take those jobs rather than blue card workers coming in and being willing to take \$5.15 an hour. That is exactly what is going to happen if we set the prevailing wage, which is where it ought to be, rather than utilizing your blue card program, which is going to wind up in millions, or hundreds of thousands of agricultural workers being hired at minimum wage.

Let me close by saying, here is the reason that the adverse effect wage rate is so skewed. This is the chart that shows which States are used in calculating the adverse effect wage rate. In my case we use the southeast

region: Alabama, Georgia, South Carolina. A farm worker job, or a worker at the State farmers market in Atlanta, GA, is compared to the same agricultural worker at the farmers market in Thomasville, GA. They are 225 miles apart. One is a very urban area, Atlanta, GA. The other is a very rural area, Thomasville, GA. It is pretty easy to see why the Senator from Idaho says this is a skewed way to calculate wages. With that we agree.

The prevailing wage rate method of calculating wages says individuals who work at the farmers market in Atlanta will be paid a wage comparable to other farm workers in the Atlanta area. That wage earner in Thomasville, GA, will receive a wage that is comparable to agricultural workers who are paid in the Thomasville, GA, region.

I am prepared to yield back, assuming that we have approached the hour where we are going to divide these last 30 minutes?

The PRESIDING OFFICER. Under the previous order, the time until 5:30 shall be equally divided between the Senator from Georgia and the Senator from Massachusetts or his designee.

Who yields time?

Mrs. FEINSTEIN. Mr. President, I have had an opportunity to listen to the discussion between Senator CRAIG and Senator CHAMBLISS on this provision of AgJOBS which we put in as part of the blue card. I congratulate Senator CRAIG on one of the most colorful charts that we have seen.

The labor provision of this bill is a compromise that was negotiated. I think it makes sense to leave it that way. It is left that way for 3 years. This has been the subject of long negotiations. After many attempts to try to find the right balance, Senators Kennedy and Craig struck an agreement that was supported by both growers and farm workers across this Nation. That is the language in this bill.

Under AgJOBS, H-2A workers are paid the greater of the prevailing rate or the adverse effect wage rate. As Senator CRAIG has said, the standard is frozen at 2003, and growers will be required to pay the prevailing wage, or what the adverse wage rate was over 3 years ago. The compromise states that this will be the wage rate just for the next 3 years. And during that time, the GAO and a commission of agricultural and labor experts will perform two studies examining H-2A wage rates and making recommendations to Congress. If at the end of the 3 years Congress fails to enact a new adverse effect wage rate, the adverse effect wage rate would be adjusted by the cost of living.

While changing AgJOBS isn't, alone, a disqualification, I think we have to be very careful before we upset what has been a very carefully crafted compromise that is supported by a broad coalition of Members from all sides of the debate.

If I might, I would like to ask Senator CRAIG a question. Since he was the

one who negotiated this, is it not true that this is a broadly agreed upon solution for both farm workers as well as growers?

Mr. CRAIG. I believe it is fair and balanced. The reason it is is because we pushed a wage scale that is already there back 3 years. We do it this time to get right what the Senator from Georgia has proposed. He has shown the disparity that already exists out there—and it exists in all formulations when it relates to agriculture and agricultural jobs. We have never focused on agriculture except in the H-2A area. We believe it did get out of line, and that is why it is shoved back. Then we proceed, just as the Senator mentioned, in a methodical way to examine the country and get the wage scale rate right.

Mrs. FEINSTEIN. Is it not true that when I introduced the blue card program in the Judiciary Committee I just took that part of the H-2A program which the Senator and Senator KENNEDY had put together in the AgJOBS bill?

Mr. CRAIG. That is correct.

Mrs. FEINSTEIN. This has been a longstanding compromise that has been out there, which is a negotiated compromise.

If I might ask one other question, in the negotiations that the Senator had on AgJOBS, how long did it take to come up with this negotiated compromise?

Mr. CRAIG. Frankly, the adverse wage issue was one of the more contentious, for a variety of reasons—first of all, because producers saw it as being complicated with a lot of requirements other than just a wage, and obviously employment saw it as an advantage but limited. As a result, we were able to agree to shove it back.

As I say, that rarely happens in American history, to actually by law push the wage scale back but to do so with the understanding that we would get equity and fairness through the approach that the Senator has outlined. That was the approach we used. A coalition of well over 500, including agriculture, a lot of agricultural producers.

Mrs. FEINSTEIN. How long has this agreement been in place?

Mr. CRAIG. About 3 years—2½ years, actually, as we formulated it.

Mrs. FEINSTEIN. I thank the Senator. My time has expired.

I urge the Senate to vote no on the Chambliss amendment.

The PRESIDING OFFICER. Who yields time?

Mr. CHAMBLISS. Mr. President, I yield myself such time as I may consume.

The Senator from California was not involved in those negotiations, and I chair the Agriculture Committee. I do not know how to respond to that other than by saying that certain segments of agriculture were involved in the negotiations, I assume. My dear friend from Massachusetts was involved, and I daresay that I have more farmers in

my home county than we have in the vast majority of Massachusetts.

My point is not that these discussions did not take place over a long period of time between farmers—I don't know who they were. But I can tell you this: The American Farm Bureau has looked at the AgJOBS provision. They have looked at my amendment. They have looked at the bill that I submitted which was somewhat contrary to AgJOBS. The American Farm Bureau—which, as I said earlier, has access to virtually every farm in America, particularly from the standpoint of the calculation of wages—has concluded that my amendment is fair and reasonable. And the American Farm Bureau is recommending a "yes" vote on the Chambliss amendment.

To say that this has been discussed over a period of time by a group, or a large group—whatever the term was—of farmers across America, my farmers were not involved in those negotiations. Senator CRAIG and I have had any number of conversations about the bill and about our various amendments. But we were not involved in those negotiations.

I see my friend from Iowa, Senator GRASSLEY. He comes from the Farm Belt of America. I daresay that his farmers were not involved in those negotiations. Let us be very clear about this. There was not a discussion or a negotiation by America's farmers for what they thought was best.

Mrs. FEINSTEIN. Will the Senator yield?

Mr. CHAMBLISS. I would be happy to yield.

Mrs. FEINSTEIN. I can speak for California, and California's Farm Bureau has signed off on this. I can tell the Senator that no State has as many farmers and growers as California does. This is the accepted agreement.

I thank the Senator.

Mr. CHAMBLISS. I thank the Senator from California for her comments, and I tell her that I dialog with many farmers in her State on a regular basis, particularly as chairman of the Agriculture Committee. I am hearing from a large number of her farmers in strong support of my amendment.

Again, when you say that a majority number of farmers in America think this is the way to go, you can't say that. That is simply not right. There are only—by Senator CRAIG's numbers—less than 50,000 farmers in America—and I happen to agree with him on this—who currently utilize H-2A. I daresay the rest of the farmers in America don't even know what "adverse effect wage rate" means. But I can tell you they know what "prevailing wage rate" means. They know when they hire a tractor driver in the southwest part of Texas what their neighbors are paying for a tractor driver. And that is how you calculate a prevailing wage. That is not how adverse effect wage rate says you will pay that tractor driver.

Whether farmers in California or farmers in Georgia or the northeast

part of our country, the market should dictate, and the market dictates under the prevailing wage rate. It simply does not dictate under the adverse effect wage rate.

That is why, in the Senator's bill, the adverse effect wage rate is rolled back 4 years. There is a flaw in the way the wage rate is calculated. If you are going to roll back the wage rate, which is actually going to move toward the utilization of the prevailing wage rate, let's do it now. Let's require that all farmers in America pay a reasonable wage rate for their employees based upon what other farmers in that region pay for employees.

For example, I know in northern California there are different crops grown than in southern California. There are different types of jobs. But today, under the AgJOBS bill, a farmer in northern California will pay exactly the same wage rate as a farmer in southern California.

Here is the chart. This shows how wage rates under this bill are calculated. They use the entire State of California. It is a different type of farming. There is a different skill required in northern California than there is in southern California. There is a different skill required in a tractor driver versus somebody who goes into the field and cuts lettuce or cuts cabbage or cuts squash or whatever it may be.

Under the adverse effect wage rate in the base AgJOBS bill, that is not taken into consideration. Under the prevailing wage under my amendment, it is taken into consideration.

If anyone says it is difficult to determine, how do I know in my example of Thomasville, GA, what it takes to hire that worker? Let me tell you what you have to do. You simply have to go to the computer and plug into a Web site, the Department of Labor. And you designate the area. You put into the computer where you are located, what the job is, and the computer immediately gives you what the Department of Labor has determined to be a prevailing wage. It is very simple and very easy. It ensures that one farmer next door to another farmer is paying employees the same wage rate. You don't have a farmer who is paying \$8.37 currently required by the adverse effect wage rate and the farmer next door paying \$5.15 an hour for the same job.

This is about fairness. It is about equity. It is about ensuring that farm workers who come here under the base bill, which I, frankly, don't agree with, but if we are going to pass this, then let us be fair to those employees who come here and work in agriculture. Let us pay them the rate that is prevailing in the area in which they work.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG. Mr. President, standing in opposition to the amendment, it is fascinating to me that we now want to play a game of what groups and whose

associations. I find it fascinating that the California Farm Bureau, which supports the position, isn't quite good enough. The California Apple Commission, the California Avocado Commission, the California Association of Nurseries and Garden Centers, the California Association of Wine Grape Growers, the California Canners and Peach Association, the California Citrus Mutual—we have nearly 500 groups that have endorsed this.

The reason they have endorsed it is because they see the need to do it right and get a reasonable transition.

The Web site the Senator from Georgia is talking about has to be right. It has to be effective and reflective. It doesn't do that today. That information is now not available in that context.

Let me go back to the transition. We are talking about those who are illegal today and wanting them to come forward, get a background check, show us their credentials, qualify for a transitional status, called earned adjustment status, and a blue card, and to do so in a fair and responsible fashion.

They can stay and continue to work. While they are doing that, we are going to work to get the wage scale right. In our work over the last good number of years, literally hundreds and hundreds of agricultural groups and associations have stepped forward and said: Help us fix this. Help us use this blue card to get across, in a transitional way, for a legal workforce, in a reformed H-2A program. The compromise that the Senator from California talked about was just that. It was a transitional wage to get this fair and equitable.

What the Senator from Georgia is doing is not affecting the 40,000-plus of H-2A under adverse wage. We are doing that. We are shoving those wages back. He is affecting the 1.5 million that may cause agriculture to become non-competitive if we don't get the wage scale rate right and involve agriculture along with the Department of Labor, as our studies would do, to make sure we get an equitable and fair wage. Fair means two sides. For the worker, it means certainty; for the producer, absolutely, the product that is produced—especially in the vegetable crops, in the intensified labor crops—has got to be competitive against a world market crop, or we will shove those producers and that kind of production out of the country.

We have to do it in a balanced way. What we have offered allows the Senator from Georgia, as the chairman of the Agriculture Committee, to participate. He did not participate in these negotiations because he did not agree with them. He did not agree with the transition of getting through what we attempted to do in AgJOBS. That was his choice. In the end, both he and I agreed on many of the provisions except this one. It is important we stay with the work product.

Literally hundreds and hundreds of farm groups and associations across

the Nation that deal with this type of workforce recognize the need of the transitional period of time and the legality of the workforce, as do we. It is reflected in the bill. I hope our colleagues continue to support it.

Mr. LEAHY. Mr. President, the Comprehensive Immigration Reform Act includes a subtitle known as AgJOBS, a bill that has long been championed by Senator CRAIG, Senator KENNEDY, and a broad bipartisan group of Senators. I strongly support this bill because it will help both farmers and farm workers in Vermont and around the Nation.

AgJOBS contains a package of reforms that are badly needed in the seasonal agricultural worker program, called H-2A visas. AgJOBS was negotiated with the full participation of agribusiness and farmworkers' unions, and it reflects a fair and thoughtful balance of the needs of both farmers and workers.

The version of AgJOBS contained in S. 2611 protects business by ensuring a steady flow of legal workers. It assists agricultural workers by preventing wage stagnation in a growing economy and by providing labor protections. It helps both business and labor by giving trained and trusted foreign agricultural workers a path to permanent immigration status if they meet the requirements in the bill, such as paying fines and taxes, keeping a clean criminal record, and working the requisite number of hours.

The Chambliss amendment is an attack on wages for agricultural workers who are among the lowest paid laborers in America. By unfairly favoring the growers over foreign workers, the Chambliss amendment would upset the careful balance on wages and labor protections that were negotiated with the participation of agribusiness and unions in the AgJOBS bill.

The Chambliss amendment requires employers to pay workers the highest of two wage rates: the prevailing wage in the area of employment, which may be determined by an employer who conducts his own local survey, or the applicable State minimum wage. Basing wages on the higher of these two rates could result in deep cuts to wages. Some State minimum wages are very low, such as Kansas, which requires only \$2.65 per hour. Senator CHAMBLISS previously acknowledged that farm wages could fall by roughly \$3 per hour under his proposal. His proposal almost guarantees that no U.S. workers could afford to accept agricultural jobs and that foreign agricultural workers, who are already among the most poorly paid workers in America, would be paid miserly wages for their labor.

The Chambliss formulation does not include the well-balanced provisions of AgJOBS. Under AgJOBS, an employer must pay the highest of three wage rates: (1) the prevailing wage, (2) the Federal or State minimum wage, (3) or the "adverse effect wage rate," or AEWR, a regional weighted average

hourly wage rate for agricultural workers. The AEWR was established under the Bracero guest worker program for Mexican workers that ended in the 1960s. It was created to ensure that guest workers would not adversely affect American workers by depressing wages. Removing AEWR from the wage equation drives wages downward, which hurts all workers—American and foreign. It is no secret that our agricultural industries depend on cheap labor, and some estimate that 70 percent of agricultural workers presently working in the U.S. are undocumented. For all the of national security reasons I have cited throughout this debate, we need to bring agricultural workers out of the shadows. But we must also recognize that vulnerable populations deserve our support and protection. Farm workers are among the most vulnerable laborers in the Nation and I cannot support an amendment that would slash their wages further.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CHAMBLISS. How much time remains?

The PRESIDING OFFICER. The Senator from Georgia has 7½ minutes. The Senator from Massachusetts has 6½ minutes.

Mr. KENNEDY. I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thought there were certain values in this Senate upon which we could agree. If you work hard in this country, you shouldn't live a life of poverty. We have been trying to raise the minimum wage—which is \$5.15 an hour—trying to raise that for over 9 years, and our Republican friends, including the Senator from Georgia, have been opposed to it.

Look what this bill does. The current farm wage is \$10.11; for an agricultural job, it is \$7.86; and the Chambliss amendment is below the minimum wage. Not only is it below the minimum wage, but he specifically writes in his amendment that it will be below the minimum wage and State minimum wages will apply when they apply. But Georgia does not have a State minimum wage.

I don't know what the Senator from Georgia has against someone working for \$7.86 an hour. The cost of gas has gone through the roof. The cost of food has gone through the roof. A gallon of milk is \$3.09 a gallon; eggs, \$1.39; a loaf of bread is \$3.29; a pound of hamburger is \$3.99. And the Senator from Georgia, if we follow his suggestion, is driving wages down, not up.

This is \$7.86 an hour to try to get along. What we are trying to do is reduce the disparity. The Senator from Georgia said we were not involved in this. Well, we have 400 different organizations indicating to the Senate their support. We have broad support. More than 60 Members, Republicans and Democrats, cosponsored it, to bring it

up to \$7.86. But no, the Senator from Georgia wants this down to what some people have said is paid to pieceworkers, \$3 or \$4 an hour. Three or four dollars an hour? We might not have many farmers in Massachusetts, but whoever we have in Massachusetts understands below poverty wages, and \$3 or \$4 an hour for piecework is a poverty wage. It is wrong.

If it is so troublesome that they are going to get paid \$7.86, if Members are so worked up about that, if Members think that is too much for someone who works hard, for someone who does some of the most difficult work in this country, go ahead and vote for the Chambliss amendment.

Mr. President, \$7.86, when these workers have to pay \$3 to get a gallon of gasoline? Talk about fairness. I listen to the Senator from Georgia. Let's talk about fairness. Let's talk about equity. Let's talk about treating everyone the same. They will be treated the same, but they will be treated mighty shabbily. This is a question of respect for those workers. Do you respect them in the United States, these hard-working people? Finally, about 20 percent of agricultural workers are Americans. You will depress their wages, too? Evidently. I hope we are not going to be about that at this time in this debate and discussion.

I noticed that on page 2, the Senator talks about the prevailing wage, the occupation, and the applicable State minimum wage. Is there a State minimum wage in Georgia, I ask the Senator?

Mr. CHAMBLISS. The minimum wage in Georgia is \$5.15 an hour.

Mr. KENNEDY. In agriculture?

Mr. CHAMBLISS. Yes.

Mr. KENNEDY. The State minimum wage in agriculture is \$5.15 an hour. Am I right that there is no way that even those who are picking per bushel would go below \$5.15 an hour?

Mr. CHAMBLISS. What happens is these wage earners in the fields in Georgia and all over the country go out and they take a bucket out into the field. They cut squash, cucumbers, or they cut whatever the crop may be, they put it in that bucket, they dump that bucket in a bin, and they are given a chip. At the end of the day, those chips add up to dollars. They are required to be paid the minimum of either the minimum wage or, in this case, the adverse effect wage rate.

Mr. KENNEDY. I understand I may be wrong, and I wish the Senator from Georgia would correct me, the State minimum wage does not apply to agricultural workers. That is my understanding. If I am wrong, I hope the Senator will correct me. My understanding is the State minimum wage does not apply to agricultural workers.

I withhold the remainder of my time.

Mr. CHAMBLISS. I yield 3 minutes to the Senator from Georgia, my colleague, Senator ISAKSON.

Mr. ISAKSON. Let me respond to the distinguished Senator from Massachusetts.

Something he said—I am sure unintentionally—was very incorrect. He said we are going to force people, by what the Senator is trying to do, to earn less than the minimum wage. What we are, in fact, trying to do is to ensure that those who are working in the fields, who are illegal and are being abused and are not being paid the adverse effect wage rate, prevailing rate, or anything else, all those—maybe 1.8 million—will now get a pay raise under what the Senator is trying to do. He is saying they will be paid the higher of the minimum wage or the prevailing wage.

I ran for the Senate in the years 2003 and 2004. Although I worked farms in the 1950s, I had not been on a farm in a long time, and I spent a lot of time in south Georgia, slept in a lot of barns on farms. I got to know the onion folks, the peanut folks, and the row crops.

I spent the night in a farmer's barn—a mighty nice barn, I might add, with a nice double bed—I spent the night in the barn, and he complained about what happened. He hired H-2A workers, as he should, legal workers. According to the law, he paid them the adverse effect wage rate, and the farmer down the road from him hired illegals and paid them the minimum. They got away with paying much less for picking the same crop he was because he was obeying the law.

The circumstances the Senator has right now in the United States of America are the following: The unintended consequence of the adverse effect wage rate is that you are driving farmers to hire illegally rather than hire legally and pay them at adverse effect wage rates. That is what the Senator is trying to correct.

But it is absolutely incorrect to allege or to say that the bill of the Senator from Georgia, the chairman of the Agriculture Committee, would force people to be paid below the minimum wage. It will, in fact, ensure that workers will be paid the higher of the minimum wage or the prevailing wage; is that not correct?

Mr. CHAMBLISS. That is correct.

Mr. ISAKSON. Facts are stubborn things. We can argue about a lot of things, but treating people right is something Senator CHAMBLISS has been doing in Georgia, what I have grown up in Georgia doing, and I am sure what the Senator from Massachusetts does. The argument here is about repealing a law that has the unintended consequence of making it attractive to hire illegal aliens to work. What this bill is supposed to be doing is fostering legal immigration and equitable treatment for all.

I commend the distinguished Senator from Georgia. I commend the chairman of the Agriculture Committee. I pledge my support to this amendment and congratulate him on this effort.

I yield back the balance of my time.

Mr. KENNEDY. How much time do we have?

The PRESIDING OFFICER. The Senator has 1 minute 34 seconds.

Mr. KENNEDY. I yield a minute to the Senator from Idaho. I will reserve 34 seconds for myself.

Mr. CRAIG. Mr. President, as of April of 2006, the average fieldworker in the United States was paid \$8.96 an hour. The average livestock worker was paid \$9.30 an hour. The minimum wage is \$5.15. Do the math. That is why, when we put this bill together, we said we have to get it right for all parties involved.

I agree with the Senator from Georgia, producers are willing to pay a fair wage. And they should. And workers who work as hard as agricultural workers ought to be paid a fair and good wage. At the same time, we compete in a world market, and I hope we stay there.

I don't think you can meet with one farm organization and establish what the prevailing wage is going to be. That is why we mandated in our bill that the Department of Labor work with agriculture to get it right because we conclude that the H-2A adverse effect wage rate got out of line. I don't know what the right wage is. I wager that the Senator from Georgia probably doesn't know where it ought to be, either, in every segment of agriculture in our country.

I wish the Senators would stay with the bill and vote down the Chambliss amendment because in the end we want to get it right for all involved. We want to keep American agriculture competitive in a world market.

Mr. KENNEDY. Mr. President, no matter how you slice it, this is a major cut for workers with the Chambliss amendment, No. 1.

No. 2, we are trying to remedy the situation between documented and undocumented workers. We hear we have to do this because we are forced to have illegal workers. We are changing all of that. We are putting in place a system so we will have verification.

We do believe this figure, the \$7.86, for workers who work hard, play by the rules, and are trying to provide for their families, is not unfair, at a minimum. That is why I hope the Chambliss amendment will be defeated.

The PRESIDING OFFICER. The Senator from Georgia has 4 minutes remaining.

Mr. CHAMBLISS. Mr. President, I simply say to my friend from Massachusetts, I hear what the Senator is saying relative to the numbers the Senator just addressed, but here is what you are doing. You are taking 40,000 agricultural employees who now operate under H-2A and you are reducing their wages immediately. The chart Senator CRAIG had up here Thursday night showed what the numbers are. I don't remember what they are, but it is a significant reduction because you are rolling that wage back to what it was 4 years ago. Now, that is 40,000 agricultural workers.

Here is what you are doing to 1.5 million agricultural workers under your

bill. You are going to allow farmers across America who do not participate in H-2A to pay those blue card workers \$5.15 an hour. We can argue whether minimum wage is high enough, whether it ought to be more, but that is the effect of what you are doing with your blue card workers. So if the \$7 number is good enough for H-2A or not good enough for H-2A, whatever it is, it ought to be good for those 1.5 million workers who will have a blue card. That is what fairness in my amendment is all about.

When Senator CRAIG says let's get it right, let's do get it right. We agree the adverse effect wage rate is wrong. There is no disagreement about that. The question is, How do we correct it? How do we get to the point where it is fair? The way we get to the point where it is fair is we take the same method of calculation we do under every other labor bill, including the one we just passed last week, the H-2C bill that Senator OBAMA said: Let's put a prevailing wage rate on H-2C. I say let's put a prevailing wage rate on H-2A.

We understand we are not the ones to calculate that. It is calculated by the Department of Labor. It is calculated by the Department of Labor based upon the fair and accurate wages paid to individuals in different parts of the country who perform different jobs within agriculture. It is very easy to ascertain by the farmer what that wage rate ought to be.

It will remove the ability of the next door neighbor to come in and undercut that farmer, whether he is a blue card worker or whether they continue to be here illegally. It will depress the wages for those farmers rather than raising the standard for all workers to be paid a fair wage. It will encourage farmers—this is what we want to do—to participate in the H-2A program. If we had every farmer in America doing that, they would have a quality supply of labor from which to choose. They would have to pay those workers a reasonable rate, and America would never be in a position of being dependent upon foreign imports for our food supply.

We cannot afford to get there. This is a national security issue. We need to make sure farmers have those workers from whom to choose to make sure their crops are harvested.

Mr. President, I yield back my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. CRAIG. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Wyoming (Mr. ENZI), the Senator from Arizona (Mr. MCCAIN), and the Senator from New Hampshire (Mr. SUNUNU).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Minnesota (Mr. DAYTON), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN), would vote "yea."

The PRESIDING OFFICER (Mr. THUNE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 43, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—50

Akaka	Durbin	Martinez
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murray
Bingaman	Hagel	Nelson (FL)
Boxer	Harkin	Obama
Byrd	Inouye	Pryor
Cantwell	Jeffords	Reed
Carper	Johnson	Reid
Chafee	Kennedy	Salazar
Clinton	Kerry	Sarbanes
Conrad	Kohl	Schumer
Craig	Landrieu	Shelby
Crapo	Lautenberg	Specter
DeWine	Leahy	Stabenow
Dodd	Levin	Voinovich
Domenici	Lieberman	Wyden
Dorgan	Lincoln	

NAYS—43

Alexander	DeMint	Murkowski
Allard	Dole	Nelson (NE)
Allen	Ensign	Roberts
Bennett	Frist	Santorum
Bond	Graham	Sessions
Brownback	Grassley	Smith
Bunning	Gregg	Snowe
Burns	Hatch	Stevens
Burr	Hutchison	Talent
Chambliss	Inhofe	Thomas
Coburn	Isakson	Thune
Cochran	Kyl	Vitter
Coleman	Lott	Warner
Collins	Lugar	
Cornyn	McConnell	

NOT VOTING—7

Biden	McCain	Sununu
Dayton	Menendez	
Enzi	Rockefeller	

The motion was agreed to.

Mrs. FEINSTEIN. Mr. President, 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. 4076, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the pending question is now amendment No. 4076, as modified, of the Senator from Nevada.

Mr. ENSIGN. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. ENSIGN. 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. ENSIGN. I thank the Chair.

The PRESIDING OFFICER. There is now 2 minutes equally divided for debate on the amendment.

The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, very briefly, to inform my colleagues, this amendment is basically the President's proposal to use the National Guard to secure our borders as an interim step as we are adding to our Border Patrol agents on our southern border.

We all know we cannot have a commonsense, comprehensive immigration policy without having secure borders. It is going to take us years to get enough Border Patrol agents down there. In the meantime, we need to have the National Guard to supplement and to multiply the force of the Border Patrol agents down there. That is what this amendment does. I believe it is an important step toward making sure we know who is coming into this country, making sure terrorists are not coming into this country.

Mr. President, the Ensign amendment would codify the President's proposal to deploy the National Guard to the border. The President's proposal strikes a careful balance.

Over the next year, they would send up to 6,000 guardsmen. The following year, they would decrease this to a maximum of 3,000 guardsmen. As the guardsmen stand down, the Border Patrol would stand up, and in the end, we would have 6,000 more Border Patrolmen securing the border.

I remain concerned about the strain on the Guard. It is reassuring that the deployment will be limited in number and duration. I hope the administration will work closely with the Pentagon to ensure that we are not putting greater strain on those specialties that are needed in Iraq and Afghanistan.

Also, I applaud the President's decision to use the Guard in a supporting role and not for direct law enforcement missions. The Guard is not trained for the civilian Border Patrol missions and its complex combination of law enforcement, civil rights, and human rights issues. Nor should we ask them to be, for this is not their mission. They should provide support to the Border Patrol.

We must also ensure that any Guard activity is coordinated with the Governors. I agree with the border State Governors that securing our borders, particularly for the long term, is a law enforcement function. We should not militarize the borders. And, in the short term, we should respect the desires of the border State Governors regarding the utilization of the Guard along the border.

I urge that my colleagues support this amendment.

Mr. WARNER. Mr. President, I rise to add my support to this very important amendment offered by my good friend and colleague from Nevada, Senator ENSIGN.

Last Monday evening, a week ago, the President addressed this Nation,

forcefully and articulately making the case that one of the necessary steps in undertaking comprehensive immigration reform is to secure our national borders, particularly along our Southwestern States.

Following the President's speech by little more than a day, the Armed Services Committee held a hearing during which we closely questioned senior members of the Department of Defense, Joint Chiefs of Staff, the Chief of the Border Patrol, and the Chief of National Guard Bureau on the President's plan.

I strongly support the President's plan, and, on the basis of our hearing and subsequent discussions, I strongly believe that the National Guard is capable of providing this temporary support to the Bureau of Customs and Border Protection without degrading either its readiness for combat or its ability to respond to domestic emergencies.

I also believe that this amendment is important to show that the Congress is behind this effort to secure our borders as part of comprehensive immigration reform, and that we will provide the resources and legislation to do so. This amendment provides specific authority for deployment of the National Guard, and does so in a way that is careful to authorize both the types of activities, the duration of the training rotations, a limit on the authority to use the Guard for direct participation in law enforcement consistent with the President's intent, and a sunset date for the authority.

I commend my colleague from Nevada, who serves with me on the Armed Services Committee, for this important amendment that puts the full force of Congress behind the President's initiative to secure our borders and support our Border Patrol with the National Guard.

Mr. LEVIN. Mr. President, I intend to vote in favor of the Ensign amendment to authorize the National Guard to assist in securing the southern border of the United States. The National Guard has been used in a State status to perform Federal missions in the past—for counterdrug and counterterrorism missions—but Congress provided express statutory authorization for these efforts.

I believe that it is essential that we provide a similar statutory authorization here. This authorization gives Congress an appropriate opportunity to define the circumstances in which it is appropriate to provide Federal reimbursement for the National Guard in State status and the types of activities for which Federal reimbursement will be provided.

The key to the Ensign amendment, in my view, is that it makes it clear that the National Guard of a State will perform this mission only if ordered by the Governor of the State to do so. This provision makes it clear that the Governors retain control of the National Guard when it acts in a State

status. For these reasons, I support the Ensign amendment and urge my colleagues to support it as well.

Mr. BYRD. Mr. President, the Senate will soon vote on an amendment to authorize the use of the National Guard along the Southwest border of the United States. Last week, in hearings before the Appropriations Committee and the Armed Services Committee, I asked senior administration officials from the Department of Defense, the Border Patrol, the National Guard Bureau, and other military leaders about my concerns that this mission would detract from the ability of the National Guard to respond to emergencies in their home States.

Secretary of Defense Donald Rumsfeld, Chief of the National Guard Bureau General Steven Blum, and other witnesses gave their assurances that this plan to deploy troops to the border would not create a new, strenuous deployment of the Guard, it would not leave our States in a bind should a disaster strike while troops were on deployment, and it would allow Governors to make the final call as to whether National Guard units from their States should be used in support of the Border Patrol. Those witnesses also testified that National Guard units would only be used in missions and roles for which the troops are already trained.

I expect the administration to hold firm to these assurances, and the amendment before the Senate would help to limit the scope of the missions for which the Guard may be deployed.

While I still have questions about how the National Guard will carry out the missions that are assigned to it, we must not overlook the fact that the administration has missed many opportunities to tighten controls at our borders without depending on our citizen-soldiers to do the job. Since September 11, I have offered nine amendments to provide more funds to hire more Border Patrol agents, strengthen security at our borders, and stop the flow of illegal immigrants and contraband into our country. The administration opposed each one of my amendments, labeling them to be "extraneous," "unnecessary" spending that would "expand the size of government." If my amendments had been approved and supported by the administration, there would be thousands more Border Patrol agents on the job today.

Real homeland security cannot be found in a patchwork of quick fixes. Sending troops to the border is at best a Band-Aid solution to a serious problem. I will support this amendment, but I will also continue my efforts to provide the funds that are needed to provide lasting improvements to our border security.

ACTION CONSISTENT WITH PRESIDENT'S PLAN

Mrs. BOXER. Mr. President, the Bush administration has announced a plan that includes the use of National Guard forces to temporarily support Federal border patrol operations. While I sup-

port additional efforts to secure our borders, it is disappointing that nearly 5 years after the attacks of September 11, 2001, there are still insufficient U.S. Border Patrol personnel to adequately maintain the southern land border.

I appreciate the efforts by the Senator from Nevada to clarify the role of the National Guard in implementing the President's plan to secure the border. It is my understanding that the National Guard is being utilized under title 32 of the United States Code, which means that command and control rains with the Governor and the State or territorial government even though the Guard forces are being employed in the service of the United States for a Federal purpose. I also understand that under title 32, the Federal Government will reimburse States for costs, including the logistical costs, incurred during the mission. Finally, I understand that the National Guard will not directly participate in any law enforcement function, including search, seizure, arrest or similar activity.

Does the Senator from Massachusetts share my understanding that the Ensign amendment is consistent with the President's plan?

Mr. KENNEDY. Mr. President, the Senator from California is correct.

Mrs. BOXER. Mr. President, I thank the Senator from Massachusetts.

Mr. KENNEDY. Mr. President I ask unanimous consent that the following letter be printed in the RECORD.

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

MAY 18, 2006.

DEAR SENATOR: We the undersigned write to strongly oppose the Chambliss amendments aimed at gutting the "AgJOBS" compromise contained in the Hagel-Martinez bill before the Senate. The AgJOBS language is the product of the hard work of Senators Craig, Feinstein and Kennedy in collaboration with agribusiness employers, farmworker organizations, and a bipartisan group of Members of the House. We strongly support these needed reforms for the agricultural industry and its workers and we oppose changes that would turn this balanced package into a Bracero program.

In particular, we oppose the Chambliss amendment to lower the wages for farmworkers. Amendment 4009 would change the AgJOBS compromise on wage rates and slash the H-2A program's already inadequate wage rates by eliminating the protection of the adverse effect wage rate and the federal minimum wage from H-2A workers.

Currently, H-2A employers must pay the highest of three wage rates—the state or federal minimum wage, the "Adverse Effect Wage Rate" (AEWR), or the local prevailing wage. The AEWR was created under the Bracero guestworker program as a necessary protection against depression in prevailing wages (wage rates often stagnate because the guestworkers have little ability to demand higher wages). Sen. Chambliss himself described the effect of his provision as cutting H-2A program wage rates by roughly \$3.00 per hour!!

The AGJOBS compromise already addresses the H-2A wage issue. AgJOBS would reduce the adverse effect wage rates for each state by about 10% by setting them at the

rates in effect on January 1, 2003, and would then freeze the AEWR's for three years, while two studies are performed to examine H-2A wage rates and make recommendations to Congress. If Congress were to fail to enact an adverse effect wage rate formula within 3 years, the AEWRs would be adjusted at the end of 3 years by the cost of living. The AEWR issue is a complex one and is best left to the studies agreed to in the AgJOBS compromise.

Congress should not approve amendments that will encourage the agricultural industry to hire guestworkers at depressed wages—and that is exactly what the Chambliss amendments would do. This will harm both foreign workers and U.S. workers and the effort should be opposed.

Thank you for your consideration of this matter.

Sincerely,

American Federal of Labor-Congress of Industrial Organizations (AFL-CIO); American Federation of State County and Municipal Employees (AFSCME); Catholic Charities USA; Change to Win; Evangelical Lutheran Church in America; Farmworker Justice; Hebrew Immigrant Aid Society (HIAS); International Brotherhood of Teamsters; The International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW); Laborers' International Union of North America; League of United Latin American Citizens (LULAC); Mexican American Legal Defense and Educational Fund (MALDEF); National Council of La Raza (NCLR); National Farm Worker Ministry; National Immigration Forum; National Immigration Law Center; Service Employees International Union (SEIU); UNITE HERE; United Farm Workers of America (UFW); United Food and Commercial Workers International Union (UFCW).

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I believe most of us strongly support deploying the National Guard to our borders. I appreciate very much the sentiment and the direction this amendment goes. Unfortunately, it limits their ability and puts limitations on the time and on the mission the Guard provides. When you are sending troops into a difficult assignment, whether it is war or not, we should not be saying the Guard can only stay so long, the Guard can only do this or the Guard can only do that.

The President has outlined how he wishes to use the Guard. I support that. I believe it is a bad idea for Congress to say how we should be using our troops, whether it is in national security or homeland defense. Therefore, I urge a "no" vote.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I wholeheartedly support what the Senator from Missouri has said.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I ask unanimous consent for an additional 30 seconds to respond.

Mr. LEAHY. I ask unanimous consent that Senator BOND also have an additional 30 seconds.

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

Mr. ENSIGN. Mr. President, briefly, regarding the limitations the Senator from Missouri has brought up, a third of the forces the President has envisioned would not have any limitations. Two-thirds would basically be on their annual missions of 21 days, and they are specifically for the perception that they are there for police enforcement and are doing what the Border Patrol agents do. We put in the bill specifically what they would be doing.

There is all the flexibility in the world for the Guard to do the mission they are being sent down there to do. I think the concerns being raised are unfounded.

Mr. BOND. Mr. President, I appreciate the effort the Senator from Nevada is making. The problem is, some on the training missions may have to spend longer than that. They may want to spend longer than that. It may have the effect of having a different percentage of the Guard used for more than 15 days. It specifies limits on it.

I believe that while we support the general purpose of using the Guard, Congress should not be putting limitations on how it is used. I disagree with my colleague.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nevada. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Wyoming (Mr. ENZI), the Senator from Arizona (Mr. MCCAIN), and the Senator from New Hampshire (Mr. SUNUNU).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Minnesota (Mr. DAYTON), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 10, as follows:

[Rollcall Vote No. 137 Ex.]

YEAS—83

Akaka	Collins	Inhofe
Alexander	Cornyn	Inouye
Allard	Craig	Isakson
Allen	Crapo	Johnson
Baucus	DeMint	Kennedy
Bayh	DeWine	Kerry
Bingaman	Dodd	Kohl
Boxer	Dole	Kyl
Brownback	Domenici	Landrieu
Bunning	Dorgan	Lautenberg
Burns	Durbin	Levin
Burr	Ensign	Lieberman
Byrd	Feingold	Lincoln
Cantwell	Feinstein	Lott
Carper	Frist	Lugar
Chafee	Graham	Martinez
Chambliss	Grassley	McConnell
Clinton	Gregg	Mikulski
Coburn	Hagel	Murkowski
Coleman	Hutchison	Murray

Nelson (FL)	Santorum	Stabenow
Nelson (NE)	Sarbanes	Talent
Obama	Schumer	Thomas
Pryor	Sessions	Thune
Reed	Shelby	Vitter
Reid	Smith	Warner
Roberts	Snowe	Wyden
Salazar	Specter	

NAYS—10

Bennett	Harkin	Stevens
Bond	Hatch	Voinovich
Cochran	Jeffords	
Conrad	Leahy	

NOT VOTING—7

Biden	McCain	Sununu
Dayton	Menendez	
Enzi	Rockefeller	

The amendment (No. 4576), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that when the Senate resumes the bill tomorrow morning, there be 60 minutes for the Feinstein amendment, with Senator FEINSTEIN in control of 30 minutes, 20 minutes to the chairman, and 10 minutes for the ranking member; provided further that on the expiration of that debate, the Senate proceed to a vote on the Feinstein amendment No. 4087, with no intervening action or debate or second-degree amendments. We will vote on the Feinstein amendment at 10:45 a.m. tomorrow, since the Senate will be coming in at 9:45 a.m.

The PRESIDING OFFICER. Is there objection?

The Senator from New Hampshire.

Mr. GREGG. Mr. President, reserving the right to object, I would like to ask of the chairman of the committee, Senator CANTWELL and I have an amendment that has been pending. We were willing to move forward last week, we were willing to move forward today, and we are willing to move forward tomorrow. I am wondering if the chairman can give us a sense of when our amendment can be brought up so we can be heard and whether we can get a commitment from the chairman that we will have a reasonable amount of time, if not an excessive amount of time to debate it—say, an hour or 2 hours.

Mr. SPECTER. Mr. President, my sense is we will be able to reach it tomorrow. We are juggling a great many considerations. I had discussed the issue with the Senator from New Hampshire earlier. We talked about 1 hour equally divided.

Mr. GREGG. That would be fine with me if the other side is agreeable to that.

Mr. SPECTER. That would be my proposal when we come to it. I know the Senator from New Hampshire is waiting, and he is entitled to have his amendment heard. We will try to get to it tomorrow, and we will try to work out a time agreement of 1 hour equally divided.

Mr. GREGG. I appreciate the chairman making that representation. My concern, of course, is that it not end up in a vote-arama, should we get to a vote-arama, and that we have time to

debate it. With that representation, I will not object.

Mr. SPECTER. Mr. President, I do not expect vote-arama on this bill. This is not the budget resolution. The Senator from New Hampshire is familiar with budget resolutions.

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

The Senator from California.

AMENDMENT NO. 4087

(Purpose: To modify the conditions under which aliens who are unlawfully present in the United States are granted legal status)

Mrs. FEINSTEIN. Mr. President, I call up amendment No. 4087.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. HARKIN, proposes an amendment numbered 4087.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mrs. FEINSTEIN. Mr. President, this is an amendment to modify the conditions under which aliens who are lawfully present in the United States are granted legal status. It is submitted on behalf of Senator HARKIN and myself. We have a half hour to argue the amendment tomorrow, but I would like to just raise a few points about it tonight. I did have the opportunity to speak about it earlier, but I recognize many Members were not yet back and available.

This amendment creates an orange card, a replica of which is on my left. This would streamline the process for earned legalization. It would create a more workable and practical program than exists in the Hagel-Martinez compromise, and it would dedicate the necessary dollars to cover the costs of administering this program. This amendment builds on compromises already agreed to under the McCain-Kennedy and Hagel-Martinez proposals, and it incorporates the amendments already adopted on the floor, but it eliminates what I consider to be a very unworkable three-tier program. This amendment only deals with the earned legalization parts of the bill. It does not change any of the border security provisions, the guest worker program, or any other component of the bill. It would simply eliminate the program created by Hagel-Martinez and replace it with this orange card program.

Under Hagel-Martinez, there are three tiers. Now, note this: We have not voted on Hagel-Martinez. Hagel-Martinez was an arrangement put together by Members of this body and it was brought up by using rule XIV. We have not voted on it. It essentially takes the 11.1 million people now in this country—working in this country, living in this country, raising their families in this country, but doing so in a clandestine way—and divides them into three different categories. For the 6.7 million who have been here more than 5 years, it would provide a transition to achieve earned legalization. For the 1.6 million who have been here less than 2 years or the 2.8 million who

have been here from 2 to 5 years, it creates two different tiers, and this is the bone of contention, these two different tiers.

I would say for anyone here as of the first of the year, we should provide this orange card process which I will describe in a moment. The problem doing it the Hagel-Martinez way is that it opens the door for fraud and for manipulation because you essentially have 4.4 million people here less than 5 years who would come forward and produce, in all likelihood, fraudulent documents, or simply remain in a clandestine status because they are working and they have families here.

The 2.8 million who have been here 2 to 5 years are then subject to leave the country, to touch back and enter into the country through a visa program, most likely the H-2C worker program which has 200,000. We lowered the cap for the H-2C program from 325,000 to 200,000 in an earlier amendment offered by Senator BINGAMAN and myself. But what people haven't realized is that the cap would be waived for individuals coming in from this tier, which would raise the guest worker program to 3 million people. And then here is the rub with the guest worker program: they would have to return after a period of time to their country. Therefore, there is no automatic path to earned legalization for these people, unless they can get an employer to petition for them for a green card. I think that is an unusual responsibility placed on an employer for so many people, and I think it is not fair for the employee, either.

Therefore, we have put forward a three-step process under the orange card amendment, which has received the support of 115 organizations and groups.

Under this amendment, all undocumented aliens who are in the United States as of January 1 would immediately register a preliminary application with the Department of Homeland Security.

At the time of the registration, they would submit fingerprints to the Customs and Immigration Services facility so that criminal and national security background checks could commence. It would create a more precise registration that would allow this to proceed electronically. That is a major key—proceed electronically so that DHS would have time to do the necessary processing and vet the application in an orderly manner. Then they would submit a full application for their orange card.

Once they have passed the security background check, they have paid their back taxes, they have paid the \$2,000 fine, then they would be issued the orange card. The orange card would have biometric identifiers, would have the history of the individual, and would have a number, and this number would be designed so that those who have been here the longest would be first in the line for the green card at the end of the work period.

As everyone recalls, there are 3.3 million people back in their own countries waiting for green cards. None of this goes into play until that green card list is expunged. It is estimated that could take anywhere from 6 to 11 years. So during that period of time, individuals in this country would have an identifier: the orange card. This would be their identification. They could come and go with it. It is fraud-proof, it is biometric, it has a photo, it has a fingerprint, and therefore provides a safe methodology. As long as individuals fill out the annual reports required by the program which attest to their work history, pay the fine, and pay their back taxes, they would keep the orange card effectively in place.

I wish to comment that first of all, Senators HAGEL and MARTINEZ have done a service. They have tried to work out a compromise. I find fault with that compromise only when you read the small print of the bill language. When you read the bill language, you see that it is a huge program with 4.4 million people having to be found, having to be sought out. If they are here for less than the 2 years, they are deported. Who would deport them? How would they be found? You are going to find 2 million people? I think that is very difficult to do. We know employer sanctions haven't worked. In 2004, total convictions under employer sanctions for the tens of thousands of employers who employ these people was a total number of 47.

So I believe the orange card would serve us well. It is a streamlined process. It has the ability to consider all people to avoid the problem of deportation but to create a system which is secure, where people are checked out, where they are held accountable for their work, held accountable for their payment of back taxes, held accountable for the payment of a fine so they can then come out of the shadows and live a more normal and more productive life.

This goes back to the original McCain-Kennedy formula, but in essence it essentially provides that there is an orderly process connected with this.

As I said earlier, I think there is a critical flaw in Hagel-Martinez, and that is those people who fall into the second tier can remain in the United States legally for up to 3 years, and then they must leave the country and find a legal program from which they may reenter the United States. This is the flaw because this would subject people to, once again, going back into a clandestine lifestyle rather than running the risk that they leave their families, go home, can't get into a program, and then can't come back again.

The other problem with the Hagel-Martinez program is that if an individual doesn't work for 60 consecutive days, they are out. There is no provision for injury, there is no provision for illness, and when you are dealing with 6 million people, that is a prob-

lem. Some people are going to be the victims of bona fide injuries or bona fide catastrophic circumstances and not able to work for a period of time. So if they become injured or ill and effectively can't be on the job for 60 consecutive days at any given time during the year, they are then subject to deportation.

I believe we have an opportunity, through the border patrol with 12,000 additional agents, 2,500 additional inspectors, the money in the supplemental appropriations bill for the border, the National Guard doing logistical support and physical work on the border, and the fence to be built on the border, to make a major step forward in securing our borders. The next step and the most important part of the bill is what is the proper handling of the 10 million to 12 million people who are here illegally in our country at this time.

I would respectfully submit to this body that the fair handling of these people is creating a pathway to an earned—not an amnesty—but an earned legalization where people have to document over a consequential period of time that they are working, they are good citizens, they are learning English, they are paying their taxes, and they are paying the fine. All of the proceeds from this fine would go to support the costs of the program. If there are 10 million people, at \$2,000, that produces \$20 billion for the additional hires that are necessary to run this program and hopefully run it well.

So we will continue to argue this tomorrow, and I ask that the amendment be set aside at this time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I would like to speak briefly on my amendment, which will hopefully be reached at some point here in the next day or so. It is an amendment I sponsored with Senator CANTWELL from Washington, and it addresses what we see as an issue that, although not major in the context of the overall immigration debate, remains rather significant.

There is today something called a lottery system. It is euphemistically called the diversity lottery system, which really I don't understand why it has picked up that name because it is really nothing like that. It is simply a lottery system. It says essentially that 50,000 people will get the right to become American citizens if they win a lottery and they are from countries which are deemed underrepresented. Most of those countries represent Eastern Europe and Africa. They don't have to do anything other than have a high school education or, alternatively, have worked for 2 out of the last 5 years in order to participate in this lottery. So the essential effect of this lottery system is that we are taking from around the world 50,000 people

who simply got lucky. There is no real reason we should take them. There is no policy reason to take them.

There is no such thing as an under-represented country really in our immigration system because of the fact that there are so many illegal immigrants in the country already. For example, if you were to take Poland, there are 47,000 people in this country who under this bill are presently illegal—that is the estimate—who may become legal. From Russia, there are about 46,000 people who qualify in that area. From Africa, there are 120,000 people who fall into that category. So these countries have a lot of people already here—some legally, a lot illegally, and they don't need representation.

Mr. FEINSTEIN. Mr. President, may I interrupt the Senator just for one brief change?

Mr. GREGG. As long as I will not lose the floor.

Mr. FEINSTEIN. Mr. President, I ask that instead of setting aside the amendment, it will be continuing in a pending status.

The PRESIDING OFFICER. The amendment is pending.

Mr. FEINSTEIN. Thank you very much.

Mr. GREGG. So this lottery system, which was created back a while ago—I think in the early 1990s—in a sense of good will or political correctness, really is not all that productive to us as a nation. So Senator CANTWELL and I have taken a look at it and said: Listen, if we are going to have a lottery system, why don't we at least apply it to people we actually need in this country to assist us in being a stronger nation, a more vibrant nation, a more economically successful nation?

We know that in our Nation today, we are missing—or not missing, but we know we are not producing and creating enough people in the sciences which are energizing economic activity in this world: the maths, math doctorates, the science doctorates. We know we have a real lack of technical ability in many arenas and that we are falling well behind other nations, such as China, in our ability to produce people in the sciences and math subjects.

Why not take this lottery system and say, rather than making it available to the cabdriver in Kiev, whom we may or may not really need in the United States, let's make it available to the physicist in Kiev. Why not say to the doctor in Poland or the doctor in Nigeria: You will have a chance to become an American citizen and have the opportunity to participate in this lottery, rather than saying to the street sweeper in Poland or the miner in Nigeria: It is your chance to participate in the lottery. So we have taken this proposal, which is 50,000 names thrown in a hat from these countries which are allegedly underserved, which are not underserved, and we changed it so that two-thirds of the names thrown in this hat will be of people who have advanced

science degrees, which our Department of Commerce and Department of State determine are in need here in the United States. Two-thirds of those lottery winners will have those degrees. The other third will remain people who only need to have a high school education or have worked 2 out of the last 5 years.

Basically the lottery system will be changed from being one of, we don't know who is coming in the country and we don't know what they are going to contribute to our society as they come in—we hope they will be people who will be hard-working and committed people, but they may actually be people who are not. In fact, if a person has only worked 2 out of the last 5 years and doesn't have a high school education, they can literally qualify for the lottery. Now I ask you, is that the kind of person we want to have qualified for the lottery? A person who may have been unemployed for 3 of the last 5 years, doesn't have a high school education, but they can get into the United States under the lottery. I think it makes much more sense to say let's have folks who have shown their energy, shown their commitment, shown their willingness to strive within their own communities by obtaining these advanced degrees, let's have those folks participate in the lottery.

Some will say the H-1B program already solves this because it is greatly expanded in this bill, and that allows people with advanced degrees to come into this country. That is true. That is good. This bill is excellent in that manner. But as a practical matter, this lottery would go to people who do not qualify for H-1B. In other words, to get an H-1B visa, you have to have a sponsor or, in other words, an employer here in the United States who is going to hire you or you have to have a family member who will sponsor you to come into the country.

There are a lot of people out there in these allegedly underserved countries who do not have somebody who is going to employ them because the groups that employ foreign nationals who have advanced science degrees don't go to those countries. They don't recruit in those countries, for all intents and purposes. And they don't have a family member here. So they are out of it. They can't get in. So it makes sense to take the lottery system and convert it to something that is going to be an add-on to America's success.

We hear a lot in this Chamber, especially from some of our colleagues, that we are outsourcing jobs, we are outsourcing our jobs to other countries. What this proposal does is it insources people who will create jobs in our country. It says let's go out and find the best and the brightest people around the world and say: Listen, we would like to have you live in the United States and create jobs in the United States, use your ability to produce in the United States. If you

don't have a person who wants to employ you and you don't have a spouse here who is willing to sponsor you or a family member who is willing to sponsor you, we still would like you to have a shot at coming here, because most would like to, and we have a lottery system that says you can win it and get into this country.

I note that under the present lottery system, we have seen abuses. In fact, the report of the inspector general of the State Department found significant fraud and mismanagement of this program and the fact that people were coming into the country who really should not have come into the country, but they won the lottery or they were relatives of people who won the lottery. Obviously, the most egregious example of that was the terrorist individual who attacked the L.A. airport and shot up the El Al counter. He was in the United States because his spouse had won the lottery. Not a good decision for us.

It seems to me that rather than just flipping a coin and saying: Hey, listen, if you are out there and you want to come to work and you are from one of these countries which are allegedly underserved—which, by the way, they are not underserved, as I pointed out in the early part of my statement—you have a chance to come here. Let's at least say for the majority of the people who have won the lottery that you have to have done something, you have to have shown something, you have to have produced something, you have to have been willing to go out there and show you have the character and the energy and the intelligence to actually be an addition to our society, an add-on, a creator of jobs in our society, a creator of economic activity, a creator of a stronger society rather than just have the good fortune of having drawn a lucky number.

That is what this bill does. I cannot really understand the opposition to it. A lottery system—I am not sure it ever really had a good time to exist, but clearly now is not a good time for it to exist. We have 12 million people in this country who arguably won the lottery by coming into this country illegally. I guess you could say that. Under this bill, some of them are really going to win the lottery because they are going to go to the back of the line, but they are getting on the line and obtaining what is called earned citizenship, as the Senator from California was saying. But the simple fact is, we don't need to add to that great mass of people. They are here already. If we are going to add people to our culture from the immigration standpoint, let's add people who we know on the face of it are likely to contribute significantly to making us a stronger and more vibrant nation, especially economically.

If we are going to have a lottery, let's just not make it an arbitrary event. Let's make it something that assists not only the person who wins but also our Nation, so that both sides

are winners under the lottery, not just one side.

The House took a look at the lottery. In their bill, they determined it was so inappropriate, they simply abolished it altogether. So it seems to me if we take this position we will be strongly positioned in conference to present the case that the lottery can work for us as a nation, rather than be a loss leader. That is why this amendment has picked up considerable support. It is bipartisan support.

I look forward to having a more extensive debate on it with my cosponsor, Senator CANTWELL, who understands. She comes from Washington State where they understand the need to get some top-quality people in our country in the area of science, as the home of Microsoft, which is clearly the engine of the Internet, the engine of the expansion of technology over the Internet and in computer science that has driven the world, not only the United States. They understand uniquely in Washington State, as we all hopefully do, the need to bring smart, intelligence people from across the world into our Nation and keep us competitive with countries such as China that are turning out four or five or six times the number of scientists we are turning out annually.

That is why this is important. It is not, obviously, the biggest vote on this stage. There have been a lot of votes dealing with the substance of this bill which has huge implications relative to the numbers of people who come into this country and how they come into this country and how we protect our borders, but it is one part of the system we have to make more rational, better, but to be a system where not only does the immigrant win but America wins.

With that, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant 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. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I wish to speak in support of the amendment of Senator GREGG to deal with the lottery provision that is currently in the code involving immigration. We have many odd and curious provisions in our immigration law, but I suppose the lottery provision is one of the most odd and most curious. It seems to me to be unprincipled, without any real thought as to how it would effect a policy that is good for America. What kind of thing is this, that you do a lottery to let people come in from around the world?

His approach would be to say: Let's focus two-thirds of those slots on people with higher skills and higher education. I want to speak in favor of that and say, really, we need not only to do

this two-thirds, but it would be better, in my view, to do the whole lottery program in this fashion. In addition, we need to reevaluate entirely this bill which is before us today to ask ourselves with some thoughtfulness how we can make future immigration policy beneficial to our country. It ought to benefit us. Everybody who comes here, no matter how poor or uneducated, according to the witnesses we heard at our one hearing, is benefited economically.

The poorer they are the more they benefit. They benefit, but the question is, What about the United States? Do we benefit? Is it a net gain for the United States?

We had a number of professors who testified—Professor Freeman, Professor Siciliano, Professor Chiswick, and others whose names escape me—and talked about this quite openly. These are the fundamental facts that should be part of any thoughtful, comprehensive reform of immigration in America.

The facts are these: People with college credit, people with a college degree uniformly contribute more to this country in taxes than they take out in benefits. The people who come to our country with less than a high school education, a high school dropout or somebody who just didn't have the opportunity, they don't have a high school degree—and over 50 percent of illegal immigrants entering our country today are without a high school degree—those people, it is uniformly agreed by professional economists who studied this issue, most of whom testified at our committee, strongly favor immigration but they all agree they will on average—not every single one but on average—draw more from the U.S. Treasury and U.S. coffers than they put in.

Does that tell us anything? What is happening in Canada? What is happening in France right now? What has already happened in Britain, Australia, Switzerland, and the Netherlands? These countries have reevaluated their immigration policy. They are focusing on bringing in people who benefit the country.

We cannot accept everybody. Isn't it a simple principle? There is no way this country can accept everybody who would like to come.

The leading expert on immigration—I think universally agreed on immigration—such as Professor Voorhas from the Kennedy School at Harvard, he himself is an immigrant. He immigrated here from Cuba. The name of his book, probably the most authoritative book on the entire subject, is entitled "Heaven's Door." What is that? "Heaven's Door" is entry into the United States.

For a poor person in the Third World who has been abused by a legal system that does not work, who does not have clean water, who does not have a legitimate job, who does not have electricity, getting to the United States,

the title of his book, is like going through Heaven's door. It is a tremendous thing.

But the world has a lot of people in it. We already have a lot of people in the United States. We have to ask ourselves: How many can we welcome? What people will achieve their dreams and aspirations most successfully here, people who are high school dropouts or people who have a greater education?

We also need to ask, as Canada does: Do they speak English? Australia does. They ought to speak English before they come here.

What is it about letting in hundreds and hundreds of thousands of people on the theory that they might one day learn English, and that would be a requirement for citizenship. But if we have gotten more applicants than we can accept, why would we not want to ask ourselves whether we should give extra points, a higher listing on the list, if they already speak English? They would be guaranteed to be more successful here and more likely to assimilate, more likely to be promoted, more likely to be a boss over other people. If you can't speak the language, how can you ever rise to be a supervisor?

Those are important things, I submit, and not considered in the legislation before us at all.

Senator CRAIG's amendment is a very good amendment. It focuses on a critical matter. Let me tell you what my staff has concluded from their careful study of the bill. We believe that as it is presently written today only 30 percent of the people coming into this country will come in as a result of their skills or education. That is a pretty stunning number. Only 30 percent coming into our country will have their entry evaluated, their skill level or their education level, whereas 70 percent will come into our country for other reasons.

For example, if a young man came to our country under the new guest worker program that would be made law today, and that guest worker program would allow him to come into the country to file for a green card the first day he arrived here, within 5 years from that he can apply for and obtain as of right his citizenship in the United States. That will happen under the bill. Within 6 years, the person could possibly be a citizen of the United States coming in under a program which the bill says is a temporary guest worker provision. They say it is a temporary guest worker section of the bill. It has big letters, "Temporary Guest Worker."

But on the first day they get here, their employer can ask for a green card. A green card means you have legal permanent residence. Within 5 years of getting that card, they can become a citizen. A legal permanent resident means if you never seek citizenship you can stay in the country once you get that green card for the rest of your life.

What I am saying is, under this provision a young man can come in—and he is 20 years of age. If he works 5 or 6 years, he becomes a citizen. Now he is 30, and he has a 50-year-old brother, a 60-year-old, a 70-year-old mother and father. They can be brought into this country under chain migration, whether or not they have any skills or any education that would be relevant to their success in the United States of America.

Think about this: Let us say they are both from Honduras. Let us say this is a young man who was valedictorian of his school in Honduras, who had a chance to take an English course and took English and learned it well, was able to go to a technical college and became skilled in electricity, and he applies at age 21 to come to the United States. Would he not have the advantage over a 50-year-old brother or a 70-year-old mother of someone who is already here when those people who may or may not have any skills which would be beneficial to the country could likely become a drain on the Nation's resources?

That is how we have 70 percent of the people coming into our country under the new provision who are supposed to be in a comprehensive reform of the immigration system? That does not make sense. We need to focus more on providing opportunities for people to enter our country who have the greatest potential to succeed. It is perfectly proper and legitimate for us to ask: What is the worker status, the wages that are being paid in a given area, and do we have a shortage?

In my view, the Department of Labor should not allow surging immigration when we have certain fields in the United States where there are more workers than there are jobs and you let a bunch of people come in from out of the country to take what few jobs there are leaving Americans unemployed.

We need to consider all of those things. But, fundamentally, when you make a choice between two individuals—a younger person, a person who speaks English, a person who has skills—who is going to be far more successful? If they are successful here themselves, and if they benefit and if they are blessed by the great freedoms and economic prosperity and the free market we have in America, if they are blessed by that, they will pay more taxes to the Government than they draw from the Government. That is a pretty good thing, I submit.

One reason I have been so critical of this legislation—and I remain steadfastly convinced that it is not worthy of the Senate of the United States—is the legislation seems to have given no thought to these issues whatsoever. We certainly never had a hearing to deal with it, to my knowledge. A lot of things we haven't done that we could have done. We could have studied more, we could have had more experts come in and testify and help us craft the leg-

islation. We should have brought in immigration people who work for the Government of the United States to find out what is working and what is not working.

I talked to the person in the Dominican Republic, the American consulate official who meets with those people in the Dominican Republic who would like to come to the United States. He seemed like a very nice guy. He made some mention about sham marriages. So we talked about that.

As a U.S. attorney prosecuting a case where people created a sham marriage for immigration purposes, he said they won't even talk about prosecuting a case in the Dominican Republic. And he has seen lots and lots of sham marriage cases that were never prosecuted.

Why do they have a sham marriage? Because if you are married to somebody who is in the United States, they can take their wife and their children. That is the way to get people here. So they create a sham marriage.

But he told me that 95 percent of the people in the Dominican Republic who were approved to come to the United States were approved under the chain migration or family connection provisions in our code.

Fundamentally, almost no one coming from the Dominican Republic to the United States is coming because they have a skill that would benefit us and that would indicate their likely success in our society. They come in because some other family member of a qualified relation is here as a citizen or even a green card holder. That is how they get to come. They are creating a false document to show these are relatives or their spouses and they are married when it is not so.

As I have said a number of times on the Senate floor, 60 percent of the people in Nicaragua in a recent poll said they would come to the United States if they could, and I understand 70 percent of the people in Peru, when polled, said they would come to the United States if they could.

What does that mean? Think about it.

Mexico, all of Central America, Haiti, the Dominican Republic, Jamaica, Morocco, all of the African nations, the Middle East, Bangladesh, China, India, Taiwan, the Philippines—all these nations around the world with great people in them—wonderful people but in each one of those countries are significant numbers of people, I submit, who would come to the United States if they could. Wouldn't it be a good policy for our Nation? Wouldn't it be the right thing to think seriously about who should come, like Canada and Britain, and as France did last week, and refocus our attention on accepting a certain number of people but making sure those people bring skills and talents with them to indicate they would be a positive benefit to our society rather than a net drain on society?

That is a challenge. We simply cannot accept everyone who wants to

come. It is painful to bring people who are not able to speak English or effectively take advantage of the opportunities our country has. When they do not do that, they do not do well. They tend to pull themselves apart and continue to speak their own language. They do not advance and assimilate and become part of the great melting pot we are so proud of as Americans.

It is a big step forward to take this lottery, to put two-thirds of those people who are in it, who are now chosen by random chance, without any regard to skills or abilities or language or those matters, to at least set them aside for high-skilled positions for education, science, mathematics. It would be a great benefit to our country.

I yield the floor.

Mr. LEAHY. Mr. President, when the Senate resumed its consideration of comprehensive immigration reform last week I began by expressing my hope that we would finish the job the Judiciary Committee started in March and the Senate began in April. We need to fix the broken immigration system with tough reforms that secure our borders and with reforms that will bring millions of undocumented immigrants out of the shadows. I have said all along that Democratic Senators cannot pass a fair and comprehensive bill alone. Last week we got some help.

We got some words of encouragement from President Bush last Monday night when he began speaking out more forcefully and in more specific terms about all of the components needed for comprehensive legislation. For the first time, he expressly endorsed a pathway to earned citizenship for the millions of undocumented workers now here. I thank him for joining in this effort. We will need his influence with the recalcitrant members of his party here in the Senate, and especially in the House, if we are ultimately to be successful in our legislative effort. Without effective intervention of the President, this effort is unlikely to be successful and the prospects for securing our borders and dealing with the hopes of millions who now live in the shadows of our society will be destroyed. Those who have peacefully demonstrated their dedication to justice and comprehensive immigration reform should not be relegated back into the shadows.

Last week the Senate made progress. We made progress because Democratic and Republican Senators working together rejected the most strident attacks on the comprehensive bill that we are considering. We joined together in a bipartisan coalition in the Judiciary Committee when we reported the Judiciary Committee bill. Democratic Senators were ready to join together in April and supported the Republican leader's motion that would have resulted in incorporating features from the Hagel-Martinez bill, but Republicans balked at that time and continued to filibuster action. Last week, Republicans joined with us to defend the

core provisions of that bill, and we defeated efforts by Senators KYL and CORNYN to gut the guest worker provisions and to undermine the pathway to earned citizenship. Instead, we adopted the Bingaman amendment to cap the annual guest worker program at 200,000 and the Obama amendment regarding prevailing wages in order to better protect the opportunities and wages of American workers.

I spoke last week about the need to strengthen our border security after more than 5 years of neglect and failure by the Bush-Cheney administration. A recent report concluded that the number of people apprehended at our borders for illegal entry fell 31 percent on President Bush's watch, from a yearly average of 1.52 million between 1996 and 2000, to 1.05 million between 2001 and 2004. The number of illegal immigrants apprehended while in the interior of the country declined 36 percent, from a yearly average of roughly 40,000 between 1996 and 2000, to 25,901 between 2001 and 2004. Audits and fines against employers of illegal immigrants have also fallen significantly since President Bush took office. Given the vast increases in the number of Border Patrol agents, the decline in enforcement can only be explained by a failure of leadership.

The recent aggressive and well-publicized enforcement efforts to detain illegal immigrants seem to be election-year posturing that does little to improve the situation. We need comprehensive reform, backed up by leadership committed to using the tools Congress provides, not to piecemeal political stunts.

Once again the administration is turning to the fine men and women of National Guard. After our intervention turned sour in Iraq, the Pentagon turned to the Guard. After the government-wide failure in responding to Hurricane Katrina, we turned to the Guard. Now, the administration's longstanding lack of focus on our porous Southern border and failure to develop a comprehensive immigration policy has prompted the administration to turn once again to the Guard. I remain puzzled that this administration, which seems so ready to take advantage of the Guard, fights so vigorously against providing this essential force with adequate equipment, a seat at the table in policy debates, or even adequate health insurance for the men and women of the Guard.

I have cautioned that any Guard units should operate under the authority of State Governors. In addition, the Federal Government should pick up the full costs of such a deployment. Those costs should not be foisted onto the States and their already overtaxed Guard units.

Controlling our borders is a national responsibility, and it is regrettable that so much of this duty has been punted to the States and now to the Guard. The Guard is pitching in above and beyond, balancing its already de-

manding responsibilities to the States, while sending troops who have been deployed to Iraq. The Guard served admirably in response to Hurricane Katrina when the Federal Government failed to prepare or respond in a timely or sufficient manner. The Vermont Guard and others have been contributing to our national security since the immediate aftermath of 9/11. After 5 years of failing to utilize the authority and funding Congress has provided to strengthen the Border Patrol and our border security, the administration is, once again, turning to the National Guard.

It was instructive that last week President Bush and congressional Republicans staged a bill-signing for legislation that continues billions of dollars of tax cuts for the wealthy. Instead of a budget with robust and complete funding for our Border Patrol and border security, the President has focused on providing tax cuts for the wealthiest among us. Congress has had to step in time and again to create new border agent positions and direct that they be filled. Instead of urging his party to take early and decisive action to pass comprehensive immigration reform, as he signaled he would in February 2001, the President began his second term campaigning to undercut the protections of our Social Security system, and the American people signaled their opposition to those undermining steps. While the President talks about the importance of our first responders, he has proposed 67 percent cuts in the grant program that supplies bullet-proof vests to police officers.

Five years of the Bush-Cheney administration's inaction and misplaced priorities have done nothing to improve our immigration situation. The Senate just passed an emergency supplemental appropriations bill that allocated nearly \$2 billion from military accounts to border security. The Democratic leader had proposed that the funds not be taken from the troops. But last week the President sent a request for diverting a like amount of funding, intended for capital improvements for border security, into operations and deployment of the National Guard. The Republican chairman of the Senate Appropriations Subcommittee on Homeland Security came to the Senate floor last week to give an extraordinary speech in this regard.

In addition, last week the Senate adopted a billion-dollar amendment to build fencing along the Southern border without saying how it would be funded. We also adopted amendments by Senators BINGAMAN, KERRY, and NELSON of Florida to strengthen our enforcement efforts.

Border security alone is not enough to solve our immigration problems. We must pass a bill—and enact a law—that will not only strengthen the security along our borders, but that will also encourage millions of people to come out of the shadows. When this is accomplished we will be more secure because we will know who is living and

working in the United States. We must encourage the undocumented to come forward, undergo background checks, and pay taxes to earn a place on the path to citizenship.

Last week we defeated an Ensign amendment to deny persons in legal status the Social Security benefits to which they are fairly entitled. I believe that most Americans will agree with that decision as fair and just. It maintains the trust of the Social Security trust fund for those workers who contribute to the fund.

The opponents of our bipartisan bill have made a number of assaults on our comprehensive approach. Senators KYL, SESSIONS, and CORNYN opposed the Judiciary Committee bill. Senators VITTER, ENSIGN, and INHOFE have been very active in the amendment process, as well. I hope that they recognize how fairly they have been treated and the time they have been given to argue their case against the bill and offer amendments. We have adopted their amendments where possible. A narrowed version of the Kyl-Cornyn amendment disqualifying some from seeking legalization was adopted. The Sessions amendment on fencing was adopted. The Vitter amendment on documents was adopted. The Ensign amendment on the National Guard is being considered. Over my strong objection and that of the Democratic leader, Senator SALAZAR and others, a modified version of the Inhofe amendment designating English as our national language was even adopted. This amendment is wrong and has understandably provoked a reaction from the Latino community as exemplified by the May 19 letter from the League of United Latin American Citizens, the Mexican American Legal Defense and Educational Fund, the National Association of Latino Elected Officials Educational Fund, the National Council of La Raza, the National Puerto Rican Coalition, and from a larger coalition of interested parties as reflected in a May 19 letter from 96 national and local organizations. I will ask copies of these two letters be printed in the RECORD following my statement.

I trust that with so many of their amendments having been fairly considered and some having been adopted, those in the opposition to this measure will reevaluate their previous filibuster, that they will vote for cloture, and, I will hope, support the compromise bill.

Immigration reform must be comprehensive if it is to lead to real security and real reform. Enforcement-only measures may sound tough but they are insufficient. The President has acknowledged this truth. Our bipartisan support of the Senate bill is based on our shared recognition of this fact. In these next few days, the Senate has an opportunity, and a responsibility, to pass a bill that addresses our broken system, with comprehensive immigration reform.

I ask unanimous consent that the aforementioned letters be printed in the RECORD.

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

MAY 19, 2006.

DEAR SENATOR: On behalf of the undersigned national Latino organizations, we are writing to express our grave concern at the passage of the Inhofe Amendment to the immigration reform bill currently under consideration in the Senate. We believe this amendment jeopardizes the health and safety of all Americans by undercutting federal, state, and local government's capacity to provide vital information and services to immigrants and Americans who are speakers of other languages. This amendment has nothing to do with immigration reform, and it does nothing to help immigrants learn English. We believe it has no place in this bill and urge you to reconsider it.

Upon review of the language of this amendment, we have reached the conclusion that it would undercut policies that facilitate communication with people who are speakers of other languages. If this amendment becomes law, it would jeopardize the delivery of public health and safety messages that are intended to protect all Americans. The amendment would make it more difficult for agencies like the Federal Emergency Management Agency (FEMA) and the Centers for Disease Control and Prevention (CDC) to respond to a flu pandemic, another hurricane disaster like Katrina, or another terrorist attack. If some portion of the community does not receive information about immunizations or other health threats in a language they can understand, then the entire public is at risk.

We are also offended by the premise reflected in the amendment and the debate which took place on the Senate floor that the English language is somehow "under attack" in the United States. Immigrants and all Americans understand that English is our common language. If there is a challenge to the integration of immigrants, it is that there are insufficient English classes available to meet the demand from immigrants who are eager to take them; the Inhofe Amendment does not help a single immigrant learn English. We stand ready to join in a debate on how to create new resources and options to facilitate English classes and the full integration of immigrants into our society. We deeply regret that the Senate failed to choose this course of action and instead voted on a counterproductive proposal that would do real harm while doing nothing to promote English-language acquisition.

The presence of this amendment in the immigration reform bill calls into question our community's support of the immigration reform package. We urge you in the strongest possible terms to reconsider this damaging vote.

Sincerely,

Hector Flores, National President, League of United Latin American Citizens (LULAC).

John Trasviña, Interim President and General Counsel, Mexican American Legal Defense and Educational Fund (MALDEF).

Arturo Vargas, Executive Director, National Association of Latino Elected Officials Educational Fund (NALEO).

Janet Murguía, President and CEO, National Council of La Raza (NCLR).

Manuel Mirabal, President and CEO, National Puerto Rican Coalition (NPRC).

MAY 19, 2006.

DEAR SENATOR: We, the undersigned 96 national and local organizations, understand that the Senate voted yesterday to approve

an amendment offered by Senator Inhofe which affirms English as the nation's national language and which could undercut policies which facilitate communication with people who are speakers of other languages. We are alarmed at this development and urge you to reconsider this ill-advised vote.

There is no question that English is the common language of this Nation; many of our organizations offer English-language classes and can testify to the fact that the demand for instruction far exceeds the supply. If there is one single issue that stands in the way of immigrants learning English, it is a lack of resources to provide sufficient classes for those seeking to take them. We are sorely disappointed that the Senate debate on language focused on a proposal to limit communication with immigrants rather than on increasing access to programs that can actually assist immigrants as they attempt to learn English while working, raising families, and contributing in multiple ways to the vibrancy of this country.

In addition, the Inhofe Amendment undermines the health and safety of all Americans by undercutting federal, state, and local government's capacity to provide vital information and services to immigrants and Americans who are speakers of other languages. It would jeopardize the delivery of public health and safety messages that are intended to protect all Americans. The amendment could make it more difficult for agencies like the Federal Emergency Management Agency (FEMA) and the Centers for Disease Control and Prevention (CDC) to respond to a flu pandemic, another hurricane disaster like Katrina, or another terrorist attack. If some portion of the community does not receive information about immunizations or other health threats in a language they understand, then the entire public is at risk.

This amendment has nothing to do with immigration reform, and it does nothing to help immigrants learn English. We believe it has no place in this bill and urge you to reconsider it.

Sincerely,

ACORN; American Immigration Lawyers Association; Americans for Democratic Action, Inc.; Arab Community Center for Economic and Social Services; Asian American Justice Center; Asian American Institute; Asian and Pacific Islander American Health Forum; Asian Pacific Islander Coalition of King County; Asian Communities for Reproductive Justice; Asian Law Alliance; Asian Law Caucus; Asian Pacific American Legal Center of Southern California; ASPIRA; Bell Policy Center-Denver; Break the Cycle; Carter and Alterman; CASA of Maryland, Inc.; Center for Justice, Peace and the Environment; Center for Law and Social Policy; Central American Resource Center/CARECEN-L.A.; Centro de la Comunidad, Inc.

Centro Hispano of Dane County; Chinese for Affirmative Action/Center for Asian American Advocacy; CHIRLA; Coalition of Limited English Speaking Elderly; Community Legal Services, Inc.; Cross-Cultural Communications, LLC; Cuban American National Council; District of Columbia's Fellowship of Reconciliation; Escuela Tlatelolco Centro de Estudios; Fuerza Latina; Greater New York Labor-Religion Coalition; Immigrant Legal Resource Center; Immigration Law Office of Kimberly Salinas; Institute of the Sisters of Mercy of the Americas; Korean American Voters Alliance; Korean Resource Center—Los Angeles; La Causa Inc.; La Clinica del Pueblo; Latino and Latina Roundtable of the San Gabriel Valley and Pomona Valley; Latino Leadership, Inc.;

Law Center For Families; Lawyers' Committee for Civil Rights Under Law; League of

United Latin American Citizens; Legal Momentum; Luther Immigration and Refugee Service; Mary's Center for Maternal and Child Care, Inc.; Mexican-American Council; Migrant Legal Action Program; Minnesota Immigrant Freedom Network; NAACP; National Advocacy Center of the Sisters of the Good Shepherd; National Association of Latino Elected Officials; National Association of Social Workers; National Council for Community and Education Partnerships; National Council of La Raza; National Health Law Program; National Immigration Law Center; National Korean American Service & Education Consortium; National Latina Health Network National Organization for Women.

National Network for Arab American Communities; National Network to End Domestic Violence; National Network to End Violence Against Immigrant Women; National Partnership for Women & Families; National Puerto Rican Coalition; New York Asian Women's Center; New York Immigration Coalition; OCA Greater Seattle Chapter; PeaceAction Montgomery; People for the American Way; Presbyterian Church (USA); Resource Center of the Americas; Rio Grande Centers, Inc.; SEIU Local 21—Louisiana; SEIU Local 32BJ; Service Employees International Union; Sexual Assault Services Organization; South Florida Jobs with Justice; Southeast Asia Resource Action Center; SSG/PALS for Health Program—SSG/ALAS para tu Salud.

Tahirih Justice Center; Teachers of English to Speakers of Other Languages, Inc.; The American-Arab Anti-Discrimination Committee; The California Pan-Ethnic Health Network; The Fair Immigration Reform Movement; The Korean American Resource & Cultural Center—Chicago; The Mexican American Legal Defense and Educational Fund; The National Asian Pacific American Women's Forum; The National Capital Immigration Coalition; UFCW Region One; UNITE HERE; United Methodist Church, General Board of Church and Society; WA State Coalition Against Domestic Violence; Women's Committee of 100; YKASEC—Empowering the Korean American Community—New York.

Mr. FRIST. Mr. President, we have had a good process to this point on the immigration bill. I thank the bill managers for their hard work. We are now, as I outlined this morning, in our final week prior to our recess. We have a lot of legislative and executive items we need to complete before that recess. Therefore, in a moment, I will be filing cloture on the immigration bill to ensure we will complete action before the Memorial Day recess, by the end of this week. In doing so I hope we can still have a fair process and continue to work through amendments.

There are a number of germane amendments that may be in order postcloture. I hope Senators will have the opportunity to have votes on them.

Having said that, we also have a lengthy list of important executive nominations that I will be discussing with the Democratic leader. It is my hope we can reach time agreements on these so we can schedule those nominations for votes this week, as well.

One of the nominations we will consider is the nomination of Brett Kavanaugh to be a U.S. circuit court judge. I understand we would not be able to reach a time limit for that nomination for this week. Therefore, it

is my intention to file cloture on that nomination, as well.

CLOTURE MOTION

I now send a cloture motion to the desk on the comprehensive immigration bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 414, S. 2611: a bill to provide for comprehensive immigration reform and for other purposes.

William H. Frist, Arlen Specter, Larry Craig, Mel Martinez, Orrin Hatch, Gordon Smith, John Warner, Pete Domenici, George V. Voinovich, Ted Stevens, Craig Thomas, Thad Cochran, Judd Gregg, Lindsey Graham, Norm Coleman, Mitch McConnell, Lamar Alexander.

Mr. FRIST. I ask that the live quorum under rule XXII be waived.

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

EXECUTIVE SESSION

BRETT M. KAVANAUGH TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

Mr. FRIST. I now move to proceed to executive session and the consideration of Calendar No. 632, the nomination of Brett Kavanaugh.

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

The clerk will report.

The assistant legislative clerk read the nomination of Brett M. Kavanaugh, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit.

CLOTURE MOTION

Mr. FRIST. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 632, the nomination of Brett M. Kavanaugh, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit.

Bill Frist, Arlen Specter, Saxby Chambliss, Larry Craig, Mel Martinez, Elizabeth Dole, Johnny Isakson, Pat Roberts, Ted Stevens, Craig Thomas, Thad Cochran, Chuck Grassley, Judd Gregg, Tom Coburn, Richard Shelby, Lindsey Graham, Orrin Hatch.

Mr. FRIST. I ask unanimous consent the live quorum be waived, and the Senate resume legislative session.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

KAVANAUGH NOMINATION

Mr. FRIST. Mr. President, the last action was filing cloture on the nomination of Brett Kavanaugh, the President's nominee for the DC Circuit Court of the Appeals. I have been discussing with the minority leader the nomination this morning and over the course of the day and will continue to work with him as we try to reach a time agreement with respect to getting an up-or-down vote later this week. It is because we have not been able to agree to that, that I filed cloture to ensure we have a vote on this nomination.

I expect the full Senate to vote on this nomination. I don't know exactly what the schedule will be. It will depend on the outcome of the immigration bill.

I did have the opportunity to meet with Mr. Kavanaugh today. He is an outstanding candidate, a candidate who has stellar credentials, both in the private sector and the public sector, working as counsel and adviser to the President. He has had a distinguished legal career that has had him argue before the Supreme Court and appeals courts around the country. He is a graduate of Yale University and Yale Law School where he served on the law journal. He has, on three separate occasions, received the American Bar Association stamp of approval.

He was nominated 3 years ago. He has waited 3 years for the vote we will have later this week, for that fair up-or-down vote. It is time the Senate fulfills its constitutional duty, the advice and consent, by giving Mr. Kavanaugh that vote he deserves. I look forward to moving ahead on his nomination and upholding the confirmation process.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006—Continued

Mr. FRIST. Mr. President, I will be closing shortly, but I do want to comment briefly on the immigration bill today. I want to make a few remarks on where we are and then where we will be going.

Mr. President, we began debate on the comprehensive immigration reform before the Easter recess. The majority was at that time set to strengthen the underlying bill by having debate and amendment on the underlying bill to be able to toughen the border security aspect, but at the 11th hour, the other side said: No, we are not going to allow that open debate and amendment process. So what had come to the floor under the leadership of Chairman SPEC-

TER was a bipartisan bill that did need continued work, and that bipartisan effort was scuttled for a period of time.

The Democratic leader and I agreed to a process whereby we could bring that bill back to the floor, which was the beginning of last week, where we, in a bipartisan way, would have that opportunity to offer amendments and attempt to improve or adjust or modify that bill. That is the process we are in the middle of right now.

I am pleased where we are today, but as I said 2 weeks ago or 3 weeks ago, we do need to complete this bill before the Memorial Day recess. Resuming consideration in the early part of last week, we have made real progress. And I do not know the exact number of amendments, but we have had amendments every day come to the floor for those up-or-down votes from both the Republican and the Democratic side of the aisle.

We allowed discussion and debate, and I think the country's understanding of this legislation, which is complex, has improved over the course of the several weeks we have had it on the floor. We are all looking closer at what is in the underlying bill, with the proposing of amendments to modify that, and having good debate—Democrat and Republican—on the issue.

The more time we spend with it, the more time we come to understand there are some very good things about the bill, things that still need some correction. And we will have the opportunity to do that, with the cloture motion filed tonight, over the course of voting in the morning, tomorrow afternoon, Wednesday over the course of the day, and once cloture is in effect, still have germane amendments come to the floor. So that process needs to continue. What it will do is allow us to complete that bill before Memorial Day.

We have had a number of amendments that have been interesting to watch as we have gone forward. Mr. SESSIONS, the Senator from Alabama, had an amendment early on to strengthen our southern border, to build those 370 miles of triple-layered fence, and 500 miles of vehicle barriers at strategic locations—a clear-cut improvement on the bill, strengthening the bill along the border consistent with our first priority; that is, to secure that border.

The Senate also approved the amendment by Senators KYL, GRAHAM, CORNYN, and ALLEN to close a loophole in the bill that would allow criminal aliens to obtain legal status. Once people looked at that, they said that is only common sense. Again, it became overwhelmingly supported in a bipartisan way—again, an important demonstration of why it was important to have open debate and amendment. That amendment clarifies that any illegal alien who is ineligible for a visa or who has been convicted of a felony or three misdemeanors is ineligible for a green card—again, just common sense.

Another commonsense issue of national cohesion that really hits at the heart of what makes this country great was when the Senate voted in favor of an amendment by Senator INHOFE to require that English be declared our national language of the United States. As people listened to that and digested what it meant, people said: Well, of course English is a necessary tool for every aspiring American to be successful and to join the mainstream of American society.

That is just an example of a few of the amendments. Again, we have considered a number of amendments, and we will consider a number more as we go forward.

It was last October when I said we would start with border security and we would build out a comprehensive approach to this very challenging problem of thousands—indeed, hundreds of thousands—of people coming across our borders illegally and millions working in this country illegally and many taking advantage of our social services illegally in this country. So we have made real progress—again starting in October—and we will complete that process by the Memorial Day recess, with the action I took tonight.

Mr. President, given our policy meetings tomorrow afternoon, I now ask unanimous consent that the filing deadline under rule XXII be extended until 2:30 p.m. on Tuesday.

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

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

HONORING OUR ARMED FORCES

SERGEANT JAMES A. SHERRILL

Mr. MCCONNELL. Mr. President, I come to the floor today to reflect on the tremendous sacrifice and dedication displayed on a daily basis by our country's soldiers. In particular, I wish to call to my colleagues' attention the story of one young man who laid down his life defending our country.

While words cannot lessen the anguish of those who knew and loved him, they can illuminate his heroism and sacrifice. So it is entirely appropriate that we pause today to remember and celebrate the life of SGT James A. Sherrill of Ekron, KY.

Sergeant Sherrill served in the Kentucky Army National Guard's 2113th Transportation Company based out of Paducah, KY. Tragically, he died in Bayji, Iraq, on April 3, 2005, as he and his fellow soldiers were escorting a supply convoy. An improvised explosive device detonated near his military vehicle. He was 27 years old.

For his valorous service, Sergeant Sherrill was awarded the Bronze Star Medal and the Purple Heart. He had previously received both the Army Good Conduct Medal and the Armed Forces Reserve Medal, and he was awarded the Kentucky Distinguished Service Medal, the second highest honor that the Commonwealth of Kentucky can bestow.

James moved around the country a bit growing up, but while he was still young, the Sherrill family settled in Kentucky—Ekron, to be precise, a small town of a few hundred people in Meade County and the birthplace of legendary Baseball Hall of Famer Pee Wee Reese. In Ekron, James and his younger brother B.J. would grow up together and become well known throughout the community.

The Sherrills are a close-knit family. William "Buddy" Sherrill and his wife Beatrice, two soft-spoken people, have a lifetime of memories of their son James. William and Beatrice raised James and B.J. to love others, respect authority, and to be true gentlemen.

Being the older brother, James took his role as his brother's keeper seriously—most of the time. Beatrice recalls, however, when James and B.J. were still very young, one time when B.J. imagined himself to be the superhero Batman. To inaugurate his career as a caped crusader and to strike fear in the hearts of criminals, B.J. decided to jump out a window.

But heights can be intimidating, especially to a small child. Even one wearing a cape and a mask. So just as he was about to jump, B.J. hesitated.

Noticing his younger brother sitting on the edge of the windowsill in the Sherrill home, James decided it was up to him to help his brother out the only way he knew how. So James came up behind B.J. and gave him the push he wasn't looking for.

Asked why he had just pushed his brother out the window, James looked up at his parents and told them sincerely he was only "trying to help his brother." Thankfully, no one was seriously hurt, and James's understanding of how best to help others, shall we say, "evolved" over time.

A few years later, James found success on the football field. He soon became cocaptain of the Meade County High School varsity football team. His drive on the field spilled over into the weight room, where he broke several of his school's weightlifting records.

James's greatest moments on the field came his senior year with brother B.J., then a sophomore, also on the team. James played fullback, blocking opponents and creating holes for his ball-carrying brother, who played halfback. Over the course of the season, this one-two brotherly combination would amass an outstanding record. "Our whole community knew him because of [the] sports he played," B.J. said of his brother James.

Beyond the yards gained or the touchdowns scored, this portrait of one

brother leading the way for the other illustrated the relationship the two shared throughout James's life. William Sherrill said:

B.J. always looked up to James. They were best friends. Losing James has been particularly hard on B.J. . . . he's more serious now.

James was a protector, not only for B.J. but for others he helped mentor, such as the children at his local church and his fellow soldiers in Iraq. Given the choice between going to college or joining the military, James opted for the Marines, where he expanded his skills, traveled the world, and developed his faith.

After completing his tour with the Marines, James returned home to Ekron, where he decided to continue serving his country and joined the Kentucky National Guard. He also became a student at Elizabethtown Community College, hoping to pursue a career in law enforcement, and he met the love of his life.

James used his experience from the Marines to, as his father put it, "become a leader that everyone looked to." He always emphasized the importance of being focused on the mission at hand to his squad. He constantly double-checked his team to make sure they all knew their roles. James knew he and his fellow soldiers would be navigating some of the most deadly stretches of highway in the world.

Whenever he called home, however, he said the dangers of his job did not worry him. James's father recalls that his son felt at peace with what he was doing, even though he knew he may never make it home. William Sherrill attributes this serenity to his son's faith.

James reached his final resting place on April 12, 2005, in a small plot of land adjacent to the Zion Grove Baptist Church in Ekron. Sergeant Sherrill was buried with full military honors. Later that afternoon, William Sherrill rested on the front porch of a neighbor's home to reflect on the day's events.

Eventually, he looked up to see, stretched out across the sky, one of the brightest rainbows he had ever witnessed. This magnificent rainbow seemed to spring up from the Sherrill family home, stretch into the sky, and then arc downward, delicately landing near the cemetery of Zion Grove Baptist Church.

Every day when William Sherrill drives his truck home from work, his route usually takes him past James's grave site. And every day he is sure to slow his vehicle and blow his son a gentle kiss.

I am grateful to William and Beatrice Sherrill today for sharing their stories of James with us. We are thinking of James's brother, B.J., today as well.

Across the Nation, other families understand the simple gesture of blowing a kiss, for they, too, have lost a loved one in the line of duty. As a nation, we all grieve with these families. Yet we feel a sense of pride as well; pride at

the notion that thousands of men and women of courage have volunteered to wear the uniform and face danger in order to protect America.

SGT James Sherrill demonstrated his courage twice over, first by joining the Marines, and again by joining the Kentucky National Guard. His devotion and his sacrifice were a gift to the rest of us. We must treasure that gift.

Mr. President, I ask my colleagues to keep the family of SGT James Sherrill in their thoughts and prayers. They will certainly be in mine.

LANCE CORPORAL DAVID GRAMES-SANCHEZ

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Fort Wayne. David Grames-Sanchez, twenty-two years old, was killed on May 11 in a tank wreck near Karmah, 50 miles west of Baghdad in the Anbar province. Leaving his life and family behind him, David risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

According to his family, joining the Marine Corps had been a lifelong dream of David's and he loved being in the Corps. An Elmhurst High School wrestler remembered for his infectious smile, David followed the family tradition of joining the service. Both his grandfathers had served, and despite the objections of some of his relatives, David enlisted shortly after his high school graduation. His aunt told a local news outlet, "I tried to talk him out of (joining the Marines) because I knew something might happen to him. But he was very independent and loved his country. It seems apparent now that David was called by God and his country to lead a purpose-driven life. He wanted to make a difference." David was on his second tour of duty in Iraq when he was killed.

His death came as a second blow to his community, as David was the second graduate of his high school to die in Iraq. Six months ago, a roadside bomb attack killed Army Corporal Jonathan Blair, a 2002 Elmhurst graduate.

David was killed while serving his country in Operation Iraqi Freedom. He was assigned to the 2nd Tank Battalion, 2nd Marine Division, 2nd Marine Expeditionary Force, Camp Lejeune, N.C. This brave soldier leaves behind his wife, Lindsay Walsh; his 2-year-old son, Corbin; his father, David Grames, and father's fiancée, Lory Burton; his mother, Guadalupe Sanchez; his sister, Emily Grames; and numerous other relatives.

Today, I join David's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of David, a memory that will burn brightly during these continuing days of conflict and grief.

David was known for his dedication to his family and his love of country. Today and always, David will be remembered by family members, friends and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring David's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of David's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of David Grames-Sanchez in the official RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like David's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with David.

SERGEANT LONNIE CALVIN ALLEN, JR.

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of Army SGT Lonnie Calvin Allen, Jr., from Nebraska. Sergeant Allen died when an improvised explosive device detonated near his vehicle while on patrol northwest of Baghdad on May 18. He was 26 years old.

Sergeant Allen grew up in Bellevue, NE, and graduated from Bellevue East High School in 1998. After 2 years at Northeastern Junior College in Sterling, CO, he enlisted in the U.S. Army. After his first enlistment was completed, Sergeant Allen reenlisted and was deployed to Iraq in August 2005. He was a member of the 10th Mountain Division based out of Fort Drum, NY. Sergeant Allen will be remembered as a loyal soldier who had a strong sense of duty, honor, and love of country. Thousands of brave Americans such as Sergeant Allen are currently serving in Iraq.

Sergeant Allen is survived by his wife Birgit, and parents, Lonnie and Sallie Allen. Our thoughts and prayers are with them at this difficult time. America is proud of Sergeant Allen's heroic service and mourns his loss.

I ask my colleagues to join me and all Americans in honoring Sergeant Lonnie Calvin Allen, Jr.

UNLV PRESIDENT CAROL HARTER

Mr. REID. Mr. President, I rise today to recognize an outstanding citizen from my home State, Dr. Carol C. Harter. As the longest serving president in the history of the University of Nevada, Las Vegas, Carol has brought a real vision for Nevada's future to her work and to our communities.

On June 30, 2006, Carol will step down president of the university and leave behind an extraordinary legacy of accomplishments. Under her direction, the university created 100 degree programs. She was instrumental in the creation of the William S. Boyd School of Law, the School of Architecture, and the School of Dental Medicine. She increased the size of the university, adding to the number of buildings, programs, students, and faculty. During Carol Harter's tenure as president, she raised over \$556 million in gifts and pledges, which accounts for more than 80 percent of all gifts received since the UNLV Foundation's inception in 1982.

Carol brought a style of leadership to the university that was both effective and inspirational. Her strength, vision, and compelling personality provided an example to her students, faculty, and the community. I am well acquainted with her abilities because I have had the privilege of working with her on numerous projects. One project that has great meaning to me personally was the founding of the School of Dental Medicine. Growing up, my family did not have access to good dental care, and I know what a tremendous impact the dental school's community outreach programs will have on families like mine.

Carol's dedication did more than simply benefit the university; her efforts improved the quality of life in Nevada. Under Carol's leadership, the university has grown to be an institution that attracts professionals and academics to Nevada, provides for a cultural meeting place, trains the minds of all who come through its doors, and raises the level of culture and society in our community. I wish her only the best as she continues her career as executive director of the Black Mountain Institute. Her many accomplishments as president of the University of Nevada, Las Vegas, will benefit the university and the residents of Nevada for years to come.

NATIONAL TRAILS DAY

Mr. REID. Mr. President, I rise today in recognition of National Trails Day, which will be celebrated on June 3. One of this country's greatest natural treasures is its trails. Trails offer an opportunity for people of all ages to recreate, exercise and explore the great outdoors. Oftentimes they are a reflection of our history—a link to our past that allows us to literally follow in the footsteps of those who came before us.

Since its inception in 1993, National Trails Day has increased the awareness

of trails in our communities, and it has also provided support to the volunteer trail clubs that do so much to enhance the access and enjoyment of our trails. I extend my thanks to the volunteers who put forth so much time, passion and energy into maintaining the 200,000 miles of trails we are fortunate to call our own.

The theme for this year's National Trails Day celebration is "Experience Your Outdoors." From hiking and climbing to biking and horseback riding, there are many things we can do to experience our outdoors. I encourage all Americans to participate in National Trails Day and truly enjoy their outdoor experience.

I know that many of my fellow Nevadans will be enjoying National Trails Day this year with celebrations scheduled at The John Day Trail and the Greenhorn Cutoff of the California National Historic Trail in Elko, The Pony Express Trail in Eureka, The Tahoe Rim Trail at Lake Tahoe, Condor Canyon in Caliente and the Spring Mountains National Recreation Area in Las Vegas to name a few.

Nevada's trails are rich with history and uniquely beautiful. I invite you all to visit Nevada's trails and experience all that they have to offer.

CREATING OPPORTUNITIES FOR PUBLIC-PRIVATE PARTNERSHIPS FOR SMALL BUSINESSES

Ms. STABENOW. Mr. President, I wish to have included in the RECORD statements of support for S. 2588, the Health Care Access for Small Businesses Act, from all across the state of Michigan. I am proud to have support from organizations as diverse as providers, insurers, and elected officials.

The three share model is an innovative community-based concept that has worked across the United States from California to Arkansas, of course, to Michigan. The name, "three share" stems from the program's payment structure. Premiums are shared between the employer who pays 30 percent, the employee who pays 30 percent and the community which covers the remaining 40 percent of the cost.

I ask unanimous consent that the support letters be printed in the RECORD.

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

ASCENSION HEALTH,
St. Louis, MO, April 28, 2006.

Hon. DEBBIE STABENOW,
U.S. Senate,
Washington, DC.

DEAR SENATOR STABENOW: I am writing in strong support of the legislation you recently introduced, S. 2588, the "Health Care Access for Small Business Act of 2006," that would expand health insurance coverage for employees who work for small companies through a "Three-Share Program" modeled on a successful initiative first developed in Michigan. As you know, Ascension Health—through our sponsored hospitals and health systems in Michigan that include Standish Community Hospital; Borgess Health Alliance in Kalamazoo; St. Joseph Health System in Tawas City; Saint Mary's Medical

Center in Saginaw; Genesys Health System in Flint; and St. John Health in Detroit—has a significant presence in Michigan. We believe your legislation will help us in our work at the local level in Michigan and across the country to achieve 100% access to health care.

Over the past 6 years, Ascension Health has fostered the development of local community coalitions to expand access and improve the quality of care provided to the uninsured. Our experience led to the development of a 5 step model to expand access to care. Step One is to build a formal infrastructure that can support safety net services for the uninsured. Step Two is to fill service gaps, such as dental prescription drugs, and mental health services. Step Three is to develop and implement a care model for the uninsured that emphasizes coordinated services throughout the continuum of care. Step Four is to recruit physicians to provide medical homes and specialty care for the uninsured. Step Five is to get funding to ensure the long term sustainability of the initiative.

Since 2000, community coalitions in Michigan with an Ascension Health partner have received over \$11 million in federal support through the Healthy Community Access Program (HCAP) and approximately \$2 million in matching funds from Ascension Health. These funds have been used to develop and implement many of the steps identified above to achieve 100% access. We believe your legislation would help us reach the final step of achieving long term sustainability by providing small business, owners and their workers an opportunity to afford insurance coverage.

We enthusiastically support your legislation. Please let us know what we can do to further help you in your efforts to expand coverage for the 47 million Americans without health insurance, the additional 40 million Americans who go uninsured during some part of the year, and the additional 80 million Americans who are only partially covered.

Sincerely,

ATHONY R. TERSIGNI,
President and Chief Executive Officer.

UPPER PENINSULA HEALTH PLAN,
Marquette, MI, April 20, 2006.

Hon. DEBBIE STABENOW,
U.S. Senate,
Washington, DC.

DEAR SENATOR STABENOW: I am writing to express my organization's support for Senator Stabenow's SB 2588, "Health Care Access for Small Business Act of 2006." SB 2588 will provide grants to eligible "three-share programs" for the start-up and operation costs of providing specific health care benefits to eligible covered individuals for a period of five years.

A "Three-Share Program" is a basic plan for health care coverage that brings together employers, workers without health care coverage and outside funding to create a health care coverage plan for those workers who have no other access to health insurance. The plan encourages employers (formerly not offering insurance coverage) to assist in the payment of modest fees for their employees' health coverage. Additional private, state, and/or federal funds are required to augment fees paid by other parties to complete the reimbursement of care. This transforms the "slow pay/no pay" patients into "assuredly-pay/discount-pay" patients.

Presently in Michigan, 1.2 million people do not have health care coverage. Sixty percent of the 1.2 million are employed and work full or part-time. Fifty percent of the 1.2 million are employed by small businesses and are not offered health care benefits. Michigan has seen two successful and separate community initiatives that began offer-

ing health care coverage for employed, low-income persons using the three-share model: HealthChoice in Wayne County (1994) and Access Health in Muskegon County (1999). Both are received grant monies for their start-up and operation costs.

The three-share program is a successful model for other regions to replicate. However, without start-up seed money in which to build community involvement, determine market needs, and establish administrative systems to carry out operational functions, these programs cannot get off the ground. In order to begin solving the health care crisis on a local level, communities need monetary supports in which to fund initiatives such as three-share programs.

Michiganders want access to high-quality, affordable health care. Thank you for initiating this legislation to help them receive it.

Sincerely,

DENNIS H. SMITH,
President & CEO.

TRINITY HEALTH,
Novi, MI, May 12, 2006.

Hon. DEBBIE STABENOW,
U.S. Senate,
Washington, DC.

DEAR SENATOR STABENOW: I am writing to congratulate and thank you for your legislation, the Health Care Access for Small Businesses Act of 2006, and to offer Trinity Health's support and assistance in its passage.

As you know, Mercy General Health Partners, one of Trinity Health's twelve hospitals in Michigan, was instrumental in the creation of Access Health, one of the nation's most successful community-initiated programs for the working uninsured. Access Health now has a seven year track record. We are proud to be associated with Access Health, and appreciate your past contributions in helping to make it the success that it is.

The Health Care Access for Small Businesses Act of 2006 will help communities across the nation replicate the Access Health model, and thus become an important piece of the solution for the country's millions of uninsured individuals.

Specifically, your bill would leverage a federal contribution with community funds to help small businesses and their employees purchase a health coverage product developed by the community. In addition to reducing the local uninsured population, increased access to health care in a community will result in community-wide economic benefit. Employers in the community will experience less health care cost-shifting, and increased productivity and employee retention. With greater emphasis on preventive and chronic care, communities' uninsured populations will become less of a financial burden on state and local budgets.

Thank you for your very thoughtful effort to help communities, small business, and to ensure that the uninsured are not forgotten. We look forward to working with you on this national effort.

Sincerely,

MARSHA J. CASEY,
President, Michigan Ministries.

Detroit, MI, May 9, 2006.

Hon. DEBBIE STABENOW
U.S. Senate,
Washington, DC.

DEAR SENATOR STABENOW: I am writing to express Wayne County's strong support for S. 2588, the Health Care Access for Small Businesses Act of 2006. As you know, Wayne County, Michigan has long been on the forefront of developing innovative health coverage for small business employees and the uninsured. Our experience demonstrates that

these programs have a meaningful impact on employee retention and well-being and provide a much-needed safety net to scores of workers in Wayne County. As such, we appreciate Senator Stabenow's leadership and strongly support the authorization of federal grant programs for pilot demonstrations that will help ensure the establishment and the continued success of three-share health coverage programs across the country.

The "three-share" programs developed in Wayne County provide affordable coverage and quality medical care to working uninsured residents. As you are aware, the two primary three-share programs operating in Wayne County are the Health Choice program and the Four Star Program. Under both programs, workers receive coverage for primary health care, prescription drugs, emergency and urgent care, hospital care, and diagnostic services. Employers, employees, and the County each pay roughly one-third of the premium cost of the coverage, which is less than \$60 per month for employees. There are currently 607 employers, including 3,700 members, participating in Health Choice and approximately 40 businesses, including 150 members, participating in Four Star.

These three-share programs not only provide coverage to individuals who badly need it; but they also help small businesses attract and retain skilled employees. In Wayne County, roughly 280,000 persons are uninsured, many of whom are employed by small businesses that cannot afford to bear the cost of providing a health insurance benefit to their employees. The three-share programs operating in Wayne County provide these employers with a low-cost way of providing health insurance to their workers, which in turn reduces sick days, builds employee morale and loyalty, and ultimately improves our local economy.

Federal grants that would be authorized by S. 2588 could enable Wayne County to expand these programs to serve more persons or include additional benefits. Currently, Wayne County's three-share programs only cover employees and their spouses, as the County is unable to provide coverage to the children of employees. Funding could also support the County's outreach efforts to eligible employers, including reaching out to the Hispanic and Arab American communities to ensure awareness of the program and how it operates. Finally, it is possible that federal grant money would allow the County, working with its underwriters to lower the portion of premiums that employers have to pay, thus providing an incentive to additional small businesses to participate in the program. Numerous other counties would similarly benefit from a federal grant program for three-share programs.

Wayne County's programs have enhanced access to health services for the most needy in our community and we commend your leadership and vision for seeking expanded nationwide access to this model. We are confident other municipalities will find your legislation attractive as well. Expanding insurance opportunities for our nation's uninsured and providing small businesses with a meaningful way of offering health coverage to their employees are significant challenges to many, if not most, municipalities. Three-share programs can positively impact other counties and cities nationwide so that both employers and employees benefit from the continued strength of these programs. Thank you again for all your leadership and all your efforts to address pressing national health coverage access problems.

Sincerely,

ROBERT A. FICANO,
Wayne County Executive.

OAKWOOD HEALTHCARE, INC.,
Dearborn, MI, May 16, 2006.

Hon. DEBBIE STABENOW,
U.S. Senator,
Washington, DC.

DEAR SENATOR STABENOW: Thank you for introducing Senate Bill 2588 that certifies and supports programs to provide uninsured employees of small businesses access to health coverage.

As the Chief Executive Officer of a health system in a market experiencing high unemployment and increasing numbers of uninsured patients among the employed, I am hearing of many individuals avoiding visits to their healthcare provider due to lack of insurance. This has resulted in significant decreases in hospital admissions in Southeast Michigan during the past six months.

Of course, the underlying health problems of these uninsured individuals are not going away. We fully expect to see many of them in our Emergency Room when their condition reaches a crisis stage.

While the problem of the uninsured is entrenched and growing, there are potential solutions. Our governor in Michigan is working to create a statewide plan that would cover significant numbers of uninsured residents. While we support this work, we also believe that development of shared resource insurance programs could very quickly begin addressing the problem in a number of local markets.

Oakwood has already established one such program, known as the "Four-Star" health plan, in which Oakwood Healthcare System, St. John Health System, Henry Ford Health System, and the Detroit Medical Center, partner with the Wayne County Health Department to provide coverage to qualified individuals who share the cost with their employer and the county.

We believe this program and others like it offer a timely and viable approach to providing health care access to the uninsured employed by small businesses. It is exactly the approach described in S. 2588.

We welcome the support this bill would provide to build and market plans like ours. While we believe such three-share plans offer the right solution to many employers and their employees, they require significant startup investment. The grants called for in Section 2201 would do much to encourage additional three-share programs, thus providing access to health care for thousands of employed individuals while adding to the viability and competitiveness of many small businesses. We heartily endorse passage of this legislation.

Sincerely,

GERALD D. FITZGERALD,
President and CEO.

WWW.COVERTHEUNINSURED.ORG,
Dearborn, MI, May 2, 2006.

Hon. DEBBIE STABENOW,
U.S. Senate,
Washington, DC.

DEAR SENATOR STABENOW: I want to thank you for developing and introducing the "Health Care Access for Small Businesses Act of 2006." I support efforts to expand coverage for the uninsured, and I am pleased that your legislation is modeled on the successful multi-share program in Muskegon that provides affordable health insurance options for small businesses. It is this kind of program that should be replicated to reduce the number of working uninsured in our country.

I hope you will find other ways to bring the urgent issue of the uninsured to the forefront of the national political agenda. Nearly 46 million Americans are living without health insurance, including more than 8 million children. As you know, more and more

Michigan families are facing the hardship of being uninsured as cutbacks in manufacturing leave them unemployed or in jobs without health benefits.

The economic impact of the growing uninsured is most evident for states and localities like ours trying to attract job-creating investments. Small businesses often find that insurance coverage for their employees is either unaffordable or simply unavailable. Large employers that do provide health insurance are bearing many of the uninsured treatment costs, which are shifted to them through steeply rising premiums. The result is an uneven playing field for employers.

More importantly, the uninsured often receive care that is "too little too late." Minor illnesses become more severe because care is delayed. The Institute of Medicine has determined that thousands of uninsured people die each year because of this delayed care.

I hope you will work to find bipartisan support for the "Health Care Access for Small Businesses Act of 2006," and that you can continue to support other legislative initiatives on behalf of the uninsured. "Coverage and access for all" makes economic sense because it will mean more efficient and effective care, a healthier population, and a more competitive local economy. More importantly, coverage and access for all is the right thing to do for our community. In a just society, no one should be left behind.

Thank you for your efforts on behalf of the uninsured.

Sincerely,

STANLEY GOLDBERG.

ADDITIONAL STATEMENTS

IN RECOGNITION OF 40 YEARS OF FAITHFUL SERVICE TO THE ELIEZER CHURCH OF OUR LORD JESUS CHRIST

• Mr. LEVIN. Mr. President, I would like to take this opportunity to recognize two distinguished religious leaders in Michigan, Pastor Raymond H. Dunlap, Sr. and his wife, Mother Lillian B. Dunlap. On May 21, 2006, they will be honored for their service to The Eliezer Church of Our Lord Jesus Christ of Flint, MI.

Bishop Dunlap, known by many as a "Man with a Vision," entered the ministry in Columbus, OH in 1954 under the guidance of his father, the late Bishop Sandy Dunlap. In 1966, he became the pastor of the newly established Eliezer Church of Our Lord Jesus Christ in Flint, MI. Bishop Dunlap was appointed district elder of the Northern District in 1977 and 3 years later was named junior bishop at the International Convocation. Bishop Dunlap's faithfulness, leadership, and service lead him to be consecrated bishop in 1983. Bishop Dunlap directed the creation of 13 Churches of the Lord Jesus Christ in Michigan, as well as 3 in Minnesota.

Over the years, Bishop Dunlap has founded several programs, including the Michigan Home Builders, the Apostolic Instructions Deliverance Station, and Anti-Juvenile Delinquency. He also organized the Freedom Train Outreach and was editor of the International Church of Our Lord Jesus Christ of the Apostolic Faith. Through these community-based efforts, Bishop Dunlap

has provided much needed assistance and leadership to those most in need.

Bishop Dunlap's wife, Mother Dunlap, has dedicated a great deal of her service to youth ministry. Her work with the Youth Department, Sunday School Department, Music Department, as well as the Church of Our Lord Jesus Christ Bible Institute Extension has allowed her to touch the lives of children and adults alike. In addition, she has ministered her faith through several literary contributions, including "Words From the Lord For the Women," "Go To Sleep With Mother's Prayer," and "Mountain Top Prayers." Mother Dunlap's faith has been an inspiration not only to her church but to the entire community.

Bishop and Mother Dunlap have delivered their spiritual message through radio ministry for several years. Bishop Dunlap ministers through "The Hour of Power, for Prayer or to Share". Mother Dunlap extends her message through "The Extension of the Hour of Power—Sleep Well With Mother's Prayer."

I know my colleagues join me in congratulating Bishop Dunlap and Mother Dunlap on their service to the Flint community and on their many achievements over the years. I am pleased to offer my best wishes to them on the 40 years of faithful service at the Eliezer Church of Our Lord Jesus Christ and for many more years of good health, happiness, and service to the community.●

MUNSTER HIGH SCHOOL RECEIVES WE THE PEOPLE CENTRAL STATES REGION AWARD

● Mr. LUGAR. Mr. President, I rise today to congratulate Munster High School's We the People class on being awarded the Central States Region Award at the We the People: The Citizen and the Constitution national competition held April 29–May 1 in Washington, DC. I am pleased that the members of the Munster High School We the People class were among the 1,200 students from across the country that participated in this important event specifically designed to educate young people about the U.S. Constitution and Bill of Rights.

I join family, friends, and the entire Munster High School community in recognizing the hard work and dedication of the following members of the Munster High School We the People class: Sara Brown, Sara Farooq, Scott Goodwin, Lauren Hudak, Hannah Huebner, Casey Jedrzejczak, Alexis Jeter, Joseph Kasenga, Emily Lyness, Shobha Pai, Samantha Skrobot, and Matt Westerlund. I also wish to commend Michael Gordon, the teacher of the class, who committed his time and talent to prepare the students for the national competition.

The success of the Indiana We the People program is also attributed to the hard work of Erin Braun and others at the Indiana Bar Association, as well as Stan Harris and Cathy Bomberger.

The We the People national competition is a 3-day academic competition that simulates a congressional hearing in which the students "testify" before a panel of judges on constitutional topics. Students are able to demonstrate their knowledge and understanding of constitutional principles as they evaluate and defend positions on relevant historical and contemporary issues.

The We the People: The Citizen and the Constitution program is administered by the Center for Civic Education and funded by the U.S. Department of Education through congressional appropriations. I am proud to note that between 2002 and 2005, Indiana had 147,497 students participate in the programs offered through the Center for Civic Education, with 7,074,896 participating nationally.●

MESSAGE FROM THE HOUSE

At 1:25 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5385. An act 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, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 1499. An act to amend the Internal Revenue Code of 1986 to allow members of the Armed Forces serving in a combat zone to make contributions to their individual retirement plans even if the compensation on which such contribution is based is excluded from gross income, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. STEVENS).

The message further announced that pursuant to section 214(a) of the Help America Vote Act of 2002 (42 U.S.C. 15344), and the order of the House of December 18, 2005, the Speaker appoints the following member on the part of the House of Representatives to the Election Assistance Commission Board of Advisors to fill the existing vacancy thereon: Mr. Thomas A. Fuentes of Lake Forest, California.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5385. An act 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, and for other purposes; to the Committee on Appropriations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

HOUSE CONCURRENT RESOLUTION NO. 109

POM-321. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to adopt the Senate Appropriations Committee amendment for fishing industry recovery under the Magnuson-Stevens Fishery Conservation and Management Act to H.R. 4939 making emergency supplemental appropriations for the fiscal year ending September 30, 2006; to the Committee on Appropriations.

Whereas, Louisiana's fishing industry is second only to Alaska's in terms of volume with annual landings in excess of 1.2 billion pounds valued at more than three hundred nine million dollars; and

Whereas, Hurricanes Katrina and Rita in August and September of 2005 virtually destroyed the fishing industry in the state of Louisiana, which resulted in the United States Secretary of Commerce, Carlos Guterrez, issuing a formal fishery failure and fishery resource disaster declaration on September 9, 2005, as a result of Hurricane Katrina and a second such declaration on October 4, 2005, as a result of Hurricane Rita; and

Whereas, the United States Congress is currently working on development of the Katrina Supplemental Appropriations Act to which the Senate Appropriations Committee attached an amendment from the Department of Commerce, National Oceanic and Atmospheric Administration for \$1.085 billion for "Operations, Research, and Facilities" under the Magnuson-Stevens Fishery Conservation and Management Act with such funds to remain available until September 30, 2008; and

Whereas, such appropriation is to be used for all aspects of the fishing industry including technical assistance for the states from the National Marine Fisheries Service for oyster bed and shrimp ground rehabilitation; assistance from the National Oceanic and Atmospheric Administration for rebuilding coastal communities; planning efforts to reduce capacity and effort; seafood promotion for Gulf seafood; job retraining for displaced fisheries workers; replacement of fishing gear; reestablishment of docks, icehouses, fuel centers, processing and marine support facilities, piers, and warehouses; replacement of private infrastructure other than vessels; and research and cleanup and repaid activities; and

Whereas, such funding is vital to the recovery of the fishing industry in Louisiana and, indeed, to the recovery of coastal Louisiana generally; Now, therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to adopt the Senate Appropriations Committee amendment for fishing industry recovery under the Magnuson-Stevens Fishery Conservation and Management Act to H.R. 4939 making emergency supplemental appropriations for the fiscal year ending September 30, 2006; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-322. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to

taking such actions as are necessary to expedite the Federal Emergency Management Agency's (FEMA) reimbursement process and to make the reimbursement of accrued interest on loans part of its public assistance grants; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE CONCURRENT RESOLUTION NO. 13.

Whereas, FEMA awards public assistance grants to state and local governments, Indian tribes, and certain private nonprofit organizations; and

Whereas, public assistance grants provide supplemental federal disaster assistance for debris removal, emergency protective measures, and the repair, replacement, or restoration of publicly owned facilities and facilities of certain private nonprofit organizations damaged by disasters; and

Whereas, since Hurricanes Katrina and Rita, more than one billion nine hundred million dollars have been allocated for public assistance grants, which equals the amount allocated to Florida in 2004 following its four hurricanes; and

Whereas, due to the extreme time delay in the receipt of these grants, certain organizations have taken out loans in order to stay in operation; and

Whereas, loans have also been used to fund the restoration of infrastructure to pre-disaster conditions; and

Whereas, the organizations' loans have been accruing interest which is not reimbursable through the public assistance grants; Now, therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to expedite the Federal Emergency Management Agency's (FEMA) reimbursement process and to make the reimbursement of accrued interest on loans part of its public assistance grants; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-323. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to requesting the President of the United States to direct the United States Attorney General and the Chairman of the Federal Trade Commission to investigate all potential price gouging, price fixing, collusion, and other anticompetitive practices related to gasoline prices; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION NO. 182

Whereas, rapidly rising gasoline prices are rippling through the American economy and creating difficult financial situations for individual families and businesses. With crude oil prices hitting \$75 per barrel—an increase of more than 40 percent in less than a year—the country faces a great challenge. While there are numerous factors behind the escalating prices of oil to record levels, there are valid concerns across the country that there could be instances in which prices are being artificially increased in some situations because of activities that are not related solely to market forces; and

Whereas, the path from the oil field to the consumer is a long one. Refining, distribution, marketing, and storage are all processes that must operate above suspicion in order to assure the American people that the prices they pay are honest. Worries over price gouging, collusion, or other illegal activities can seriously undermine the public's trust; and

Whereas, it is essential that all efforts be made to ensure integrity in this critically

important element of our economy. The United States Attorney General and the Federal Trade Commission should take the lead in protecting the public from illegal activities. This vigilance must extend to refining; transportation of fuel by pipelines, marine vessels, and trucks; storage and marketing, including at the wholesale level; and commodity trading; and

Whereas, American consumers have every right to expect that markets are fair and that their governmental agencies and personnel are doing all they can to eliminate all illegal activities, including artificial spot shortages; Now, therefore, be it

Resolved by the House of Representatives, That we respectfully request the President of the United States to direct the United States Attorney General and the Chairman of the Federal Trade Commission to investigate all potential price gouging, price fixing, collusion, and other anticompetitive practices related to gasoline prices; and be it further

Resolved, That a copy of this resolution be transmitted to the Office of the President of the United States.

POM-324. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to formulate a sound energy policy that will provide for the long-term economic and national security needs of the United States of America; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 116

Whereas, a constant, dependable supply of affordable energy is absolutely essential to the continued success and well-being of our nation; and

Whereas, the provision of adequate energy supplies is dependent on a rational energy policy which promotes conservation, prevents unreasonable taxation that would inhibit the competitiveness of United States energy producers against foreign-owned firms, and allows the full development of domestic energy sources in an ecologically sound manner; and

Whereas, the windfall profits tax has proven itself to be an impediment to domestic energy production, a barrier to the competitiveness of United States energy companies in the world market, and an unfair penalty on investors; and

Whereas, the windfall profits tax is a direct cause of unnecessarily high retail energy prices and increased dependence on foreign oil; and

Whereas, our national security and economic growth is imperiled by our growing dependence on foreign energy supplies, which could be reduced by the development of a wide array of domestic energy sources; and

Whereas, the exploration and development of all viable energy reserves in the United States is critical not only to our national economy but also to the redevelopment of the Gulf Coast economies decimated by natural disaster; and

Whereas, a report by the Investors Action Foundation indicates that a windfall profits tax would have a severe, negative economic impact on public employee trust funds which could lose as much as two hundred fifty-one million dollars a year in foregone gains; Now, therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take, with all due haste, such actions as are necessary to formulate a sound energy policy that will provide for the long-term economic and national security needs of the United States of America, which actions should include opposing any effort to establish a windfall profits tax; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-325. A House Joint Memorial adopted by the Legislature of the State of Idaho relative to demanding that the Federal Lands Recreation Act be repealed and that no recreational fees authorized under the Federal Lands Recreation Enhancement Act be imposed to use federal public lands in the state; to the Committee on Energy and Natural Resources.

HOUSE JOINT MEMORIAL NO. 14

Whereas, the Federal Lands Recreation Enhancement Act, H.R. 3283, 108th United States Congress, was introduced in the United States House of Representatives and would have authorized the United States Forest Service, the United States Bureau of Land Management, the United States Fish and Wildlife Service, the National Park Service, and the United States Bureau of Reclamation to charge visitor fees for recreation on publicly owned lands; and

Whereas, H.R. 3283 was not voted on separately in the United States House of Representatives and was not introduced in, did not have hearings in, and was not approved by the United States Senate, but instead was attached to the omnibus spending bill, H.R. 4818, by the 108th United States Congress, as an appropriation rider; and

Whereas, the 108th United States Congress enacted H.R. 4818, and the Federal Lands Recreation Enhancement Act is now codified as 16 U.S.C. sections 6801 through 6814; and

Whereas, the Federal Lands Recreation Enhancement Act includes criminal penalties and is substantive legislation that fundamentally changes the way public land in the state is funded and managed; and

Whereas, the concept of paying fees to use public land is contrary to the idea that public land belongs to the people of the state and is land where every person is granted access and is welcome, a concept that has been and should remain in place; and

Whereas, recreational fees constitute double taxation and bear no relationship to the actual costs associate with recreational use such as hiking, picnicking, observing wildlife, or scenic driving on state roads and public rights-of-way; and

Whereas, the fees imposed by the Federal Lands Recreation Enhancement Act are a regressive tax that places an undue burden on the people living in rural areas adjacent to or surrounded by large areas of federal land and discriminates against lower-income and working Idahoans by placing financial obstacles in the way of their enjoyment of public land; and

Whereas, the public land access fees in the Federal Lands Recreation Enhancement Act are controversial and are opposed by hundreds of organizations, several state legislatures and millions of rural Americans; and

Whereas, the Federal Lands Recreation Enhancement Act establishes an interagency pass that may be used to cover entrance fees and recreational amenity fees for federal public land and water, disregarding the substantially different ways in which national parks and other federal public land are managed and funded; and

Whereas, the limited means of expressing opposition to and the lack of public debate in the implementation of the fee program raises the concern that some citizens may be deterred from visiting and enjoying public land in the state and throughout the United States; and

Whereas, tourism is an important industry to the state, and the imposition of recreational use fees will have a negative effect

on state and local economies; Now, therefore, be it

Resolved, By the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature of the State of Idaho demands that the Federal Lands Recreation Enhancement Act, which was enacted on December 8, 2004, be repealed and that no recreational fees authorized under the Federal Lands Recreation Enhancement Act be imposed to use federal public land in the state; and be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to be sent to the Honorable George W. Bush, President of the United States; the Honorable Richard B. Cheney, Vice-President of the United States and President of the U.S. Senate; the Honorable Gale Norton, United States Secretary of the Interior; the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; the Honorable Ted Stevens, President Pro Tempore of the U.S. Senate, the Honorable William H. Frist, Majority Leader of the U.S. Senate; the Honorable Harry Reid, Minority Leader of the U.S. Senate; the Honorable John Boehner, Majority Leader of the U.S. House of Representatives; the Honorable Nancy Pelosi, Minority Leader of the U.S. House of Representatives; and the congressional delegation representing the State of Idaho in the Congress of the United States.

POM-326. A resolution adopted by the Senate of the State of Michigan relative to memorializing the President of the United States and the United States Congress to take prompt action to provide relief from high gas prices; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 61

Whereas, the average price for unleaded regular gasoline is 71 cents per gallon higher than this time last year; and

Whereas, this is the highest price gasoline has been since immediately after Hurricane Katrina in 2005. The President has instructed the Federal Trade Commission, the Justice Department, and the Energy Department to investigate whether the price of gasoline has been unfairly manipulated; and

Whereas, the average price for a barrel of oil recently topped \$75.00 for the first time in history. The President has called on Congress to take back some of the billions of dollars in tax incentives given to energy companies that are not needed in the face of record profits due to high oil prices; and

Whereas, this per-barrel price is approaching the inflation-adjusted highs of the late 1970s and early 1980s; and

Whereas, Michigan's manufacturing, agricultural, and tourism economies are negatively impacted by rising fuel costs; and

Whereas, the Legislature appropriated funds for the Department of Agriculture to add Motor Fuel Quality inspectors and to increase the number of gas pump inspections in the state of Michigan. These inspections help decrease the chance that consumers are being gouged at the pump and should continue so that our citizens get what they pay for; and

Whereas, there are many factors that have contributed to the recent rise in gasoline pump prices. A significant element is the dozens of gasoline formulations that refineries must produce to meet environmental standards nationwide, as well as the switch from winter to summer gasoline blends; and

Whereas, to address these concerns, the President has ordered a temporary suspen-

sion of environmental rules for gasoline so that refineries can meet consumer demand more cost effectively, which should in turn dampen prices at the pump; and

Whereas, while our nation's refining capacity has been stagnant for 30 years, our total energy demand has increased by 40 percent. This is due in part to the problems of a large bureaucratic permitting process that has made it extremely difficult to site and construct new refineries; and

Whereas, new refineries could increase gasoline supplies and lower gasoline prices for consumers. It may be helpful for Michigan to identify what state government barriers exist that hamper our ability to site new refineries or to enhance our existing refinery capacity; and

Whereas, legislation to support increased exploration and production of domestic oil and gas reserves has been debated by Congress. Such development would decrease our dependence on foreign sources of oil and meet the nation's future energy needs; and

Whereas, the Strategic Petroleum Reserve was established to guard against any major supply disruption. The President ordered the deferment of deposits into the reserve to leave more oil on the market to meet consumer demand, which should in turn dampen prices at the pump; and

Whereas, one approach to solving America's energy problems is to invest in alternative forms of energy. The President signed the National Energy Policy Act of 2005, which authorizes billions of dollars to promote the production and use of alternative transportation fuels and to enhance domestic energy production. By supporting the production and use of ethanol, biodiesel, and other alternative fuels, our nation will enhance its security by becoming less dependent on foreign sources of oil. Now therefore, be it

Resolved by the Senate, That we urge the United States Attorney General and the Chairman of the Federal Trade Commission to immediately investigate all potential price gouging, price fixing, and other anti-competitive practices related to gasoline prices as directed by the President of the United States; and be it further

Resolved, That we memorialize the Congress to act on the President's call to roll back government assistance and tax breaks for oil companies; and be it further

Resolved, That we support the President's actions to temporarily suspend environmental rules for gasoline to more quickly and efficiently make the switch to summer gasoline and thereby dampen gasoline prices at the pump; and be it further

Resolved, That we memorialize the President of the United States and the United States Congress to increase efforts to decrease the nation's dependence on foreign sources of energy by increasing domestic oil and gas exploration and production; and be it further

Resolved, That we support the President's actions to defer deposits into the Strategic Petroleum Reserve, which could increase supply and dampen prices at the pump; and be it further

Resolved, That we memorialize the President of the United States and the United States Congress to increase their support for the development of alternative forms of energy, including ethanol, biodiesel, blended fuels, and other alternative fuels; and be it further

Resolved, That we memorialize the Governor to divest state investments in oil companies that she feels have made unseemly profits; and be it further

Resolved, That we memorialize the Governor to investigate why it took more than a year and a half for her administration to uti-

lize money provided by the Legislature to increase gasoline pump inspections and deploy new inspectors in a proactive manner. Michigan consumers continue to overpay by hundreds of millions of dollars at the pump while the administration continues a reactive inspection program rather than a proactive inspection program that could protect consumers from paying for more gas than they are receiving; and be it further

Resolved, That we memorialize the Governor to instruct the Michigan Department of Environmental Quality to examine Michigan regulations to identify barriers to increasing refinery capacity in Michigan and to make recommendations to lower and remove such barriers; and be it further

Resolved, That we memorialize the Governor to investigate the barriers to the redevelopment of Michigan oil and gas reserves and to make recommendations to lower and remove such barriers; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Office of the Governor.

POM-327. A resolution adopted by the Senate of the State of Michigan relative to memorializing the President of the United States and the United States Congress to take prompt action to provide relief from high gas prices and to call on the Governor of the State of Michigan to investigate potential effects of state government policies that may add to the price of gasoline in Michigan; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 123

Whereas, the average price for unleaded regular gasoline is 71 cents per gallon higher than this time last year; and

Whereas, this is the highest price gasoline has been since immediately after Hurricane Katrina in 2005. The President has instructed the Federal Trade Commission, the Justice Department and the Energy Department to investigate whether the price of gasoline has been unfairly manipulated; and

Whereas, the average price for a barrel of oil recently topped \$75.00 for the first time in history. The President has called on Congress to take back some of the billions of dollars in tax incentives given to energy companies that are not needed in the face of record profits due to high oil prices; and

Whereas, this per-barrel price is approaching the inflation-adjusted highs of the late 1970s and early 1980s; and

Whereas, Michigan's manufacturing, agricultural, and tourism economies are negatively impacted by rising fuel costs; and

Whereas, the Legislature appropriated funds for the Department of Agriculture to add Motor Fuel Quality inspectors and to increase the number of gas pump inspections in the state of Michigan. These inspections help decrease the chance that consumers are being gouged at the pump and should continue so that our citizens get what they pay for; and

Whereas, there are many factors that have contributed to the recent rise in gasoline pump prices. A significant element is the dozens of gasoline formulations that refineries must produce to meet environmental standards nationwide as well as the switch from winter to summer gasoline blends; and

Whereas, to address these concerns, the President has ordered a temporary suspension of environmental rules for gasoline so that refineries can meet consumer demand more cost effectively, which should in turn dampen prices at the pump; and

Whereas, while our nation's refining capacity has been stagnant for 30 years, our total energy demand has increased by 40 percent. This is due in part to the problems of a large bureaucratic permitting process that has made it extremely difficult to site and construct new refineries; and

Whereas, new refineries could increase gasoline supplies and lower gasoline prices for consumers. It may be helpful for Michigan to identify what state government barriers exist that hamper our ability to site new refineries or to enhance our existing refinery capacity; and

Whereas, legislation to support increased exploration and production of domestic oil and gas reserves has been debated by Congress. Such development would decrease our dependence on foreign sources of oil and meet the nation's future energy needs; and

Whereas, Strategic Petroleum Reserve was established to guard against any major supply disruption. The President ordered the deferment of deposits into the reserve to leave more oil on the market to meet consumer demand, which should in turn dampen prices at the pump; and

Whereas, one approach to solving America's energy problems is to invest in alternative forms of energy. The President signed the National Energy Policy Act of 2005, which authorizes billions of dollars to promote the production and use of alternative transportation fuels and to enhance domestic energy production. By supporting the production and use of ethanol, biodiesel and other alternative fuels, "our nation" will enhance its security by becoming less dependent on foreign sources of oil; Now, therefore, be it

Resolved by the Senate, That we urge the United States Attorney General and the Chairman of the Federal Trade Commission to immediately investigate all potential price gouging, price fixing, and other anti-competitive practices related to gasoline prices as directed by the President of the United States; and be it further

Resolved, That we memorialize the Congress to act on the President's call to roll back government assistance and tax breaks for oil companies; and be it further

Resolved, That we support the President's actions to temporarily suspend environmental rules for gasoline to more quickly and efficiently make the switch to summer gasoline and thereby dampen gasoline prices at the pump; and be it further

Resolved, That we memorialize the President of the United States and the United States Congress to increase efforts to decrease the nation's dependence on foreign sources of energy in by increasing domestic oil and gas exploration and production; and be it further

Resolved, That we support the President's actions to defer deposits into the Strategic Petroleum Reserve, which could increase supply and dampen prices at the pump; and be it further

Resolved, That we memorialize the President of the United States and the United States Congress to increase their support for the development of alternative forms of energy, including ethanol, biodiesel, blended fuels, and other alternative fuels; and be it further

Resolved, That we memorialize the Governor to divest state investments in oil companies that she feels have made unseemly profits; and be it further

Resolved, That we memorialize the Governor to investigate why it took more than a year and a half for her administration to utilize money provided by the Legislature to increase gasoline pump inspections and deploy new inspectors in a proactive manner. Michigan consumers continue to overpay by hundreds of millions of dollars at the pump

while the administration continues a reactive inspection program rather than a proactive inspection program that could protect consumers from paying for more gas than they are receiving; and be it further

Resolved, That we memorialize the Governor to instruct the Michigan Department of Environmental Quality to examine Michigan regulations to identify barriers to increasing refinery capacity in Michigan and to make recommendations to lower and remove such barriers; and be it further

Resolved, That we memorialize the Governor to investigate the barriers to the redevelopment of Michigan oil and gas reserves and to make recommendations to lower and remove such barriers; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Office of the Governor.

POM-328. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to ensure that any United States Army Corps of Engineer project restoring barrier islands protecting Terrebonne and Timbalier Bays redefine and narrow Whiskey Pass, Little Pass, Wine Island Pass, and Cat Island Pass using hardened material; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 108

Whereas, current techniques of restoring barrier islands use fine materials from water bottoms to rebuild the shoreline of the islands, but a hardened material would not as easily erode back into the sea and both techniques work hand in hand and are applicable; and

Whereas, Louisiana's barrier islands are the primary line of defense against waves and storm surge from the Gulf of Mexico and protect our extensive estuarine system and the mainland marshes; and

Whereas, barrier islands help keep one of the nation's most productive fisheries vibrant, provide habitat to wildlife, and furnish storm protection for homes, roads, waterways, and oil industry infrastructure; and

Whereas, these barrier islands provide valuable habitat for migratory birds, nesting shorebirds and waterfowl, and aquatic nursery habitats for fish and shellfish; and

Whereas, restoration is critical to sustaining the barrier islands and reducing mainland marsh loss; and

Whereas, the erosion and breaching of barrier islands reduces their effectiveness in preventing storm surges from reaching mainland marshes and results in increased wave damage to bay marshes; and

Whereas, Louisiana, which contains forty percent of the wetlands in the forty-eight contiguous states, is losing between twenty-five and thirty-five square miles of valuable marine habitat a year, mainly due to erosion, subsidence, and other forces; Now, therefore, be it

Resolved, That the Legislature of Louisiana does hereby, memorialize the United States Congress to take such actions as are necessary to ensure that any United States Army Corps of Engineer project restoring barrier islands protecting Terrebonne and Timbalier Bays redefine and narrow Whiskey Pass, Little Pass, Wine Island Pass, and Cat Island Pass using hardened material or rocks; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-329. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to facilitate the construction of a storm surge barrier at Port Fourchon; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 107

Whereas, in August and September of 2005, the state's coast was visited by two devastating hurricanes, Katrina and Rita, respectively; and

Whereas, Hurricanes Katrina and Rita laid massive destruction all along the southern coast of this state, from St. Bernard Parish to Cameron Parish; and

Whereas, the state's oil and gas infrastructure did not escape the wrath of these two hurricanes, suffering major damages to many of the rigs and platforms located in the Gulf of Mexico and to inland processing facilities; and

Whereas, Hurricane Katrina halted oil and gas production along the coast of Louisiana, the source for twenty-five percent of the country's crude oil production; and

Whereas, such percentage indicates the importance of the industry not only to the state, but to the nation as a whole; and

Whereas, the effects of the destruction and damages felt by the oil and gas industry were not confined to this state, but were felt across the country; and

Whereas, such widespread effect mandates that the federal government take a leading role in protecting the oil and gas industry from future destruction; Now, therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions, including funding, as are necessary to facilitate the construction of a storm surge barrier at Port Fourchon; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-330. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to urging and requesting the Social Security Administration to accept a notarized document to suffice as independent verification for evidence of age; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 90

Whereas, in December 2005, the Social Security Administration changed its procedures for accepting "evidence of age" for newborns; and

Whereas, the Social Security Administration is required to independently verify all documents submitted by United States born individuals requesting an original social security card unless the request for a social security number is submitted through the enumeration at birth process; and

Whereas, according to the Social Security Administration, independent verification requires contacting the hospital where the child was born to determine whether a document submitted by an applicant is authentic; and

Whereas, prior to Hurricane Katrina most newborns in Louisiana were issued social security numbers through Louisiana's enumeration at birth process; and

Whereas, birth certificates were filed with the Louisiana Office of Vital Records by Louisiana hospitals shortly after birth; and

Whereas, if requested by the parents, the Louisiana Office of Vital Records would provide the Social Security Administration

with the necessary information used to issue social security numbers; and

Whereas, since Hurricane Katrina, the Louisiana Office of Vital Records has experienced severe disruption in services including the ability to process birth certificates; and

Whereas, consequently, many infants born prior to, during, and after Hurricane Katrina have not been issued social security numbers through the enumeration at birth process; and

Whereas, since it is unknown when the Louisiana Office of Vital Records will return to normal operations and the enumeration at birth process is fully restored, parents have begun applying for social security numbers for their newborns at local social security offices throughout the state; and

Whereas, prior to the new social security regulations, parents could use an original verification of birth issued by the hospital, as evidence of age, to apply for a social security number for their newborns; and

Whereas, with the new social security requirements, the social security office must independently verify with hospitals the authenticity of each verification of birth given; and

Whereas, this new requirement mandates that hospital staff spend extreme amounts of time re-verifying the birth of every infant applying for a social security number; and

Whereas, since Hurricane Katrina, Woman's Hospital alone has delivered more than three thousand five hundred infants: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby urge and request the Social Security Administration to accept a notarized document to suffice as independent verification for evidence of age; and Be it further

Resolved, That a suitable copy of this Resolution be transmitted to the vice president of the medical staff at Woman's Hospital and each member of the Louisiana congressional delegation.

POM-331 A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to redirecting and making available to Louisiana federal contingency funds that were set aside through the Temporary Assistance For Needy Families (TANF) Emergency Response and Recovery Act of 2005 to be drawn by states receiving and hosting residents of Louisiana, Alabama, and Mississippi that were displaced by Hurricane Katrina and Hurricane Rita which remains unused; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION No. 41

Whereas, the devastating effects of Hurricane Katrina are still impacting the lives of many persons forced to evacuate; and

Whereas, Congress passed the Temporary Assistance for Needy Families (TANF) Emergency Response and Recovery Act of 2005 to give host states access to two billion dollars to help hurricane victims scattered across the country due to the results of the recent hurricanes; and

Whereas, this act increased the amount of the state family assistance grants and provided immediate access to TANF contingency funds to ensure families in crisis had access to immediate assistance; and

Whereas, this act allows host states providing services to evacuees to apply for contingency funds until August 31, 2006; and

Whereas, more than five months after the contingency funds were set aside for host states to access, few states have requested the additional aid; and

Whereas, billions of unclaimed dollars of federal disaster aid for Hurricane Katrina and Hurricane Rita evacuees go unused even when many of those affected are still in need of immediate assistance; and

Whereas, the unclaimed and unused federal disaster aid funds could be put to immediate use in the hurricane ravaged states to meet the needs of many families and improve their lives; Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to redirect and make available to Louisiana federal contingency funds that were set aside through the Temporary Assistance For Needy Families (TANF) Emergency Response and Recovery Act of 2005 to be drawn by states receiving and hosting residents of Louisiana, Alabama, and Mississippi that were displaced by Hurricane Katrina and Hurricane Rita which remain unused; and Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-332. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to providing states with the necessary funding to implement the goals of the No Child Left Behind Act of 2001 and other education-related programs and to offer states waivers or exemptions from related regulations when federal funding for elementary and secondary education is decreased; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION No. 60

Whereas, the State of Hawaii has long pursued the goal of improving the academic performance of all students, especially those of minority racial and ethnic backgrounds, lower economic status, and limited English proficiency, and those with learning disabilities or challenges; and

Whereas, the State of Hawaii, therefore, applauds the President of the United States and Congress for setting the same goals in the No Child Left Behind Act of 2001, and emphasizing the urgency in closing the achievement gaps for these students; and

Whereas, the No Child Left Behind Act has encouraged some needed changes in public education and was initially accompanied by relatively large increases in federal funding for public elementary and secondary education; and

Whereas, the increases in federal funding since the first year of implementation of the No Child Left Behind Act have been minimal and insufficient to meet its requirements; and

Whereas, the federal government has decreased funding for programs implementing the No Child Left Behind Act in fiscal year 2006 by almost \$800,000,000, and for overall public education by \$606,000,000, including cuts of more than \$165,000,000 from postsecondary education and over \$20,000,000 from programs for students with disabilities: Now, therefore, be it

Resolved, By the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, that the Hawaii Legislature urges the President of the United States and United States Congress to make a serious commitment to improving the quality of the nation's public schools by substantially increasing its funding for implementation of the No Child Left Behind Act, the Higher Education Act, the Individuals with Disabilities Education Act, and other education-related programs; and be it further

Resolved, That the State of Hawaii requests that in any year that federal funding for public elementary and secondary education is decreased, the President, United States Congress, and the United States Department of Education create flexibility in No Child Left Behind Act requirements through the

use of state waivers, exemptions, or other mechanisms; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of Education, and Hawaii's congressional delegation.

POM-333. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to urging the United States Congress to support changes to the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION No. 61

Whereas, the National Conference of State Legislatures created a special task force (Task Force) that spent ten months conducting a comprehensive, bipartisan review of the No Child Left Behind Act of 2001; and

Whereas, this review identified a number of changes that must be made to the No Child Left Behind Act for it to become a positive impetus to school improvement and ensure that young people will learn at their full potential; and

Whereas, the Task Force drafted forty-three recommendations outlining these necessary changes to provide useful, workable requirements for schools, many of which could be easily incorporated into the No Child Left Behind Act; and

Whereas, the four key Task Force recommendations include: (1) removing obstacles that block state education innovations and undermine programs that were succeeding prior to the passage of the No Child Left Behind Act; (2) providing the federal financial assistance necessary for states to meet No Child Left Behind Act classroom goals; (3) removing the "one-size-fits-all" student performance measurements in favor of more sophisticated systems that measure progress on an individualized basis; and (4) recognizing that individual schools face special challenges, and that significant differences exist between rural and urban schools: Now, therefore, be it

Resolved, By the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, that the Hawaii State Legislature strongly urges the Congress of the United States to support the worthwhile recommendations of the National Conference of State Legislatures special task force on revisions to the No Child Left Behind Act; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and Hawaii's congressional delegation.

POM-334. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to increasing funds for federal education initiatives and affording more flexibility to states in relation to the No Child Left Behind Act; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION No. 103

Whereas, all children, regardless of race, income, ethnicity, or disability, deserve a quality public education; and

Whereas, the nation's states are charged with the constitutional responsibility of providing public schools that help all children achieve their full potential; and

Whereas, states have a strong history of innovation, leading education reforms, and responding to the unique needs of their schools and communities; and

Whereas, states have long supported the worthy goals of the federal No Child Left Behind Act to improve academic achievement,

provide quality teachers, and increase accountability at all levels; and

Whereas, while a stated goal of NCLB is to provide flexibility for states to improve academic achievement and close achievement gaps, the Task Force on NCLB found that little flexibility has been granted to states to implement NCLB; and

Whereas, the best way for the federal government to make education a national priority is to support states in their continuing efforts to raise student achievement by investing in the core building blocks of educational improvement, including:

(1) A quality classroom environment that provides students with quality teachers, smaller classes, up-to-date books and materials, and tools for technology;

(2) Opportunities for increased parent and community involvement that recognize the crucial role that parents and the community play in student success;

(3) Standard that support, not undermine, state and local education reform efforts that set high expectations, demonstrate clear results, and establish comprehensive and rigorous curricula;

(4) Accurate measures of student achievement that provide schools with a better gauge of student performance by relying on a broader range of measures, including graduation, attendance and dropout rates, classroom grades, and student progress, in addition to test scores; and

(5) Improved measures of accountability that focus on results, rather than the process, provide support and incentives rather than mandates and punishments, and direct sufficient resource to the students and schools most in need; Now, therefore, be it

Resolved, By the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, that the President of the United States and the United States Congress are urged to fulfill their commitment to improving the quality of the nation's public schools by substantially increasing funding for NCLB, the Higher Education Act, the Individuals with Disabilities Education Act, and other education-related programs; and be it further

Resolved, That the State of Hawaii respectfully requests that the President of the United States, United States Congress, and United States Department of Education provide waivers, exemptions, or other flexibility to help the states with the requirements of NCLB for any year that federal funding for public elementary and secondary education is reduced; and be it further

Resolved, That the State of Hawaii encourages other states to pass similar resolutions; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States, President of the United States Senate, Speaker of the United States House of Representatives, Secretary of the United States Department of Education, and members of Hawaii's Congressional delegation.

POM-335. A resolution adopted by the Senate of the State of Michigan relative to adding social studies to the testing requirements of the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 108

Whereas, Every generation of Americans has relied on the public schools to prepare young people to be responsible stewards of our national legacy, entrepreneurial economic competitors, and active participants in civic life. The founders believed that well-educated citizens were crucial to a free society; and

Whereas, Citizens of the twenty-first century face unprecedented challenges, including adapting to widely diverse communities and workplaces, economic competition on a global scale, applying rapidly evolving technologies, managing scarce natural resources, and revolving political and cultural conflicts; and

Whereas, The No Child Left Behind Act of 2001 requires rigorous assessment of the core academic subject of reading, mathematics, and science. Success in dealing with the challenges of the twenty-first century require mastering the core disciplines of the social sciences, including civics, government, economics, history, and geography, as well as reading, mathematics, and science; and

Whereas, Assessing or measuring proficiency in some but not all of the academic subjects necessary for a successful education results in a lack of equitable measurement data of student achievement. This limits accountability for the responsible delivery of the untested academic subjects as well as leading to less instructional attention, fewer resources, and less emphasis on the social studies curriculum: Now, therefore, be it

Resolved by the Senate, That we memorialize the United States Congress to add civics, government, economics, history, and geography to the testing requirements of the No Child Left Behind Act of 2001; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-336. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to providing flexible funding to help states and local communities clean up and deal with the disastrous effects of clandestine methamphetamine labs; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 209

Whereas, There is a meth epidemic in the United States, and it is having a devastating effect on our country. Meth abuse is causing social, economic, and environmental problems. Children residing in homes with meth labs live in danger and often suffer from neglect and abuse. Meth production costs citizens and governments millions of dollars for a variety of reasons, including law enforcement costs, drug treatment for offenders, cleanup of production sites, and placement of endangered children; and

Whereas, Meth labs leave behind a toxic mess of chemicals and pose a significant danger to communities. The manufacture of one pound of methamphetamine results in six pounds of waste. These wastes include corrosive liquids, acid vapors, heavy metals, solvents, and other harmful materials that can disfigure skin or cause death. Hazardous materials from meth labs are typically disposed of illegally and may cause severe damage to the environment; and

Whereas, Between 1992 and 2004, the number of clandestine meth lab-related cleanups increased from 394 to over 10,000 nationwide. The cost of cleaning up clandestine labs in FY 2004 was approximately \$17.8 million; and

Whereas, States and local governments are bearing the burden of funding the clean up efforts. Many local communities are finding and seizing meth labs. But the lab sites remain dangerous to the public because neither the state or the local community has adequate funding to clean them up; and

Whereas, Federal funding that is supposed to help states and local communities bear

the burden of cleaning up meth labs is narrowly crafted and many states and local communities are finding it difficult to qualify; and

Whereas, Federal legislation, such as the Clean, Learn, Educate, Abolish, Neutralize, and Undermine Production (CLEAN-UP) of Methamphetamines Act, introduced in the United States House of Representatives, and the Combat Meth Act of 2005, introduced in the United States Senate, contain funding for meth lab cleanup; Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to provide funding for meth lab clean up and ensure that the criteria to qualify for the funds is broad enough that states and local communities in the midst of the meth epidemic can access the funds; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-337. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to using flexibility in the implementation of rules to allow use of an enhanced drivers license under the Western Hemisphere Travel Initiative which requires all citizens of any age of the United States, Canada, Mexico, and Bermuda to have a passport or other secure documentation to enter or re-enter the United States; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 188

Whereas, The Michigan-Canada crossing is the busiest border crossing in North America, including commerce, tourism, trade, workers, and students, averaging hundreds of millions of dollars in trade value per day in Michigan alone and hundreds of billions of dollars per year across the entire northern border. There are 10 land ports of entry between Canada and Michigan, and in 2004 over 21 million passenger vehicles crossed at just five of those ports. In 2004, there were 58,000 daily border crossings to and from Michigan and Canada; and

Whereas, The Western Hemisphere Travel Initiative is a proposal developed by the United States Department of Homeland Security and the United States Department of State, to require that all citizens of any age entering or re-entering the United States from Canada, Mexico, and Bermuda, have in their possession a passport or other secure documentation as the only acceptable documentation required by law as of December 31, 2007; and

Whereas, This proposal could have a devastating economic impact on Michigan by slowing commerce and tourism. The costly (\$97 for each adult and \$82 for each child) and cumbersome process of obtaining a passport may discourage many families, entrepreneurs, and tourists from traveling across the border. Many residents in border regions would be discouraged from taking spontaneous trips across the border. It is projected that the total number of persons crossing the border would decline, subsequently causing financial difficulties for bridge and tunnel operators along the border who largely depend on toll revenue to undertake maintenance and improvement projects. It is estimated that the impact of this policy would be economically devastating to Michigan because Canada remains Michigan's primary export market, with \$175 billion worth of merchandise goods exchanged during 2004 alone; and

Whereas, This proposal could end an 80-year period of trust between the United

States and Canada that allowed for seamless cross-border trade and travel and the opportunity for education and employment exchanges; and

Whereas, Protecting our borders is critical to ensuring homeland security, and alternative means of establishing a traveler's identity and nationality should be thoroughly examined by the Departments of Homeland Security and State. One such alternative that would be much cheaper and less cumbersome could involve an identification code on driver's licenses issued in Michigan: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the President and the Congress of the United States to use flexibility in the implementation of rules to allow use of an enhanced drivers license under the Western Hemisphere Travel Initiative which requires all citizens of any age of the United States, Canada, Mexico, and Bermuda to have a passport or other secure documentation to enter or re-enter the United States; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-338. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to enacting legislation restricting protests at funerals; to the Committee on Veterans' Affairs.

HOUSE RESOLUTION NO. 226

Whereas, More than 100 military funerals nationwide have been besieged with protesters in the past three years. Protesters have trespassed on the solitude and dignity of grieving families, who want nothing more than to bury their husbands, wives, sons, and daughters in peace and solemnity. Espousing perverse and hateful language and placards, these protesters celebrate the slaying of our nation's heroes; and

Whereas, No family member, on the blackest day of their life, should have to confront such premeditated viciousness, which is solely calculated to deepen the anguish of bereavement. Under such circumstances, the family's right to privacy outweighs any supposed free speech concerns; and

Whereas, The United States Congress is considering legislation to restrict protests at funerals at national cemeteries for 60 minutes before or after a funeral. The measure would also restrict protesters to remain 500 feet or more from the grave site or from individuals they are protesting: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to enact legislation restricting protests at funerals; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. GRASSLEY for the Committee on Finance.

*Susan C. Schwab, of Maryland, to be United States Trade Representative, with the rank of Ambassador.

By Ms. COLLINS for the Committee on Homeland Security and Governmental Affairs.

*Robert J. Portman, of Ohio, to be Director of the Office of Management and Budget.

*David L. Norquist, of Virginia, to be Chief Financial Officer, Department of Homeland Security.

*Robert Irwin Cusick, Jr., of Kentucky, to be Director of the Office of Government Ethics for a term of five years.

*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.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 2919. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to establish a Director of the Pension Benefit Guaranty Corporation and the Internal Revenue code of 1986 to increase certain penalties, and for other purposes; to the Committee on Finance.

By Mr. REID (for Mr. BIDEN):

S. 2920. A bill to amend the Safe Drinking Water Act to eliminate security risks by replacing the use of extremely hazardous gaseous chemicals with inherently safer technologies; to the Committee on Environment and Public Works.

By Mr. REID (for Mr. DAYTON):

S. 2921. A bill to amend title 49, United States Code, to enhance competition among and between rail carriers in order to ensure efficient rail service and reasonable rail rates, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. TALENT:

S. 2922. A bill to suspend temporarily the duty on certain machines used in the assembly of motorcycle wheels; to the Committee on Finance.

By Mr. KYL:

S. 2923. A bill to extend temporarily the suspension of duty on Vinclozolin; to the Committee on Finance.

By Mr. ALLEN:

S. 2924. A bill to suspend temporarily the duty on brominated polystyrene flame retardant; 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 Mrs. CLINTON (for herself, Ms. CANTWELL, Mr. MENENDEZ, Mr. KERRY, Mr. LAUTENBERG, Mrs. MURRAY, Mr. KENNEDY, Mr. SCHUMER, Mrs. BOXER, Mr. HARKIN, Mrs. FEINSTEIN, and Ms. LANDRIEU):

S. Res. 485. A resolution to express the sense of the Senate concerning the value of family planning for American women; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself, Mr. ALLEN, Mr. CRAIG, Mr. STEVENS, Mr. VITTER, Ms. LANDRIEU, Mrs. DOLE, Mr. CRAPO, Mr. BURNS, Mrs. LINCOLN, Mr. WARNER, Mr. JOHNSON, Mr. ROB-

ERTS, Mr. SANTORUM, and Mr. DEWINE):

S. Res. 486. A resolution designating June 2006 as "National Internet Safety Month"; considered and agreed to.

By Mr. FEINGOLD (for himself and Ms. SNOWE):

S. Res. 487. A resolution expressing the sense of the Senate 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; considered and agreed to.

By Mr. ALEXANDER (for himself, Mr. LEAHY, Mr. HATCH, Mr. NELSON of Florida, and Mr. FRIST):

S. Res. 488. A resolution expressing the sense of Congress that institutions of higher education should adopt policies and educational programs on their campuses to help deter and eliminate illicit copyright infringement occurring on, and encourage educational uses of, their computer systems and networks; considered and agreed to.

ADDITIONAL COSPONSORS

S. 25

At the request of Mr. CHAMBLISS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 25, a bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States.

S. 558

At the request of Mr. REID, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 558, a bill to amend title 10, United States Code, to permit certain additional retired members of the Armed Forces who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special compensation and to eliminate the phase-in period under current law with respect to such concurrent receipt.

S. 559

At the request of Mr. BIDEN, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 559, a bill 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, and for other purposes.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1099

At the request of Mr. SHELBY, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1099, a bill to repeal the current Internal Revenue Code and replace it with a flat tax, thereby guaranteeing economic growth and greater fairness for all Americans.

S. 1162

At the request of Ms. CANTWELL, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1162, a bill to amend title 10 and 38, United States Code, to repeal the 10-year limits on use of Montgomery GI Bill educational assistance benefits, and for other purposes.

S. 1171

At the request of Mr. SPECTER, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1171, a bill to halt Saudi support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, and to secure full Saudi cooperation in the investigation of terrorist incidents, and for other purposes.

S. 1353

At the request of Mr. MARTINEZ, his name was added as a cosponsor of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

At the request of Mr. REID, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 1353, *supra*.

S. 1376

At the request of Mr. COCHRAN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1376, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 1862

At the request of Mr. SMITH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1862, a bill to establish a joint energy cooperation program within the Department of Energy to fund eligible ventures between United States and Israeli businesses and academic persons in the national interest, and for other purposes.

S. 1934

At the request of Mr. SPECTER, the names of the Senator from Maine (Ms. COLLINS) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1934, a bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

S. 2278

At the request of Ms. MURKOWSKI, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor 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. 2292

At the request of Mr. SPECTER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2292, a bill to provide relief for the Federal judiciary from excessive rent charges.

S. 2321

At the request of Mr. SANTORUM, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2385

At the request of Mr. REID, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2385, a bill to amend title 10, United States Code, to expand eligibility for Combat-Related Special Compensation paid by the uniformed services in order to permit certain additional retired members who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for that disability and Combat-Related Special Compensation by reason of that disability.

S. 2452

At the request of Mr. BAYH, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2452, a bill to prohibit picketing at the funerals of members and former members of the armed forces.

S. 2459

At the request of Ms. COLLINS, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2459, a bill to improve cargo security, and for other purposes.

S. 2494

At the request of Mr. BURNS, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 2494, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for the payment of premiums for high deductible health plans, to allow a credit for certain employment taxes paid with respect to premiums for high deductible health plans and contributions to health savings accounts, and for other purposes.

S. 2506

At the request of Mr. OBAMA, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2506, a bill to require Federal agencies to support health impact assessments and take other actions to improve health and the environmental quality of communities, and for other purposes.

S. 2642

At the request of Mrs. FEINSTEIN, the name of the Senator from Wisconsin

(Mr. FEINGOLD) was added as a cosponsor of S. 2642, a bill to amend the Commodity Exchange Act to add a provision relating to reporting and record-keeping for positions involving energy commodities.

S. 2658

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2658, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 2694

At the request of Mr. CRAIG, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2694, a bill to amend title 38, United States Code, to remove certain limitation on attorney representation of claimants for veterans benefits in administrative proceedings before the Department of Veterans Affairs, and for other purposes.

S. 2703

At the request of Mr. SPECTER, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2703, a bill to amend the Voting Rights Act of 1965.

S. 2796

At the request of Mr. GRAHAM, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2796, a bill to authorize the Secretary of Energy to establish monetary prizes for achievements in overcoming scientific and technical barriers associated with hydrogen energy.

S. 2802

At the request of Mr. ENSIGN, the names of the Senator from Hawaii (Mr. INOUE), the Senator from Oregon (Mr. SMITH), the Senator from Virginia (Mr. ALLEN), the Senator from Montana (Mr. BURNS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Florida (Mr. NELSON) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 2802, a bill to improve American innovation and competitiveness in the global economy.

S. 2803

At the request of Mr. ENZI, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 2803, a bill to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining.

S. 2810

At the request of Mr. GRASSLEY, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from California (Mrs. BOXER) were added as cosponsors of 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.

S. 2811

At the request of Ms. STABENOW, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2811, a bill to amend title XVIII of the Social Security Act to extend the annual, coordinated election period under the Medicare part D prescription drug program through all of 2006 and to provide for a refund of excess premiums paid during 2006, and for other purposes.

S. 2831

At the request of Mr. LUGAR, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2831, a bill to guarantee the free flow of information to the public through a free and active press while protecting the right of the public to effective law enforcement and the fair administration of justice.

S. 2855

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2855, a bill to amend the Safe Drinking Water Act to eliminate security risks by replacing the use of extremely hazardous gaseous chemicals with inherently safer technologies.

S.J. RES. 12

At the request of Mr. HATCH, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S.J. Res. 12, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S.J. RES. 35

At the request of Mr. BYRD, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S.J. Res. 35, a joint resolution proposing an amendment to the Constitution of the United States to clarify that the Constitution neither prohibits voluntary prayer nor requires prayer in schools.

S. CON. RES. 71

At the request of Mr. AKAKA, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Con. Res. 71, a concurrent resolution expressing the sense of Congress that States should require candidates for driver's licenses to demonstrate an ability to exercise greatly increased caution when driving in the proximity of a potentially visually impaired individual.

S. RES. 224

At the request of Mr. DEWINE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 224, a resolution to

express the sense of the Senate supporting the establishment of September as Campus Fire Safety Month, and for other purposes.

S. RES. 462

At the request of Mr. GRASSLEY, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Res. 462, a resolution designating June 8, 2006, as the day of a National Vigil for Lost Promise.

S. RES. 469

At the request of Mr. MCCAIN, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. Res. 469, a resolution condemning the April 25, 2006, beating and intimidation of Cuban dissident Martha Beatriz Roque.

AMENDMENT NO. 4076

At the request of Mr. ENSIGN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of amendment No. 4076 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 2919. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to establish a Director of the Pension Benefit Guaranty Corporation and the Internal Revenue code of 1986 to increase certain penalties, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I am pleased to join my distinguished colleague from Iowa, Senator GRASSLEY, to introduce a bill making the position of executive director of the Pension Benefit Guaranty Corporation, or the PBGC, subject to the advice and consent of the Senate.

Quite frankly, I was surprised to find out that this important position is not subject to Senate approval. The Secretary of Labor, the Chairman of the PBGC, simply appoints the executive director. This is too important a position not to be subject to Senate oversight.

Jurisdiction over the PBGC rests with both the Committee on Finance and the Committee on Health, Education, Labor, and Pensions, the HELP Committee. To recognize this, our bill would require both committees to approve the director.

The Finance Committee, the HELP Committee, and indeed the entire Senate have spent considerable time over the last few years fighting to protect the pensions of millions of workers. And the deficit of the PBGC—now over \$23 billion—has been growing.

We now have a bill in conference that I hope will be brought back before the Senate soon. And I hope that the sim-

ple provision that I am introducing today can be added to that legislation.

It is the perfect time to make the position subject to Senate approval. The current executive director is leaving the PBGC at the end of May. And his replacement should be subject to Senate confirmation.

The PBGC is a government corporation that was created when ERISA was enacted in 1974. It is established within the Department of Labor. Labor controls PBGC for many administrative matters. But PBGC has its own budget, which goes through the PBGC Board, and PBGC's attorneys litigate their own cases. PBGC is controlled by a 3-person Board made up of the Secretary of Labor, as the Chairman of the PBGC, and the Secretaries of the Treasury and Commerce.

PBGC is run on a day-to-day basis by an executive director. This position is not mentioned in ERISA but is a creation of the PBGC by-laws adopted by the board. The Secretary of Labor appoints the executive director, who is a political appointee. Executive directors have stayed on average a couple of years.

The PBGC insures the pensions of 40 million workers and retirees in about 30,000 plans. These plans have trillions of dollars in assets. PBGC itself has more than \$40 billion in assets, more than \$63 billion in liabilities, and a \$23 billion deficit. Even with the rush to terminate or freeze current plans, most of the Nation's biggest companies still maintain defined benefit plans. What happens with defined benefit plans has a big effect on America's competitiveness and affects the retirement security of America's workers and retirees.

Making the executive director's position an advice and consent position would give the Senate say in what type of person serves in this position so that PBGC does not become another FEMA. It would show the importance that Congress attaches to the role of the PBGC for workers, retirees and employers. It would raise the attraction of the PBGC director position.

I ask my colleagues to support making the PBGC executive director position subject to Senate approval.

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. 2919

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 "PBGC Confirmation Act of 2006".

SEC. 2. DIRECTOR OF THE PENSION BENEFIT GUARANTY CORPORATION.

(a) IN GENERAL.—Title IV of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1301 et seq.) is amended—

(1) by striking the second sentence of section 4002(a) and inserting the following: "In carrying out its functions under this title, the corporation shall be administered by a

Director, who shall be appointed by and with the advice and consent of the Senate and who shall act in accordance with the policies established by the board.”; and

(2) in section 4003(b), by—

(A) striking “under this title, any member” and inserting “under this title, the Director, any member”; and

(B) striking “designated by the chairman” and inserting “designated by the Director or chairman”.

(b) COMPENSATION OF DIRECTOR.—Section 5315 of title 5, United States Code, is amended by adding at the end the following new item:

“Director, Pension Benefit Guaranty Corporation.”.

(c) JURISDICTION OF NOMINATION.—

(1) IN GENERAL.—The Committee on Finance of the Senate and the Committee on Health, Education, Labor, and Pensions of the Senate shall have joint jurisdiction over the nomination of a person nominated by the President to fill the position of Director of the Pension Benefit Guaranty Corporation under section 4002 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302) (as amended by this Act), and if one committee votes to order reported such a nomination, the other shall report within 30 calendar days, or be automatically discharged.

(2) RULEMAKING OF THE SENATE.—This subsection is enacted by Congress—

(A) as an exercise of rulemaking power of the Senate, and as such it is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a nomination described in such sentence, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of the Senate to change the rules (so far as relating the procedure of the Senate) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

(d) TRANSITION.—The term of the individual serving as Executive Director of the Pension Benefit Guaranty Corporation on the date of enactment of this Act shall expire on such date of enactment. Such individual, or any other individual, may serve as interim Director of such Corporation until an individual is appointed as Director of such Corporation under section 4002 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302) (as amended by this Act).

SEC. 3. PENALTY FOR FAILURE TO FILE AN ACTUARIAL REPORT.

Section 6692 of the Internal Revenue Code of 1986 is amended by adding at the end the following: “Beginning with plan years beginning in 2005, in the case of a plan to which section 412(l) applied for a plan year, there shall be assessed, in lieu of the penalty in the preceding sentence, a tax equal to 0.1 percent of the plan’s unfunded current liability under section 412(l)(8)(A) for the plan year to which the report relates, but in no case less than \$1,000 or more than \$5,000.”.

By Mr. REID (for Mr. BIDEN):

S. 2920. A bill to amend the Safe Drinking Water Act to eliminate security risks by replacing the use of extremely hazardous gaseous chemicals with inherently safer technologies; to the Committee on Environment and Public Works.

Mr. BIDEN. Mr. President. I rise today to introduce the Community Water Treatment Hazards Reduction Act of 2006. This legislation would com-

pletely eliminate a known security risk to millions of Americans across the United States by facilitating the transfer to safer technologies from deadly toxic chemicals at our Nation’s water treatment facilities.

Across our Nation, there are thousands of water treatment facilities that utilize gaseous toxic chemicals to treat drinking and wastewater. Approximately 2,850 facilities are currently regulated under the Clean Air Act because they store large quantities of these dangerous chemicals. In fact, 98 of these facilities threaten over 100,000 citizens. For example, the Fiveash Water Treatment Plant in Fort Lauderdale, FL threatens 1,526,000 citizens. The Bachman Water Treatment in Dallas, TX threatens up to 2,000,000 citizens. And there are similar examples in communities throughout the Nation. If these facilities—and the 95 other facilities that threaten over 100,000 citizens—switched from the use of toxic chemicals to safer technologies that are widely used within the industry we could completely eliminate a known threat to nearly 50 million Americans.

Many facilities have already made the prudent decision to switch without intervention by government. The Middlesex County Utilities Authority in Sayreville, NJ, switched to safer technologies and eliminated the risk to 10.7 million people. The Nottingham Water Treatment Plant in Cleveland, OH switched and eliminated the risk to 1.1 million citizens. The Blue Plains Wastewater Treatment Plant switched and eliminated the risk to 1.7 million people. In my hometown of Wilmington, DE, the Wilmington Water Pollution Control Facility switched from using chlorine gas to liquid bleach. This commendable decision has eliminated the risk to 560,000 citizens, including the entire city of Wilmington. In fact, this facility no longer has to submit risk management plans to the Environmental Protection Agency required by the Clean Air Act because the threat has been completely eliminated. There are many other examples of facilities that have done the right thing and eliminated the use of these dangerous, gaseous chemicals.

The bottom line is that if we can eliminate a known-risk, we should. The legislation I am introducing today will do just that. It will require the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Homeland Security, to do a few simple things. First, water facilities will be prioritized based upon the risk that they pose to citizens and critical infrastructure. These facilities—beginning with the most dangerous ones—will be required to submit a report on the feasibility of utilizing safer technologies and the anticipated costs to transition. If grant funding is available, the Administrator will issue a grant and order the facility to transition to the safer technology chosen by the owner of the facility. I believe that this approach will allow us to use fed-

eral funds responsibly while reducing risk to our citizens.

Once the transition is complete, the facility will be required to track all cost-savings related to the switch, such as decreased security costs, costs savings by eliminating administrative requirements under the EPA risk management plan, lower insurance premiums, and others. If savings are ultimately realized by the facility, it will be required to return one half of these saving, not to exceed the grant amount, back to the EPA. In turn, the EPA will utilize any returned savings to help facilitate the transition of more water facilities.

A 2005 report by the Government Accountability Office found that providing grants to assist water facilities to transition to safer technologies was an appropriate use of federal funds. The costs for an individual facility to transition will vary, but the cost is very cheap when you consider the security benefit. For example, the Wilmington facility invested approximately \$160,000 to transition and eliminated the risk to nearly 600,000 people. Similarly, the Blue Plains facility spent \$500,000 to transition after 9/11 and eliminated the risk to 1.2 million citizens immediately. This, in my view, is a sound use of funds. And, this legislation will provide sufficient funding to transition all of our high-priority facilities throughout the Nation.

Finally, I would like to point out that facilities making the decision to transition after 9/11, but before the enactment date of this legislation will be eligible to participate in the program authorized by this legislation. I’ve included this provision because I believe that the federal government should acknowledge—and promote—local decisions that enhance our homeland security. In addition we don’t want to create a situation where water facilities wait for Federal funding before doing the right thing and eliminating those dangerous gaseous chemicals.

Last December the 9/11 Discourse Project released its report card for the administration and Congress on efforts to implement the 9/11 Commission recommendations. It was replete with D’s and F’s demonstrating that we have been going in the wrong direction with respect to homeland security. One of the most troubling findings made by the 9/11 Commission is that with respect to our Nation’s critical infrastructure that “no risk and vulnerability assessments actually made; no national priorities established; no recommendations made on allocations of scarce resources. All key decisions are at least a year away. It is time that we stop talking about priorities and actually get some.” While much remains to be done, the Community Water Treatment Hazards Reduction Act of 2006 sets an important priority for our homeland security and it affirmatively addresses it. I urge my colleagues to support this important 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. 2920

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 “Community Water Treatment Hazards Reduction Act of 2006”.

SEC. 2. USE OF INHERENTLY SAFER TECHNOLOGIES AT WATER FACILITIES.

Part F of the Safe Drinking Water Act (42 U.S.C. 300j–21 et seq.) is amended by adding at the end the following:

“SEC. 1466. USE OF INHERENTLY SAFER TECHNOLOGIES AT WATER FACILITIES.

“(a) DEFINITIONS.—In this section:

“(1) HARMFUL INTENTIONAL ACT.—The term ‘harmful intentional act’ means a terrorist attack or other intentional act carried out upon a water facility that is intended—

“(A) to substantially disrupt the ability of the water facility to provide safe and reliable—

“(i) conveyance and treatment of wastewater or drinking water;

“(ii) disposal of effluent; or

“(iii) storage of a potentially hazardous chemical used to treat wastewater or drinking water;

“(B) to damage critical infrastructure;

“(C) to have an adverse effect on the environment; or

“(D) to otherwise pose a significant threat to public health or safety.

“(2) INHERENTLY SAFER TECHNOLOGY.—The term ‘inherently safer technology’ means a technology, product, raw material, or practice the use of which, as compared to the current use of technologies, products, raw materials, or practices, significantly reduces or eliminates—

“(A) the possibility of release of a substance of concern; and

“(B) the hazards to public health and safety and the environment associated with the release or potential release of a substance of concern.

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of Homeland Security (or a designee).

“(4) SUBSTANCE OF CONCERN.—

“(A) IN GENERAL.—The term ‘substance of concern’ means any chemical, toxin, or other substance that, if transported or stored in a sufficient quantity, would have a high likelihood of causing casualties and economic damage if released or otherwise successfully targeted by a harmful intentional act, as determined by the Administrator, in consultation with the Secretary.

“(B) INCLUSIONS.—The term ‘substance of concern’ includes—

“(i) any substance included in Table 1 or 2 contained in section 68.130 of title 40, Code of Federal Regulations (or a successor regulation), published in accordance with section 112(r)(3) of the Clean Air Act (42 U.S.C. 7412(r)(3)); and

“(ii) any other highly hazardous gaseous toxic material or substance that, if transported or stored in a sufficient quantity, could cause casualties or economic damage if released or otherwise successfully targeted by a harmful intentional act, as determined by the Administrator, in consultation with the Secretary.

“(5) TREATMENT WORKS.—The term ‘treatment works’ has the meaning given the term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).

“(6) VULNERABILITY ZONE.—The term ‘vulnerability zone’ means, with respect to a substance of concern, the geographic area that would be affected by a worst-case release of the substance of concern, as determined by the Administrator on the basis of—

“(A) an assessment that includes the information described in section 112(r)(7)(B)(i)(I) of the Clean Air Act (42 U.S.C. 7412(r)(7)(B)(i)(I)); or

“(B) such other assessment or criteria as the Administrator determines to be appropriate.

“(7) WATER FACILITY.—The term ‘water facility’ means a treatment works or public water system owned or operated by any person.

“(b) REGULATIONS.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Administrator, in consultation with the Secretary and other Federal, State, and local governmental entities, security experts, owners and operators of water facilities, and other interested persons shall—

“(A) compile a list of all high-consequence water facilities, as determined in accordance with paragraph (2); and

“(B) notify each owner and operator of a water facility that is included on the list.

“(2) IDENTIFICATION OF HIGH-CONSEQUENCE WATER FACILITIES.—

“(A) IN GENERAL.—Subject to subparagraph (B), in determining whether a water facility is a high-consequence water facility, the Administrator shall consider—

“(i) the number of people located in the vulnerability zone of each substance of concern that could be released at the water facility;

“(ii) the critical infrastructure (such as health care, governmental, or industrial facilities or centers) served by the water facility;

“(iii) any use by the water facility of large quantities of 1 or more substances of concern; and

“(iv) the quantity and volume of annual shipments of substances of concern to or from the water facility.

“(B) TIERS OF FACILITIES.—

“(i) IN GENERAL.—Except as provided in clauses (ii) through (iv), the Administrator shall classify high-consequence water facilities designated under this paragraph into 3 tiers, and give priority to orders issued for, actions taken by, and other matters relating to the security of, high-consequence water facilities based on the tier classification of the high-consequence water facilities, as follows:

“(I) TIER 1 FACILITIES.—A Tier 1 high-consequence water facility shall have a vulnerability zone that covers more than 100,000 individuals and shall be given the highest priority by the Administrator.

“(II) TIER 2 FACILITIES.—A Tier 2 high-consequence water facility shall have a vulnerability zone that covers more than 25,000, but not more than 100,000, individuals and shall be given the second-highest priority by the Administrator.

“(III) TIER 3 FACILITIES.—A Tier 3 high-consequence water facility shall have a vulnerability zone that covers more than 10,000, but not more than 25,000, individuals and shall be given the third-highest priority by the Administrator.

“(ii) MANDATORY DESIGNATION.—If the vulnerability zone for a substance of concern at a water facility contains more than 10,000 individuals, the water facility shall be—

“(I) considered to be a high-consequence water facility; and

“(II) classified by the Administrator to an appropriate tier under clause (i).

“(iii) DISCRETIONARY CLASSIFICATION.—A water facility with a vulnerability zone that

covers 10,000 or fewer individuals may be designated as a high consequence facility, on the request of the owner or operator of a water facility, and classified into a tier described in clause (i), at the discretion of the Administrator.

“(iv) RECLASSIFICATION.—The Administrator—

“(I) may reclassify a high-consequence water facility into a tier with higher priority, as described in clause (i), based on an increase of population covered by the vulnerability zone or any other appropriate factor, as determined by the Administrator; but

“(II) may not reclassify a high-consequence water facility into a tier with a lower priority, as described in clause (i), for any reason.

“(3) OPTIONS FEASIBILITY ASSESSMENT ON USE OF INHERENTLY SAFER TECHNOLOGY.—

“(A) IN GENERAL.—Not later than 90 days after the date on which the owner or operator of a high-consequence water facility receives notice under paragraph (1)(B), the owner or operator shall submit to the Administrator an options feasibility assessment that describes—

“(i) an estimate of the costs that would be directly incurred by the high-consequence water facility in transitioning from the use of the current technology used for 1 or more substances of concern to inherently safer technologies; and

“(ii) comparisons of the costs and benefits to transitioning between different inherently safer technologies, including the use of—

“(I) sodium hypochlorite;

“(II) ultraviolet light;

“(III) other inherently safer technologies that are in use within the applicable industry; or

“(IV) any combination of the technologies described in subclauses (I) through (III).

“(B) CONSIDERATIONS IN DETERMINING ESTIMATED COSTS.—In estimating the transition costs described in subparagraph (A)(i), an owner or operator of a high-consequence water facility shall consider—

“(i) the costs of capital upgrades to transition to the use of inherently safer technologies;

“(ii) anticipated increases in operating costs of the high-consequence water facility;

“(iii) offsets that may be available to reduce or eliminate the transition costs, such as the savings that may be achieved by—

“(I) eliminating security needs (such as personnel and fencing);

“(II) complying with safety regulations;

“(III) complying with environmental regulations and permits;

“(IV) complying with fire code requirements;

“(V) providing personal protective equipment;

“(VI) installing safety devices (such as alarms and scrubbers);

“(VII) purchasing and maintaining insurance coverage;

“(VIII) conducting appropriate emergency response and contingency planning;

“(IX) conducting employee background checks; and

“(X) potential liability for personal injury and damage to property; and

“(iv) the efficacy of each technology in treating or neutralizing biological or chemical agents that could be introduced into a drinking water supply by a terrorist or act of terrorism.

“(C) USE OF INHERENTLY SAFER TECHNOLOGIES.—

“(i) IN GENERAL.—Subject to clause (ii), not later than 90 days after the date of submission of the options feasibility assessment required under this paragraph, the owner or operator of a high-consequence water facility, in consultation with the Administrator,

the Secretary, the United States Chemical Safety and Hazard Investigation Board, local officials, and other interested parties, shall determine which inherently safer technologies are to be used by the high-consequence water facility.

“(ii) CONSIDERATIONS.—In making the determination under clause (i), an owner or operator—

“(I) may consider transition costs estimated in the options feasibility assessment of the owner or operator (except that those transition costs shall not be the sole basis for the determination of the owner or operator);

“(II) shall consider long-term security enhancement of the high-consequence water facility;

“(III) shall consider comparable water facilities that have transitioned to inherently safer technologies; and

“(IV) shall consider the overall security impact of the determination, including on the production, processing, and transportation of substances of concern at other facilities.

“(c) ENFORCEMENT.—

“(1) IN GENERAL.—In accordance with the tiers and priority system established under subsection (b)(2)(B), subject to paragraph (2), the Administrator—

“(A) shall prioritize the use of inherently safer technologies at high-consequence facilities listed under subsection (b)(1);

“(B) subject to the availability of grant funds under this section, not later than 90 days after the date on which the Administrator receives an options feasibility assessment from an owner or operator of a high-consequence water facility under subsection (b)(3)(A), shall issue an order requiring the high-consequence water facility to eliminate the use of 1 or more substances of concern and adopt 1 or more inherently safer technologies; and

“(C) may seek enforcement of an order issued under paragraph (2) in the appropriate United States district court.

“(2) DE MINIMIS USE.—Nothing in this section prohibits the de minimis use of a substance of concern as a residual disinfectant.

“(d) GRANTS.—

“(1) IN GENERAL.—In accordance with the tiers and priority system established under subsection (b)(2)(B), the Administrator shall provide grants to high-consequence facilities (including high-consequence facilities subject to an order issued under subsection (c)(1)(C) and water facilities described in paragraph (6)) for use in paying capital expenditures directly required to complete the transition of the high-consequence water facility to the use of 1 or more inherently safer technologies.

“(2) APPLICATION.—A high-consequence water facility that seeks to receive a grant under this subsection shall submit to the Administrator an application by such date, in such form, and containing such information as the Administrator shall require, including information relating to the transfer to inherently safer technologies, and the proposed date of such a transfer, described in subsection (b)(3)(B).

“(3) DEADLINE FOR TRANSITION.—An owner or operator of a high-consequence water facility that is subject to an order under subsection (c)(1)(C) and that receives a grant under this subsection shall begin the transition to inherently safer technologies described in paragraph (1) not later than 90 days after the date of issuance of the order under subsection (c)(1)(C).

“(4) FACILITY UPGRADES.—An owner or operator of a high-consequence water facility—

“(A) may complete the transition to inherently safer technologies described in para-

graph (1) within the scope of a greater facility upgrade; but

“(B) shall use amounts from a grant received under this subsection only for the capital expenditures directly relating to the transition to inherently safer technologies.

“(5) OPERATIONAL COSTS.—An owner or operator of a high-consequence water facility that receives a grant under this subsection may not use funds from the grant to pay or offset any ongoing operational cost of the high-consequence water facility.

“(6) OTHER REQUIREMENTS.—As a condition of receiving a grant under this subsection, the owner or operator of a high-consequence water facility shall—

“(A) upon receipt of a grant, track all cost savings resulting from the transition to inherently safer technologies, including those savings identified in subsection (b)(4)(B)(iii); and

“(B) for each fiscal year for which grant funds are received, return an amount to the Administrator equal to 50 percent of the savings achieved by the high-consequence water facility (but not to exceed the amount of grant funds received for the fiscal year) for use by the Administrator in facilitating the future transition of other high-consequence water facilities to the use of inherently safer technologies.

“(7) INTERIM TRANSITIONS.—A water facility that transitioned to the use of 1 or more inherently safer technologies after September 11, 2001, but before the date of enactment of this section, and that qualifies as a high-consequence facility under subsection (b)(2), in accordance with any previous report submitted by the water facility under section 112(r) of the Clean Air Act (42 U.S.C. 7412(r)) and as determined by the Administrator, shall be eligible to receive a grant under this subsection.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$125,000,000 for each of fiscal years 2007 through 2011.”

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 485—TO EXPRESS THE SENSE OF THE SENATE CONCERNING THE VALUE OF FAMILY PLANNING FOR AMERICAN WOMEN

Mrs. CLINTON (for herself, Ms. CANTWELL, Mr. MENENDEZ, Mr. KERRY, Mr. LAUTENBERG, Mrs. MURRAY, Mr. KENNEDY, Mr. SCHUMER, Mrs. BOXER, Mr. HARKIN, Mrs. FEINSTEIN, and Ms. LANDRIEU) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 485

Whereas the United States has one of the highest rates of abortion in the industrialized world;

Whereas reducing unintended pregnancies will reduce the number of abortions;

Whereas one of the most effective ways to prevent unintended pregnancy is to improve access to safe, affordable, effective family planning;

Whereas contraceptive use has declined (slightly among all women and precipitously among low-income women) and, as a result, unplanned pregnancy rates have risen among low-income women by 30 percent;

Whereas the impact of contraceptive use is hard to overstate — 11 percent of women in the United States who do not use contraception account for ½ of all unintended pregnancies;

Whereas low-income women today are 4 times as likely to have an unintended pregnancy and more than 4 times as likely to have an abortion as higher-income women;

Whereas abortion rates have increased among low-income women, even as they have continued to decrease among more affluent women;

Whereas 12,800,000 women of reproductive age are uninsured and 9,300,000 women of reproductive age live in poverty;

Whereas lack of coverage for contraception and other health care costs result in women of reproductive age paying 68 percent more in out-of-pocket costs for health care services than do men of the same age;

Whereas family planning is a vital part of helping women achieve the best health outcomes for both women and their babies; and

Whereas Women's Health Week is a time to recognize the important role family planning services play in the lives of women across the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Congress should help women, regardless of income, avoid unintended pregnancy and abortion through access to affordable contraception; and

(2) Congress should support programs and policies that make it easier for women to obtain contraceptives.

SENATE RESOLUTION 486—DESIGNATING JUNE 2006 AS “NATIONAL INTERNET SAFETY MONTH”

Ms. MURKOWSKI (for herself, Mr. ALLEN, Mr. CRAIG, Mr. STEVENS, Mr. VITTER, Mrs. LANDRIEU, Mrs. DOLE, Mr. CRAPO, Mr. BURNS, Mrs. LINCOLN, Mr. WARNER, Mr. JOHNSON, Mr. ROBERTS, Mr. SANTORUM, and Mr. DEWINE) submitted the following resolution; which was considered and agreed to:

S. RES. 486

Whereas, in the United States, more than 90 percent of children between the ages of 5 years old and 17 years old, or approximately 47,000,000 children, now use computers;

Whereas approximately 59 percent of children in that age group, or approximately 31,000,000 children, use the Internet;

Whereas approximately 26 percent of the children of the United States in grades 5 through 12 are online for more than 5 hours a week;

Whereas approximately 12 percent of those children spend more time online than they spend interacting with their friends;

Whereas approximately 53 percent of the children and teens of the United States like to be alone when “surfing” the Internet;

Whereas approximately 29 percent of those children believe that their parents would express concern, restrict their Internet use, or take away their computer if their parents knew which sites they visited while surfing on the Internet;

Whereas approximately 32 percent of the students of the United States in grades 5 through 12 feel that they have the skills to bypass protections offered by the installation of filtering software;

Whereas approximately 31 percent of the youths of the United States have visited an inappropriate website on the Internet;

Whereas approximately 18 percent of those children have visited an inappropriate website more than once;

Whereas approximately 51 percent of the students of the United States in grades 5 through 12 trust the individuals that they chat with on the Internet;

Whereas approximately 33 percent of the students of the United States in grades 5

through 12 have chatted on the Internet with an individual whom they have not met in person;

Whereas approximately 11.5 percent of those students have later met with a stranger with whom they chatted on the Internet;

Whereas approximately 39 percent of the youths of the United States in grades 5 through 12 have admitted to giving out their personal information, including their name, age, and gender, over the Internet; and

Whereas approximately 14 percent of those youths have received mean or threatening email while on the Internet: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2006 as “National Internet Safety Month”;

(2) recognizes that National Internet Safety Month provides the citizens of the United States with an opportunity to learn more about—

(A) the dangers of the Internet; and

(B) the importance of being safe and responsible online;

(3) commends and recognizes national and community organizations for—

(A) promoting awareness of the dangers of the Internet; and

(B) providing information and training that develops critical thinking and decision-making skills that are needed to use the Internet safely; and

(4) calls on Internet safety organizations, law enforcement, educators, community leaders, parents, and volunteers to increase their efforts to raise the level of awareness for the need for online safety in the United States.

SENATE RESOLUTION 487—EXPRESSING THE SENSE OF THE SENATE 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

Mr. FEINGOLD (for himself and Ms. SNOWE) submitted the following resolution; which was considered and agreed to:

S. RES. 487

Whereas women of all backgrounds have the power to greatly reduce their risk of common diseases through preventive measures such as a healthy lifestyle and frequent medical screenings;

Whereas significant disparities exist in the prevalence of disease among women of different backgrounds, including women with disabilities, African American women, Asian/Pacific Islander women, Latinas, and American Indian/Alaska Native women;

Whereas since healthy habits should begin at a young age, and preventive care saves Federal dollars designated to health care, it is important to raise awareness among women and girls of key female health issues;

Whereas National Women's Health Week begins on Mother's Day annually and celebrates the efforts of national and community organizations working with partners and volunteers to improve awareness of key women's health issues; and

Whereas in 2006, the week of May 14 through May 20, is dedicated as the National Women's Health Week: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of preventing diseases that commonly affect women;

(2) calls on the people of the United States to use Women's Health Week as an opportunity to learn about health issues that face women;

(3) calls on the women of the United States to observe National Women's Check-Up Day on Monday, May 15, 2006, by receiving preventive screenings from their health care providers; and

(4) recognizes the importance of federally funded programs that provide research and collect data on common diseases in women and highlight racial disparities in the rates of these diseases.

SENATE RESOLUTION 488—EXPRESSING THE SENSE OF CONGRESS THAT INSTITUTIONS OF HIGHER EDUCATION SHOULD ADOPT POLICIES AND EDUCATIONAL PROGRAMS ON THEIR CAMPUSES TO HELP DETER AND ELIMINATE ILLICIT COPYRIGHT INFRINGEMENT OCCURRING ON, AND ENCOURAGE EDUCATIONAL USES OF, THEIR COMPUTER SYSTEMS AND NETWORKS

Mr. ALEXANDER (for himself, Mr. LEAHY, Mr. HATCH, Mr. NELSON of Florida, and Mr. FRIST) submitted the following resolution; which was considered and agreed to:

S. RES. 488

Whereas the colleges and universities of the United States play a critically important role in educating young people;

Whereas the colleges and universities of the United States are responsible for helping to build and shape the educational foundation of their students, as well as the values of their students;

Whereas the colleges and universities of the United States play an integral role in the development of a civil and ordered society founded on the rule of law;

Whereas the colleges and universities of the United States have been the origin of much of the creativity and innovation throughout the history of the United States;

Whereas much of the most valued intellectual property of the United States has been developed as a result of the colleges and universities of the United States;

Whereas the United States has, since its inception, realized the value and importance of intellectual property protection in encouraging creativity and innovation;

Whereas intellectual property is among the most valuable assets of the United States;

Whereas the importance of music, motion picture, software, and other intellectual property-based industries to the overall health of the economy of the United States is significant and well documented;

Whereas the colleges and universities of the United States are uniquely situated to advance the importance and need for strong intellectual property protection;

Whereas intellectual property-based industries are under increasing threat from all forms of global piracy, including hard goods and digital piracy;

Whereas the pervasive use of so-called peer-to-peer (P2P) file sharing networks has led to rampant illegal distribution and reproduction of copyrighted works;

Whereas the Supreme Court, in *MGM Studios Inc. v. Grokster, Ltd.*, reviewed evidence of users' conduct on just two peer-to-peer networks and noted that, “the probable scope of copyright infringement is staggering” (125 S. Ct. 2764, 2772 (2005));

Whereas Justice Breyer, in his opinion in *MGM Studios Inc. v. Grokster, Ltd.*, wrote

that “deliberate unlawful copying is no less an unlawful taking of property than garden-variety theft” (125 S. Ct. 2764, 2793 (2005));

Whereas many computer systems of the colleges and universities of the United States, including local area networks under the control of such colleges and universities, may be illicitly utilized by students and employees to further unlawful copying;

Whereas throughout the course of the past few years, Federal law enforcement has repeatedly executed search warrants against computers and computer systems located at colleges and universities, and has convicted students and employees of colleges and universities for their role in criminal intellectual property crimes;

Whereas in addition to illicit activity, illegal peer-to-peer use has multiple negative impacts on college computer systems;

Whereas individuals engaged in illegal downloading on college computer systems use significant amounts of system bandwidth which exist for the use of the general student population in the pursuit of legitimate educational purposes;

Whereas peer-to-peer use on college computer systems potentially exposes those systems to a myriad of security concerns, including spyware, viruses, worms or other malicious code which can be easily transmitted throughout the system by peer-to-peer networks;

Whereas, according to a recent study released by the Motion Picture Association of America, students at colleges and universities in the United States accounted for \$579,000,000 in losses to the motion picture industry of the United States in 2005, which represents 44 percent of that industry's annual losses due to piracy;

Whereas computer systems at colleges and universities exist for the use of all students and should be kept free of illicit activity;

Whereas college and university systems should continue to develop and to encourage respect for the importance of protecting intellectual property, the potential legal consequences of illegally downloading copyrighted works, and the additional security risks associated with unauthorized peer-to-peer use; and

Whereas it should be clearly established that illegal peer-to-peer use is prohibited and violations punished consistent with upholding the rule of law: Now, therefore, be it

Resolved, That—

(1) colleges and universities should continue to take a leadership role in educating students regarding the detrimental consequences of online infringement of intellectual property rights; and

(2) colleges and universities should continue to take steps to deter and eliminate unauthorized peer-to-peer use on their computer systems by adopting or continuing policies to educate and warn students about the risks of unauthorized use, and educate students about the intrinsic value of and need to protect intellectual property.

AMENDMENTS SUBMITTED & PROPOSED

SA 4085. Mr. McCONNELL 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 4086. Mr. WARNER (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4087. Mrs. FEINSTEIN (for herself and Mr. HARKIN) submitted an amendment intended to be proposed by her to the bill S. 2611, supra.

SA 4088. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4089. Mr. DODD (for himself, Mr. LUGAR, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4090. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4091. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4092. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4093. Mr. KENNEDY (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4094. 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 4095. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4096. 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 4097. 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 4098. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4099. Mr. OBAMA (for himself and 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 4100. 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 4101. Mrs. HUTCHISON (for herself and Mr. BOND) submitted an amendment intended to be proposed by her to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4102. Mr. SCHUMER (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4103. Mr. LEAHY (for himself, Mr. COLEMAN, Mr. LIEBERMAN, Mr. KENNEDY, Mr. CHAFEE, Mr. HARKIN, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4104. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4105. 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 4106. 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 4107. Mr. ENSIGN 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 4085. Mr. MCCONNELL 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. ____ . IDENTIFICATION REQUIREMENTS.

(a) REQUIREMENT FOR IDENTIFICATION CARDS TO INCLUDE CITIZENSHIP INFORMATION.—Subsection (b) of section 202 of the REAL ID Act of 2005 (49 U.S.C. 30301 note) is amended by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively, and by inserting after paragraph (7) the following new paragraph:

“(8) An indication of whether the person is a United States citizen.”.

(b) IDENTIFICATION REQUIRED FOR VOTING IN PERSON.—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by redesignating sections 304 and 305 as sections 305 and 306, respectively, and by inserting after section 303 the following new section:

“SEC. 304. IDENTIFICATION OF VOTERS AT THE POLLS.

“(a) IN GENERAL.—Notwithstanding the requirements of section 303(b), each State shall require individuals casting ballots in an election for Federal office in person to present before voting a current valid photo identification which is issued by a governmental entity and which meets the requirements of subsection (b) of section 202 of the REAL ID Act of 2005 (49 U.S.C. 30301 note).

“(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) on and after May 11, 2008.”.

(2) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking “and 303” and inserting “303, and 304”.

(c) FUNDING FOR FREE PHOTO IDENTIFICATIONS.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.) is amended by adding at the end the following:

“PART 7—PHOTO IDENTIFICATION

“SEC. 297. PAYMENTS FOR FREE PHOTO IDENTIFICATION.

“(a) IN GENERAL.—In addition to any other payments made under this subtitle, the Election Assistance Commission shall make payments to States to promote the issuance to registered voters of free photo identifications for purposes of meeting the identification requirements of section 304.

“(b) ELIGIBILITY.—A State is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

“(1) a statement that the State intends to comply with the requirements of section 304; and

“(2) a description of how the State intends to use the payment under this part to provide registered voters with free photo identifications which meet the requirements of such section.

“(c) USE OF FUNDS.—A State receiving a payment under this part shall use the payment only to provide free photo identification cards to registered voters who do not have an identification card that meets the requirements of section 304.

“(d) ALLOCATION OF FUNDS.—

“(1) IN GENERAL.—The amount of the grant made to a State under this part for a year shall be equal to the product of—

“(A) the total amount appropriated for payments under this part for the year under section 298; and

“(B) an amount equal to—

“(i) the voting age population of the State (as reported in the most recent decennial census); divided by

“(ii) the total voting age population of all eligible States which submit an application for payments under this part (as reported in the most recent decennial census).

“SEC. 298. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—In addition to any other amounts authorized to be appropriated under this subtitle, there are authorized to be appropriated such sums as are necessary for the purpose of making payments under section 297.

“(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.”.

SA 4086. Mr. WARNER (for himself and Mr. CRAIG) 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 of subtitle C of title I, add the following:

SEC. 133. REPORT ON INCENTIVES TO ENCOURAGE CERTAIN MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES TO SERVE IN THE BUREAU OF CUSTOMS AND BORDER PROTECTION.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall jointly submit to the appropriate committees of Congress a report assessing the desirability and feasibility of offering incentives to covered members and former members of the Armed Forces for the purpose of encouraging such members to serve in the Bureau of Customs and Border Protection.

(b) COVERED MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES.—For purposes of this section, covered members and former members of the Armed Forces are the following:

(1) Members of the reserve components of the Armed Forces.

(2) Former members of the Armed Forces within two years of separation from service in the Armed Forces.

(c) REQUIREMENTS AND LIMITATIONS.—

(1) NATURE OF INCENTIVES.—In considering incentives for purposes of the report required by subsection (a), the Secretaries shall consider such incentives, whether monetary or otherwise and whether or not authorized by current law or regulations, as the Secretaries jointly consider appropriate.

(2) TARGETING OF INCENTIVES.—In assessing any incentive for purposes of the report, the Secretaries shall give particular attention to the utility of such incentive in—

(A) encouraging service in the Bureau of Customs and Border Protection after service in the Armed Forces by covered members and former of the Armed Forces who have provided border patrol or border security assistance to the Bureau as part of their duties as members of the Armed Forces; and

(B) leveraging military training and experience by accelerating training, or allowing credit to be applied to related areas of training, required for service with the Bureau of Customs and Border Protection.

(3) PAYMENT.—In assessing incentives for purposes of the report, the Secretaries shall assume that any costs of such incentives shall be borne by the Department of Homeland Security.

(d) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of various monetary and non-monetary incentives considered for purposes of the report.

(2) An assessment of the desirability and feasibility of utilizing any such incentive for the purpose specified in subsection (a), including an assessment of the particular utility of such incentive in encouraging service in the Bureau of Customs and Border Protection after service in the Armed Forces by covered members and former members of the Armed Forces described in subsection (c)(2).

(3) Any other matters that the Secretaries jointly consider appropriate.

(e) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committees on Armed Services, Homeland Security and Governmental Affairs, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Homeland Security, and Appropriations of the House of Representatives.

SA 4087. Mrs. FEINSTEIN (for herself and Mr. HARKIN) submitted an amendment intended to be proposed by her to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; as follows:

On page 345 strike line 10 and all that follows through page 395 line 23, and insert the following:

Subtitle A—Earned Adjustment of Status
SEC. 601. ORANGE CARD VISA PROGRAM.

(a) **SHORT TITLE.**—This section may be cited as the “Orange Card Program”.

(b) **EARNED ADJUSTMENT OF STATUS.**—

(1) **IN GENERAL.**—Chapter 5 of title II (8 U.S.C. 1255 et seq.) is amended by inserting after section 245A the following:

“SEC. 245B. ACCESS TO EARNED ADJUSTMENT.

“(a) **ADJUSTMENT OF STATUS.**—

“(1) **PRINCIPAL ALIENS.**—Subject to subsection (c)(5) and notwithstanding any other provision of law, including section 244(h), the Secretary of Homeland Security shall adjust an alien’s status to the status of an alien lawfully admitted for orange card status, if the alien satisfies the following requirements:

“(A) **APPLICATION.**—The alien shall file an application establishing eligibility for adjustment of status in accordance with the procedures established under subsection (n) and pay the fine required under subsection (m) and any additional amounts owed under that subsection.

“(B) **CONTINUOUS PHYSICAL PRESENCE.**—

“(i) **IN GENERAL.**—The alien shall establish that the alien—

“(I) was physically present in the United States on or before January 1, 2006;

“(II) was not legally present in the United States on or before January 1, 2006, under any classification set forth in section 101(a)(15); and

“(III) did not depart from the United States on or before January 1, 2006, except for brief, casual, and innocent departures.

“(ii) **LEGALLY PRESENT.**—For purposes of this subparagraph, an alien who has violated any conditions of the alien’s visa shall be considered not to be legally present in the United States.

“(C) **ADMISSIBLE UNDER IMMIGRATION LAWS.**—The alien shall establish that the alien is not inadmissible under section 212(a) except for any provision of that section that is waived under subsection (b) of this section.

“(D) **EMPLOYMENT IN THE UNITED STATES.**—

“(i) **IN GENERAL.**—The alien shall—

“(I) submit all documentation of the alien’s employment in the United States before January 1, 2006; and

“(II) be employed in the United States for at least 6 years, in the aggregate, after the date of the enactment of the Orange Card Program.

“(ii) **EXCEPTIONS.**—

“(I) **IN GENERAL.**—The employment requirement in clause (i) shall be reduced for an individual who—

“(aa) cannot demonstrate employment based on a physical or mental disability or as a result of pregnancy; or

“(bb) is under 18 years of age on the date of the enactment of the Orange Card Program, by a period of time equal to the time period beginning on such date of enactment and ending on the date on which the individual reaches 18 years of age.

“(II) **POSTSECONDARY STUDY.**—The employment requirements in clause (i) shall be reduced by 1 year for each year of completed full time postsecondary study in the United States during the relevant period.

“(iii) **PORTABILITY.**—An alien shall not be required to complete the employment requirements in clause (i) with the same employer.

“(iv) **EVIDENCE OF EMPLOYMENT.**—

“(I) **CONCLUSIVE DOCUMENTS.**—For purposes of satisfying the requirements in clause (i), the alien shall submit at least 2 of the following documents for each period of employment, which shall be considered conclusive evidence of such 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 the Internal Revenue Service.

“(dd) Records maintained by a union or day labor center.

“(ee) Records maintained by any other government agency, such as worker compensation records, disability records, or business licensing records.

“(II) **OTHER DOCUMENTS.**—An alien who is unable to submit a document described in subclause (I) may satisfy the requirement in clause (i) by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment for each required period of employment, including—

“(aa) bank records;

“(bb) business records;

“(cc) sworn affidavits from nonrelatives who have direct knowledge of the alien’s work, including the name, address, and phone number of the affiant, the nature and duration of the relationship between the affiant and the alien, and other verification information; or

“(dd) remittance records.

“(v) **BURDEN OF PROOF.**—An alien applying for adjustment of status under this subsection has the burden of proving by a preponderance of the evidence that the alien has satisfied the employment requirements in clause (i).

“(E) **PAYMENT OF INCOME TAXES.**—The alien shall establish the payment of all Federal and State income taxes owed for employment during the period of employment required under subparagraph (D)(i). The alien may satisfy such requirement by establishing that—

“(i) no such tax liability exists;

“(ii) all outstanding liabilities have been met; or

“(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service and with the department of revenue of each State to which taxes are owed.

“(F) **BASIC CITIZENSHIP SKILLS.**—

“(i) **IN GENERAL.**—Except as provided in clause (ii), the alien shall demonstrate that the alien either—

“(I) meets the requirements of section 312(a) (relating to a knowledge and understanding of English and the history and Government of the United States); or

“(II) is satisfactorily pursuing a course of study, recognized by the Secretary of Homeland Security, to achieve such understanding of English and the history and Government of the United States.

“(ii) **EXCEPTIONS.**—

“(I) **MANDATORY.**—The requirements of clause (i) shall not apply to any person who is unable to comply with those requirements because of a physical or developmental disability or mental impairment.

“(II) **DISCRETIONARY.**—The Secretary of Homeland Security may waive all or part of the requirements of clause (i) in the case of an alien who is 65 years of age or older as of the date of the filing of the application for adjustment of status.

“(G) **SECURITY AND LAW ENFORCEMENT CLEARANCES.**—The alien shall submit fingerprints in accordance with procedures established by the Secretary of Homeland Security. Such fingerprints shall be submitted to relevant Federal agencies to be checked against existing databases for information relating to criminal, national security, or other law enforcement actions that would render the alien ineligible for adjustment of status under this subsection. The relevant Federal agencies shall work to ensure that such clearances are completed within 90 days of the submission of fingerprints. An appeal of a security clearance determination by the Secretary of Homeland Security shall be processed through the Department of Homeland Security.

“(H) **MILITARY SELECTIVE SERVICE.**—The alien shall establish that if the alien is within the age period required under the Military Selective Service Act (50 U.S.C. App. 451 et seq.) that such alien has registered under that Act.

“(I) **ANNUAL REPORTING REQUIREMENT.**—

“(i) **IN GENERAL.**—An alien who has applied for an adjustment of status under this section shall annually submit to the Secretary of Homeland Security the documentation described in clause (ii) and the fee required under subsection (m)(3).

“(ii) **DOCUMENTATION.**—The documentation submitted under clause (i) shall include evidence of employment described in subparagraph (D)(iv), proof of payment of taxes described in subparagraph (E), and documentation of any criminal conviction or an affidavit stating that the alien has not been convicted of any crime.

“(iii) **TERMINATION.**—The reporting requirement under this subparagraph shall terminate on the date on which the alien is granted the status of an alien lawfully admitted for permanent residence.

“(J) **ADJUSTMENT OF STATUS.**—An alien may not adjust to legal permanent residence status under this section until after the earlier of—

“(i) the consideration of all applications filed under section 201, 202, or 203 before the date of enactment of this section; or

“(ii) 8 years after the date of enactment of this section.

“(2) **SPOUSES AND CHILDREN.**—

“(A) **IN GENERAL.**—

“(i) **ADJUSTMENT OF STATUS.**—Notwithstanding any other provision of law, the Secretary of Homeland Security shall, if otherwise eligible under subparagraph (B), adjust the status to that of a lawful permanent resident for—

“(I) the spouse, or child who was under 21 years of age on the date of enactment of the

Orange Card Program, of an alien who adjusts status or is eligible to adjust status to that of a permanent resident under paragraph (1); or

“(II) an alien who, within 5 years preceding the date of the enactment of the Orange Card Program, was the spouse or child of an alien who adjusts status to that of a permanent resident under paragraph (1), if—

“(aa) the termination of the qualifying relationship was connected to domestic violence; or

“(bb) the spouse or child has been battered or subjected to extreme cruelty by the spouse or parent who adjusts status or is eligible to adjust status to that of a permanent resident under paragraph (1).

“(ii) APPLICATION OF OTHER LAW.—In acting on applications filed under this paragraph with respect to aliens who have been battered or subjected to extreme cruelty, the Secretary of Homeland Security shall apply the provisions of section 204(a)(1)(J) and the protections, prohibitions, and penalties under section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

“(B) GROUNDS OF INADMISSIBILITY NOT APPLICABLE.—In establishing admissibility to the United States, the spouse or child described in subparagraph (A) shall establish that they are not inadmissible under section 212(a), except for any provision of that section that is waived under subsection (b) of this section.

“(C) SECURITY AND LAW ENFORCEMENT CLEARANCE.—The spouse or child, if that child is 14 years of age or older, described in subparagraph (A) shall submit fingerprints in accordance with procedures established by the Secretary of Homeland Security. Such fingerprints shall be submitted to relevant Federal agencies to be checked against existing databases for information relating to criminal, national security, or other law enforcement actions that would render the alien ineligible for adjustment of status under this subsection. The relevant Federal agencies shall work to ensure that such clearances are completed within 90 days of the submission of fingerprints. An appeal of a denial by the Secretary of Homeland Security shall be processed through the Department of Homeland Security.

“(3) NONAPPLICABILITY OF NUMERICAL LIMITATIONS.—When an alien is granted lawful permanent resident status under this subsection, the number of immigrant visas authorized to be issued under any provision of this Act shall not be reduced.

“(b) GROUNDS OF INADMISSIBILITY.—

“(1) APPLICABLE PROVISIONS.—In the determination of an alien's admissibility under paragraphs (1)(C) and (2) of subsection (a), the following provisions of section 212(a) shall apply and may not be waived by the Secretary of Homeland Security under paragraph (3)(A):

“(A) Paragraph (1) (relating to health).

“(B) Paragraph (2) (relating to criminals).

“(C) Paragraph (3) (relating to security and related grounds).

“(D) Subparagraphs (A) and (C) of paragraph (10) (relating to polygamists and child abductors).

“(2) GROUNDS OF INADMISSIBILITY NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (6)(B), (6)(C), (6)(F), (6)(G), (7), (9), and (10)(B) of section 212(a) shall not apply to an alien who is applying for adjustment of status under subsection (a).

“(3) WAIVER OF OTHER GROUNDS.—

“(A) IN GENERAL.—Except as provided in paragraph (1), the Secretary of Homeland Security may waive any provision of section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or when it is otherwise in the public interest.

“(B) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary of Homeland Security, other than under this subparagraph, to waive the provisions of section 212(a).

“(4) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for adjustment of status under subsection (a) by reason of a ground of inadmissibility under section 212(a)(4) if the alien establishes a history of employment in the United States evidencing self-support without public cash assistance.

“(5) SPECIAL RULE FOR INDIVIDUALS WHERE THERE IS NO COMMERCIAL PURPOSE.—An alien is not ineligible for adjustment of status under subsection (a) by reason of a ground of inadmissibility under section 212(a)(6)(E) if the alien establishes that the action referred to in that section was taken for humanitarian purposes, to ensure family unity, or was otherwise in the public interest.

“(6) INELIGIBILITY.—

“(A) IN GENERAL.—An alien is ineligible for adjustment to lawful permanent resident status under this section if—

“(i) the alien has been ordered removed from the United States—

“(I) for overstaying the period of authorized admission under section 217;

“(II) under section 235 or 238; or

“(III) pursuant to a final order of removal under section 240;

“(ii) the alien failed to depart the United States during the period of a voluntary departure order issued under section 240B;

“(iii) the alien is subject to section 241(a)(5);

“(iv) the Secretary of Homeland Security determines that—

“(I) the alien, having been convicted by a final judgment of a serious crime, constitutes a danger to the community of the United States;

“(II) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to the arrival of the alien in the United States; or

“(III) there are reasonable grounds for regarding the alien as a danger to the security of the United States; or

“(v) the alien has been convicted of a felony or 3 or more misdemeanors.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), an alien who has not been ordered removed from the United States shall remain eligible for adjustment to lawful permanent resident status under this section if the alien's ineligibility under subparagraph (A) is solely related to the alien's—

“(i) entry into the United States without inspection;

“(ii) remaining in the United States beyond the period of authorized admission; or

“(iii) failure to maintain legal status while in the United States.

“(C) WAIVER.—The Secretary may, in the Secretary's sole and unreviewable discretion, waive the application of subparagraph (A) if the alien—

“(i) 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) before April 7, 2006; and

“(ii) demonstrates that—

“(I) the alien did not receive notice of removal proceedings in accordance with paragraph (1) or (2) of section 239(a);

“(II) the alien's failure to appear was due to exceptional circumstances beyond the control of the alien; or

“(III) requiring the alien to depart 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 admitted for permanent residence.

“(7) APPLICABILITY OF OTHER PROVISIONS.—Section 241(a)(5) and section 240B(d) shall not apply with respect to an alien who is applying for adjustment of status under subsection (a).

“(c) TREATMENT OF APPLICANTS.—

“(1) IN GENERAL.—An alien who files an application under subsection (a)(1)(A) for adjustment of status, including a spouse or child who files for adjustment of status under subsection (b)—

“(A) shall be granted employment authorization pending final adjudication of the alien's application for adjustment of status;

“(B) shall be granted permission to travel abroad pursuant to regulation pending final adjudication of the alien's application for adjustment of status;

“(C) shall not be detained, determined inadmissible or deportable, or removed pending final adjudication of the alien's application for adjustment of status, unless the alien commits an act which renders the alien ineligible for such adjustment of status; and

“(D) shall not be considered an unauthorized alien as defined in section 274A(h)(3) until such time as employment authorization under subparagraph (A) is denied.

“(2) DOCUMENT OF AUTHORIZATION.—The Secretary of Homeland Security shall provide each alien described in paragraph (1) with a counterfeit-resistant orange card that—

“(A) meets all current requirements established by the Secretary of Homeland Security for travel documents, including the requirements under section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note);

“(B) reflects the benefits and status set forth in paragraph (1); and

“(C) contains a unique number that authorizes card holders who have resided longer in the United States to receive the status of lawful permanent resident before similarly situated card holders whose length of residence in the United States is shorter.

“(3) SECURITY AND LAW ENFORCEMENT CLEARANCE.—Before an alien is granted employment authorization or permission to travel under paragraph (1), the alien shall be required to undergo a name check against existing databases for information relating to criminal, national security, or other law enforcement actions. The relevant Federal agencies shall work to ensure that such name checks are completed not later than 90 days after the date on which the name check is requested.

“(4) TERMINATION OF PROCEEDINGS.—An alien in removal proceedings who establishes prima facie eligibility for adjustment of status under subsection (a) shall be entitled to termination of the proceedings pending the outcome of the alien's application, unless the removal proceedings are based on criminal or national security grounds.

“(5) ADJUSTMENT TO PERMANENT RESIDENCE.—

“(A) IN GENERAL.—The Secretary of Homeland Security shall adjust the status of an alien who satisfies all the requirements under subsection (a) to that of an alien lawfully admitted for permanent residence.

“(B) NONAPPLICABILITY OF NUMERICAL LIMITATIONS.—When an alien is granted lawful permanent resident status under this section, the number of immigrant visas authorized to be issued under any provision of this Act shall not be reduced.

“(d) APPREHENSION BEFORE APPLICATION PERIOD.—The Secretary of Homeland Security shall provide that in the case of an alien who is apprehended before the beginning of the application period described in subsection (a) and who can establish prima facie

eligibility to have the alien's status adjusted under that subsection (but for the fact that the alien may not apply for such adjustment until the beginning of such period), until the alien has had the opportunity during the first 180 days of the application period to complete the filing of an application for adjustment, the alien may not be removed from the United States unless the alien is removed on the basis that the alien has engaged in criminal conduct or is a threat to the national security of the United States.

“(e) CONFIDENTIALITY OF INFORMATION.—

“(1) IN GENERAL.—Except as otherwise provided in this section, no Federal agency or bureau, nor any officer or employee of such agency or bureau, may—

“(A) use the information furnished by the applicant pursuant to an application filed under paragraph (1) or (2) of subsection (a) for any purpose other than to make a determination on the application;

“(B) make any publication through which the information furnished by any particular applicant can be identified; or

“(C) permit anyone other than the sworn officers and employees of such agency, bureau, or approved entity, as approved by the Secretary of Homeland Security, to examine individual applications that have been filed.

“(2) REQUIRED DISCLOSURES.—The Secretary of Homeland Security and the Secretary of State shall provide the information furnished pursuant to an application filed under paragraph (1) or (2) of subsection (a), and any other information derived from such furnished information, to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested in writing by such entity.

“(3) CRIMINAL PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be fined not more than \$10,000.

“(f) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

“(1) CRIMINAL PENALTY.—

“(A) VIOLATION.—It shall be unlawful for any person to—

“(i) file or assist in filing an application for adjustment of status under this section and knowingly and willfully falsify, 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) 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, or 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.

“(3) EXCEPTION.—Notwithstanding paragraphs (1) and (2), any alien or other entity (including an employer or union) that submits an employment record that contains incorrect data that the alien used in order to obtain such employment, shall not have violated this subsection.

“(g) INELIGIBILITY FOR PUBLIC BENEFITS.—For purposes of section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613), an alien whose status has been adjusted in accordance with subsection (a) shall not be eligible for any Federal means-tested public

benefit unless the alien meets the alien eligibility criteria for such benefit under title IV of such Act (8 U.S.C. 1601 et seq.).

“(h) RELATIONSHIPS OF APPLICATION TO CERTAIN ORDERS.—

“(1) IN GENERAL.—An alien who is present in the United States and has been ordered excluded, deported, removed, or to depart voluntarily from the United States or is subject to reinstatement of removal under any provision of this Act may, notwithstanding such order, apply for adjustment of status under subsection (a). Such an alien shall not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate the exclusion, deportation, removal or voluntary departure order. If the Secretary of Homeland Security grants the application, the order shall be canceled. If the Secretary of Homeland Security renders a final administrative decision to deny the application, such order shall be effective and enforceable. Nothing in this paragraph shall affect the review or stay of removal under subsection (j).

“(2) STAY OF REMOVAL.—The filing of an application described in paragraph (1) shall stay the removal or detainment of the alien pending final adjudication of the application, unless the removal or detainment of the alien is based on criminal or national security grounds.

“(i) APPLICATION OF OTHER PROVISIONS.—Nothing in this section shall preclude an alien who may be eligible to be granted adjustment of status under subsection (a) from seeking such status under any other provision of law for which the alien may be eligible.

“(j) ADMINISTRATIVE AND JUDICIAL REVIEW.—

“(1) IN GENERAL.—Except as provided in this subsection, there shall be no administrative or judicial review of a determination respecting an application for adjustment of status under subsection (a).

“(2) ADMINISTRATIVE REVIEW.—

“(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary of Homeland Security shall establish an appellate authority to provide for a single level of administrative appellate review of a determination respecting an application for adjustment of status under subsection (a).

“(B) STANDARD FOR REVIEW.—Administrative appellate review referred to in subparagraph (A) shall be based solely upon the administrative record established at the time of the determination on the application and upon the presentation of additional or newly discovered evidence during the time of the pending appeal.

“(3) JUDICIAL REVIEW.—

“(A) DIRECT REVIEW.—A person whose application for adjustment of status under subsection (a) is denied after administrative appellate review under paragraph (2) may seek review of such denial, in accordance with chapter 7 of title 5, United States Code, before the United States district court for the district in which the person resides.

“(B) REVIEW AFTER REMOVAL PROCEEDINGS.—There shall be judicial review in the Federal courts of appeal of the denial of an application for adjustment of status under subsection (a) in conjunction with judicial review of an order of removal, deportation, or exclusion, but only if the validity of the denial has not been upheld in a prior judicial proceeding under subparagraph (A). Notwithstanding any other provision of law, the standard for review of such a denial shall be governed by subparagraph (C).

“(C) STANDARD FOR JUDICIAL REVIEW.—Judicial review of a denial of an application under this section shall be based solely upon the administrative record established at the time of the review. The findings of fact and

other determinations contained in the record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record, considered as a whole.

“(4) STAY OF REMOVAL.—Aliens seeking administrative or judicial review under this subsection shall not be removed from the United States until a final decision is rendered establishing ineligibility under this section, unless such removal is based on criminal or national security grounds.

“(k) DISSEMINATION OF INFORMATION ON ADJUSTMENT PROGRAM.—During the 12 months following the issuance of final regulations in accordance with subsection (o), the Secretary of Homeland Security, in cooperation with approved entities, approved by the Secretary of Homeland Security, shall broadly disseminate information respecting adjustment of status under this section and the requirements to be satisfied to obtain such status. The Secretary of Homeland Security shall also disseminate information to employers and labor unions to advise them of the rights and protections available to them and to workers who file applications under this section. Such information shall be broadly disseminated, in the languages spoken by the top 15 source countries of the aliens who would qualify for adjustment of status under this section, including to television, radio, and print media such aliens would have access to.

“(l) EMPLOYER PROTECTIONS.—

“(1) IMMIGRATION STATUS OF ALIEN.—Employers of aliens applying for adjustment of status under this section shall not be subject to civil and criminal tax liability relating directly to the employment of such alien.

“(2) PROVISION OF EMPLOYMENT RECORDS.—Employers that provide unauthorized aliens with copies of employment records or other evidence of employment pursuant to an application for adjustment of status under this section or any other application or petition pursuant to other provisions of the immigration laws, shall not be subject to civil and criminal liability pursuant to section 274A for employing such unauthorized aliens.

“(3) APPLICABILITY OF OTHER LAW.—Nothing in this subsection shall be used to shield an employer from liability pursuant to section 274B or any other labor and employment law provisions.

“(m) AUTHORIZATION OF APPROPRIATIONS; FINES; FEES.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security \$100,000,000 for fiscal year 2007, which shall remain available until expended, to carry out this section.

“(2) FINE.—An alien who files an application under this section (except for an alien under 18 years of age) shall pay a fine equal to \$2,000.

“(3) FEE.—Annual processing fee of \$50.

“(4) IMMIGRATION EXAMINATIONS FEE ACCOUNT.—Of the amounts collected each fiscal year under paragraphs (2) and (3), the Secretary of Homeland Security shall deposit—

“(A) \$10,000,000 into the General Fund of the Treasury, until an amount equal to the amount appropriated pursuant to paragraph (1) has been deposited under this subparagraph; and

“(B) the remaining amount into the Immigration Examinations Fee Account established under section 286(m).

“(5) USE OF AMOUNTS COLLECTED.—Of the amounts deposited into the Immigration Examinations Fee Account under paragraph (4)(B)—

“(A) such amounts as may be necessary shall be available, without fiscal year limitation, to—

“(i) the Secretary of Homeland Security to implement this section and to process applications received under this section; and

“(ii) the Secretary of Homeland Security and the Secretary of State for administrative and other expenses incurred in connection with the review of applications filed by immediate relatives of aliens applying for adjustment of status under this section; and

“(B) any amounts not expended under subparagraph (A) shall be available to the Secretary of Homeland Security to improve border security.

“(n) RULEMAKING.—

“(1) IN GENERAL.—Not later than 120 days after the date of the enactment of the Orange Card Program, the Secretary of Homeland Security shall issue regulations to implement this section.

“(2) APPLICATION PROCESSING PROCEDURE.—The regulations issued under paragraph (1) shall include a procedure for the orderly, efficient, and effective processing of applications received under this section. Such procedure shall require the Secretary of Homeland Security to—

“(A) permit applications under this section to be filed electronically, to the extent possible; and

“(B) allow for initial registration with fingerprints of applicants to be followed by a personal appointment and completed application.”.

(2) TABLE OF CONTENTS.—The table of contents is amended by inserting after the item relating to section 245A the following:

“Sec. 245B. Access to earned adjustment.”.

SA 4088. Mr. DODD 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 95, strike line 23 and all that follows through page 96, line 21, and insert the following:

“(i) if the violation is the offender's first violation under this subparagraph, shall be fined under such title, imprisoned for not less than 3 years or more than 20 years, or both; or

“(ii) if the violation is the offender's second or subsequent violation of this subparagraph, shall be fined under such title, imprisoned for not less than 7 years or more than 25 years, or both;

“(C) if the offense furthered or aided the commission of any other offense against the United States or any State that is punishable by imprisonment for more than 1 year, shall be fined under such title, imprisoned for not less than 7 years or more than 25 years, or both;

“(D) shall be fined under such title, imprisoned not less than 7 years or more than 25 years, or both, if the offense created a substantial and foreseeable risk of death, a substantial and foreseeable risk of serious bodily injury (as defined in section 2119(2) of title 18, United States Code), or inhuman conditions to another person, including—

SA 4089. Mr. DODD (for himself, Mr. LUGAR, and Mr. SALAZAR) 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 in the bill insert the following new section:

SEC. .

(a) FINDINGS—

(1) There are currently between 10–12 million illegal immigrants in the United States in 2006.

(2) As many as 70% of such migrants are citizens of Mexico.

(3) More than 1 million illegal migrants are apprehended annually in the United States southern border area attempting to illegally enter the United States, with an additional 500,000 entering undetected.

(4) Despite Operation Gatekeeper which began in 1994 with the construction of fencing in urban crossing areas and other efforts to stem the flow of illegal immigration, the flow of such migration has continued at high levels.

(5) Migrants have continued to cross into remote rural areas where difficult terrain and climate conditions have caused the deaths of some 2500 migrants over the last decade.

(6) Communities on both sides of the border will be impacted by the construction of additional fences and security structures.

(7) Illegal immigration cannot be permanently resolved or contained without the cooperation of Mexico and other countries that are the source of such migration.

(8) After some years of turning a blind eye to the migrant problem, Mexican authorities have recently acknowledged their responsibility for addressing illegal migration by Mexican citizens.

(9) It is in the interest of the United States to have the full cooperation of Mexican authorities in tackling illegal migration and other border security issues.

(b) CONSULTATION REQUIREMENT.—Consultations between United States and Mexican authorities at the federal, state, and local levels concerning the construction of additional fencing and related border security structures along the United States-Mexico border shall be undertaken prior to commencing any new construction, in order to solicit the views of affected communities, lessen tensions and foster greater understanding and stronger cooperation on this and other important issues of mutual concern.

SA 4090. Mr. DURBIN 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 of subtitle F of title VII, insert the following new section:

SEC. 766. GLOBAL HEALTHCARE COOPERATION.

(a) GLOBAL HEALTHCARE COOPERATION.—Title III (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:

“SEC. 317A. TEMPORARY ABSENCE OF ALIENS PROVIDING HEALTHCARE IN DEVELOPING COUNTRIES.

“(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary of Homeland Security shall allow an eligible alien and the spouse or child of such alien to reside in a candidate country during the period that the eligible alien is working as a physician or other healthcare worker in a candidate country. During such period the eligible alien and such spouse or child shall be considered—

“(1) to be physically present and residing in the United States for purposes of naturalization under section 316(a); and

“(2) to meet the continuous residency requirements under section 316(b).

“(b) DEFINITIONS.—In this section:

“(1) CANDIDATE COUNTRY.—The term ‘candidate country’ means a country that the Secretary of State determines is—

“(A) eligible for assistance from the International Development Association, in which the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for

the applicable fiscal year, as defined by the International Bank for Reconstruction and Development;

“(B) classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and having an income greater than the historical ceiling for International Development Association eligibility for the applicable fiscal year; or

“(C) qualifies to be a candidate country due to special circumstances, including natural disasters or public health emergencies.

“(2) ELIGIBLE ALIEN.—The term ‘eligible alien’ means an alien who—

“(A) has been lawfully admitted to the United States for permanent residence; and

“(B) is a physician or other healthcare worker.

“(c) CONSULTATION.—The Secretary of Homeland Security shall consult with the Secretary of State in carrying out this subsection.

“(d) PUBLICATION.—The Secretary of State shall publish—

“(1) not later than 6 months after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, and annually thereafter, a list of candidate countries; and

“(2) an immediate amendment to such list at any time to include any country that qualifies as a candidate country due to special circumstances under subsection (b)(1)(C).”.

(b) RULEMAKING.—

(1) REQUIREMENT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations to carry out the amendments made by this section.

(2) CONTENT.—The regulations required by paragraph (1) shall—

(A) permit an eligible alien (as defined in section 317A of the Immigration and Nationality Act, as added by subsection (a)) and the spouse or child of the eligible alien to reside in a foreign country to work as a physician or other healthcare worker as described in subsection (a) of such section 317A for not less than a 12-month period and not more than a 24-month period, and shall permit the Secretary to extend such period for an additional period not to exceed 12 months, if the Secretary determines that such country has a continuing need for such a physician or other healthcare worker;

(B) provide for the issuance of documents by the Secretary to such eligible alien, and such spouse or child, if appropriate, to demonstrate that such eligible alien, and such spouse or child, if appropriate, is authorized to reside in such country under such section 317A; and

(C) provide for an expedited process through which the Secretary shall review applications for such an eligible alien to reside in a foreign country pursuant to subsection (a) of such section 317A if the Secretary of State determines a country is a candidate country pursuant to subsection (b)(1)(C) of such section 317A.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The Immigration and Nationality Act is amended as follows:

(1) Section 101(a)(13)(C)(ii) (8 U.S.C. 1101(a)(13)(C)(ii)) is amended by adding at the end “except in the case of an eligible alien, or the spouse or child of such alien, authorized to be absent from the United States pursuant to section 317A.”.

(2) Section 211(b) (8 U.S.C. 1181(b)) is amended by inserting “, including an eligible alien authorized to reside in a foreign country pursuant to section 317A and the spouse or child of such eligible alien, if appropriate,” after “101(a)(27)(A).”.

(3) Section 212(a)(7)(A)(i)(I) (8 U.S.C. 1182(a)(7)(A)(i)(I)) is amended by inserting "other than an eligible alien authorized to reside in a foreign country pursuant to section 317A and the spouse or child of such eligible alien, if appropriate," after "Act,".

(4) Section 319(b)(1)(B) (8 U.S.C. 1430(b)(1)(B)) is amended by inserting "an eligible alien who is residing or has resided in a foreign country pursuant to section 317A" before "and" at the end.

(5) The table of contents is amended by inserting after the item relating to section 317 the following:

"Sec. 317A. Temporary absence of aliens providing healthcare in developing countries."

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Bureau of Citizenship and Immigration Services such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 767. ATTESTATION BY HEALTHCARE WORKERS.

(a) REQUIREMENT FOR ATTESTATION.—Section 212(a)(5) (8 U.S.C. 1182(a)(5)) is amended by adding at the end the following new subparagraph:

"(E) HEALTHCARE WORKERS WITH OTHER OBLIGATIONS.—

"(i) IN GENERAL.—An alien who seeks to enter the United States for the purpose of performing labor as a physician or other healthcare worker is inadmissible unless the alien submits to the Secretary of Homeland Security or the Secretary of State, as appropriate, an attestation that the alien is not seeking to enter the United States for such purpose during any period in which the alien has an outstanding obligation to the government of the alien's country of origin or the alien's country of residence.

"(ii) OBLIGATION DEFINED.—In this subparagraph, the term 'obligation' means an obligation incurred as part of a valid, voluntary individual agreement in which the alien received financial assistance to defray the costs of education or training to qualify as a physician or other healthcare worker in consideration for a commitment to work as a physician or other healthcare worker in the alien's country of origin or the alien's country of residence.

"(iii) WAIVER.—The Secretary of Homeland Security may waive a finding of inadmissibility under clause (i) if the Secretary determines that—

"(I) the obligation was incurred by coercion or other improper means;

"(II) the alien and the government of the country to which the alien has an outstanding obligation have reached a valid, voluntary agreement, pursuant to which the alien's obligation has been deemed satisfied, or the alien has shown to the satisfaction of the Secretary that the alien has been unable to reach such an agreement because of coercion or other improper means; or

"(III) the obligation should not be enforced due to other extraordinary circumstances, including undue hardship that would be suffered by the alien in the absence of a waiver."

(b) EFFECTIVE DATE AND APPLICATION.—

(1) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective 180 days after the date of the enactment of this Act.

(2) APPLICATION BY THE SECRETARY.—The Secretary shall begin to carry out the subparagraph (E) of section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)), as added by subsection (a), not later than the effective date described in paragraph (1), including the requirement for the attestation and the granting of a waiver

described in such subparagraph, regardless of whether regulations to implement such subparagraph have been promulgated.

SA 4091. Mrs. CLINTON 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. ____ NONIMMIGRANT STATUS FOR SPOUSES AND CHILDREN OF PERMANENT RESIDENTS AWAITING THE AVAILABILITY OF AN IMMIGRANT VISA.

Section 101(a)(15)(V) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(V)) is amended—

(1) by striking "the date of the enactment of the Legal Immigration Family Equity Act" and inserting "January 1, 2011"; and

(2) by striking "3 years" each place it appears and inserting "180 days".

SA 4092. Mr. REED 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 348, between lines 21 and 22, insert the following:

"(V) The employment requirement under clause (i)(I) shall not apply to any individual who is 65 years of age or older on the date of the enactment of the Immigrant Accountability Act of 2006.

On page 375, between lines 16 and 17, insert the following:

"(C) EXEMPTION.—The employment requirement under subparagraph (A) shall not apply to any individual who is 65 years of age or older on the date of the enactment of the Immigrant Accountability Act of 2006.

SA 4093. Mr. KENNEDY (for himself and Mr. DEWINE) 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 in title V, insert the following:

DETERMINATIONS WITH RESPECT TO CHILDREN UNDER THE HAITIAN AND IMMIGRANT FAIRNESS ACT OF 1998.

(a) IN GENERAL.—Section 902(d) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended by adding at the end the following:

"(3) DETERMINATIONS WITH RESPECT TO CHILDREN.—

"(A) USE OF APPLICATION FILING DATE.—Determinations made under this subsection as to whether an individual is a child of a parent shall be made using the age and status of the individual on October 21, 1998.

"(B) APPLICATION SUBMISSION BY PARENT.—Notwithstanding paragraph (1)(C), an application under this subsection filed based on status as a child may be filed for the benefit of such child by a parent or guardian of the child, if the child is physically present in the United States on such filing date."

(b) NEW APPLICATIONS AND MOTIONS TO REOPEN.—

(1) NEW APPLICATIONS.—Notwithstanding section 902(a)(1)(A) of the Haitian and Immigrant Fairness Act of 1998, an alien who is eligible for adjustment of status under such Act, as amended by subsection (a), may submit an application for adjustment of status under such Act not later than the later of—

(A) 2 years after the date of the enactment of this Act; and

(B) 1 year after the date on which final regulations implementing this section are promulgated.

(2) MOTIONS TO REOPEN.—The Secretary of Homeland Security shall establish procedures for the reopening and reconsideration of applications for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998 that are affected by the amendments under subsection (a).

(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—Section 902(a)(3) of the Haitian and Immigrant Fairness Act of 1998 shall apply to an alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily, and who files an application under paragraph (1), or a motion under paragraph (2), in the same manner as such section 902(a)(3) applied to aliens filing applications for adjustment of status under such Act before April 1, 2000.

SEC. 3. INADMISSIBILITY DETERMINATION.

Section 902 of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended in subsections (a)(1)(B) and (d)(1)(D) by inserting "(6)(C)(i)," after "(6)(A)."

SA 4094. 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 appropriate place, insert the following:

SEC. ____ PROMOTING CIRCULAR MIGRATION PATTERNS.

(a) LABOR MIGRATION FACILITATION PROGRAMS.—

(1) IN GENERAL.—The Secretary of State is authorized to enter into agreements, with the appropriate officials of foreign governments whose nationals participate in the temporary guest worker program authorized under section 218A of the Immigration and Nationality Act, as added by section 403 of this Act, for the purposes of jointly establishing and administering labor migration facilitation programs.

(2) PRIORITY.—The Secretary of State shall place a priority on establishing labor migration facilitation programs under paragraph (1) with the governments of countries that have a large number of nationals working as temporary guest workers in the United States under section 218A of such Act. The Secretary shall enter into such agreements not later than 3 months after the date of the enactment of this Act or as soon thereafter as is practicable.

(3) ELEMENTS OF PROGRAM.—A program established under paragraph (1) may provide for—

(A) the Secretary of State, in conjunction with the Secretary and the Secretary of Labor, to confer with appropriate officials of the foreign government to—

(i) establish and implement a program to assist temporary guest workers from the foreign country to obtain nonimmigrant status under section 101(a)(15)(H)(ii)(c) of such Act; and

(ii) establish programs to create economic incentives for aliens to return to their country of origin;

(B) the foreign government to—

(i) monitor the participation of its nationals in the temporary guest worker program, including departure from and return to their country of origin;

(ii) develop and promote a reintegration program available to such individuals upon their return from the United States; and

(iii) promote or facilitate travel of such individuals between their country of origin and the United States; and

(C) any other matters that the Secretary of State and the appropriate officials of the foreign government consider appropriate to enable nationals of the foreign country who are participating in the temporary work program to maintain strong ties to their country of origin.

(b) BILATERAL EFFORTS WITH MEXICO TO REDUCE MIGRATION PRESSURES AND COSTS.—

(1) FINDINGS.—Congress makes the following findings:

(A) Migration from Mexico to the United States is directly linked to the degree of economic opportunity and the standard of living in Mexico.

(B) Mexico comprises a prime source of migration to the United States.

(C) Remittances from Mexican citizens working in the United States reached a record high of nearly \$17,000,000,000 in 2004.

(D) Migration patterns may be reduced from Mexico to the United States by addressing the degree of economic opportunity available to Mexican citizens.

(E) Many Mexican assets are held extra-legally and cannot be readily used as collateral for loans.

(F) A majority of Mexican businesses are small- or medium-sized with limited access to financial capital.

(G) These factors constitute a major impediment to broad-based economic growth in Mexico.

(H) Approximately 20 percent of the population of Mexico works in agriculture, with the majority of this population working on small farms rather than large commercial enterprises.

(I) The Partnership for Prosperity is a bilateral initiative launched jointly by the President of the United States and the President of Mexico in 2001, which aims to boost the social and economic standards of Mexican citizens, particularly in regions where economic growth has lagged and emigration has increased.

(J) The Presidents of Mexico and of the United States and the Prime Minister of Canada, at their trilateral summit on March 23, 2005, established the Security and Prosperity Partnership of North America to promote economic growth, competitiveness, and quality of life throughout North America.

(2) SENSE OF CONGRESS REGARDING PARTNERSHIP FOR PROSPERITY.—It is the sense of Congress that the United States and Mexico should accelerate the implementation of the Security and Prosperity Partnership of North America to help generate economic growth and improve the standard of living in Mexico, which will lead to reduced migration, by—

(A) increasing access for poor and under served populations in Mexico to the financial services sector, including credit unions;

(B) assisting Mexican efforts to formalize its extra-legal sector, including the issuance of formal land titles, to enable Mexican citizens to use their assets to procure capital;

(C) facilitating Mexican efforts to establish an effective rural lending system for small- and medium-sized farmers that will—

(i) provide long term credit to borrowers;

(ii) develop a viable network of regional and local intermediary lending institutions; and

(iii) extend financing for alternative rural economic activities beyond direct agricultural production;

(D) expanding efforts to reduce the transaction costs of remittance flows in order to increase the pool of savings available to help finance domestic investment in Mexico;

(E) encouraging Mexican corporations to adopt internationally recognized corporate

governance practices, including anti-corruption and transparency principles;

(F) enhancing Mexican efforts to strengthen governance at all levels, including efforts to improve transparency and accountability, and to eliminate corruption, which is the single biggest obstacle to development;

(G) assisting the Government of Mexico in implementing all provisions of the Inter-American Convention Against Corruption (ratified by Mexico on May 27, 1997) and urging the Government of Mexico to participate fully in the Convention's formal implementation monitoring mechanism;

(H) helping the Government of Mexico to strengthen education and training opportunities throughout the country, with a particular emphasis on improving rural education; and

(I) encouraging the Government of Mexico to create incentives for persons who have migrated to the United States to return to Mexico.

(3) SENSE OF CONGRESS REGARDING BILATERAL PARTNERSHIP ON HEALTH CARE.—It is the sense of Congress that the Government of the United States and the Government of Mexico should enter into a partnership to examine uncompensated and burdensome health care costs incurred by the United States due to legal and illegal immigration, including—

(A) increasing health care access for poor and under served populations in Mexico;

(B) assisting Mexico in increasing its emergency and trauma health care facilities along the border, with emphasis on expanding prenatal care in the region along the international border between the United States and Mexico;

(C) facilitating the return of stable, incapacitated workers temporarily employed in the United States to Mexico in order to receive extended, long-term care in their home country; and

(D) helping the Government of Mexico to establish a program with the private sector to cover the health care needs of Mexican nationals temporarily employed in the United States.

SA 4095. Mr. DORGAN 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 250, strike lines 5 through 10, and insert the following:

“(a) AUTHORITY.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Homeland Security may grant a temporary visa to an H-2C non-immigrant who demonstrates an intent to perform labor or services in the United States (other than the labor or services described in clause (i)(b) or (ii)(a) of section 101(a)(15)(H) or subparagraph (L), (O), (P), or (R) of section 101(a)(15)).

“(2) SUNSET.—Notwithstanding any other provision of law, after the date that is 5 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, no alien may be issued a new visa as an H-2C nonimmigrant for an initial period of authorized admission under subsection (f)(1). The Secretary of Homeland Security may continue to issue an extension of a temporary visa issued to an H-2C nonimmigrant pursuant to such subsection after such date.

SA 4096. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 184, strike lines 5 through 24, and insert the following:

“(3) CONTRACTOR LIABILITY FOR EMPLOYMENT OF UNAUTHORIZED WORKERS.—A person or other entity shall not be liable for a penalty under subsection (e)(4)(A) with respect to the violation of subsection (a)(1)(A), (a)(1)(B), or (a)(2) with respect to the hiring or continuation of employment of an unauthorized alien by a subcontractor of that person or entity unless the person or entity knew that the subcontractor hired or continued to employ such alien in violation of such subsection.

SA 4097. 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:

Beginning on page 362, strike line 4 and all that follows through page 363, line 12, and insert the following:

“(e) CONFIDENTIALITY OF INFORMATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2) or (3) or as otherwise provided in this section, or pursuant to written waiver of the applicant or order of a court of competent jurisdiction, no Federal agency or bureau, or any officer or employee of such agency or bureau, may—

“(A) use the information furnished by the applicant pursuant to an application filed under paragraph (1) or (2) of subsection (a) for any purpose other than to make a determination on the application;

“(B) make any publication through which the information furnished by any particular applicant can be identified; or

“(C) permit anyone other than the sworn officers and employees of such agency, bureau, or approved entity, as approved by the Secretary of Homeland Security, to examine individual applications that have been filed.

“(2) REQUIRED DISCLOSURES.—The Secretary of Homeland Security and the Secretary of State shall provide the information furnished pursuant to an application filed under paragraph (1) or (2) of subsection (a), and any other information derived from such furnished information, to—

“(A) a duly recognized law enforcement entity in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested by such entity; or

“(B) an official coroner for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

“(3) INAPPLICABILITY AFTER DENIAL.—The limitation under paragraph (1)—

“(A) shall apply only until an application filed under paragraph (1) or (2) of subsection (a) is denied and all opportunities for appeal of the denial have been exhausted; and

“(B) shall not apply to use of the information furnished pursuant to such application in any removal proceeding or other criminal or civil case or action relating to an alien whose application has been granted that is based upon any violation of law committed or discovered after such grant.

“(4) CRIMINAL PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be fined not more than \$10,000.

SA 4098. Mr. BINGAMAN (for himself and Mr. DOMENICI) 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. ____ . ANNUAL REPORT ON THE NORTH AMERICAN DEVELOPMENT BANK.

Section 2 of Public Law 108-215 (22 U.S.C. 290m-6) is amended—

(1) in paragraph (1), by inserting after “The number” the following: “of applications received by, pending with, and awaiting final approval from the Board of the North American Development Bank and the number”; and

(2) by adding at the end the following:

“(8) Recommendations on how to improve the operations of the North American Development Bank.

“(9) An update on the implementation of this Act, including the business process review undertaken by the North American Development Bank.

“(10) A description of the activities and accomplishments of the North American Development Bank during the previous year, including a brief summary of meetings and actions taken by the Board of the North American Development Bank.”.

SA 4099. Mr. OBAMA (for himself 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:

Strike title III and insert the following:

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. 301. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) IN GENERAL.—Section 274A (8 U.S.C. 1324a) is amended to read as follows:

“SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

“(a) MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.—

“(1) IN GENERAL.—It is unlawful for an employer—

“(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing, or with reckless disregard, that the alien is an unauthorized alien with respect to such employment; or

“(B) to hire, or to recruit or refer for a fee, for employment in the United States an individual unless such employer meets the requirements of subsections (c) and (d).

“(2) CONTINUING EMPLOYMENT.—It is unlawful for an employer, after lawfully hiring an alien for employment, to continue to employ the alien in the United States knowing that the alien is (or has become) an unauthorized alien with respect to such employment.

“(3) USE OF LABOR THROUGH CONTRACT.—

“(A) IN GENERAL.—An employer who uses a contract, subcontract, or exchange to obtain the labor of an alien in the United States knowing, or with reckless disregard—

“(i) that the alien is an unauthorized alien with respect to performing such labor, shall be considered to have hired the alien in violation of paragraph (1)(A); or

“(ii) that the person hiring such alien failed to comply with the requirements of subsections (c) and (d) shall be considered to have hired the alien in violation of paragraph (1)(B).

“(B) INFORMATION SHARING.—The person hiring the alien shall provide to the employer who obtains the labor of the alien, the employer identification number assigned to such person by the Commissioner of Internal Revenue. Failure to provide such number shall be considered a recordkeeping violation under subsection (e)(4)(B).

“(C) REPORTING REQUIREMENT.—The employer shall submit to the Electronic Employment Verification System established under subsection (d), in a manner prescribed by the Secretary, the employer identification number provided by the person hiring the alien. Failure to submit such number shall be considered a recordkeeping violation under subsection (e)(4)(B).

“(D) ENFORCEMENT.—The Secretary shall implement procedures to utilize the information obtained under subparagraphs (B) and (C) to identify employers who use a contract, subcontract, or exchange to obtain the labor of an alien from another person, where such person hiring such alien failed to comply with the requirements of this section.

“(4) DEFENSE.—

“(A) IN GENERAL.—Subject to subparagraph (B), an employer that establishes that the employer has complied in good faith with the requirements of subsections (c) and (d) has established an affirmative defense that the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

“(B) EXCEPTION.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is participating in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) by complying with the requirements of subsection (c).

“(b) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—

“(1) AUTHORITY TO REQUIRE CERTIFICATION.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that the employer is in compliance with this section, or has instituted a program to come into compliance.

“(2) CONTENT OF CERTIFICATION.—Not later than 60 days after the date an employer receives a request for a certification under paragraph (1) the employer shall certify under penalty of perjury that—

“(A) the employer is in compliance with the requirements of subsections (c) and (d); or

“(B) that the employer has instituted a program to come into compliance with such requirements.

“(3) EXTENSION.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

“(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification under paragraph (1) and for specific recordkeeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

“(c) DOCUMENT VERIFICATION REQUIREMENTS.—An employer hiring, or recruiting or referring for a fee, an individual for employment in the United States shall verify that the individual is eligible for such employment by meeting the following requirements:

“(1) ATTESTATION BY EMPLOYER.—

“(A) REQUIREMENTS.—

“(i) IN GENERAL.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining a document described in subparagraph (B).

“(ii) SIGNATURE REQUIREMENTS.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

“(iii) STANDARDS FOR EXAMINATION.—The employer has complied with the requirement

of this paragraph with respect to examination of documentation if a reasonable person would conclude that the document examined is genuine and relates to the individual whose identity and eligibility for employment in the United States is being verified. If the individual provides a document sufficient to meet the requirements of this paragraph, nothing in this paragraph shall be construed as requiring an employer to solicit any other document or as requiring the individual to produce any other document.

“(B) IDENTIFICATION DOCUMENTS.—A document described in this subparagraph is—

“(i) a United States passport;

“(ii) driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States provided that such a card or document—

“(I) contains the individual's photograph or information, including the individual's name, date of birth, gender, eye color, and address; and

“(II) contains security features to make such license or card resistant to tampering, counterfeiting, or fraudulent use;

“(iii) in the case of an alien who is authorized under this Act or by the Secretary to be employed in the United States, an employment authorization card, as specified by the Secretary that—

“(I) contains a photograph of the individual or other identifying information, including name, date of birth, gender, and address; and

“(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use;

“(iv) any other documents designated by the Secretary, if—

“(I) the Secretary has published a notice in the Federal Register stating that such a document is acceptable for purposes of this subparagraph; and

“(II) the document contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use; or

“(v) until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is participating in such System on a voluntary basis, a document, or a combination of documents, of such type that, as of the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary had established by regulation were sufficient for purposes of this section.

“(C) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—

“(i) AUTHORITY.—If the Secretary finds that a document or class of documents described in subparagraph (B) is not reliable to establish identity or is being used fraudulently to an unacceptable degree, the Secretary shall prohibit, or impose conditions, on the use of such document or class of documents for purposes of this subsection.

“(ii) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

“(2) ATTESTATION OF EMPLOYEE.—

“(A) REQUIREMENTS.—

“(i) IN GENERAL.—The individual shall attest, under penalty of perjury on the form described in paragraph (1)(A)(i), that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Secretary to be hired, or to be recruited or referred for a fee, in the United States.

“(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

“(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than \$5,000, a term of imprisonment not to exceed 3 years, or both.

“(3) RETENTION OF ATTESTATION.—The employer shall retain a paper, microfiche, microfilm, or electronic version of the attestations made under paragraph (1) and (2) and make such attestations available for inspection by an officer of the Department of Homeland Security, any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during a period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

“(i) in the case of the recruiting or referral for a fee (without hiring) of an individual, 5 years after the date of the recruiting or referral; or

“(B) in the case of the hiring of an individual the later of—

“(i) 5 years after the date of such hiring;

“(ii) 1 year after the date the individual's employment is terminated; or

“(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

“(4) DOCUMENT RETENTION AND RECORD-KEEPING REQUIREMENTS.—

“(A) RETENTION OF DOCUMENTS.—Notwithstanding any other provision of law, an employer shall retain, for the applicable period described in paragraph (3), the following documents:

“(i) IN GENERAL.—The employer shall copy all documents presented by an individual described in paragraph (1)(B) and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall be designated as copied documents.

“(ii) OTHER DOCUMENTS.—The employer shall maintain records of any action taken and copies of any correspondence written or received with respect to the verification of an individual's identity or eligibility for employment in the United States, including a copy of the form described in subsection (a)(3)(B).

“(B) USE OF RETAINED DOCUMENTS.—An employer shall use copies retained under clause (i) or (ii) of subparagraph (A) only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.

“(5) PENALTIES.—An employer that fails to comply with the recordkeeping requirements of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

“(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

“(d) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

“(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the ‘System’) to determine whether—

“(A) the identifying information submitted by an individual is consistent with the information maintained by the Secretary or the Commissioner of Social Security; and

“(B) such individual is eligible for employment in the United States.

“(2) REQUIREMENT FOR PARTICIPATION.—The Secretary shall require all employers in the United States to participate in the System,

with respect to all employees hired by the employer on or after the date that is 18 months after the date that funds are appropriated and made available to the Secretary to implement this subsection.

“(3) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (2), the Secretary has the authority—

“(A) to permit any employer that is not required to participate in the System under paragraph (2) to participate in the System on a voluntary basis; and

“(B) to require any employer or class of employers to participate on a priority basis in the System with respect to employees hired prior to, on, or after the date of enactment of the Comprehensive Immigration Reform Act of 2006—

“(i) if the Secretary designates such employer or class of employers as a critical employer based on an assessment of homeland security or national security needs; or

“(ii) if the Secretary has reasonable cause to believe that the employer has engaged in material violations of paragraph (1), (2), or (3) of subsection (a).

“(4) REQUIREMENT TO NOTIFY.—The Secretary shall notify the employer or class of employers in writing regarding the requirement for participation in the System under paragraph (3)(B) not less than 60 days prior to the effective date of such requirement. Such notice shall include the training materials described in paragraph (8)(E)(v).

“(5) REGISTRATION OF EMPLOYERS.—An employer shall register the employer's participation in the System in the manner prescribed by the Secretary prior to the date the employer is required or permitted to submit information with respect to an employee under this subsection.

“(6) ADDITIONAL GUIDANCE.—A registered employer shall be permitted to utilize any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to facilitate compliance with—

“(A) the attestation requirement in subsection (c); and

“(B) the employment eligibility verification requirements in this subsection.

“(7) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an employee—

“(A) such failure shall be treated as a violation of subsection (a)(1)(B); and

“(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A), however, such presumption may not apply to a prosecution under subsection (f)(1).

“(8) DESIGN AND OPERATION OF SYSTEM.—

“(A) IN GENERAL.—The Secretary shall, through the System—

“(i) respond to each inquiry made by a registered employer through the Internet or other electronic media, or over a toll-free telephone line regarding an individual's identity and eligibility for employment in the United States; and

“(ii) maintain a record of each such inquiry and the information provided in response to such inquiry.

“(B) INITIAL INQUIRY.—

“(i) INFORMATION REQUIRED.—A registered employer shall, with respect to the hiring, or recruiting or referring for a fee, any individual for employment in the United States, obtain from the individual and record on the form described in subsection (c)(1)(A)(i)—

“(I) the individual's name and date of birth;

“(II) the individual's social security account number; and

“(III) in the case of an individual who does not attest that the individual is a national of

the United States under subsection (c)(2), such alien identification or authorization number that the Secretary shall require.

“(ii) SUBMISSION TO SYSTEM.—A registered employer shall submit an inquiry through the System to seek confirmation of the individual's identity and eligibility for employment in the United States—

“(I) not later than 3 days after the date of the hiring, or recruiting or referring for a fee, of the individual (as the case may be); or

“(II) in the case of an employee hired by a critical employer designated by the Secretary under paragraph (3)(B) at such time as the Secretary shall specify.

“(C) INITIAL RESPONSE.—Not later than 10 days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

“(i) if the System is able to confirm the individual's identity and eligibility for employment in the United States, a confirmation notice, including the appropriate codes on such confirmation notice; or

“(ii) if the System is unable to confirm the individual's identity or eligibility for employment in the United States, and after a secondary manual verification has been conducted, a tentative nonconfirmation notice, including the appropriate codes on such tentative nonconfirmation notice.

“(D) CONFIRMATION OR NONCONFIRMATION.—

“(i) CONFIRMATION UPON INITIAL INQUIRY.—If an employer receives a confirmation notice under paragraph (C)(i) for an individual, the employer shall record, on the form described in subsection (c)(1)(A)(i), the appropriate code provided in such notice.

“(ii) TENTATIVE NONCONFIRMATION.—If an employer receives a tentative nonconfirmation notice under paragraph (C)(ii) for an individual, the employer shall inform such individual of the issuance of such notice in writing, on a form prescribed by the Secretary not later than 3 days after receiving such notice. Such individual shall acknowledge receipt of such notice in writing on the form described in subsection (c)(1)(A)(i).

“(iii) NO CONTEST.—If the individual does not contest the tentative nonconfirmation notice within 10 days of receiving notice from the individual's employer, the notice shall become final and the employer shall record on the form described in subsection (c)(2), the appropriate code provided through the System to indicate the individual did not contest the tentative nonconfirmation. An individual's failure to contest a tentative nonconfirmation shall not be considered an admission of guilt with respect to any violation of this Act or any other provision of law.

“(iv) CONTEST.—If the individual contests the tentative nonconfirmation notice, the individual shall submit appropriate information to contest such notice under the procedures established in subparagraph (E)(iii) not later than 10 days after receiving the notice from the individual's employer.

“(v) EFFECTIVE PERIOD OF TENTATIVE NONCONFIRMATION NOTICE.—A tentative nonconfirmation notice shall remain in effect until such notice becomes final under clause (iii), or the earlier of—

“(I) a final confirmation notice or final nonconfirmation notice is issued through the System; or

“(II) 30 days after the individual contests a tentative nonconfirmation under clause (iv).

“(vi) AUTOMATIC FINAL NOTICE.—

“(I) IN GENERAL.—If a final notice is not issued within the 30-day period described in clause (v)(II), the Secretary shall automatically provide to the employer, through the System, the appropriate code indicating a final notice.

“(II) PERIOD PRIOR TO INITIAL CERTIFICATION.—During the period beginning on the date of the enactment of the Comprehensive Immigration Reform Act of 2006 and ending on the date the Secretary submits the initial report described in subparagraph (E)(ii), an automatic notice issued under subclause (I) shall be a final confirmation notice.

“(III) PERIOD AFTER INITIAL CERTIFICATION.—After the date that the Secretary submits the initial report described in subparagraph (E)(ii), an automatic notice issued under subclause (I) shall be a final confirmation notice unless the most recent such report includes a certification that the System is able to correctly issue, within the period beginning on the date an employer submits an inquiry to the System and ending on the date an automatic default notice would be issued by the System, a final notice in at least 99 percent of the cases in which the notice relates to an individual who is eligible for employment in the United States. If the most recent such report includes such a certification, the automatic notice issued under subclause (I) shall be a final nonconfirmation notice.

“(IV) ADDITIONAL AUTHORITY.—Notwithstanding the second sentence of subclause (III), the Secretary shall have the authority to issue a final confirmation notice for an individual who would be subject to a final nonconfirmation notice under such sentence. In such a case, the Secretary shall determine the individual's eligibility for employment in the United States and record the results of such determination in the System within 12 months.

“(vii) EFFECTIVE PERIOD OF FINAL NOTICE.—A final confirmation notice issued under this paragraph for an individual shall remain in effect—

“(I) during any continuous period of employment of such individual by such employer, unless the Secretary determines the final confirmation was the result of identity fraud; or

“(II) in the case of an alien authorized to be employed in the United States for a temporary period, during such period.

“(viii) PROHIBITION ON TERMINATION.—An employer may not terminate the employment of an individual based on a tentative nonconfirmation notice until such notice becomes final under clause (iii) or a final nonconfirmation notice is issued for the individual by the System. Nothing in this clause shall prohibit the termination of employment for any reason other than such tentative nonconfirmation.

“(ix) RECORDING OF CONTEST RESOLUTION.—The employer shall record on the form described in subsection (c)(1)(A)(i) the appropriate code that is provided through the System to indicate a final confirmation notice or final nonconfirmation notice.

“(x) CONSEQUENCES OF NONCONFIRMATION.—If the employer has received a final nonconfirmation regarding an individual, the employer shall terminate the employment, recruitment, or referral of the individual. Such employer shall provide to the Secretary any information relating to the individual that the Secretary determines would assist the Secretary in enforcing or administering the immigration laws. If the employer continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated subsections (a)(1)(A) and (a)(2). Such presumption may not apply to a prosecution under subsection (f)(1).

“(E) RESPONSIBILITIES OF THE SECRETARY.—“(i) IN GENERAL.—The Secretary shall establish a reliable, secure method to be used through the System, within the time periods required by this subsection—

“(I) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer is consistent with such information maintained by the Secretary in order to confirm the validity of the information provided; and

“(II) a determination of whether the individual is authorized to be employed in the United States.

“(ii) ANNUAL REPORT AND CERTIFICATION.—Not later than the date that is 24 months after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, and annually thereafter, the Secretary shall submit to Congress a report that includes—

“(I) an assessment of whether the System is able to correctly issue, within the period described in subparagraph (D)(v)(II), a final notice in at least 99 percent of the cases in which the final notice relates to an individual who is eligible for employment in the United States (excluding an individual who fails to contest a tentative nonconfirmation notice); and

“(II) if the assessment under subclause (I) is that the System is able to correctly issue within the specified time period a final notice in at least 99 percent of the cases described in such subclause, a certification of such assessment.

“(iii) CONTEST AND SELF-VERIFICATION.—The Secretary in consultation with the Commissioner of Social Security, shall establish procedures to permit an individual who contests a tentative or final nonconfirmation notice, or seeks to verify the individual's own employment eligibility prior to obtaining or changing employment, to contact the appropriate agency and, in a timely manner, correct or update the information used by the System.

“(iv) INFORMATION TO EMPLOYEE.—The Secretary shall develop a written form for employers to provide to individuals who receive a tentative or final nonconfirmation notice. Such form shall be made available in a language other than English, as necessary and reasonable, and shall include—

“(I) information about the reason for such notice;

“(II) the right to contest such notice;

“(III) contact information for the appropriate agency and instructions for initiating such contest; and

“(IV) a 24-hour toll-free telephone number to respond to inquiries related to such notice.

“(v) TRAINING MATERIALS.—The Secretary shall make available or provide to the employer, upon request, not later than 60 days prior to such employer's participation in the System, appropriate training materials to facilitate compliance with this subsection, and sections 274B(a)(7) and 274C(a).

“(F) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The responsibilities of the Commissioner of Social Security with respect to the System are set out in section 205(c)(2) of the Social Security Act.

“(9) PROTECTION FROM LIABILITY.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.

“(10) ADMINISTRATIVE REVIEW.—

“(A) IN GENERAL.—An individual who is terminated from employment as a result of a final nonconfirmation notice may, not later than 60 days after the date of such termination, file an appeal of such notice.

“(B) PROCEDURES.—The Secretary and Commissioner of Social Security shall develop procedures to review appeals filed under subparagraph (A) and to make final determinations on such appeals.

“(C) REVIEW FOR ERRORS.—If a final determination on an appeal filed under subparagraph (A) results in a confirmation of an individual's eligibility to work in the United States, the administrative review process shall require the Secretary to determine if the final nonconfirmation notice issued for the individual was the result of—

“(i) an error or negligence on the part of an employee or official operating or responsible for the System;

“(ii) the decision rules, processes, or procedures utilized by the System; or

“(iii) erroneous system information that was not the result of acts or omissions of the individual.

“(D) COMPENSATION FOR ERROR.—

“(i) IN GENERAL.—If the Secretary makes a determination under subparagraph (C) that the final confirmation notice issued for an individual was not caused by an act or omission of the individual, the Secretary shall take such affirmative action as the Secretary determines is appropriate, which shall include compensating the individual for reasonable costs and attorney's fees, not to exceed \$25,000, and for lost wages.

“(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work schedule that prevailed prior to termination. The individual shall be compensated for wages lost beginning on the first scheduled work day after employment was terminated and ending 180 days after completion of the administrative review process described in this paragraph or the day after the individual is reinstated or obtains employment elsewhere, whichever occurs first.

“(E) LIMITATION ON COMPENSATION.—For purposes of determining an individual's compensation for the loss of employment, such compensation shall not include any period in which the individual was ineligible for employment in the United States.

“(F) SOURCE OF FUNDS.—Compensation or reimbursement provided under this paragraph shall not be provided from funds appropriated in annual appropriations Acts to the Secretary for the Department of Homeland Security.

“(11) JUDICIAL REVIEW.—

“(A) IN GENERAL.—After the Secretary makes a final determination on an appeal filed by an individual under the administrative review process described in paragraph (10), the individual may obtain judicial review of such determination by a civil action commenced not later than 60 days after the date of such decision, or such further time as the Secretary may allow.

“(B) JURISDICTION.—A civil action for such judicial review shall be brought in the district court of the United States for the judicial district in which the plaintiff resides, or has a principal place of business, or, if the plaintiff does not reside or have a principal place of business within any such judicial district, in the District Court of the United States for the District of Columbia.

“(C) ANSWER.—As part of the Secretary's answer to a complaint for such judicial review, the Secretary shall file a certified copy of the administrative record compiled during the administrative review under paragraph (10), including the evidence upon which the findings and decision complained of are based. The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming or reversing the result of that administrative review, with or without remanding the cause for a rehearing.

“(D) COMPENSATION FOR ERROR.—

“(i) IN GENERAL.—In cases in which such judicial review reverses the final determination of the Secretary made under paragraph

(10), the court shall take appropriate affirmative action, which shall include compensating the individual for reasonable costs and attorney's fees, not to exceed \$25,000, and for lost wages.

“(ii) **CALCULATION OF LOST WAGES.**—Lost wages shall be calculated based on the wage rate and work scheduled that prevailed prior to termination. The individual shall be compensated for wages lost beginning on the first scheduled work day after employment was terminated and ending 180 days after completion of the judicial review described in this paragraph or the day after the individual is reinstated or obtains employment elsewhere, whichever occurs first.

“(12) **LIMITATION ON COLLECTION AND USE OF DATA.**—

“(A) **LIMITATION ON COLLECTION OF DATA.**—

“(i) **IN GENERAL.**—The System shall collect and maintain only the minimum data necessary to facilitate the successful operation of the System, and in no case shall the data be other than—

“(I) information necessary to register employers under paragraph (5);

“(II) information necessary to initiate and respond to inquiries or contests under paragraph (8);

“(III) information necessary to establish and enforce compliance with paragraphs (5) and (8);

“(IV) information necessary to detect and prevent employment related identity fraud; and

“(V) such other information the Secretary determines is necessary, subject to a 180 day notice and comment period in the Federal Register.

“(ii) **PENALTIES.**—Any officer, employee, or contractor who willfully and knowingly collects and maintains data in the System other than data described in clause (i) shall be guilty of a misdemeanor and fined not more than \$1,000 for each violation.

“(B) **LIMITATION ON USE OF DATA.**—Whoever willfully and knowingly accesses, discloses, or uses any information obtained or maintained by the System—

“(i) for the purpose of committing identity fraud, or assisting another person in committing identity fraud, as defined in section 1028 of title 18, United States Code;

“(ii) for the purpose of unlawfully obtaining employment in the United States or unlawfully obtaining employment in the United States for any other person; or

“(iii) for any purpose other than as provided for under any provision of law; shall be guilty of a felony and upon conviction shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

“(C) **EXCEPTIONS.**—Nothing in subparagraph (A) or (B) may be construed to limit the collection, maintenance, or use of data by the Commissioner of Internal Revenue or the Commissioner of Social Security as provided by law.

“(13) **MODIFICATION AUTHORITY.**—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection with respect to completion of forms, method of storage, attestations, copying of documents, signatures, methods of transmitting information, and other operational and technical aspects to improve the efficiency, accuracy, and security of the System.

“(14) **ANNUAL GAO STUDY AND REPORT.**—

“(A) **REQUIREMENT.**—The Comptroller General of the United States shall conduct an annual study of the System.

“(B) **PURPOSE.**—The study shall evaluate the accuracy, efficiency, integrity, and impact of the System.

“(C) **REPORT.**—Not later than the date that is 24 months after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, and annually thereafter, the Comptroller General shall submit to Congress a report containing the findings of the study carried out under this paragraph. Each such report shall include, at a minimum, the following:

“(i) An assessment of the annual report and certification described in paragraph (8)(E)(ii).

“(ii) An assessment of System performance with respect to the rate at which individuals who are eligible for employment in the United States are correctly approved within each of the periods specified in paragraph (8), including a separate assessment of such rate for nationals and aliens.

“(iii) An assessment of the privacy and security of the System and its effects on identity fraud or the misuse of personal data.

“(iv) An assessment of the effects of the System on the employment of unauthorized aliens.

“(v) An assessment of the effects of the System, including the effects of tentative confirmations, on unfair immigration-related employment practices and employment discrimination based on national origin or citizenship status.

“(vi) An assessment of whether the Secretary and the Commissioner of Social Security have adequate resources to carry out the duties and responsibilities of this section.

“(e) **COMPLIANCE.**—

“(1) **COMPLAINTS AND INVESTIGATIONS.**—The Secretary shall establish procedures—

“(A) for individuals and entities to file complaints regarding potential violations of subsection (a);

“(B) for the investigation of such complaints that the Secretary determines are appropriate to investigate; and

“(C) for the investigation of other violations of subsection (a) that the Secretary determines is appropriate.

“(2) **AUTHORITY IN INVESTIGATIONS.**—

“(A) **IN GENERAL.**—In conducting investigations and hearings under this subsection, officers and employees of the Department of Homeland Security—

“(i) shall have reasonable access to examine evidence regarding any employer being investigated; and

“(ii) if designated by the Secretary, may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this subsection.

“(B) **FAILURE TO COOPERATE.**—In case of refusal to obey a subpoena lawfully issued under subparagraph (A)(ii), the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court as contempt.

“(C) **DEPARTMENT OF LABOR.**—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)) to ensure compliance with the provisions of this section.

“(3) **COMPLIANCE PROCEDURES.**—

“(A) **PREPENALTY NOTICE.**—If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer concerned a written notice of the Secretary's intention to issue a claim for a fine or other penalty. Such notice shall—

“(i) describe the violation;

“(ii) specify the laws and regulations allegedly violated;

“(iii) specify the amount of fines or other penalties to be imposed;

“(iv) disclose the material facts which establish the alleged violation; and

“(v) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

“(B) **REMISSION OR MITIGATION OF PENALTIES.**—

“(i) **REVIEW BY SECRETARY.**—If the Secretary determines that such fine or other penalty was incurred erroneously, or determines the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice.

“(ii) **APPLICABILITY.**—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1), (2), or (3) of subsection (a) or of any other requirements of this section.

“(C) **PENALTY CLAIM.**—After considering evidence and representations offered by the employer, the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based and the appropriate penalty.

“(4) **CIVIL PENALTIES.**—

“(A) **HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.**—Any employer that violates any provision of paragraph (1), (2), or (3) of subsection (a) shall pay civil penalties as follows:

“(i) Pay a civil penalty of not less than \$500 and not more than \$4,000 for each unauthorized alien with respect to each such violation.

“(ii) If the employer has previously been fined 1 time during the 12-month period preceding the violation under this subparagraph, pay a civil penalty of not less than \$4,000 and not more than \$10,000 for each unauthorized alien with respect to each such violation.

“(iii) If the employer has previously been fined more than 1 time during the 24-month period preceding the violation under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of not less than \$6,000 and not more than \$20,000 for each unauthorized alien with respect to each such violation.

“(B) **RECORDKEEPING OR VERIFICATION PRACTICES.**—Any employer that violates or fails to comply with the recordkeeping requirements of subsections (a), (c), and (d), shall pay a civil penalty as follows:

“(i) Pay a civil penalty of not less than \$200 and not more than \$2,000 for each such violation.

“(ii) If the employer has previously been fined 1 time during the 12-month period preceding the violation under this subparagraph, pay a civil penalty of not less than \$400 and not more than \$4,000 for each such violation.

“(iii) If the employer has previously been fined more than 1 time during the 24-month period preceding the violation under this subparagraph or has failed to comply with a previously issued and final order related to such requirements, pay a civil penalty of not less than \$600 and not more than \$6,000 for each such violation.

“(C) **OTHER PENALTIES.**—Notwithstanding subparagraphs (A) and (B), the Secretary

may impose additional penalties for violations, including violations of cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the criminal penalty described in subsection (f).

“(5) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 45 days after the date the final determination is issued, file a petition in any appropriate district court of the United States. The filing of a petition as provided in this paragraph shall stay the Secretary’s determination until entry of judgment by the court. The burden shall be on the employer to show that the final determination was not supported by substantial evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

“(6) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit to enforce compliance with the final determination, not earlier than 46 days and not later than 180 days after the date the final determination is issued, in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final determination shall not be subject to review.

“(7) RECOVERY OF COSTS AND ATTORNEY’S FEES.—In any appeal brought under paragraph (5) or suit brought under paragraph (6) of this section the employer shall be entitled to recover from the Secretary reasonable costs and attorney’s fees if such employer substantially prevails on the merits of the case. Such an award of attorney’s fees may not exceed \$25,000. Any such costs and attorney’s fees assessed against the Secretary shall be charged against the operating expenses of the Department for the fiscal year in which the assessment is made, and may not be reimbursed from any other source.

“(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

“(1) CRIMINAL PENALTY.—An employer that engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than \$20,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 3 years for the entire pattern or practice, or both.

“(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

“(g) ADJUSTMENT FOR INFLATION.—All penalties and limitations on the recovery of costs and attorney’s fees in this section shall be increased every 4 years beginning January 2010 to reflect the percentage increase in the consumer price index for all urban consumers (all items; U.S. city average) for the 48 month period ending with September of the year preceding the year such adjustment is made. Any adjustment under this subparagraph shall be rounded to the nearest dollar.

“(h) PROHIBITION OF INDEMNITY BONDS.—

“(1) PROHIBITION.—It is unlawful for an employer, in the hiring, recruiting, or referring

for a fee, of an individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

“(2) CIVIL PENALTY.—Any employer which is determined, after notice and opportunity for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) of this subsection shall be subject to a civil penalty of \$10,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the Employer Compliance Fund established under section 286(w).

“(i) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

“(1) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

“(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 5 years. The Secretary or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 5 years.

“(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

“(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

“(A) IN GENERAL.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, shall be debarred from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years.

“(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government’s intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years.

“(C) WAIVER.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding. The decision of whether to debar or take alternate action under this subparagraph shall not be judicially reviewed.

“(3) SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debar-

ment under this subsection shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

“(j) MISCELLANEOUS PROVISIONS.—

“(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens eligible to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement (other than aliens lawfully admitted for permanent residence).

“(2) PREEMPTION.—The provisions of this section preempt any State or local law imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens.

“(k) DEPOSIT OF AMOUNTS RECEIVED.—Except as otherwise specified, civil penalties collected under this section shall be deposited by the Secretary into the Employer Compliance Fund established under section 286(w).

“(l) DEFINITIONS.—In this section:

“(1) EMPLOYER.—The term ‘employer’ means any person or entity, including any entity of the Government of the United States, hiring, recruiting, or referring an individual for employment in the United States.

“(2) SECRETARY.—Except as otherwise provided, the term ‘Secretary’ means the Secretary of Homeland Security.

“(3) UNAUTHORIZED ALIEN.—The term ‘unauthorized alien’ means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

“(A) an alien lawfully admitted for permanent residence; or

“(B) authorized to be so employed by this Act or by the Secretary.”

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS.—

(A) REPEAL OF BASIC PILOT.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) are repealed.

(B) REPEAL OF REPORTING REQUIREMENTS.—

(i) REPORT ON EARNINGS OF ALIENS NOT AUTHORIZED TO WORK.—Subsection (c) of section 290 (8 U.S.C. 1360) is repealed.

(ii) REPORT ON FRAUDULENT USE OF SOCIAL SECURITY ACCOUNT NUMBERS.—Subsection (b) of section 414 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1360 note) is repealed.

(2) CONSTRUCTION.—Nothing in this subsection or in subsection (d) of section 274A, as amended by subsection (a), may be construed to limit the authority of the Secretary to allow or continue to allow the participation of employers who participated in the basic pilot program under sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) in the Electronic Employment Verification System established pursuant to such subsection (d).

(c) TECHNICAL AMENDMENTS.—

(1) DEFINITION OF UNAUTHORIZED ALIEN.—Sections 218(i)(1) (8 U.S.C. 1188(i)(1)), 245(c)(8) (8 U.S.C. 1255(c)(8)), 274(a)(3)(B)(i) (8 U.S.C. 1324(a)(3)(B)(i)), and 274B(a)(1) (8 U.S.C. 1324b(a)(1)) are amended by striking “274A(h)(3)” and inserting “274A”.

(2) DOCUMENT REQUIREMENTS.—Section 274B (8 U.S.C. 1324b) is amended—

(A) in subsections (a)(6) and (g)(2)(B), by striking “274A(b)” and inserting “274A(d)”; and

(B) in subsection (g)(2)(B)(ii), by striking “274A(b)(5)” and inserting “274A(d)”.

(d) AMENDMENTS TO THE SOCIAL SECURITY ACT.—Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following new subparagraphs:

“(I)(i) The Commissioner of Social Security shall, subject to the provisions of section 301(f)(2) of the Comprehensive Immigration Reform Act of 2006, establish a reliable, secure method to provide through the Electronic Employment Verification System established pursuant to subsection (d) of section 274A of the Immigration and Nationality Act (referred to in this subparagraph as the ‘System’), within the time periods required by paragraph (8) of such subsection—

“(I) a determination of whether the name, date of birth, and social security account number of an individual provided in an inquiry made to the System by an employer is consistent with such information maintained by the Commissioner in order to confirm the validity of the information provided;

“(II) determination of the citizenship status associated with such name and social security account number, according to the records maintained by the Commissioner;

“(III) a determination of whether the name and number belongs to an individual who is deceased, according to the records maintained by the Commissioner;

“(IV) a determination of whether the name and number is blocked in accordance with clause (ii); and

“(V) a confirmation notice or a nonconfirmation notice described in such paragraph (8), in a manner that ensures that other information maintained by the Commissioner is not disclosed or released to employers through the System.

“(ii) The Commissioner of Social Security shall prevent the fraudulent or other misuse of a social security account number by establishing procedures under which an individual who has been assigned a social security account number may block the use of such number under the System and remove such block.

“(J) In assigning social security account numbers to aliens who are authorized to work in the United States under section 218A of the Immigration and Nationality Act, the Commissioner of Social Security shall, to the maximum extent practicable, assign such numbers by employing the enumeration procedure administered jointly by the Commissioner, the Secretary of State, and the Secretary.”

(e) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(21) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION BY SOCIAL SECURITY ADMINISTRATION TO DEPARTMENT OF HOMELAND SECURITY.—

“(A) IN GENERAL.—From taxpayer identity information which has been disclosed to the Social Security Administration and upon written request by the Secretary of Homeland Security, the Commissioner of Social Security shall disclose directly to officers, employees, and contractors of the Department of Homeland Security the following information:

“(i) DISCLOSURE OF EMPLOYER NO-MATCH NOTICES.—Taxpayer identity information of each person who has filed an information return required by reason of section 6051 during calendar year 2006, 2007, or 2008 which contains—

“(I) more than 100 names and taxpayer identifying numbers of employees (within the meaning of such section) that did not match the records maintained by the Commissioner of Social Security, or

“(II) more than 10 names of employees (within the meaning of such section) with the same taxpayer identifying number.

“(ii) DISCLOSURE OF INFORMATION REGARDING USE OF DUPLICATE EMPLOYEE TAXPAYER IDENTIFYING INFORMATION.—Taxpayer identity information of each person who has filed an information return required by reason of section 6051 which the Commissioner of Social Security has reason to believe, based on a comparison with information submitted by the Secretary of Homeland Security, contains evidence of identity fraud due to the multiple use of the same taxpayer identifying number (assigned under section 6109) of an employee (within the meaning of section 6051).

“(iii) DISCLOSURE OF INFORMATION REGARDING NONPARTICIPATING EMPLOYERS.—Taxpayer identity information of each person who has filed an information return required by reason of section 6051 which the Commissioner of Social Security has reason to believe, based on a comparison with information submitted by the Secretary of Homeland Security, contains evidence of such person's failure to register and participate in the Electronic Employment Verification System authorized under section 274A(d) of the Immigration and Nationality Act (hereafter in this paragraph referred to as the ‘System’).

“(iv) DISCLOSURE OF INFORMATION REGARDING NEW EMPLOYEES OF NONPARTICIPATING EMPLOYERS.—Taxpayer identity information of all employees (within the meaning of section 6051) hired after the date a person identified in clause (iii) is required to participate in the System under section 274A(d)(2) or section 274A(d)(3)(B) of the Immigration and Nationality Act.

“(v) DISCLOSURE OF INFORMATION REGARDING EMPLOYEES OF CERTAIN DESIGNATED EMPLOYERS.—Taxpayer identity information of all employees (within the meaning of section 6051) of each person who is required to participate in the System under section 274A(d)(3)(B) of the Immigration and Nationality Act.

“(vi) DISCLOSURE OF NEW HIRE TAXPAYER IDENTITY INFORMATION.—Taxpayer identity information of each person participating in the System and taxpayer identity information of all employees (within the meaning of section 6051) of such person hired during the period beginning with the later of—

“(I) the date such person begins to participate in the System, or

“(II) the date of the request immediately preceding the most recent request under this clause, ending with the date of the most recent request under this clause.

“(B) RESTRICTION ON DISCLOSURE.—The Commissioner of Social Security shall disclose taxpayer identity information under subparagraph (A) only for purposes of, and to the extent necessary in—

“(i) establishing and enforcing employer participation in the System,

“(ii) carrying out, including through civil administrative and civil judicial proceedings, of sections 212, 217, 235, 237, 238, 274A, 274B, and 274C of the Immigration and Nationality Act, and

“(iii) the civil operation of the Alien Terrorist Removal Court.

“(C) REIMBURSEMENT.—The Commissioner of Social Security shall prescribe a reasonable fee schedule for furnishing taxpayer identity information under this paragraph and collect such fees in advance from the Secretary of Homeland Security.

“(D) TERMINATION.—This paragraph shall not apply to any request made after the date which is 3 years after the date of the enactment of this paragraph.”

(2) COMPLIANCE BY DHS CONTRACTORS WITH CONFIDENTIALITY SAFEGUARDS.—

(A) IN GENERAL.—Section 6103(p) of such Code is amended by adding at the end the following new paragraph:

“(9) DISCLOSURE TO DHS CONTRACTORS.—Notwithstanding any other provision of this section, no return or return information shall be disclosed to any contractor of the Department of Homeland Security unless such Department, to the satisfaction of the Secretary—

“(A) has requirements in effect which require each such contractor which would have access to returns or return information to provide safeguards (within the meaning of paragraph (4)) to protect the confidentiality of such returns or return information,

“(B) agrees to conduct an on-site review every 3 years (mid-point review in the case of contracts or agreements of less than 1 year in duration) of each contractor to determine compliance with such requirements,

“(C) submits the findings of the most recent review conducted under subparagraph (B) to the Secretary as part of the report required by paragraph (4)(E), and

“(D) certifies to the Secretary for the most recent annual period that such contractor is in compliance with all such requirements.

The certification required by subparagraph (D) shall include the name and address of each contractor, a description of the contract or agreement with such contractor, and the duration of such contract or agreement.”

(3) CONFORMING AMENDMENTS.—

(A) Section 6103(a)(3) of such Code is amended by striking “or (20)” and inserting “(20), or (21)”.

(B) Section 6103(p)(3)(A) of such Code is amended by adding at the end the following new sentence: “The Commissioner of Social Security shall provide to the Secretary such information as the Secretary may require in carrying out this paragraph with respect to return information inspected or disclosed under the authority of subsection (l)(21).”

(C) Section 6103(p)(4) of such Code is amended—

(i) by striking “or (17)” both places it appears and inserting “(17), or (21)”, and

(ii) by striking “or (20)” each place it appears and inserting “(20), or (21)”.

(D) Section 6103(p)(8)(B) of such Code is amended by inserting “or paragraph (9)” after “subparagraph (A)”.

(E) Section 7213(a)(2) of such Code is amended by striking “or (20)” and inserting “(20), or (21)”.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out the amendments made by this section.

(2) LIMITATION ON VERIFICATION RESPONSIBILITIES OF COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security is authorized to perform activities with respect to carrying out the Commissioner's responsibilities in this title or the amendments made by this title, but only to the extent the Secretary has provided, in advance, funds to cover the Commissioner's full costs in carrying out such responsibilities. In no case shall funds from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund be used to carry out such responsibilities.

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), (c), and (d) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(2) SUBSECTION (e).—

(A) IN GENERAL.—The amendments made by subsection (e) shall apply to disclosures made after the date of the enactment of this Act.

(B) CERTIFICATIONS.—The first certification under section 6103(p)(9)(D) of the Internal Revenue Code of 1986, as added by subsection (e)(2), shall be made with respect to calendar year 2007.

SEC. 302. EMPLOYER COMPLIANCE FUND.

Section 286 (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

“(w) EMPLOYER COMPLIANCE FUND.—

“(1) IN GENERAL.—There is established in the general fund of the Treasury, a separate account, which shall be known as the ‘Employer Compliance Fund’ (referred to in this subsection as the ‘Fund’).

“(2) DEPOSITS.—There shall be deposited as offsetting receipts into the Fund all civil monetary penalties collected by the Secretary of Homeland Security under section 274A.

“(3) PURPOSE.—Amounts refunded to the Secretary from the Fund shall be used for the purposes of enhancing and enforcing employer compliance with section 274A.

“(4) AVAILABILITY OF FUNDS.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of the Treasury, at least on a quarterly basis, to the Secretary of Homeland Security.”.

SEC. 303. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) INCREASE IN NUMBER OF PERSONNEL.—The Secretary shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,200, the number of personnel of the Bureau of Immigration and Customs Enforcement during the 5-year period beginning on the date of the enactment of this Act.

(b) USE OF PERSONNEL.—The Secretary shall ensure that not less than 25 percent of all the hours expended by personnel of the Bureau of Immigration and Customs Enforcement shall be used to enforce compliance with sections 274A and 274C of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324c).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 304. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(ii)(I) (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking “citizen” and inserting “national”.

SEC. 305. ANTIDISCRIMINATION PROTECTIONS.

(a) APPLICATION OF PROHIBITION OF DISCRIMINATION TO VERIFICATION SYSTEM.—Section 274B(a)(1) (8 U.S.C. 1324b(a)(1)) is amended by inserting “, the verification of the individual’s work authorization through the Electronic Employment Verification System described in section 274A(d),” after “the individual for employment”.

(b) CLASSES OF ALIENS AS PROTECTED INDIVIDUALS.—Section 274B(a)(3)(B) (8 U.S.C. 1324b(a)(3)(B)) is amended to read as follows:

“(B) is an alien who is—

“(i) lawfully admitted for permanent residence;

“(ii) granted the status of an alien lawfully admitted for temporary residence under section 210(a) or 245(a)(1);

“(iii) admitted as a refugee under section 207;

“(iv) granted asylum under section 208;

“(v) granted the status of a nonimmigrant under section 101(a)(15)(H)(ii)(c);

“(vi) granted temporary protected status under section 244; or

“(vii) granted parole under section 212(d)(5).”.

(c) REQUIREMENTS FOR ELECTRONIC EMPLOYMENT VERIFICATION.—Section 274B(a) (8

U.S.C. 1324b(a)) is amended by adding at the end the following:

“(7) ANTIDISCRIMINATION REQUIREMENTS OF THE ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—It is an unfair immigration-related employment practice for a person or other entity, in the course of the electronic verification process described in section 274A(d)—

“(A) to terminate or undertake any adverse employment action due to a tentative nonconfirmation;

“(B) to use the verification system for screening of an applicant prior to an offer of employment;

“(C) except as described in section 274A(d)(3)(B), to use the verification system for a current employee after the first 3 days of employment, or for the reverification of an employee after the employee has satisfied the process described in section 274A(d); or

“(D) to require an individual to make an inquiry under the self-verification procedures established in section 274A(d)(8)(E)(iii).”.

(d) INCREASE IN CIVIL MONEY PENALTIES.—Section 274B(g)(2) (8 U.S.C. 1324b(g)(2)) is amended—

(1) in subparagraph (B)(iv)—

(A) in subclause (I), by striking “\$250 and not more than \$2,000” and inserting “\$1,000 and not more than \$4,000”;

(B) in subclause (II), by striking “\$2,000 and not more than \$5,000” and inserting “\$4,000 and not more than \$10,000”;

(C) in subclause (III), by striking “\$3,000 and not more than \$10,000” and inserting “\$6,000 and not more than \$20,000”; and

(D) in subclause (IV), by striking “\$100 and not more than \$1,000” and inserting “\$500 and not more than \$5,000”.

(e) INCREASED FUNDING OF INFORMATION CAMPAIGN.—Section 274B(1)(3) (8 U.S.C. 1324b(1)(3)) is amended by inserting “and an additional \$40,000,000 for each of fiscal years 2007 through 2009” before the period at the end.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to violations occurring on or after such date.

SA 4100. 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 540, strike line 11 and all that follows through page 549, line 25.

SA 4101. Mrs. HUTCHISON (for herself and Mr. BOND) 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 C—Secure Authorized Foreign Employee Visa Program

SEC. 441. ADMISSION OF TEMPORARY GUEST 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. 218I. SECURE AUTHORIZED FOREIGN EMPLOYEE (SAFE) VISA PROGRAM.

“(a) AUTHORIZATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall, subject to the numeric limits under subsection (i), award a

SAFE visa to each alien who is a national of a NAFTA or CAFTA-DR country and 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 country, which the alien has no intention of abandoning;

“(2) applies for an initial SAFE visa while in the alien’s country of nationality;

“(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, as determined by the Secretary of Homeland Security;

“(6) submits a completed application, on a form designed by the Secretary of Homeland Security; and

“(7) pays a visa issuance fee, in an amount determined by the Secretary of State to be 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 country 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 foreign worker is sought;

“(2) submit to each foreign 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 foreign worker one-time transportation from the country of origin to the place of employment and from the place of employment to the country of origin, the cost of 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—

“(1) determine if there are sufficient United States workers who are able, willing, qualified, and available to fill the position in which the alien is, or will be employed, based on the national unemployment rate and the number of workers needed in the occupational classification and geographic area for which the foreign worker is sought; and

“(2) if the Secretary determines under paragraph (1) that there are insufficient United States workers, provide the employer with labor shortage certification for the occupational classification 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 requirements described in this section.

“(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.

“(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 the worker's country of origin.

“(6) FAILURE TO COMPLY.—If a SAFE visa worker fails to comply with the terms of the SAFE visa, the worker will be permanently ineligible for the SAFE visa program.

“(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 entry document for the purpose of 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.—Upon request, a SAFE visa worker shall receive the total employee portion of the Social Security contributions withheld from the worker's pay. Any worker who receives such contributions shall be permanently ineligible to renew a SAFE visa under subsection (e)(2).

“(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.

“(i) NUMERICAL LIMITS.—

“(1) ANNUAL LIMITS.—Except as provided under paragraphs (2) and (3), the number of SAFE visas authorized under this section shall not exceed 200,000 per fiscal year.

“(2) WAIVER.—The President may waive the limit under paragraph (1) for a specific fiscal year by certifying that additional foreign workers are needed in that fiscal year.

“(3) INCREMENTAL ADJUSTMENTS.—If the President certifies that additional foreign workers are needed in a specific year, the Secretary of State may increase the number of SAFE visas available in that fiscal year by the number of additional workers certified under paragraph (2).

“(4) CONGRESSIONAL OVERSIGHT.—The President shall transmit to Congress all certifications authorized in this section.

“(5) ALLOCATION OF SAFE VISAS DURING A FISCAL YEAR.—Not more than 50 percent of the total number of SAFE visas available in each fiscal year may be allocated to aliens who will enter the United States pursuant to such visa during the first 6 months of such fiscal year.

“(j) SAVINGS PROVISION.—Nothing in this section shall be construed to affect any other visa program authorized by Federal law.

“(k) REPORTING REQUIREMENT.—Not later than 3 years after the implementation of the SAFE visa program, the President shall submit a detailed report to Congress on the status of the program, including the number of visas issued and the feasibility of expanding the program.

“(1) DEFINITIONS.—In this section:

“(1) NAFTA OR CAFTA-DR COUNTRY.—The term ‘NAFTA or CAFTA-DR country’ means any country (except for the United States) that has signed the North American Free Trade Agreement or the Central America-Dominican Republic-United States Free Trade Agreement.

“(2) SAFE VISA.—The term ‘SAFE visa’ means a visa authorized under this section.”.

(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. 218I. Secure Authorized Foreign Employee Visa Program.”.

SA 4102. Mr. SCHUMER (for himself and Mr. MENENDEZ) 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. ____ PUBLIC ACCESS TO THE STATUE OF LIBERTY.

Not later than 60 days after the date of the enactment of this Act, the Secretary of the Interior shall ensure that all persons who satisfy reasonable and appropriate security measures shall have full access to the public areas of the Statue of Liberty, including the crown and the stairs leading thereto.

SA 4103. Mr. LEAHY (for himself, Mr. COLEMAN, Mr. LIEBERMAN, Mr. KENNEDY, Mr. CHAFEE, Mr. HARKIN, and 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:

On page 65, line 24, strike “F” and insert the following:

(f) TERRORIST ORGANIZATIONS.—

(1) DEFINITIONS.—Section 212(a)(3)(B)(vi) (8 U.S.C. 1182(a)(3)(B)(vi)) is amended by striking subclause (III) and inserting the following:

“(III) that is a group of two or more individuals, whether organized or not, which engages in, or has a subgroup which engages in, the activities described in subclauses (I) through (VI) of clause (iv), and that these activities threaten the security of United States nationals or the national security of the United States.

“(vii) APPLICABILITY.—Clause (iv)(VI) shall not apply to—

“(I) any active or former member of the Armed Forces of the United States with regard to activities undertaken in the course of official military duties; or

“(II) any alien determined not to be a threat to the security of United States nationals or the national security of the United States and who is not otherwise inadmissible on security related grounds under this subparagraph.”.

(2) TEMPORARY ADMISSION OF NON-IMMIGRANTS.—Section 212(d)(3)(B)(i) (8 U.S.C. 1182(d)(3)(B)(i)) is amended to read as follows:

“(i) The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Sec-

retary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may conclude in such Secretary's sole unreviewable discretion that subclause (IV)(bb), (VI), or (VII) of subsection (a)(3)(B)(i) shall not apply to an alien, that subsection (a)(3)(B)(iv)(VI) shall not apply with respect to any material support an alien afforded to an organization (or its members) or individual that has engaged in a terrorist activity, or that subsection (a)(3)(B)(vi)(III) shall not apply to a group, or to a subgroup of such group, within the scope of that subsection. The Secretary of State may not, however, exercise discretion under this clause with respect to an alien once removal proceedings against the alien are instituted under section 240.”.

(g)

SA 4104. Mr. SALAZAR 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, of subtitle A of title I, insert the following:

SEC. ____ NATIONAL SECURITY DETERMINATION FOR CONSTRUCTION OF ADDITIONAL FENCING.

Notwithstanding section 106 or any other provision of law, after the date of the enactment of this Act the President may not permit the construction of any additional fencing along the international border between the United States and Mexico until after the date that President makes a determination that the construction of such additional fencing will strengthen the national security of the United States.

SA 4105. 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. ____ FAIRNESS IN THE STUDENT AND EXCHANGE VISITOR INFORMATION SYSTEM.

(a) REDUCED FEE FOR SHORT-TERM STUDY.—

(1) IN GENERAL.—Section 641(e)(4)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(e)(4)(A)) is amended by striking the second sentence and inserting “Except as provided in subsection (g)(2), the fee imposed on any individual may not exceed \$100, except that in the case of an alien admitted under subparagraph (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) as an au pair, camp counselor, or participant in a summer work travel program, the fee shall not exceed \$35 and that in the case of an alien admitted under subparagraph (F) of such section 101(a)(15) for a program that will not exceed 90 days, the fee shall not exceed \$35.”.

(2) TECHNICAL AMENDMENTS.—Such section 641(e)(4)(A) is further amended—

(A) in the first sentence, by striking “Attorney General” and inserting “Secretary of Homeland Security”; and

(B) in the third sentence, by striking “Attorney General's” and inserting “Secretary's”.

(b) RECREATIONAL COURSES.—Notwithstanding any other provision of law, not later than 60 days after the date of enactment of this Act, the Secretary of State shall issue appropriate guidance to consular officers to in order to give appropriate discretion, according to criteria developed at each post and approved by the Secretary of

State, so that a course of a duration no more than 1 semester (or its equivalent), and not awarding certification, license or degree, is considered recreational in nature for purposes of determining appropriateness for visitor status.

SA 4106. 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, insert the following:

TITLE VIII—LABOR PROTECTIONS

SEC. 801. SHORT TITLE.

This title may be cited as the "Enhanced Enforcement of Labor Protections for United States Workers and Guest Workers Act".

SEC. 802. VIOLATIONS OF THE FAIR LABOR STANDARDS ACT OF 1938.

Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended—

(1) in subsection (b), by striking "equal amount as liquidated damages" the first place it appears and inserting "amount equal to twice the amount of such unpaid minimum wages or unpaid overtime compensation, as the case may be, as liquidated damages"; and

(2) in subsection (e)—

(A) by striking "\$10,000" and inserting "\$50,000"; and

(B) by striking "\$1,000" and inserting "\$10,000".

SEC. 803. VIOLATIONS OF THE OCCUPATIONAL SAFETY AND HEALTH ACT.

(a) **CIVIL PENALTIES.**—Section 17 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 666) is amended—

(1) in subsection (a)—

(A) by striking "\$70,000" and inserting "\$100,000";

(B) by striking "\$5,000" and inserting "\$7,000"; and

(C) by adding at the end the following: "If such a violation causes the death of an employee, such civil penalty amounts shall be increased to not more than \$250,000 for such violation, but not less than \$50,000 for such violation.";

(2) in subsection (b)—

(A) by striking "\$7,000" and inserting "\$10,000"; and

(B) by adding at the end the following: "If such a violation causes the death of an employee, such civil penalty amount shall be increased to not more than \$50,000 for such violation, but not less than \$20,000 for such violation.";

(3) in subsection (c)—

(A) by striking "\$7,000" and inserting "\$10,000"; and

(B) by adding at the end the following: "If such a violation causes the death of an employee, such civil penalty amount shall be increased to not more than \$50,000 for such violation, but not less than \$20,000 for such violation.";

(4) in subsection (d)—

(A) by striking "\$7,000" and inserting "\$10,000"; and

(B) by adding at the end the following: "If such a violation causes the death of an employee, such civil penalty amount shall be increased to not more than \$50,000 for such violation, but not less than \$20,000 for such violation.";

(5) in subsection (i), by striking "\$7,000" and inserting "\$10,000".

(b) **CRIMINAL PENALTIES.**—

(1) **IN GENERAL.**—Section 17 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 666) (as amended by subsection (a)) is further amended—

(A) in subsection (e)—

(i) by striking "fine of not more than \$10,000" and inserting "fine in accordance with section 3571 of title 18, United States Code,";

(ii) by striking "six months" and inserting "10 years";

(iii) by inserting "under this subsection or subsection (i)" after "first conviction of such person";

(iv) by striking "fine of not more than \$20,000" and inserting "fine in accordance with section 3571 of title 18, United States Code,"; and

(v) by striking "one year" and inserting "20 years";

(B) in subsection (f), by striking "fine of not more than \$1,000 or by imprisonment for not more than six months," and inserting "fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 2 years,";

(C) in subsection (g), by striking "fine of not more than \$10,000, or by imprisonment for not more than six months," and inserting "fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 1 year,";

(D) by redesignating subsections (i) through (l) as subsections (j) through (m), respectively; and

(E) by inserting after subsection (h) the following:

"(i) Any employer who willfully violates any standard, rule, or order promulgated pursuant to section 6, or any regulation prescribed pursuant to this Act, and that violation causes serious bodily injury to any employee but does not cause death to any employee, shall, upon conviction, be punished by a fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 5 years, or by both, except that if the conviction is for a violation committed after a first conviction of such person under this subsection or subsection (e), punishment shall be by a fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 10 years, or by both."

(2) **JURISDICTION FOR PROSECUTION UNDER STATE AND LOCAL CRIMINAL LAWS.**—Section 17 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 666) (as amended by this section) is further amended by adding at the end the following:

"(n) Nothing in this Act shall preclude a State or local law enforcement agency from conducting criminal prosecutions in accordance with the laws of such State or locality."

(3) **DEFINITION.**—Section 3 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 652) is amended by adding at the end the following:

"(15) The term 'serious bodily injury' means bodily injury that involves—

"(A) a substantial risk of death;

"(B) protracted unconsciousness;

"(C) protracted and obvious physical disfigurement; or

"(D) protracted loss or protracted impairment, of the function of a bodily member, organ, or mental faculty."

SEC. 804. STRENGTHENING ENFORCEMENT.

(a) **INJUNCTIONS AGAINST UNFAIR LABOR PRACTICES DURING ORGANIZING DRIVES.**—

(1) **IN GENERAL.**—Section 10(l) of the National Labor Relations Act (29 U.S.C. 160(l)) is amended—

(A) in the second sentence, by striking "If, after such" and inserting the following:

"(2) If, after such"; and

(B) by striking the first sentence and inserting the following: "(1) Whenever it is charged that—

"(A)(i) any employer—

"(I) discharged or otherwise discriminated against an employee in violation of subsection (a)(3) of section 8;

"(II) threatened to discharge or to otherwise discriminate against an employee in violation of subsection (a)(1) of section 8; or

"(III) engaged in any other unfair labor practice within the meaning of subsection (a)(1) of section 8 that significantly interferes with, restrains, or coerces employees in the exercise of the rights guaranteed in section 7; and

"(ii) the discharge, discrimination, threat, or practice described in clause (i) occurred—

"(I) while employees of that employer were seeking representation by a labor organization; or

"(II) during the period after a labor organization was recognized as a representative as described in section 9(a) and before the first collective bargaining agreement was entered into between the employer and the representative; or

"(B) that any person has engaged in an unfair labor practice within the meaning of subparagraph (A), (B) or (C) of section 8(b)(4), section 8(b)(7), or section 8(e);

the preliminary investigation of such charge shall be made forthwith and given priority over all other cases except cases of like character in the office where it is filed or to which it is referred."

(2) **CONFORMING AMENDMENT.**—Section 10(m) of the National Labor Relations Act (29 U.S.C. 160(m)) is amended by inserting "under circumstances not described in section 10(l)(1)" after "section 8".

(b) **REMEDIES FOR VIOLATIONS.**—

(1) **BACKPAY.**—Section 10(c) of the National Labor Relations Act (29 U.S.C. 160(c)) is amended by striking "And provided further," and inserting "Provided further, That if the Board finds that an employer has discriminated against an employee in violation of section 8(a)(3) while employees of the employer were seeking representation by a labor organization, or during the period after a labor organization was recognized as a representative as described in section 9(a) and before the first collective bargaining agreement was entered into between the employer and the representative, the Board in such order shall award the employee an amount of backpay and, in addition, 2 times that amount as liquidated damages: *Provided further,*."

(2) **CIVIL PENALTIES.**—Section 12 of the National Labor Relations Act (29 U.S.C. 162) is amended—

(A) by striking "Any" and inserting "(a) Any"; and

(B) by adding at the end the following:

"(b) Any employer who willfully or repeatedly commits any unfair labor practice within the meaning of subsection (a)(1) or (a)(3) of section 8 while employees of the employer were seeking representation by a labor organization, or during the period after a labor organization was recognized as a representative as described in section 9(a) and before the first collective bargaining contract was entered into between the employer and the representative shall be subject to, in addition to any make-whole remedy ordered, a civil penalty of not more than \$20,000 for each violation. In determining the amount of any penalty under this subsection, the Board shall consider the gravity of the unfair labor practice and the impact of the unfair labor practice on the charging party, on other persons seeking to exercise rights guaranteed by this Act, or on the public interest."

SEC. 805. USE OF FEES.

(a) **FEES PAID BY H-2C NONIMMIGRANTS.**—Section 218A, as added by section 403(a)(1) of this Act, is amended by striking subsection (1) and inserting the following:

“(1) COLLECTION OF FEES.—Fees collected under this section shall be allocated as follows:

“(1) 75 percent of such fees shall be deposited in the Treasury in accordance with section 286(c).

“(2) 25 percent of such fees shall be deposited in the Labor Law Enforcement Fund established in section 286(y).”

(b) FEES PAID BY EMPLOYERS.—Section 218B, as added by section 404(a) of this Act, is amended by striking subsection (a) and inserting the following:

“(a) GENERAL REQUIREMENTS.—

“(1) EMPLOYER REQUIREMENTS.—Each employer who employs an H-2C nonimmigrant shall—

“(A) file a petition in accordance with subsection (b); and

“(B) pay the appropriate fee, as determined by the Secretary of Labor.

“(2) USE OF FEES.—The fees collected under paragraph (1)(B) shall be allocated as follows:

“(A) 75 percent of such fees shall be deposited in the Treasury in accordance with section 286(c).

“(B) 25 percent of such fees shall be deposited in the Labor Law Enforcement Fund established in section 286(y).”

(c) LABOR LAW ENFORCEMENT FUND.—Section 286 (8 U.S.C. 1356), as amended by sections 302 and 403(b), is further amended by adding at the end the following new subsection:

“(y) LABOR LAW ENFORCEMENT FUND.—

“(1) IN GENERAL.—There is established in the general fund of the Treasury, a separate account, which shall be known as the ‘Labor Law Enforcement Fund’ (referred to in this subsection as the ‘Fund’).

“(2) DEPOSITS.—There shall be deposited as offsetting receipts into the Fund the fees described in section 218A(1)(2) or 218B(a)(2).

“(3) PURPOSE.—Amounts deposited in the Fund shall be made available to the Secretary of Labor to ensure that employers in industries in the United States that employ a high percentage of workers who are granted nonimmigrant status under section 101(a)(15)(H)(ii)(c) comply with the provisions of the Fair Labor Standards Act of 1938, the Occupational Safety and Health Act of 1970, and section 218B(b)(2), including ensuring such compliance by random audits of such employers.

“(4) AVAILABILITY OF FUNDS.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of the Treasury, at least on a quarterly basis, to the Secretary of Labor.”

SEC. 806. PROTECTION FOR WHISTLEBLOWERS.

Section 218A, as added by section 403(a)(1) of this Act, is amended by striking subparagraph (A) of subsection (f)(3) and inserting the following:

“(A) IN GENERAL.—

“(i) PERIOD OF UNEMPLOYMENT.—Except as provided in clause (ii) and in subsection (c), the period of authorized admission of an H-2C nonimmigrant shall terminate if the alien is unemployed for a period of 60 or more consecutive days.

“(ii) EXTENSION OF PERIOD.—

“(I) AUTHORITY.—The Secretary of Labor may extend the 60-day period referred to in clause (i), if the alien has filed a complaint with the Secretary of Labor that alleges that a violation of a Federal labor law by the alien's employer caused the alien's unemployment.

“(II) DETERMINATION.—Not later than 45 days after a complaint referred to in subsection (I) is filed, the Secretary of Labor shall make a determination whether an extension under subsection (I) is warranted to resolve the complaint.”

SEC. 807. LIABILITY IN CERTAIN CASES BASED ON IMMIGRATION STATUS.

Notwithstanding any other provision of law, an alien who is subject to an unlawful employment practice by an employer may not be denied backpay or other monetary relief for such unlawful employment practice on the basis of the alien's immigration status.

SEC. 808. DEPARTMENT OF LABOR BILINGUAL STAFF REQUIREMENT.

(a) REQUIREMENT FOR BILINGUAL STAFF.—The Secretary of Labor shall make every effort to ensure that, not later than 5 years after the date of enactment of this Act, not less than 25 percent of the investigative staff of the Department of Labor shall be fluent in a language in addition to English. The requirement of this section shall not be grounds for the termination of any employee employed by the Department of Labor on the date of enactment of this Act, nor for the reduction of any staff levels in the Department of Labor as of such date.

(b) ANNUAL REPORT.—The Secretary of Labor 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 an annual report on the progress made to carry out subsection (a).

SA 4107. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____ . PROTECTION OF THE INTEGRITY OF THE SOCIAL SECURITY SYSTEM.

(a) TRANSMITTAL AND APPROVAL OF TOTALIZATION AGREEMENTS.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)) is amended to read as follows:

“(e)(1) Any agreement to establish a totalization arrangement which is entered into with another country under this section shall enter into force with respect to the United States if (and only if)—

“(A) the President, at least 90 calendar days before the date on which the President enters into the agreement, notifies each House of the Congress of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register,

“(B) the President transmits the text of such agreement to each House of the Congress as provided in paragraph (2), and

“(C) an approval resolution regarding such agreement has passed both Houses of the Congress and has been enacted into law.

“(2)(A) Whenever an agreement referred to in paragraph (1) is entered into, the President shall transmit to each House of the Congress a document setting forth the final legal text of such agreement and including a report by the President in support of such agreement. The President's report shall include the following:

“(i) an estimate by the Chief Actuary of the Social Security Administration of the effect of the agreement, in the short term and in the long term, on the receipts and disbursements under the social security system established by this title;

“(ii) a statement of any administrative action proposed to implement the agreement and how such action will change or affect existing law,

“(iii) a statement describing whether and how the agreement changes provisions of an agreement previously negotiated,

“(iv) a statement describing how and to what extent the agreement makes progress in achieving the purposes, policies, and objectives of this title,

“(v) an estimate of the number of individuals who will be affected by the agreement,

“(vi) an assessment of the integrity of the retirement data and records (including birth, death, and marriage records) of the other country that is the subject of the agreement, and

“(vii) an assessment of ability of such country to track and monitor recipients of benefits under such agreement.

“(B) If any separate agreement or other understanding with another country (whether oral or in writing) relating to an agreement to establish a totalization arrangement under this section is not disclosed to the Congress in the transmittal to the Congress under this paragraph of the agreement to establish a totalization arrangement, then such separate agreement or understanding shall not be considered to be part of the agreement approved by the Congress under this section and shall have no force and effect under United States law.

“(3) For purposes of this subsection, the term ‘approval resolution’ means a joint resolution, the matter after the resolving clause of which is as follows: ‘That the proposed agreement entered into pursuant to section 233 of the Social Security Act between the United States and _____ establishing totalization arrangements between the social security system established by title II of such Act and the social security system of _____, transmitted to the Congress by the President on _____, is hereby approved.’, the first two blanks therein being filled with the name of the country with which the United States entered into the agreement, and the third blank therein being filled with the date of the transmittal of the agreement to the Congress.

“(4) Whenever a document setting forth an agreement entered into under this section and the President's report in support of the agreement is transmitted to the Congress pursuant to paragraph (2), copies of such document shall be delivered to both Houses of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

“(5) On the day on which a document setting forth the agreement is transmitted to the House of Representatives and the Senate pursuant to paragraph (1), an approval resolution with respect to such agreement shall be introduced (by request) in the House by the majority leader of the House, for himself or herself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself or herself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement is transmitted, the approval resolution with respect to such agreement shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session. The resolution introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the resolution introduced in the Senate shall be referred to the Committee on Finance.”

(b) ADDITIONAL REPORTS AND EVALUATIONS.—Section 233 of the Social Security Act (42 U.S.C. 433) is amended by adding at the end the following new subsections:

“(f) BIENNIAL SSA REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—

“(1) For any totalization agreement transmitted to Congress on or after April 1, 2006,

the Commissioner of Social Security shall submit a report to Congress and the Comptroller General that—

“(A) compares the estimates contained in the report submitted to Congress under clauses (i) and (v) of subsection (e)(2)(A) with respect to that agreement with the actual number of individuals affected by the agreement and the actual effect of the agreement on social security system receipts and disbursements; and

“(B) contains recommendations for adjusting the methods used to make the estimates.

“(2) The report required under this subsection shall be provided not later than 2 years after the effective date of the totalization agreement that is the subject of the report and biennially thereafter.

“(g) GAO EVALUATION AND REPORT.—

“(1) EVALUATION OF INITIAL REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—With respect to each initial report regarding a totalization agreement submitted under subsection (f), the Comptroller General of the United States shall conduct an evaluation of the report that includes—

“(A) an evaluation of the procedures used by the Chief Actuary of the Social Security Administration and the President for making the estimates required by subsection (e)(2)(A);

“(B) an evaluation of the procedures used by the President for determining the actual number of individuals affected by the agreement and the effects of the totalization agreement on receipts and disbursements under the social security system; and

“(C) such recommendations as the Comptroller General determines appropriate.

“(2) REPORT.—Not later than 1 year after the date of submission of an initial report regarding a totalization agreement under subsection (f), the Comptroller General shall submit to Congress a report setting forth the results of the evaluation conducted under paragraph (1).

“(3) DATA COLLECTION.—The Commissioner of Social Security shall collect and maintain the data necessary for the Comptroller General of the United States to conduct the evaluation required by paragraph (1).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to agreements establishing totalization arrangements entered into under section 233 of the Social Security Act which are transmitted to the Congress on or after April 1, 2006.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Monday, May 22 at 2:30 p.m. The purpose of this hearing is to receive testimony regarding nuclear power provisions contained in the Energy Policy Act of 2005.

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

COMMITTEE ON FINANCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Monday, May 22, 2006, in S-219 of the Capitol, immediately following a vote tentatively scheduled for 5:30 p.m. on the Senate floor, to consider favorably re-

porting the nomination of Susan C. Schwab to be United States Trade Representative, with the rank of Ambassador Extraordinary and Plenipotentiary, Executive Office of the President, vice Robert J. Portman.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to hold an off-the-floor markup during the session on Monday, May 22, 2006, to consider the nominations of the Honorable Robert J. Portman to be Director, Office of Management and Budget; Robert I. Cusick to be Director, Office of Government Ethics; and David L. Norquist to be Chief Financial Officer, U.S. Department of Homeland Security.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Monday, May 22, 2006, at 2 p.m. to consider the nomination of Lurita Alexis Doan to be Administrator of the U.S. General Services Administration.

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

NATIONAL INTERNET SAFETY MONTH

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 486, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title. The legislative clerk read as follows:

A resolution (S. Res. 486) designating June 2006 as “National Internet Safety Month.”

There being no objection, the Senate proceeded to consider the resolution.

Ms. MURKOWSKI. Mr. President, today I introduced a resolution designating June 2006 as National Internet Safety Month. I am pleased to have Mr. ALLEN, Mr. CRAIG, Mr. STEVENS, Mr. VITTER, Ms. LANDRIEU, Mrs. DOLE, Mr. CRAPO, Mr. BURNS, Mrs. LINCOLN, Mr. WARNER, Mr. JOHNSON, Mr. ROBERTS, Mr. SANTORUM, and Mr. DEWINE join me in introducing this resolution.

The Internet has become one of the most significant advances in the twentieth century and, as a result it affects people's lives in a positive manner each day. However, this technology presents dangers that need to be brought to the attention of all Americans. Never before has the problem of online predatory behavior been more of a concern. Consider the pervasiveness of Internet access by children and the rapid increase in Internet crime and predatory behavior. Never before have powerful educational solutions—such as Inter-

net safety curricula for grades kindergarten through 12—been more critical and readily at hand.

i-SAFE America is one of the non-profit organizations that has worked tirelessly to educate our youth and our community on these important issues. Formed in 1998, i-SAFE America educates youth in all 50 states Washington, DC, and Department of Defense schools worldwide to ensure that they have a safe experience online.

It is imperative that all Americans learn about the Internet safety strategies which will help keep their children safe from victimization. Consider the facts: In the United States, about 90 percent of children between the ages of 5 and 17 use computers, and about 59 percent use the Internet. Approximately 26 percent of children in that age group are online more than 5 hours a week, and 12 percent spend more time online than they do with their friends.

An alarming statistic is that 39 percent of youths in grades 5 through 12 in the United States admit giving out their personal information, such as their name, age, and gender over the Internet. Furthermore, 11.5 percent of students in this age group have actually met face to face with a stranger they met on the Internet.

Most disturbing are the patterns of Internet crimes against children. In 1996, the Federal Bureau of Investigation was involved in 113 cases involving Internet crimes against children. In 2001, the FBI opened 1,541 cases against people suspected of using the Internet to commit crimes involving child pornography or abuse.

Now is the time for America to focus its attention on supporting Internet safety, especially bearing in mind that children will soon be on summer vacation and will spend more time online.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 486) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 486

Whereas, in the United States, more than 90 percent of children between the ages of 5 years old and 17 years old, or approximately 47,000,000 children, now use computers;

Whereas approximately 59 percent of children in that age group, or approximately 31,000,000 children, use the Internet;

Whereas approximately 26 percent of the children of the United States in grades 5 through 12 are online for more than 5 hours a week;

Whereas approximately 12 percent of those children spend more time online than they spend interacting with their friends;

Whereas approximately 53 percent of the children and teens of the United States like to be alone when “surfing” the Internet;

Whereas approximately 29 percent of those children believe that their parents would express concern, restrict their Internet use, or

take away their computer if their parents knew which sites they visited while surfing on the Internet;

Whereas approximately 32 percent of the students of the United States in grades 5 through 12 feel that they have the skills to bypass protections offered by the installation of filtering software;

Whereas approximately 31 percent of the youths of the United States have visited an inappropriate website on the Internet;

Whereas approximately 18 percent of those children have visited an inappropriate website more than once;

Whereas approximately 51 percent of the students of the United States in grades 5 through 12 trust the individuals that they chat with on the Internet;

Whereas approximately 33 percent of the students of the United States in grades 5 through 12 have chatted on the Internet with an individual whom they have not met in person;

Whereas approximately 11.5 percent of those students have later met with a stranger with whom they chatted on the Internet;

Whereas approximately 39 percent of the youths of the United States in grades 5 through 12 have admitted to giving out their personal information, including their name, age, and gender, over the Internet; and

Whereas approximately 14 percent of those youths have received mean or threatening email while on the Internet: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2006 as “National Internet Safety Month”;

(2) recognizes that National Internet Safety Month provides the citizens of the United States with an opportunity to learn more about—

(A) the dangers of the Internet; and

(B) the importance of being safe and responsible online;

(3) commends and recognizes national and community organizations for—

(A) promoting awareness of the dangers of the Internet; and

(B) providing information and training that develops critical thinking and decision-making skills that are needed to use the Internet safely; and

(4) calls on Internet safety organizations, law enforcement, educators, community leaders, parents, and volunteers to increase their efforts to raise the level of awareness for the need for online safety in the United States.

WOMEN'S HEALTH WEEK

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 487, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 487) expressing the sense of the Senate 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.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 487) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 487

Whereas women of all backgrounds have the power to greatly reduce their risk of common diseases through preventive measures such as a healthy lifestyle and frequent medical screenings;

Whereas significant disparities exist in the prevalence of disease among women of different backgrounds, including women with disabilities, African American women, Asian/Pacific Islander women, Latinas, and American Indian/Alaska Native women;

Whereas since healthy habits should begin at a young age, and preventive care saves Federal dollars designated to health care, it is important to raise awareness among women and girls of key female health issues;

Whereas National Women's Health Week begins on Mother's Day annually and celebrates the efforts of national and community organizations working with partners and volunteers to improve awareness of key women's health issues; and

Whereas in 2006, the week of May 14 through May 20, is dedicated as the National Women's Health Week: Now, therefore, be it *Resolved*, That the Senate—

(1) recognizes the importance of preventing diseases that commonly affect women;

(2) calls on the people of the United States to use Women's Health Week as an opportunity to learn about health issues that face women;

(3) calls on the women of the United States to observe National Women's Check-Up Day on Monday, May 15, 2006, by receiving preventive screenings from their health care providers; and

(4) recognizes the importance of federally funded programs that provide research and collect data on common diseases in women and highlight racial disparities in the rates of these diseases.

ILLICIT COPYRIGHT INFRINGEMENT

Mr. FRIST. I ask unanimous consent that the Senate proceed to the consideration of S. Res. 488, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 488) expressing the sense of Congress that institutions of higher education should adopt policies and educational programs on their campuses to help deter and eliminate illicit copyright infringement occurring on, and encourage educational uses of, their computer systems and networks.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ALEXANDER. Mr. President, today I reintroduce a resolution that expresses the sense of Congress that colleges and universities should continue to educate their students about the importance of intellectual property and the harm caused by copyright infringement. I am joined in offering this resolution by Senators LEAHY, HATCH, and NELSON of Florida, as well as my colleague from Tennessee, Senator FRIST.

This measure is very similar to S. Res. 438, a Senate resolution which

three of my colleagues and I introduced last month. I call my colleagues' attention to my remarks on S. Res. 438 and those of Senator LEAHY, which both appeared in the CONGRESSIONAL RECORD on April 7, 2006.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 488) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 488

Whereas the colleges and universities of the United States play a critically important role in educating young people;

Whereas the colleges and universities of the United States are responsible for helping to build and shape the educational foundation of their students, as well as the values of their students;

Whereas the colleges and universities of the United States play an integral role in the development of a civil and ordered society founded on the rule of law;

Whereas the colleges and universities of the United States have been the origin of much of the creativity and innovation throughout the history of the United States;

Whereas much of the most valued intellectual property of the United States has been developed as a result of the colleges and universities of the United States;

Whereas the United States has, since its inception, realized the value and importance of intellectual property protection in encouraging creativity and innovation;

Whereas intellectual property is among the most valuable assets of the United States;

Whereas the importance of music, motion picture, software, and other intellectual property-based industries to the overall health of the economy of the United States is significant and well documented;

Whereas the colleges and universities of the United States are uniquely situated to advance the importance and need for strong intellectual property protection;

Whereas intellectual property-based industries are under increasing threat from all forms of global piracy, including hard goods and digital piracy;

Whereas the pervasive use of so-called peer-to-peer (P2P) file sharing networks has led to rampant illegal distribution and reproduction of copyrighted works;

Whereas the Supreme Court, in *MGM Studios Inc. v. Grokster, Ltd.*, reviewed evidence of users' conduct on just two peer-to-peer networks and noted that, “the probable scope of copyright infringement is staggering” (125 S. Ct. 2764, 2772 (2005));

Whereas Justice Breyer, in his opinion in *MGM Studios Inc. v. Grokster, Ltd.*, wrote that “deliberate unlawful copying is no less an unlawful taking of property than garden-variety theft” (125 S. Ct. 2764, 2793 (2005));

Whereas many computer systems of the colleges and universities of the United States, including local area networks under the control of such colleges and universities, may be illicitly utilized by students and employees to further unlawful copying;

Whereas throughout the course of the past few years, Federal law enforcement has repeatedly executed search warrants against computers and computer systems located at colleges and universities, and has convicted

students and employees of colleges and universities for their role in criminal intellectual property crimes;

Whereas in addition to illicit activity, illegal peer-to-peer use has multiple negative impacts on college computer systems;

Whereas individuals engaged in illegal downloading on college computer systems use significant amounts of system bandwidth which exist for the use of the general student population in the pursuit of legitimate educational purposes;

Whereas peer-to-peer use on college computer systems potentially exposes those systems to a myriad of security concerns, including spyware, viruses, worms or other malicious code which can be easily transmitted throughout the system by peer-to-peer networks;

Whereas, according to a recent study released by the Motion Picture Association of America, students at colleges and universities in the United States accounted for \$579,000,000 in losses to the motion picture industry of the United States in 2005, which represents 44 percent of that industry's annual losses due to piracy;

Whereas computer systems at colleges and universities exist for the use of all students and should be kept free of illicit activity;

Whereas college and university systems should continue to develop and to encourage respect for the importance of protecting intellectual property, the potential legal consequences of illegally downloading copyrighted works, and the additional security risks associated with unauthorized peer-to-peer use; and

Whereas it should be clearly established that illegal peer-to-peer use is prohibited and violations punished consistent with upholding the rule of law: Now, therefore, be it

Resolved, That—

(1) colleges and universities should continue to take a leadership role in educating students regarding the detrimental consequences of online infringement of intellectual property rights; and

(2) colleges and universities should continue to take steps to deter and eliminate unauthorized peer-to-peer use on their computer systems by adopting or continuing policies to educate and warn students about the risks of unauthorized use, and educate students about the intrinsic value of and need to protect intellectual property.

ORDERS FOR TUESDAY, MAY 23, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, May 23. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of S. 2611, the Comprehensive Immigration Reform Act; further, that the Senate stand in recess from 12:30 until 2:15 to accommodate the weekly policy luncheons.

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

PROGRAM

Mr. FRIST. Mr. President, to clarify, we will have a vote on the pending Feinstein amendment regarding the orange card program. Members can ex-

pect this vote to occur shortly before 11 a.m. That will be the first vote.

A few moments ago, I filed cloture on the immigration bill and a judicial nomination. We have a lot of work to complete this week, including other nominations and the supplemental appropriations conference report if it becomes available. Members can expect a busy week as we work through our remaining business before the upcoming recess.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

TRIBUTE TO JUDGE EDWARD R. BECKER

Mr. SPECTER. Mr. President, I have sought recognition to comment on a funeral service that was held earlier today for Judge Edward R. Becker. Judge Becker was one of the greatest citizens in the history of the city of Philadelphia and one of the greatest Federal judges in the history of the United States. When the contemporary history is written of the past 50 years, I believe Judge Becker will rank with Benjamin Franklin among the greatest of Philadelphia citizens, and with Judge Learned Hand, who is among the greatest Federal judges.

I first met Judge Becker in 1950 when we rode public transportation from northeast Philadelphia to the University of Pennsylvania, an hour ride each way, where we attended that school. He was 17 at the time; I was 20. He was a freshman, and I was a senior. He had an extraordinary academic record, Phi Beta Kappa from Penn, Yale Law School, a distinguished record in the practice of law, and he became a Federal judge at the age of 37. He served on the U.S. District Court for the Eastern District of Pennsylvania for 15 years, until he was elevated to the Court of Appeals for the Third Circuit.

During 35½ years, he had an extraordinary record as a Federal judge. On several occasions, Judge Becker's opinions were followed by the Supreme Court of the United States on cutting edge questions. In one case, Judge Becker wrote the opinion for the Court of Appeals for the Third Circuit, which was in disagreement with the conclusions of seven other courts of appeals. When the issue got to the Supreme Court of the United States, the Supreme Court followed Judge Becker.

He was a man of great charm and great versatility. One of his opinions was written in rhyme. He was an extraordinary pianist and was called upon by the Supreme Court not only for his legal erudition but for playing the piano at the so-called Supreme Court sing-a-longs. He was the recipient of the Devitt Award, which is given to the outstanding Federal jurist on the basis of scholarship, achievement, and community service.

Even as chief judge of the Court of Appeals for the Third Circuit, he rode the elevated public transportation to

work every day. Among his many attributes were intelligence—really brilliance—integrity, independence, loyalty, and a sense of humor. But his greatest attribute was his modesty and his humility.

He lived in the same house he came to as a child of 3 or 4 years of age and was always a friend equally to the janitors in the Federal courthouse as he was to Supreme Court Justices.

Regrettably, Judge Becker contracted prostate cancer and fought a valiant fight but succumbed last Friday to the ravages of the cancer and, today, as I say, we celebrated a great life and an outstanding life. One of the real regrets I have is that we have not yet found a cure for cancer, which could have saved Judge Becker's life.

In 1970, the President of the United States declared war on cancer and had that war been pursued with the same diligence and resources that we pursue other wars, Judge Becker would not have died from prostate cancer. Two years ago, my chief of staff, Carey Lackman, a beautiful young woman of 48, died of breast cancer. A year and a half ago, a good friend, Paula Kline, wife of Tom Kline, my former law partner, died of breast cancer. It is something that we hear about every day.

The reality is that the United States of America, with a gross national product of \$11 trillion and a Federal budget of \$2.8 trillion, could conquer cancer and the other maladies if we approached it with sufficient resources and a sufficient sense of urgency. We have a budget for the subcommittee of appropriations that I chair which has to fund the Departments of Health, Education and Labor, workman safety, which has had cuts of \$15.7 billion in the last two fiscal years, factoring in inflation. We have a budget resolution that passed, which would add \$7 billion—insufficient but at least a start in making up some of that deficiency which would allocate \$2 billion to the National Institutes of Health.

The Federal Government is precluded from financing embryonic stem cell research, which ought to be reversed by this body.

Judge Becker is well known to the Senate. Shortly after he achieved senior status, when he turned 70 in May of 2003, I asked him to participate in our legislative efforts to have asbestos reform. In August of 2003, for 2 days, he convened the so-called stakeholders—the manufacturers, the trial lawyers, the AFL-CIO representing labor, and the insurance industry in his chambers. And for the intervening almost 3 years he has presided at about 50 meetings where large groups assembled in my conference room on Capitol Hill, working for a resolution of the asbestos litigation crisis, where thousands of people suffering from mesothelioma are unable to get compensation because their companies are bankrupt. Seventy-seven companies have gone under bankruptcy.

Judge Becker, well known to this body, is really befitting of the title of

the 101st Senator. I think his passing from prostate cancer will make a deep indentation and mark on this body and will serve as a signal for action to attack cancer, attack prostate cancer, to find a cure for cancer. His passing leaves a very deep mark on his family, three children, his widow, four grandchildren, and many friends, many of whom are in this body. His record is truly that of an extraordinary jurist and a great American.

I yield the floor to my distinguished colleague from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I am honored to have been here this evening to hear the remarks of Senator SPECTER about his friend Judge Becker. I came to know him and respect him greatly myself. I remember it was Judge Becker this and Judge Becker that as we wrestled with the asbestos litigation. Senator SPECTER, I knew, had such extraordinary respect for him. I guess it probably would be fair to say that in the last year, if there had to be a 101st Senator, he might have been the one we would name because he met time and time again with Senators and groups and interests and people to try to work out an asbestos bill that would be effective.

I came around to the thinking that he was exactly correct and agreed that he and Senator SPECTER had the right approach to that historic piece of legislation.

I am very sad we never could move it forward, but Judge Becker provided a great and extraordinary contribution to the legislation. In getting to know him, talking to him about other judges, he talked about Bill Pryor, a judge from Alabama who was recently confirmed. He knew and studied his record. I came to feel that he was a fine and decent person who loved his country and just didn't want to retire and sit around. He was right in the middle of things to his last days on this Earth.

I thank Senator SPECTER for allowing us the opportunity to get to know him. I hope he will convey to Judge Becker's family our admiration and respect for him.

Mr. SPECTER. Mr. President, if the Senator will yield, I thank him for those very generous comments. I kept Judge Becker fully informed as to our work on the asbestos legislation. The leader has stated his interest in bringing the legislation back to the floor. I continue to lobby our colleagues one by one. I gave Judge Becker a report a few days before his passing, and he said: Let's pass one for the Gipper.

Mr. SESSIONS. I am not surprised. I am not surprised at all that he would be focused on policies that are important for America, even during his suffering.

I thank Senator SPECTER for letting us get to know him.

IMMIGRATION REFORM

Mr. SESSIONS. Mr. President, cloture has been filed on the immigration

legislation, and I suspect cloture will be obtained on the immigration bill. We will have a vote later on in the week. The train is moving. People simply want to do something, and I suppose that is where we are headed.

I wish to make a couple comments about it. First, the difficulty we faced was that the bill which came out of the Judiciary Committee to the floor of the Senate, which was essentially the Kennedy-McCain bill, was not good legislation. In fact, it was so broadly problematic that I thought and said from the beginning there was no way we could file amendments to fix that bill. It was unfixable. It had too many basic problems that had not been evaluated carefully, that should have been thought through carefully before it was ever filed.

Senator SPECTER just left the Chamber. He supports immigration. We started in the Judiciary Committee a few months ago—really just a couple of months ago—and his bill was a lot better than the bill that came out of the Judiciary Committee. The chairman's mark had a number of provisions in it. It did not have an automatic path to citizenship, for example. So we spent several days talking around at the committee. Senator FRIST said he wanted this bill on the floor a certain date. That was a Tuesday. He wanted the bill out of committee. On Monday, we were still talking about various technical, complex legal issues and debating them and worrying about law enforcement issues, and, boom, the Kennedy-McCain bill is offered as a substitute to the Specter bill in committee. With about an hour's debate, this several-hundred page bill became the bill in committee.

A few minutes later with very little debate, the agriculture jobs part was added to the bill, and that is what came out of committee. It was incredibly broad, huge in its increase in legal immigration into the country, as well as I think inadequate enforcement and overreaching in amnesty and a lot of other issues.

So here we are trying to pass this legislation. I guess we have done it now. I spent some time pointing out some of the difficulties, and I will continue to do so. I will say this: The legislation that will hit the floor presumably this week and will be up for a vote should not be passed by us.

I have four amendments on which I would like to have votes. I know what is going to happen. Cloture has been filed, and I will be lucky to get one vote on the four amendments I will be filing tonight, to get legislative council to approve them and worry about germaneness and a lot of other things, but I am ready to file these amendments and will file them.

I want to talk about those amendments, and I ask the American people and my colleagues to think about some of the issues in these four amendments and ask: Should not, when we set about establishing a new immigration policy

for America, which has consistently been a 20-year policy—we did one in the mid-sixties and we did another one in 1986. Here we are 20 years later in 2006 passing another one. We are going to pass a bill that could set policy for quite some time. It ought to be a good bill. It should be a bill of which we are proud.

It should be a piece of legislation that considers the relevant issues facing our country and tries to fairly and decently and justly treat people who want to come here in a legitimate way, but fundamentally what we should be asking ourselves is how many people this country can accept and what kind of skill levels should they have, what expectation do we have that they will be successful when they come to this country and be able to take advantage of the opportunities that are here, to be able to pay taxes to the Government more than they draw from the Government, and those kinds of questions. That is what we are about. I submit that the legislation fails in that regard.

I have four amendments. One is a numerical limit amendment. It would cap the immigration increases caused by the bill to the numbers CBO and the White House tell us to expect, 7 million under amnesties and 8 million in new immigrations in the next 10 years. We had somewhat of a dispute. This bill is 600 pages. It is exceedingly complicated. It has a host of different categories. It has caps that apply and numbers that don't apply to caps and are exempted from caps. It is hard to figure out how many people might actually come.

The Heritage Foundation and my staff have concluded that we are looking at four times the current rate of immigration. It was 5 to 10 times the current rate of immigration until we discussed these huge numbers at a press conference last Monday, and Tuesday we adopted an amendment to knock that down. We think the immigration in that country will range from 73 million to 93 million people over the next 20 years. That represents approximately four times the amount we now allow in, which is a little less than 1 million a year, so it will be a little less than 19 million over 20 years, five times current rate, four times current rate at a minimum, we think.

The administration and CBO say some of those numbers were not good enough, and they came up with some figures.

That amendment would be designed to say: OK, we will look at your numbers and see if we can just make that the law so it won't be confusing. At least we will know what the numbers are. If the administration numbers are correct and the CBO numbers are correct, they are too high, way too high, but at least we would know what they are. At least we wouldn't have to worry that they might go and explode out of reason.

Another amendment we will be offering is the amendment to eliminate the

earned income tax credit for illegal aliens and those who adjust status under this bill. Once illegal aliens become citizens, they will once again be eligible for the earned income tax credit, which is nothing more than a Government payment. It is a Government subsidy to low wage American workers, and it is very large. I will talk about that in a minute.

Chain migration. We will offer an amendment that would eliminate certain chain migration provisions in this bill. If we want to admit more skill-based immigrants, we must reduce the right of immigrants to bring in certain categories of relatives automatically and they have an automatic right on the list to be able to come in. We need to make that choice. Why is this Senate dodging that issue? I don't know. Other countries, as I have noted just a few moments ago, are going in exactly the opposite direction. They are focusing less on some sort of connections and more on work skills.

Then I will offer an amendment that deals with green cards for future flow H-2C workers. This would be an amendment to make sure that H-2C workers who come in the future—not those given amnesty under this bill—will be subject to the annual numerical limits on employment-based green cards when they apply. There is some dispute about that. We were told originally: Oh, yes, they apply, the caps apply, these limits apply. And then we read the legislation carefully, and under that provision, it says: If you qualify for a green card, the Secretary shall give you the green card. And it appears that “shall” means you will get it whether the caps apply or not, or whether the caps would apply.

I shared earlier thoughts about the large numbers and the CBO numbers in that amendment. I have discussed it. I would like to take a few moments to discuss the earned income tax credit limit.

This amendment would do two things. One, it would clarify existing law that makes illegal aliens ineligible to claim the earned income tax credit and postpones the ability of illegal aliens who are given status by this bill to claim the earned income tax credit until they become citizens. So the amendment is clearly a moneysaver. It is also a way to make sure that illegal aliens are more likely to contribute more in taxes than they are taking out. The inability to claim the earned income tax credit should be one of the things added to the list of items illegal aliens will have to agree to do in order to receive the benefits of the amnesties contained in title VI of the bill. Other items on the list include a background check, a medical check, and payment of back taxes, and being required to not claim the EITC until the illegal alien becomes a citizen is a natural addition to that list.

The EITC tax credit was established in 1975. It is a refundable tax credit for families that can offset income taxes

or provide a tax credit directly to the family. According to IRS data for 2003, 22 million households received \$39 billion in EITC payments, an average of \$1,782 per household or \$2,100 for any families with children.

Now, let me just repeat that. This is a huge Government program. And most of the low-income people don't owe any taxes. If you are making below \$20,000 a year, you are unlikely to pay any income taxes. If you have children, you certainly are not going to be paying any income taxes. So how do you get a tax credit if you don't pay any taxes? Well, they send you a check. That is what they do. You file your tax return at the end of the year, and if you have worked and your income was lower, they send you a check. We looked at the numbers. If you are a minimum wage worker and you make around \$14,000 a year, that family would receive a check, a subsidy from the Government of 4,700-and-some-odd dollars.

So this was designed to encourage Americans to work. It was a plan to make work more attractive for people on welfare. Do you remember all that talk: Well, you can make more money on welfare than you make working. So a brilliant Congress, a number of years ago, came up with this idea that we would just give people extra money if they would work. It will be less than welfare, so why not do it? OK. That is what we did. But it was not designed to reward illegal aliens for coming into the country illegally, for heaven's sake. But that is what this bill does. As soon as they get that regularized status, they get it.

Now, this would allow them to get the earned income tax credit if they become a citizen but not before. That is not required of us. It is not required of the Senate that we should provide a \$2,000 bonus check to individuals who work in our country, who seem to be happy to get the wages they are being paid, a \$2,000 bonus check from Uncle Sam as a result and as an incentive for coming into the country illegally. That is a really big issue.

To qualify for the credit, married couples filing jointly who earn certain sums of money would qualify. For example, a single mother with two children, the earned income tax credit provides a tax credit for 40 percent of every dollar earned, up to \$11,340. A family that earned between \$11,000 and \$14,000 received a maximum credit of \$4,536, not \$4,700. After the floor of \$14,810 is reached, the credit is slowly reduced until the income cap of \$36,000 is reached. It is only then that it is eliminated. For 2006, the maximum amount of the earned income tax credit is \$4,556 for a worker supporting two kids and \$2,747 for a worker with one child, \$4,012 for a child of eligible employees and adjusted for inflation.

Now, a Social Security number is required in order to reap the benefits of this tax credit, and those applying must have a valid Social Security number and be a resident alien. Valid So-

cial Security numbers are given out to all legally working people in the United States—legally working aliens. Legal permanent residents and citizens have Social Security numbers.

Under the tax law, resident aliens are citizens of a foreign country who are either lawful permanent residents of the United States or have been physically present in the country for at least a certain specified amount of time during the past 3 years. They are taxed in the same manner as U.S. citizens, and thus they qualify for the refundable tax credits.

According to the IRS, under the residency rules of the Tax Code, any alien who is a nonresident alien—an alien will become a resident alien in one of three ways: No. 1, by being admitted to the United States as or changing in status to a lawful permanent resident under the immigration laws; No. 2, by passing a substantial presence test, a numerical formula which measures days of presence in the United States; or No. 3, by making what is called the first year election, a numerical formula under which an alien may pass the substantial presence test 1 year earlier than under the normal rules.

Under these rules, legally present work-authorized aliens who pass the substantial presence test will be treated, for tax purposes, as resident aliens. They are able, then, to claim EITC. Under these rules, even an undocumented illegal alien who passes the substantial presence test will be treated for tax purposes as a resident alien. If they are using a fraudulent Social Security number, they can apply for the EITC. If they are using a legal IDIF number, they cannot apply.

Under S. 2611, the bill before us today, if illegal aliens pay their taxes legally today, they do so with an individual taxpayer identification number they are given for tax purposes. The ITIN cannot currently be used to get the EITC because a Social Security number is required to claim the EITC. They are not eligible to get a Social Security number.

So under S. 2611, illegal aliens will become legally present and work authorized immediately upon passage of the act. They would then be given Social Security numbers and will pass the substantial presence test, making them automatically, at once, eligible to claim the very generous benefits of the EITC.

The Congressional Budget Office has looked at this and tried to figure out what the cost would be. American taxpayers would pay this. This would be a new cost on the taxpayers, created by the very bill that is before us today. Under the current legislation, in S. 2611 as initially offered and came out of the Judiciary Committee, the preliminary CBO score revealed the following about directed spending contained in the compromise. They say this:

CBO and Joint Tax Committee estimate that direct spending outlays would total about \$8 billion for the first 5 years, 2007

through 2011, and \$27 billion for the first 10 years. Most of those costs are for the earned-income tax credit and for Medicaid and food stamp programs. Costs in subsequent decades would be greater than in this first 10-year period.

"Costs in further decades would be greater than the first decade." Mr. Robert Rector of the Heritage Foundation has worked on numbers like this. He was the architect of the welfare reform. He said to us recently, a group of Senators: Senators, this is how this Government gets out of control. This is how things go wrong. You don't start out to pass a bill that is going to cost \$29 billion. You don't think it through. You pass the legislation, and a new Congress 20 years from now wakes up and says: How did this ever happen? We don't have the money to pay for this. We made this obligation way long ago. How are we going to get out of it? Maybe we should cut back.

Then all the protests start because you can never cut a program, it seems.

He warned us about that. That is exactly what is happening with this particular provision in the legislation.

Once the Hagel-Martinez bill became S. 2611, I, along with five other Senators, asked CBO to provide a comprehensive score so we would know how much this amnesty provision would cost the taxpayers. The final CBO score estimates that, of the 2007–2016 period, 10 years, this bill would increase outlays for refunding tax credits \$29.4 billion, the largest direct expenditure in the bill—\$29 billion.

I had a conversation a few moments ago with a fine Senator who is concerned about spending. He was sincerely asking me about the cost of enforcement at the border and at the workplace in our country. Where are we going to get this money so we are not just putting it to our grandchildren? I don't know how much it is going to cost. We spend \$40 billion now on homeland security every year. Maybe this is going to cost \$5 or \$6 billion. A lot of it will be one-time costs, setting up computer systems and border barriers and in purchases of equipment. A lot of that will be repetitive, like border patrol and bed spaces or removing people from the country. But it will not exceed \$29 billion, trust me. It will be a fraction of that.

Mr. President, \$29 billion is a lot of money under any circumstances, I have to tell you. You can buy three aircraft carriers for \$29 billion. They have 4,000 people on them. Mr. President, \$29.4 billion will be added. These refundable tax credits will include EITC and child tax credits, where most of the cost is clearly attributable to the EITC. To clarify, the credit first reduces an individual's tax liability. If the credit exceeds the tax liability, the excess is sent to the individual in the form of a check from Uncle Sam. These refunds are classified as outlays in the Federal budget. They are classified as outlays. They are not classified as tax deductions because they are, in fact, outlays.

They are, in fact, payments from Uncle Sam sent in the form of a check to individual Americans.

In conclusion, I would note the bill increases the amount of refundable tax credits by increasing the number of resident aliens, people who are illegal today, converted to resident aliens. Although this bill grants amnesty to those who came illegally, it is not required, in my view, that they be absolved from all consequences of coming here illegally nor be provided every benefit we provide to those who come legally. Certainly nothing is strange or unusual in that.

If we decide to give certain benefits to people who came here illegally and not give them to others, what is wrong with that? For example, we are going to allow them to stay in the country. At least overwhelmingly, they will be able to stay in the country. We are going to forgive them for being prosecuted. Do we have to then also reward them for their illegal activity by providing a sizeable check every year from the Federal Government? No, you don't have to do that. If they become a citizen one day, fine, they are entitled to the same benefits of every other American citizen. But not in the interim.

My amendment clarifies existing law to make sure that illegal aliens—existing law—who pass the substantial presence test cannot use fraudulent Social Security numbers to claim the earned-income tax credit, and it postpones the ability of illegal aliens at a given status, some sort of legal status by the bill, to claim the earned-income tax credit until they become citizens. I believe that is the right approach. It is unthinkable that we would provide this kind of incentive when it really has no necessity.

Mr. President, I would like to share some thoughts about another amendment. It deals with chain migration. It would reduce chain migration by eliminating the provisions in the Immigration and Nationality Act that allow parents and adult brothers and sisters to immigrate to the United States based solely on their family connections. Chain migration refers to the mechanism by which foreign nationals have the right to immigrate to the United States by virtue of one single characteristic: they are related to someone who previously immigrated to the United States. Chain migration does not refer to spouses and dependent children of immigrants. That does not encompass wives and children. Nothing in this amendment would say that a green card holder, a legal permanent resident or citizen would not be able to bring spouses and children. That will remain the law under this amendment. No changes are made whatsoever. But for immigrants who become citizens, chain migration refers to their ability to bring in parents, brothers and sisters, and spouses, and children of their brothers and sisters.

You get to bring in your parents, your brothers and sisters, and the

spouses and children of your brothers and sisters. People who immigrate based on this family relationship are in no way evaluated for their skill levels, their age, their English proficiency, or if they are needed by the American economy whatever skills they have. How they will benefit the United States is completely irrelevant to this process. The only relevant characteristic is their family connection.

Until the late 1950s, American family immigration policy focused solely on the nuclear family; only spouses and minor dependent children of the immigrant were allowed to immigrate solely on their family connection.

In the late 1950s, family migration policies of the United States began to extend beyond children and spouses. Immigrants were allowed to bring in their adult unmarried children. You are here, you can bring in adult children from that foreign country. But they are unmarried, and you can bring them. Immigrants who became citizens were allowed to bring in their married adult children and their parents and their brothers and sisters, parents and brothers and sisters, and adult children can bring in their own spouse and their children. If the extended spouse has parents and siblings, they, too, can get in line to immigrate to the United States based solely on the family connection.

To show you a little bit how this works—it sounds a bit complicated. By viewing the charts behind me, maybe we can make this a little bit clearer.

Here are the people in green. That means they possess a green card. You can get green cards in any number of ways if you come in under the language of this legislation that is so inaccurate. Let me say it that way.

Under the rubric they call a temporary guest worker, the first day you are here, your employer can apply for a green card, and within a month presumably you will get that green card. Once you become a green card holder, you become green on that chart, but you also became a permanent resident of the United States, not a citizen.

What happens when you become a permanent resident? You can immediately bring in your spouse and your children, maybe half a dozen children. You can bring in all of those children.

One thing about this amnesty is this: There are a lot of people who are working in our country today who have not brought their families. They have not been that interested in bringing their wives and children here, but under the bill, we give them legal status. We allow them to become a green card holder in short order, and then they are automatically allowed to bring in their spouses and children.

Five years after they get the green card, they can apply to be a citizen. So 5 years, they become a citizen. Here is the family now, this group here, green. They come over. This is the nuclear family: Father, mother, and two children. The mother is now legal. She can

bring in her parents; he can bring in his parents.

What about brothers and sisters? Each one gets to bring in their brothers, and then they can bring in their wife and their children.

This lady has one brother. She allows that brother to come in as a relative within the category, and then he can bring his wife and his children.

What about her? She probably has brothers and sisters, too. Once she gets in and gets in the system, she can bring her brothers and sisters and her parents into the system. The father here can bring in his brother or sister, and she can bring in her husband and her two children, or however many they have.

I believe somebody detailed once on the floor of the Senate that one family brought in 85 under this system. It is not at all impossible to imagine. Can you see how it can happen? One person comes in, and as a result of the family connections he brought in 85. I think that was Senator Allen Simpson in the debate 20 years ago in 1986.

It is a remarkable story, how the nuclear family, 5 years after they become citizens, can bring in their parents.

What can the parents do? The parents can bring in their parents, if they are still alive. They really can. Maybe they are 90. They can bring in their brothers and sisters. All the uncles can come in through the parents. The wife can bring in brothers and sisters. Then the wife brings in her brother, who brings in his wife and two children, and she brings in her parents. It just goes on and on.

We would like to do the right thing. We would like to be generous. Someone made the argument, I guess at one point in time it seemed like a good idea to have that policy. But every now and then, when we review a bill once in 20 years, you would think we would have discussed this. It has not been discussed, to my knowledge. Not a single

Senator has discussed it on the floor of the Senate, to my knowledge. No amendment has been offered on it. It was not discussed, I don't think, but maybe just in passing in some of the Judiciary Committee debate of which I was a member. It is a serious matter.

Obviously, we ought to do a better job of thinking through who should come to America. I keep thinking about a valedictorian in the Dominican Republic, some small town in Colombia, Peru, or Brazil, top of his class, learned English, speaks it well, and wanting to come to the United States of America. We have a limited number of people who come. He can never get in because grandparents, great-grandparents, brothers and sisters and grand-nephews are coming in under migration, crowding those numbers out. With regard to all of these people, there is no requirement of any educational level, no requirement of any job skills or any other capability.

I think we need to make progress. There is no reason in the world we shouldn't be discussing that in an effective way. Over the past 5 years, approximately 950,000—almost 1 million—extended family members immigrated to the United States and immediately received a green card—lawful permanent resident who will never have to leave.

The numbers equal about 20 percent of all aliens who immigrated to the United States in the last 5 years. Immigration, therefore, makes up a significant portion of family-based immigration.

If we want to discuss the percentage of family-based immigration and increase the percentage of skill-based, it makes sense that we would deal with this issue. I think this amendment needs to be considered. I am disappointed that we really have not had time, with cloture being filed we will not have time to seriously discuss that.

Let's talk about one more issue. I don't mind saying I cannot be sure that

we have dealt in years with a bill more important than this one. Mr. Rector of the Heritage Foundation said this bill is so significant it compares with the passage of Social Security and Medicare, in his opinion. He has been a student of these things for several decades. This is a huge piece of legislation.

What has happened, a group has gotten together. They have reached a compromise. We were told flatout the other night that one of the amendments could not be accepted because the people who put the compromise together would not accept it. They would not accept the amendment because they said it violated the compromise, the compromise would fall apart, and we could not amend it in that fashion. And it failed. The machinery around here is working.

We will have an opportunity to talk about this additional issue tomorrow. I will plan to do that then. I am proud at least to have had the opportunity to talk about this. The fact is, we are not going to be able to vote on this. We will be lucky to get a vote on one of them, and then this will be voted on. I assume it will be passed and sent to the House of Representatives. If we are fortunate, the House of Representatives will say it has to be better; we will not accept it; we are going to insist on that before we pass it.

Who knows what will happen in the political processes of our country?

ADJOURNMENT UNTIL 9:45 A.M.
TOMORROW

Mr. SESSIONS. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:22 p.m., adjourned until Tuesday, May 23, 2006, at 9:45 a.m.

EXTENSIONS OF REMARKS

TRIBUTE TO 25TH ANNIVERSARY
OF FROM THE HEART CHURCH
MINISTRIES

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. CARDIN. Mr. Speaker, it is with great honor that I rise today to commemorate the 25th Anniversary of From the Heart Church Ministries. Since its beginnings in 1981 with only twenty four members, From the Heart Ministries has provided spiritual guidance Prince George's County community through worship services and radio broadcasts.

Founder and Pastor Reverend John A. Cherry is a nationally acclaimed minister whose message of hope and committed spiritual teaching has changed the lives of many. Under his steady leadership, From the Heart Ministries has grown from its modest beginnings as a storefront church to becoming one of the largest churches in Prince George's County, providing services to over 26,000 members. Reverend Cherry's spiritual message is also broadcast Sundays and during the week, providing religious guidance and teaching to thousands more.

Reverend Cherry's twenty five years of service have established a foundation of strong biblical teaching rooted in faith and love—a foundation that his son, John A. Cherry II, will build upon. Reverend John A. Cherry II will officially be installed as pastor during the anniversary celebration.

I urge my colleagues in the U.S House of Representatives to join me today in recognizing From the Heart Ministries' 25th Anniversary and applauding the accomplishments of Reverend John A. Cherry. His legacy of spiritual leadership will allow his son to continue to his work and influence the hearts and minds of a faithful community for years to come.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. ANDREWS. Mr. Speaker, I regret that I missed four votes on May 19th, 2006. Had I been present I would have voted "no" on defeating the Previous Question on H.Res. 821 (the Rule providing consideration for H.R. 5385—Military Quality of Life and Veterans Affairs Appropriations Act); "no" on H.Res. 821 (the Rule providing consideration for H.R. 5385—Military Quality of Life and Veterans Affairs Appropriations Act); "yes" on the Blumenauer Amendment (increasing appropriations for the clean up on closed military bases) and "yes" on H.R. 5385 (Military Quality of Life and Veterans Affairs Appropriations Act).

DEPARTMENT OF THE INTERIOR,
ENVIRONMENTAL, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 2007

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

The House in Committee of the Whole House on the State of the Union had under consideration bill (H.R. 5386) making appropriations for the Department of the Interior, environmental, and related agencies for the fiscal year ending September 30, 2007, and for other purposes:

Mr. VAN HOLLEN. Mr. Chairman, I rise to explain my opposition to the Interior Appropriations bill. This important bill should reflect our national commitment to protecting our air, our water, and some of our most treasured public lands, including our national forests, parks, and open spaces. Unfortunately, this bill fails to live up to our responsibility to be good stewards of our natural heritage. This bill cuts the Clean Water State Revolving Funds by \$200 million and cuts State Conservation Grants to below last year's levels. Most egregiously, this bill cuts funding for essential projects to repair and upgrade facilities in our National Parks by \$216 million below last year's levels and more than \$400 billion below the level of six years ago. This bill does not meet the federally mandated increase in federal pay and other fixed costs of the National Park Service. As a result, we will see cutbacks in staff and visitor services at our parks. This bill also does not include any funding for schools at Indian reservations.

I am disappointed to have to vote against this bill because it did contain some worthwhile provisions. In it, the Congress finally recognized the reality of global warming. Though the bill does not include any concrete steps to address the problem, I was pleased that Congress finally acknowledged the issue. I also supported an amendment included in this bill that would require energy companies to pay royalties for the oil and natural gas they obtain from publicly-owned lands. This common sense amendment ends an unnecessary and illogical subsidy to the oil and gas industry and allows the American people to benefit from the use of our public resources.

There was a Democratic amendment that would have addressed this bill's most critical failings. We proposed a plan to add essential funds to this bill by making a small reduction to the average tax cut for the wealthiest Americans. My Republican colleagues reject this proposal, upholding tax cuts for a few at the expense of important initiatives that benefit all Americans. As a result, we have a bill that fails to adequately protect the air we breathe, the water we drink, and our shared natural heritage that we hold dear.

HONORING HAKKI GURKAN

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. EMANUEL. Mr. Speaker, I rise today to congratulate Hakki G. Gurkan of Chicago, Illinois, on the occasion of his 30th birthday. Currently serving our Nation in Iraq, Hakki is continuing an impressive career in many areas of public service.

Petty Officer, 2nd class Gurkan joined the United States Navy Reserve in 2002 and is now serving overseas in Iraq as an Intelligence Specialist. He is fiercely proud to serve his country and I am certainly proud of him.

Before being mobilized, Hakki served as a Chicago Police Officer for 6 years. As a patrol officer in the 11th District, he worked tirelessly every day to respond to emergencies and keep our community safe and secure.

Last year Hakki added to his already considerable background in public service by using his vacation time to serve as an intern in my Washington, DC office. He was a strong addition to the office and assisted my staff in many important ways.

Hakki received his bachelor of arts degree from Columbia College in Chicago and earned a master's degree in law enforcement administration from Calumet College of St. Joseph in Whiting, Indiana.

Mr. Speaker, on behalf of the Fifth Congressional District of Illinois, I thank Hakki for his devoted service to our country, both at home and overseas.

I ask my colleagues to join me in sending best wishes to Petty Officer, 2nd Class Gurkan and all American men and women in uniform serving in Iraq, Afghanistan and throughout the world.

IN HONOR OF POLISH
CONSTITUTION DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Polish American Congress, Ohio Division, as they celebrate Polish Constitution Day—sharing their cultural gifts along a parade route lined with food, song and joyous celebration.

The first written European constitution, the Governmental Statute of Poland, was instated on May 8, 1791. Poland's Constitution was the result of nearly five centuries of struggle and perseverance by the people of Poland to diminish the power of the King and also to create facets and an institution of government vital to the foundation of a constitutional government. The Polish American Congress was formed in 1949, and continues to serve as a

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

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

significant bond of Polish culture, heritage and history in Cleveland and across the country. The group serves as a unifying force for both Polish Americans and Polish citizens living in America. Taking a positive stand on issues concerning the people of Poland, the group strives to attain a free market economy within the framework of a democratic society.

The goal of the Polish American Congress is to make Americans of Polish heritage more successful U.S. citizens by encouraging them to assume the responsibilities of citizenship. In addition, the group supports fraternal, professional, religious, and civic associations dedicated to the improvement of the status of all Americans of Polish heritage. The Polish American Congress has played a crucial role in the Polish community, and in its many years of support and service has been an invaluable contribution to the city of Cleveland and beyond.

Mr. Speaker and colleagues, please join me in honor and celebration of the leaders and members of the Polish American Congress, as they celebrate Polish Constitution Day and as they continue to promote and protect the heritage, history and culture of their beloved Polish homeland—providing awareness and connection to every new generation born in America, and enriching the diverse fabric of our entire Cleveland community.

DEPARTMENT OF THE INTERIOR,
ENVIRONMENT, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 2007

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

The House in Committee of the Whole House on the State of the Union had under consideration 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:

Ms. LEE. Mr. Chairman, I rise in strong opposition to Interior appropriations bill and in support of the Putnam/Capps amendment that will be considered on the floor today.

For 25 years we have maintained a bipartisan agreement to ban any new drilling off our shores because we believed it was more important to safeguard the health and beauty of our coastal environment for future generations to enjoy.

But now the Interior appropriations bill threatens to upset this agreement and open our coastal areas to drilling despite overwhelming opposition from the American people.

We should not be trading away our pristine coastal habitats to fatten the coffers of the administration's cronies in the oil and gas industry.

The fact of the matter is that new offshore drilling will do nothing in the short term to reduce the high gas prices that consumers are facing at pump, and will do nothing in the long term to wean us away from our addiction to oil.

The best way to fight high gas prices now is to hold oil companies accountable for

gouging consumers by instituting a windfall profits tax.

At the same time, we need to make immediate investments to expand energy efficiency by raising vehicle fuel economy standards, increasing the use of renewable fuels, and by adopting a foreign policy that does not hold our constituents hostage to the latest political crisis in the Middle East.

Today our constituents are paying the price for this administration's deliberate decision to prioritize the profit margins of the oil and gas industry over a comprehensive and sustainable long term energy policy.

Vote against another giveaway to the energy industry. Support the Putnam/Capps amendment and save our coastal environments.

HONORING W. JAMES FARRELL

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. EMANUEL. Mr. Speaker, I rise today I order to recognize the long and distinguished career of Jim Farrell. Jim retired this month as chairman of Illinois Tool Works, Inc., ITW, after a 41-year career with the company, and has spent a lifetime making a positive impact on the Chicago-area community.

After graduating from the University of Detroit with a degree in electrical engineering, Jim joined ITW in 1965. He originally intended to work there for the few months he had before reporting for military service, but he would ultimately return after 2 years in the Army. Rising steadily through the ranks, Jim served as ITW's chief executive officer from 1995 and chairman from 1996. Based in Glenview, Illinois, the company now operates in 45 countries and employs almost 50,000 people.

As CEO and chairman of a Fortune 200 company, Jim was known for an unusual but highly successful approach. At ITW he oversaw the purchase of more than 200 companies. He resisted the prevailing wisdom to consolidate operations and instead gave the 600 division managers a high degree of autonomy. This allowed Jim to cultivate an environment that remains highly conducive to entrepreneurship and allows managers to stay closely connected to employees and customers.

Jim has always found time and energy to give to the community. For more than a decade he has chaired and worked with the Chicago branch of Junior Achievement, a worldwide organization dedicated to educating young people about business, economics, and free enterprise. In addition to serving on numerous other business and civic boards, Jim also instituted a generous matching policy under which ITW matches \$3 for each \$1 donated to charity by an employee.

Mr. Speaker, I congratulate Jim for his many successes, I thank him for his role within the business community of Illinois and for his dedication to civic duty, and I wish him and his family the best of luck in all future endeavors.

DEPARTMENT OF THE INTERIOR,
ENVIRONMENT, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 2007

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

The House in Committee of the Whole House on the State of the Union had under consideration 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:

Mr. KUCINICH. Mr. Chairman, I submitted the attached statement, in support of the Putnam-Capps Amendment to ban drilling for natural gas on the Outer Continental Shelf on May 18, 2006.

FLOOR STATEMENT IN SUPPORT OF THE OCS DRILLING BAN AMENDMENT TO THE FY2007 INTERIOR APPROPRIATIONS BILL, H.R. 5386

I rise in strong support of this amendment to preserve the popular and longstanding ban on drilling off our coasts. First, let's be clear that there is no such thing as drilling for gas only. Even the Administration and the energy industry have dismissed the idea as unworkable. So this is nothing more than a fig leaf.

But it's a fig leaf that will bring toxic contamination to our marine environment merely three miles off our coasts. And it could open the door to drilling in the Great Lakes, which is also opposed by Great Lakes residents.

We cannot forget that new drilling will have no effect on energy prices for years. In contrast, we have technologies to reduce our addiction to oil and natural gas that are ready to go today. The problem is that we're subsidizing unsustainable energy production like drilling for natural gas and oil while failing to fund real renewable solutions. I urge my colleagues to vote for the amendment.

TRIBUTE TO COMMEMORATE JEWISH AMERICAN HISTORY MONTH

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. HONDA. Mr. Speaker, I rise today to commemorate Jewish American History Month and the contributions made to our country by Jewish Americans. With a culture that strongly values education and community, they have enriched our culture and contributed to the economic and cultural vitality of our Nation. My community in Silicon Valley wouldn't be what it is today without the contributions of Jewish Americans.

Jewish immigrants came to our country, hoping to fulfill their dreams by participating in the American promise of socioeconomic mobility and cultural tolerance. The stories of their successes in our country are greatly inspiring.

Andy Grove, for instance, fled his home in Hungary during the Hungarian Revolution with his family under the cover of night, and immigrated to the United States. From these humble beginnings he eventually became the Chairman and CEO of one of the greatest

economic engines in the world, Intel. Sergey Brin, another innovative Jewish leader, came to America with his family to escape anti-Semitism. Through hard work and diligent studies, he founded one of the most innovative companies in the world: Google.

Examples abound of other Jewish Americans who lead our community in innovation and philanthropy, including Jeffrey Skoll, Ken Levy, Eli Reinhard and Eic Benhamou. America's ethnic diversity is a source of our country's strength, and the Jewish American community stands as a bedrock for our nation.

IN SUPPORT OF THE ESTABLISHMENT OF JEWISH AMERICAN HERITAGE MONTH

HON. JOHN J.H. "JOE" SCHWARZ

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. SCHWARZ of Michigan. Mr. Speaker, I rise today to join my colleagues in support of President Bush's proclamation declaring May 2006 as Jewish American Heritage Month.

Jewish American Heritage Month recognized the wonderful cultural heritage of the Jewish people in America. It will be a time to honor all of the benefits and successes that Jewish Americans have experienced as well as recognizing the achievements and the diversity their culture has provided to the United States.

Jewish American Heritage Month will also provide a venue for education of the Jewish American culture. It allows an opportunity to further educate and ultimately end anti-Semitism for future generations.

Today, I join my colleagues as well as President Bush to establish the month of May to observe and celebrate the rich history of the Jewish people in America and honor the great contributions they have made to our country.

TRIBUTE TO DISABLED VETERANS

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. KNOLLENBERG. Mr. Speaker, next Monday we will honor all that have made the ultimate sacrifice serving and protecting our country. I rise today to honor our disabled veterans still with us that have sacrificed so much.

On the last Monday of May every year, Members of this body celebrate Memorial Day by walking in parades, making speeches, and talking to active and retired military men and women. We tell them how much we appreciate their efforts and thank them for their services. We do this proudly as they deserve our respect and admiration for serving this great country.

Currently, American troops defend our freedom on many different fronts and veterans are at the forefront of our legislative priorities. The number of veterans coming home from Iraq, Afghanistan, and other areas increases daily and it is our responsibility to ensure their needs are met. While our veterans may be out of harm's way, our responsibility to them remains.

I am introducing legislation to further our commitment to our disabled veterans that have served our country with valor. Currently, every year Congress enacts a cost-of-living adjustment for veterans' disability benefits. We have done this every year since 1978. In fact, both Congress and the President assume this COLA will be enacted every year.

My legislation, the Veterans Disability Compensation Automatic COLA Act, would simply make the COLAs for veterans' disability benefits automatic each year. Veterans should not have to depend on Congress adjusting their disability benefits every year. Social Security and Medicare have automatic COLA adjustments. Our veterans deserve to have that same security. Furthermore, because Congress and the President assume this increase in their budget every year, my bill has no budgetary effect.

I am also pleased to enter into the RECORD letters of support from the Disabled American Veterans as well as American Veterans (AMVETS). These veterans service organizations support this bill to assure veterans the COLA they deserve.

Mr. Speaker, we cannot and should not assume future Congresses will act to adjust veterans' disability COLAs every year. I ask my colleagues to join me to ensure our veterans get the benefits they deserve without having to rely on a superfluous yearly act by Congress.

DISABLED AMERICAN VETERANS,
Washington, DC, May 22, 2006.

Hon. JOE KNOLLENBERG,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE KNOLLENBERG: On behalf of the 1.5 million members of the Disabled American Veterans (DAV) and its Auxiliary, I write in support of the measure you are introducing today, the Veterans' Disability Compensation Automatic COLA Act.

Your bill would protect the benefits of sick and disabled veterans and their dependents by preserving its intent and beneficial purpose. Specifically, the bill would automatically increase the rates of disability compensation, dependency and indemnity compensation (DIC), and the annual clothing allowance by the percentage of increase in the cost of living as measured by the Consumer Price Index without precluding any other increases deemed necessary in the future.

Other benefits such as automobile and housing grants, and burial and plot allowances, for which Congress has regularly enacted legislation to adjust these benefits have had their value seriously eroded. Unless the amounts of disability compensation, DIC, and clothing allowance are periodically adjusted, inflation diminishes the significance and effectiveness of these benefits.

Again, I want to thank you for your continued effort to protect and enhance the benefits and services of veterans who are disabled by virtue of their selfless sacrifice and service to our nation, and their dependents.

Sincerely,

JOSEPH A. VIOLANTE,
National Legislative Director.

AMVETS,
Lanham, MD, May 22, 2006.

Hon. JOE KNOLLENBERG,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE KNOLLENBERG: On behalf of AMVETS (American Veterans), I want to thank you for your legislation that will provide a timely and guaranteed cost-of-living adjustment for our nation's disabled veterans.

AMVETS endorses your legislation to automatically increase veterans' disability benefits by the Consumer Price Index (CPI) each year, without an act of Congress. It is important VA benefits keep pace with society and the cost of living. Your bill will see that veterans' benefits are increased proportionately and will sustain the same buying power as in previous years.

AMVETS supports our nation's commitment to care for the men and women who have served in our military service. I strongly encourage the House Veterans' Affairs Committee to act favorably on this legislation.

Sincerely,

JAMES B. KING,
National Executive Director.

PERSONAL EXPLANATION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. BONNER. Mr. Speaker, on Friday, May 19, 2006, I was absent for votes as I was honored to give the commencement address to the 2006 graduating class at Monroe Academy in Monroeville, Alabama. Had I been present, I would have voted "yea" on rollcalls 173, 174, and 176. I would have voted "nay" on rollcall 175.

TRIBUTE TO "WE THE PEOPLE" AND EAST KENTWOOD HIGH SCHOOL

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. EHLERS. Mr. Speaker, I rise in support of the "We the People" program. From April 29 to May 1, 2006, approximately 1,200 students from across the country participated in the national finals competition of We the People: The Citizen and the Constitution, the most extensive educational program in the country developed specifically to educate young people about the U.S. Constitution and Bill of Rights. I am pleased to announce that East Kentwood High School from Kentwood, Michigan, received the Unit 3 Award in the competition. The "We the People" program is administered by the Center for Civic Education and funded by the U.S. Department of Education by act of Congress.

The "We the People" national finals is a 3-day academic competition that simulates a congressional hearing in which the students "testify" before a panel of judges on constitutional topics. Students demonstrate their knowledge and understanding of constitutional principles as they evaluate, take, and defend positions on relevant historical and contemporary issues. Among the questions students responded to in this year's competition were: "How would you distinguish a federal system from a unitary government and from a confederation?" and "What did the Framers hope to achieve by establishing a federal system of government?"

The following outstanding students represented East Kentwood High School: Mark Alonso, Sefik Arapovic, Tyler Boyd, Michelle

Burns, Aaron Dame, Karl DeVries, Kelsey Duinkerken, Branden Graf, Jessica Hoag, Jessica Hulbert, J.J. Jang, Jamie Overbeek, Alexa Schlosser, Paige Stevens, Peter Vu Tran, and Laura Vlieg.

I also wish to commend the teacher of the class, Deborah Snow, who was responsible for preparing the students for the national finals competition. Also worthy of special recognition are Linda Start and Jim Troost, the state coordinators, and Susan Laninga, the district coordinator, who are among those responsible for implementing the "We the People" program in my district.

Mr. Speaker and my colleagues in the House, please join me in congratulating these young constitutional experts for their outstanding achievement.

PERSONAL EXPLANATION

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I had a leave of absence on Friday, May 19, for family business. If I had been present, I would have voted: "yes" on rollcall vote 173, "yes" on rollcall vote 174, "no" on rollcall vote 175, and "yes" on rollcall vote 176.

IN HONOR OF ROCKFORD, IL,
BURPEE MUSEUM FOR RECEIVING
TWO AMERICAN ASSOCIATION
OF MUSEUM AWARDS

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. MANZULLO. Mr. Speaker, I rise today to recognize the Burpee Museum of Natural History of Winnebago County—Burpee, IL, in the district I am proud to represent. The Burpee Museum is a remarkable cultural institution that has received two prestigious American Association of Museum—AAM—Awards. Both of these awards are for the Jane: Diary of a Dinosaur exhibit at the museum, which opened to outstanding reviews in June 2005.

The museum submitted entries in two categories: Overall Exhibit Excellence and the MUSE Award for the use of media and technology in the Jane exhibit. Burpee received the Exhibit Excellence Award, which is considered the museum profession's highest honor. It also received an Honorable Mention MUSE award for Jane's interactive Meet the Researcher video.

Lew Crampton, Burpee president and CEO, accepted the awards at the AAM's 100th International Conference in Boston in the company of 7,000 other museum profession delegates from around the world. Judges who presented the awards to Mr. Crampton praised Burpee, stating the "whole project was so solid . . . and you just did everything right . . . your work could and should serve as a model to other institutions (including much larger ones) as a way to create an excellent exhibit."

Jane's exhibit is a reflection of the dedication and professional excellence that is demonstrated by the personnel at Burpee.

Burpee's personnel overcame three daunting tasks in order to successfully create the exhibit. First, after transporting Jane from Montana to the museum lab, Jane's 66 million year old bones were carefully removed from the rocks in which they were embedded. Second, identifying Jane's place in the dinosaur family tree presented a unique challenge because many scientists consulted in the process disagreed on this matter. Finally, in the midst of the first two tasks, Burpee's personnel had to consider how to create an exhibit that would be able to bridge the gap between science education and family enjoyment.

Mr. Speaker, I wish to extend my recognition and support of the Burpee Museum of Natural History in Rockford, IL. Since its founding in May of 1942 as a part of the Works Progress Administration, the mission of Burpee has been to inspire all people to engage in a lifetime of learning about the natural world, and they have been very successful in doing so. To this day, Burpee reaches out to the public through its creative event programming and excellent educational offerings for educators, families, and other members of the local community. Burpee is a prime example for other cultural institutions across the country, and I am honored to recognize the museum and its personnel here today.

IN MEMORY OF KATHERINE DUNHAM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. RANGEL. Mr. Speaker, today I rise to pay tribute to my dear friend, Katherine Dunham, who passed away Monday, May 21, 2006. Katherine may have become famous for her extraordinary dancing capabilities, but it was her humanitarian activities that truly made her a legendary American.

Born in Chicago, Illinois on June 22, 1909, Dunham was once described as "the hottest thing to hit Chicago since Mrs. O'Leary's cow kicked the bucket." From a very young age, her talent for dance was obvious. However, she decided to heed her parent's wishes and began studies in social anthropology at the University of Chicago during the 1930's. It was during these formative years that she was awarded a Rosenwald Travel Fellowship to study anthropology and native dance in West Indies. Forced by her advisors to choose between the two, she went with dance and the rest, as they say, is history.

Dunham's extensive knowledge of anthropology became instrumental in the style of dance, now referred to as the Dunham technique, which she invented and popularized. She brought African and Caribbean dance and ritual influences to a dance world dominated by a European style, thus beginning the anthropological dance movement, which made use of ethnic and folk choreography. To Dunham, her methods were "more than just dance or bodily executions." Instead, her style was "about movement, forms, love, hate, death, life, all human emotions." She made her Broadway debut in the late 1930's sporting an unorthodox costume, which included a bird cage on her head and a cigar in her mouth.

Her reasoning: such accessories were typical of the women whom she saw while in the Caribbean during her anthropological studies.

From the 1930's to the 1960's, Dunham revolutionized the worlds of dance, theater, music and education, touring the world, visiting over 60 countries on 6 continents with dance companies and touring productions. She introduced the art form of black dance to Europe and was the first person to expose elements of American modern dance to a foreign country. James Dean, Marlon Brando and Eartha Kitt all became disciples of her technique as they sought Katherine out as a teacher. With the permission of King Hassan II, she first introduced the dancers of Morocco to an American audience with her 1962 production of Bamboche. She formed the first all Black dance company, Ballet Negre, which became the famous Katherine Dunham Dance Company.

Even during her years dancing, Katherine's interest in culture and anthropology never faltered. In 1965, she decided to disband the Katherine Dunham Dance Company to act as advisor to the cultural ministry of Senegal. She also wrote eight books, numerous articles and short stories and several essays touching on her cultural interests ranging from experiences from her world travels to the Myal dance, a secret rite native to Jamaicans.

Following her retirement from dancing in 1967, Dunham continued to choreograph shows; however, humanitarian leanings became the focal point of her efforts. She moved to East St. Louis, Illinois, a predominantly black area, to work with inter-city youth. Her concept was to infuse a spirit of the arts with these children in an attempt to keep them out of trouble. To do so, she founded the Performing Arts Training Center and the Katherine Dunham Museum and Children's school, which brought in artists like Harry Belafonte, to teach subjects as diverse as African hairbraiding, conversational Creole, martial arts, and aesthetics. She would continue to carry out these programs for the rest of her life, despite cuts in government and private funding.

This would not be her first or last activist effort. While touring the United States in the 1940's through the 1960's, Dunham refused to have her dance troupe perform in segregated theatres in an attempt to fight discrimination. In fact, she once refused to perform after finding out that African Americans had been prohibited from buying tickets to one of her shows. Her promotion of African and Caribbean values during the peak of the Civil Rights movement helped to infuse a positive image of black culture in the public consciousness.

Later on, in 1992, she would once again make a political message, as she went on a 47 day hunger strike to protest the government policy that repatriated Haitian refugees. Her involvement with Haiti did not stop there. Dunham was a big supporter of democracy in the country and in particular of the exiled President Aristide. In 1991, when Aristide was ousted in a military coup, Dunham petitioned the United States government to aid in his restoration as president. She also made several civilian trips to Haiti, eventually purchasing a house there. On each trip, she did her best to help stimulate the country economically and to provide humanitarian aid to the poverty-stricken people of Haiti.

Throughout her life, Katherine Dunham was many things to many people. To her surviving

daughter, Marie-Christine Dunham Pratt, she was a mother. To her late husband, theatre designer John Thomas Pratt, she was a wife of 49 years. Yet, to all, she was an exemplary American. Katherine earned her celebrity status in a time when discrimination was at its peak, revealing immense reservoirs of creativity and dedication. She then used her fame as a way to create positive change in the world. As every dancer knows, actions speak louder than words and it was clear that Katherine lived by this doctrine. Her life is an inspiration to me and her loss will be felt, not just by the dance community, but by all Americans.

JEWISH AMERICAN HERITAGE
MONTH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. RANGEL. Mr. Speaker, I rise to thank Representative DEBBIE WASSERMAN SCHULTZ for her hard work on behalf of recognizing May as Jewish American Heritage month and to express my gratitude to the President for his proclamation making May Jewish American Heritage Month.

After the burning of the Second Temple and the final dispersion of the Jews from Zion, people of Jewish heritage have settled in every corner of the world. There are Jews in

China, in India, in Mexico and in Greece. While Hitler almost murdered all the Jews of Europe, he did not entirely succeed.

Because of the moral values of this country we put our entire Nation into the fight against the Nazis in World War II. What is so remarkable about the fact that the United States fought so fiercely and so bravely in World War II is that they did so to save the world. That desire arose from the Nation's character, which is an amalgam of the religious heritage of its people—including its Jewish people.

Today I think about the Jewish soldiers in World War II who fought not even knowing of the death camps and the ovens. I think of the men who risked their lives every day in the mud of France and the fields of Belgium because they knew what was spreading and taking over Europe was immoral. When Eisenhower's troops first came upon a death camp, he made the camp guards and the German villagers who had lived in the green fields and gardens around the camp come to view the bodies and to bury them. The message was clear: Americans find what you have done here and you villagers have tolerated here to be an immense crime, an unimaginable crime.

The greatness of our people is their character. Jewish people have brought a lot to the making of that character. Jews have known that the values in the Five Books of Moses are universal and throughout 2,000 years of Diaspora brought their values with them to the shores of all the countries where they settled, including America.

Judaism is a religion and a value system. No one who is not a Jew is considered less

a person by a Jew. No stranger can be left without shelter, no hungry man without bread.

I could not help but notice in the Save Darfur Coalition and other grass roots organizations working so hard to stop the genocide in Darfur that many Jewish organizations are involved in the grass roots efforts. Among them are the American World Jewish Congress, the American Jewish Committee, Jews against Genocide and the Religious Action Center for Reform Judaism. I have received letters from children in Jewish schools asking me to help the people of Darfur. Jewish people have a special understanding about genocide. The parents of these children who write to me may have lost grandparents, uncles, aunts, cousins. But they also know they can write to their Congressman and their children can write and ask for help for these people so far away who are in desperate trouble as their relatives once were.

One of the characteristics I most admire is the activism many of the Jewish people engage in. That activism has meant a great deal to the civil rights movement. I also admire the way Jews have contributed to the "personality" of New York. As a New Yorker, I feel especially lucky because I have learned some Yiddish, some great jokes and have met some truly amazing people who love books, culture, art and life. I'm glad for the Jewish heritage I experience in my district every day I am at home.

I say to Jewish Americans today: Congratulations and mazal tov.

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 Tuesday, May 23, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 24

9 a.m.

Commerce, Science, and Transportation
Aviation Subcommittee

To hold hearings to examine National Transportation Safety Board reauthorization.

SD-562

Appropriations

Defense Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2007 for defense related programs.

SD-192

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 Department of Labor.

SD-124

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.

Energy and Natural Resources

Business meeting to consider S. 997, to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge Forest, Montana, to Jefferson County, Montana, for use as a cemetery, S. 1529, to provide for the conveyance of certain Federal land in the city of Yuma, Arizona, S. 1548, to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska, S. 1957, to authorize the Secretary of Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail, S. 2003, to make permanent the authorization for watershed restoration and enhancement agreements, S. 2028, to provide for the

reinstatement of a license for a certain Federal Energy Regulatory Commission project, S. 2035, to extend the time required for construction of a hydroelectric project in the State of Idaho, S. 2054, to direct the Secretary of the Interior to conduct a study of water resources in the State of Vermont, S. 2150, to direct the Secretary of the Interior to convey certain Bureau of Land Management Land to the City of Eugene, Oregon, S. 2373, to provide for the sale of approximately 132 acres of public land to the City of Green River, Wyoming, at fair market value, S. 2403, to authorize the Secretary of the Interior to include in the boundaries of the Grand Teton National Park land and interests in land of the GT Park Subdivision, S. 2568, to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail, S. Res. 468, supporting the continued administration of Channel Islands National Park, including Santa Rosa Island, in accordance with the laws (including regulations) and policies of the National Park Service, H.R. 394 and S. 2034, bills to direct the Secretary of the Interior to conduct a boundary study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and the suitability and feasibility of its inclusion in the National Park System as part of the Minute Man National Historical Park, H.R. 482, to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico, H.R. 486, to provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base, H.R. 1492 and S. 1719, bills to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, H.R. 3507, to transfer certain land in Riverside County, California, and San Diego County, California, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, and H.R. 4000, to authorize the Secretary of the Interior to revise certain repayment contracts with the Bostwick Irrigation District in Nebraska, the Kansas Bostwick Irrigation District No. 2, the Frenchman-Cambridge Irrigation District, and the Webster Irrigation District No. 4, all a part of the Pick-Sloan Missouri Basin Program, and other pending calendar business.

SD-366

Appropriations

Legislative Branch Subcommittee

To hold hearings to examine progress of the Capitol Visitor Center construction.

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 scenic rivers in the State of California.

SD-366

Intelligence

Closed business meeting to consider intelligence matters.

SH-219

3:30 p.m.

Foreign Relations

To hold hearings to examine the nominations of Gaddi H. Vasquez, of California, for the rank of Ambassador during his tenure of service as U.S. Representative to the United Nations Agencies for Food and Agriculture, and John Clint Williamson, of Louisiana, to be Ambassador at Large for War Crimes Issues, Department of State.

SD-419

MAY 25

Time to be announced

Homeland Security and Governmental Affairs

Business meeting to consider the nominations of R. David Paulison, of Florida, to be Under Secretary for Federal Emergency Management, Department of Homeland Security, and Lurita Alexis Doan, of Virginia, to be Administrator of General Services.

Room to be announced

9:30 a.m.

Foreign Relations

To hold hearings to examine the current status of United Nations reform.

SH-216

Indian Affairs

To hold an oversight hearing to examine Indian education.

SR-485

Judiciary

Business meeting to consider pending calendar business.

SD-226

10 a.m.

Banking, Housing, and Urban Affairs

Business meeting to markup the Flood Insurance Reform and Modernization Act of 2006.

SD-538

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

Aging

To hold hearings to examine the status of preparing for a pandemic flu.

SD-G50

1 p.m.	Judiciary	ton IV, of Missouri, to be Ambassador to the Republic of Djibouti.	JUNE 20
	Constitution, Civil Rights and Property Rights Subcommittee	SD-106	10 a.m.
	To hold hearings to examine the consequences of legalized assisted suicide and euthanasia.		Commerce, Science, and Transportation
	SD-226	JUNE 13	Business meeting to markup S. 2686, to amend the Communications Act of 1934 and for other purposes.
2:30 p.m.	Homeland Security and Governmental Affairs	10 a.m.	Room to be announced
	Federal Financial Management, Government Information, and International Security Subcommittee	Commerce, Science, and Transportation	
	To hold hearings to examine Congress' role in Federal financial management, focusing on Congress' role and effectiveness in the Federal budget process, as well as ways it can improve the management of Federal funds.	To resume hearings to examine S. 2686, to amend the Communications Act of 1934 and for other purposes.	
	SD-342	Room to be announced	POSTPONEMENTS
		JUNE 14	MAY 24
		10 a.m.	10:15 a.m.
		Commerce, Science, and Transportation	Judiciary
		Technology, Innovation, and Competitiveness Subcommittee	To hold hearings to examine the McCarran-Ferguson Act, focusing on implications of repealing the insurers' antitrust exemption.
		To hold hearings to examine alternative energy technologies.	
		Room to be announced	SD-226
3 p.m.	Foreign Relations	JUNE 15	MAY 25
	To hold hearings to examine the nominations of Michael E. Ranneberger, of Virginia, to be Ambassador to the Republic of Kenya, Eric M. Bost, of Texas, to be Ambassador to the Republic of South Africa, and W. Stuart Symington IV, of Missouri, to be Ambassador to the Republic of Djibouti.	10:30 a.m.	2:30 p.m.
		Commerce, Science, and Transportation	Commerce, Science, and Transportation
		Fisheries and Coast Guard Subcommittee	To hold hearings to examine Pacific Salmon Treaty.
		To hold hearings to examine the Coast Guard budget.	
		SD-562	SD-562

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4847–S4921

Measures Introduced: Six bills and four resolutions were introduced, as follows: S. 2919–2924, and S. Con. Res. 485–488. **Page S4891**

Measures Passed:

National Internet Safety Month: Senate agreed to S. Res. 486, designating June 2006 as “National Internet Safety Month”. **Pages S4915–16**

Women’s Health Week: Senate agreed to S. Res. 487, expressing the sense of the Senate 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. **Page S4916**

Copyright Infringement: Senate agreed to S. Res. 488, expressing the sense of Congress that institutions of higher education should adopt policies and educational programs on their campuses to help deter and eliminate illicit copyright infringement occurring on, and encourage educational uses of, their computer systems and networks. **Pages S4916–17**

Comprehensive Immigration Reform Act: Senate resumed consideration of S. 2611, to provide for comprehensive immigration reform, taking action on the following amendments proposed thereto:

Pages S4849–60, S4862–81

Adopted:

By 83 yeas to 10 nays (Vote No. 137), Ensign/Graham Modified Amendment No. 4076, to authorize the use of the National Guard to secure the southern border of the United States. **Pages S4871–73**

Rejected:

Chambliss/Isakson Amendment No. 4009, to modify the wage requirements for employers seeking to hire H–2A and blue card agricultural workers, (By 50 yeas to 43 nays (Vote No. 136), Senate tabled the amendment). **Page S4871**

Pending:

Feinstein/Harkin Amendment No. 4087, to modify the conditions under which aliens who are unlawfully present in the United States are granted legal status. **Pages S4851–60**

A unanimous-consent-time agreement was reached providing for further consideration of Feinstein/Harkin Amendment No. 4087 (listed above), on Tuesday, May 23, 2006, with 60 minutes of additional debate on the amendment, followed by a vote on, or in relation to, the amendment, to occur at approximately 10:45 a.m. **Page S4873**

A motion was entered to close further debate on the bill and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Wednesday, May 24, 2006. **Page S4880**

A unanimous-consent agreement was reached providing that all first-degree amendments under rule XXII must be filed by 2:30 p.m. on Tuesday, May 23, 2006. **Page S4881**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:45 a.m., on Tuesday, May 23, 2006. **Page S4917**

Kavanaugh Nomination—Agreement: Senate began consideration of the nomination of Brett M. Kavanaugh, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit.

Page S4880

A motion was entered to close further debate on the nomination and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Wednesday, May 24, 2006. **Page S4880**

Messages From the House:

Page S4885

Measures Referred:

Page S4885

Petitions and Memorials:

Pages S4885–91

Executive Reports of Committees:

Page S4891

Additional Cosponsors:

Pages S4891–93

Statements on Introduced Bills/Resolutions:

Pages S4893–97

Additional Statements:

Pages S4884–85

Amendments Submitted:

Pages S4897–S4915

Authorities for Committees to Meet:

Page S4915

Record Votes: Two record votes were taken today. (Total—137) **Pages S4871, S4873**

Adjournment: Senate convened at 1 p.m., and adjourned at 8:22 p.m., until 9:45 a.m., on Tuesday, May 23, 2006. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S4917.)

Committee Meetings

(Committees not listed did not meet)

ENERGY POLICY ACT: NUCLEAR POWER PROVISIONS

Committee on Energy and Natural Resources: Committee concluded a hearing to examine nuclear power provisions contained in the Energy Policy Act of 2005, focusing on incentives for the construction of new nuclear power plants, including production tax credits, loan guarantees, insurance against regulatory delays, and extension of the Price-Anderson Act nuclear liability system, after receiving testimony from Dennis Spurgeon, Assistant Secretary of Energy for Nuclear Energy; Nils J. Diaz, Chairman, United States Nuclear Regulatory Commission; and James K. Asselstine, Lehman Brothers, Inc., New York, New York.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported the nomination of Susan C. Schwab, of Maryland, to be United States Trade Representative, with the rank of Ambassador.

NOMINATION

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nomination of Lurita Alexis Doan, of Virginia, to be Administrator of General Services, after the nominee, who was introduced by Senators Landrieu and Allen, testified and answered questions in her own behalf.

BUSINESS MEETING

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported 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, Office of Personnel Management, and David L. Norquist, of Virginia, to be Chief Financial Officer, Department of Homeland Security.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 14 public bills, H.R. 5438–5451; and 3 resolutions, H. Con. Res. 411–412; and H. Res. 831 were introduced.

Pages H3015–16

Additional Cosponsors:

Pages H3016–17

Reports Filed: Reports were filed today as follows:

H.R. 5359, to amend the automobile fuel economy provisions of title 49, United States Code, to authorize the Secretary of Transportation to set fuel economy standards for passenger automobiles based on one or more vehicle attributes (H. Rept. 109–475);

H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007 (H. Rept. 109–476);

H. Res. 830, providing for consideration H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007 (H. Rept. 109–477); and

H.R. 9, to amend the Voting Rights Act of 1965, with an amendment (H. Rept. 109–478). Page H3015

Speaker: Read a letter from the Speaker wherein he appointed Representative Price of Georgia to act as Speaker pro tempore for today. Page H2965

Recess: The House recessed at 12:40 p.m. and reconvened at 2 p.m. Page H2966

Chaplain: The prayer was offered by the guest Chaplain, Monsignor Francis J. Maniscalco, Director of Communications, United States Conference of Catholic Bishops, Washington, D.C. Page H2966

Suspensions: The House agreed to suspend the rules and pass the following measures:

Hurricane Relief Extension Act of 2006: H.R. 5354, to authorize the Secretary of Education to extend the period during which a State educational agency or local educational agency may obligate temporary emergency impact aid for elementary and secondary school students displaced by Hurricane Katrina or Hurricane Rita; Pages H2967–69

Expressing the sense of the House of Representatives in support of the goals of National One-Stop Month: H. Res. 808, to express the sense of the House of Representatives in support of the goals of National One-Stop Month; Pages H2969–70

Veterans' Benefits Improvement Act of 2005: S. 1235, amended, to amend title 38, United States Code, to extend the availability of \$400,000 in life insurance coverage to servicemembers and veterans, to make a stillborn child an insurable dependent for purposes of the Servicemembers' Group Life Insurance program, to make technical corrections to the Veterans Benefits Improvement Act of 2004, to make permanent a pilot program for direct housing loans for Native American veterans, and to require an annual plan on outreach activities of the Department of Veterans Affairs", by a $\frac{2}{3}$ yeas-and-nays vote of 372 yeas with none voting "nay", Roll No. 177,—clearing the measure for the President;

Pages H2970–82, H2988

Agreed to amend the title so as to read: "To amend title 38, United States Code, to improve and extend housing, insurance, outreach, and benefits programs provided under the laws administered by the Secretary of Veterans Affairs, to improve and extend employment programs for veterans under laws administered by the Secretary of Labor, and for other purposes."

Page H2988

Amending section 308 of the Lewis and Clark Expedition Bicentennial Commemorative Coin Act to make certain clarifying and technical amendments: H.R. 5401, to amend section 308 of the Lewis and Clark Expedition Bicentennial Commemorative Coin Act to make certain clarifying and technical amendments;

Pages H2982–83

Providing for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies: S. 1736, to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies—clearing the measure for the President;

Pages H2983–84

Designating the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the "Scott Reed Federal Building and United States Courthouse": H.R. 4530, to designate the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the "Scott Reed Federal Building and United States Courthouse"; and

Pages H2984–85

Pets Evacuation and Transportation Standards Act of 2005: H.R. 3858, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency, by a $\frac{2}{3}$ yeas-and-nays vote of 349 yeas to 24 nays, Roll No. 178.

Pages H2985–87, H2988–89

Recess: The House recessed at 3:42 p.m. and reconvened at 6:30 p.m.

Pages H2987–88

Suspensions—Proceedings Postponed: The House completed debate on the following measure under suspension of the rules. Further consideration of the measure is expected to resume tomorrow, May 23rd:

Palestinian Anti-Terrorism Act of 2006: H.R. 4681, amended, to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority. Agreed to extend debate time on the measure by 80 minutes, equally divided.

Pages H2990–H3012

Later, agreed to extend debate time on the measure by an additional 60 minutes, equally divided.

Page H2992

Amendments: Amendments ordered printed pursuant to the rule appear on page H3017.

Quorum Calls—Votes: 2 yeas-and-nays votes developed during the proceedings today and appear on pages H2988, and H2988–89. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 10:13 p.m.

Committee Meetings

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS FISCAL YEAR 2007

Committee on Rules: Granted, by voice vote, an open rule providing one hour of general debate on H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, 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. Finally, the rule provides one motion to recommit with or without instructions.

**ENERGY AND WATER DEVELOPMENT,
AND RELATED AGENCIES
APPROPRIATIONS FISCAL YEAR 2007**

Committee on Rules: Testimony was heard from Representative Hobson, but action was deferred on H.R. 5427, making appropriations for energy and water development for the fiscal year ending September 30, 2007.

**COMMITTEE MEETINGS FOR TUESDAY,
MAY 23, 2006**

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Homeland Security, to hold hearings to examine biodefense and pandemic influenza issues, 10:30 a.m., SD-192.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine improving financial literacy in the United States, 10 a.m., SD-538.

Committee on the Budget: business meeting to consider the nomination of Robert J. Portman, of Ohio, to be Director of the Office of Management and Budget, Time to be announced, S-216, Capitol.

Committee on Commerce, Science, and Transportation: to hold hearings to examine price-gouging related to gas prices, 10 a.m., SD-562.

Committee on 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, 10 a.m., SD-366.

Committee on Environment and Public Works: business meeting to consider S. 2735, to amend the National Dam Safety Program Act to reauthorize the national dam safety program, S. 2832, to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965, S. 2430, to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study, S. 1509, to amend the Lacey Act Amendments of 1981 to add non-human primates to the definition of prohibited wildlife species, S. 2041, to provide for the conveyance of a United States Fish and Wildlife Service administrative site to the city of Las Vegas, Nevada, S. 2127, to redesignate the Mason Neck National Wildlife Refuge in the State of Virginia as the "Elizabeth Hartwell Mason Neck National Wildlife Refuge", S. Res. 301, commemorating the 100th anniversary of the National Audubon Society, S. 2781, to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works, S. 2650, to designate the Federal courthouse to be constructed in Greenville, South Carolina, as the "Carroll A. Campbell, Jr. Federal Courthouse", S. 801, to designate the United States courthouse located at 300 North Hogan Street, Jacksonville, Florida, as the "John Milton Bryan

Simpson United States Courthouse", the proposed Great Lakes Coordination and Oversight Act, S. 2023, to amend the Oil Pollution Act of 1990 to improve that Act, the nominations of Molly A. O'Neill, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency, and Dale Klein, of Texas, Gregory B. Jaczko, of the District of Columbia, and Peter B. Lyons, of Virginia, each to be a Member of the Nuclear Regulatory Commission, and other pending committee business, 9:30 a.m., SD-628.

Committee on Finance: Subcommittee on Long-term Growth and Debt Reduction, to hold hearings to examine encouraging economic self-determination in Indian country, 2:30 p.m., SD-215.

Committee on 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, September 29, 1997, 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, 2:15 p.m., S-116, Capitol.

Committee on the Judiciary: Subcommittee on Intellectual Property, to hold hearings to examine post-grant review procedures and other litigation reforms relating to patents, 2 p.m., SD-226.

Select Committee on Intelligence: closed business meeting to markup intelligence authorization for fiscal year 2007, 2:30 p.m., SH-219.

House

Committee on Education and the Workforce, Subcommittee on 21st Century Competitiveness, hearing on Paying for College: Innovative Private-Sector Proposals to Complement Record Federal Investment in Student Aid," 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Environment and Hazardous Materials, hearing on H.R. 2567, Antifreeze Bittering Act of 2005, 1:30 p.m., 2322 Rayburn.

Subcommittee on Health, hearing entitled "Examining the Federal Government's Partnership with America's Pharmacists," 11 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Housing and Community Opportunity, to consider the following bills: H.R. 1999, State and Local Housing Flexibility Act of 2005; and H.R. 5039, Saving America's Rural Housing Act of 2006, 10 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy, and Human Resources, hearing entitled "FY 2007 Drug Control Budget and the Byrne Grant, HIDTA, and Other Law Enforcement Programs: Are We Jeopardizing Federal, State and Local Cooperation?" 2 p.m., 2154 Rayburn.

Subcommittee on Federal Workforce and Agency Organization, hearing entitled "Office of Government Ethics Reauthorization," 2 p.m., 2247 Rayburn.

Subcommittee on Federalism and the Census, hearing entitled "Public Housing in the Competitive Market Place: Do Affordable and Public Housing Developments Benefit from Private Market and Other Financing Tools?" 10 a.m., 2154 Rayburn.

Committee on Homeland Security, Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, executive, briefing on sharing classified information among Federal Intelligence Partners: DHS access and information controls, 11 a.m., H2-176 Fore.

Committee on the Judiciary, Subcommittee on Courts, the Internet, and Intellectual Property, hearing on H.R. 435, Equal Access to Justice Reform Act of 2005, 4 p.m., 2141 Rayburn.

Subcommittee on Crime, Terrorism, and Homeland Security, hearing on H.R. 4239, Animal Enterprise Terrorism Act, 10 a.m., 2141 Rayburn.

Committee on Rules, to consider the Homeland Security appropriations for Fiscal Year 2007, 5 p.m., H-313 Capitol.

Committee on Small Business, Subcommittee on Regulatory Reform and Oversight, hearing entitled "The Liabilities Driving Better Consumer Data Protection Practices," 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Railroads, hearing on Impacts of Railroad-Owned Waste Facilities, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Human Resources, hearing to review Proposals To Improve Child Protective Services, 2 p.m., B-318 Rayburn.

Next Meeting of the SENATE

9:45 a.m., Tuesday, May 23

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Tuesday, May 23

Senate Chamber

Program for Tuesday: Senate will continue consideration of S. 2611, Comprehensive Immigration Reform Act, with a vote to occur at approximately 10:45 a.m. on, or in relation to, Feinstein/Harkin Amendment No. 4087.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

House Chamber

Program for Tuesday: 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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