United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, TUESDAY, MAY 23, 2006 No. 65

House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. CHOCOLA).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 23, 2006.

I hereby appoint the Honorable CHRIS CHOCOLA 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 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Florida (Mr. KELLER) for 2 minutes.

COMMENDING TOM DAVIS

Mr. KELLER. Mr. Speaker, today I am happy to welcome Tom Davis to Washington, DC. He has traveled here all the way from Spring, TX, to testify before the Subcommittee on 21st Century Competitiveness, which I chair. I invited him to talk about the ways that the private sector can help increase college access for millions of Americans.

Tom Davis is already doing his part. He is the owner of Davis Brothers Construction, a company of about 35 employees that builds multi-family homes. Most of his employees are hourly laborers who make a decent living but can't afford to send their kids to college. So Mr. Davis has said that, for any of his employees whose children want to go to college but can't afford it, he will pay for their tuition and books. His generosity has built fierce loyalty among his employees, and he has already sent seven kids to college who otherwise couldn't have gone.

It is because of businesses like his that I introduced the Family Friendly Employers Act which gives a tax incentive to those employers who pay for their employees' children to go to college. Our country could use more family friendly employers like Tom Davis.

GAS PRICE GOUGING

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

Mr. DEFAZIO. Well, big surprise, the Bush Federal Trade Commission finds out there is no price gouging in the oil industry. No, none whatsoever. The oil men in the White House and the vice president, the oil man, their political appointees at the Federal Trade Commission finds no price gouging. The American people aren't going to believe this.

Now, let's just take one little example with Katrina. I live on the west coast of the United States; none of our oil refined products come from the southeastern United States, yet on Labor Day weekend in Oregon the prices were identical and they had gone up by 60 cents a gallon in one day. Now, isn't that interesting.

Now, how does that work? That is not price gouging? That is market-based? So they were going to build a pipeline that day and start shipping it to the southeast, or they were going to truck it across the country? Come on. Totally separated markets. Unbelievable increase in profits. $100 million a day for ExxonMobil, the most profitable day in the history of the world, and there was no price gouging going on.

Now, there is one commissioner who has a shred of integrity left, Commissioner John Leibowitz. He issued a sharp statement. He said a handful of refiners more than doubled operating margins in ways not attributable to increased costs after the hurricanes.

Sounds like price gouging to me. No, the entire Commission determined that the firm's conduct in response to hurricane-induced reductions was consistent with competition, adding that the Bush-appointed Federal Trade Commission doesn't back proposals to create Federal price gouging laws. There is no price gouging.

So then why wouldn't we create price gouging laws? If there isn't any, there hasn't been any, we could prevent it in the future. Or maybe there really was a little teeny bit of price gouging and the Bush appointees don't want us to be able to prosecute that in the future. I think we could substitute the word consistent with business as usual.

This is not a competitive market. There is collusion. It is organized. It has been going on for more than a decade when the American Petroleum Institute suggested to Big Oil that they shut down refineries to squeeze down capacity so that they could drive up refinery margins. And, guess what. On average they are up 255 percent in 5 years. Now, this is competition according to the Bush-appointed Federal Trade Commission. The rest of us might call it collusion, market manipulation, and price gouging. The American people are seeing it.

Now, if we took two simple steps. They say, oh, there is nothing Congress

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could do anyway, don't worry about it. That is what the President says. Yeah, there are a couple things we could do. The experts say that 75 percent of the crude oil market is unregulated. It is traded in ways that would be illegal if it was controlled by the Commodities Future Trading Commission, like all other commodities and a quarter of the oil market. Traders swap back and forth, back and forth, back and forth just to drive up the price, no intention of actually taking a contract or taking delivery. They say we could squeeze 20 to 25 percent out of today's cost at the pump if we just regulated that market with the same rules as any other traded commodity and part of the oil market today.

Well, that would take us from $3.20 down to $2.56 a gallon. Not bad. I think the American people and American businesses would think that was pretty good.

And then we have the collusion to shut the refineries. Now, if we just took the refineries back to their previous margins, that was the historic margin that they got per gallon, that would knock another 50 cents a gallon off. But let's say we have got to give them an inducement to reopen the refineries that they shut, or build new ones because they tore down the ones that they shut to restrict the market to drive up the price. So with a little windfall profits tax that says these are windfall profits unless and until you invest in production and refining capacity; and if you do that, then you won't have to pay this confiscatory tax, that would take us down to somewhere around $2.26 a gallon. Now, that would be quite a gift for the American economy, American consumers, people who live in the rural parts of my district who have to commute long distances to work.

But the Republican Congress is silent and complicit with the oil men at the White House who have manipulated the Federal Trade Commission into trying to fool the American consumers and say, oh, that wasn't price gouging, that was a market at work.

Yeah. Give me a break.

DO-NOTHING CONGRESS FAILING THE AMERICAN PEOPLE

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

Mr. PALLONE. Mr. Speaker, the Do-Nothing Congress of 1948 is about to be replaced as the most ineffective Congress in recent times. Today, just as in 1948, the American people are looking to Congress to tackle some very important issues: The war in Iraq, rising gas prices, rising college and health care costs, the economic uncertainty resulting from the outsourcing of high-paying American jobs, and a record deficit that continues to spiral out of control.

There is so much that this Congress could be working on right now, but House Republicans refuse to address any of these concerns. In fact, it is difficult to address the concerns of the American people when Congress is never in session.

I am sure the American people will be shocked to hear that this is only the 36th day the House is scheduled to hold votes this year. With only 57 scheduled voting days until adjournment, the House is now on track to meet 15 days less than the first Do-Nothing Congress of 1948. And it is no wonder the American people are so disgusted with Congress.

Mr. Speaker, the House Republican majority is simply out of new ideas. Any time that a crisis hits, they throw out the same old ideas that haven't worked for them in the past and will not work for them in the future. And let me give you a case in point. This week, House Republicans say they are finally ready to address the record gas prices Americans have been forced to pay every time they go to the gas station. So what is the new idea House Republicans will bring to the floor this week? Drilling in the Alaska wilderness, the area known as the Arctic National Wildlife Refuge. Well, that sounds familiar. That's right. You've heard it before. It's nothing new. And it will do absolutely nothing to help American consumers with the pain they now face at the pump. In fact, they wouldn't even be able to start drilling for oil out in this Alaska wilderness until a decade after Congress gives its approval. Worse yet, ANWR only holds enough oil to provide 6 months of oil to the American consumer. This is simply not an energy solution. It is the same old idea.

So then why do Washington Republicans choose to ignore the problem? Could it be that they have built such a cozy relationship with the CEOs of Big Oil that they are simply unwilling to break these bonds? Let's not forget that with two oil men in the White House and a rubber-stamp Republican Congress always ready to back them up, big oil companies have seen their profits quadruple in the past 4 years. At the same time the price of gasoline has doubled and our dependence on foreign oil has increased substantially.

As American families struggle to deal with falling wages and rising prices at the pump, the Republicans in this body continue to deliver billions of dollars in tax breaks to big oil companies.

Mr. Speaker, it is no wonder the American people are demanding change. They want results, and they aren't getting them from this Republican majority.

Unlike our Republican colleagues, House Democrats have offered some innovative and new ideas that are worth exploring. Last week, the Democratic Rural Working Group unveiled its ambitious plan to reduce our dependence on foreign petroleum and promote the production and use of clean renewable energy here at home. In other words, promote the production and use of clean renewable energy here at home so we are not so dependent on foreign oil.

Our proposal, the Democratic proposal, provides tax incentives to encourage increased biofuels production, expands the ethanol and biodiesel pumps at gas stations, and increases the number of flex fuel vehicles on the road.

The Democrats have also introduced legislation that would rescind the tax breaks to big oil companies. At a time when they are breaking record profits every quarter, why should the Federal Government hand out tax breaks to these companies? We shouldn't. It is simply not fair.

As Americans prepare to travel this weekend for the Memorial Day holiday, they should know that Democrats are offering real solutions to high gas prices to protect the American consumer, not Big Oil.

Mr. Speaker, the American people are fed up with the Republican Do-Nothing Congress and are demanding change here in Washington, something that Republicans simply cannot deliver. It is time for fresh ideas. It is time for Democrats to take control of this House so that the needs of all Americans are once again addressed on this House floor rather than just the corporate interests such as Big Oil.

109TH CONGRESS HAS UNFINISHED BUSINESS

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

Mr. COOPER. Mr. Speaker, my colleague from New Jersey who just spoke is exactly right. This Congress, this year, this House of Representatives will probably meet fewer days, fewer hours than any Congress since 1948. President Harry Truman called that Congress the Do-Nothing Congress because it did almost nothing, and it only tried to work for about 110 days out of the whole year of 365 days. We will meet for substantially fewer days than the Do-Nothing Congress. So how do you do less than nothing? Sadly, the American public is about to find out.

Now, how does the schedule happen? Well, in the House of Representatives, it is set by the majority party. They can choose. They can make us work a long year or a short year, or a very short year as they have decided to do this year.

Now, why are we meeting for so few days? Well, it is not because taxpayers back home aren't paying us a full-time, full-year salary. We are making the same pay. But yet we are able to spend 9 or 10 months of the year back home in our districts. And I love that. My wife and kids are back home, I love

being home 4 or 5 days a week every week.

But I am worried about America, and I am worried that this House is not confronting the problems that America faces, because the workweek here in Congress is really too short to even be called a workweek. The normal congressional schedule, and this week is not a normal week, but the normal schedule is we come to Washington Tuesday afternoon for a few votes on Tuesday night; those are usually inconsequential votes such as, for example, renaming post offices. On Wednesday, sometimes there are some real votes, and sometimes on Thursday, usually Thursday morning. And then by Thursday afternoon our so-called workweek is over. Well, this is called the Tuesday-Thursday Club. I have been in Congress a number of years, there always was a Tuesday-Thursday club, but membership in that club used to be reserved for a few folks who happened to have congressional districts nearby in Virginia or Maryland, or, quite frankly, for some members who didn't really care about the job, who didn't want to attend all the hearings, who didn't want to participate in the debates, who didn't want to study the legislation and really face the problems that America faces.

Sadly, today, Mr. Speaker, pretty much everybody belongs to the Tuesday-Thursday Club. Because if you are here in Washington on Monday or Friday, you will discover that none of your colleagues are. No hearings are being held. No investigations are being conducted.

For example, the majority in their wisdom has abolished most all of the subcommittees that has the power to investigate because they simply do not want investigations to take place. Well, that is one of the primary functions of Congress, is to conduct what they call oversight. And that doesn't mean overlooking a problem. It means digging into a problem so you can find out exactly how taxpayer dollars are being spent.

So, Mr. Speaker, we are in this ironic situation with America confronting a myriad of problems, and here we are working less than any time in literally a half century, working less than any time since 1948.

It is time that this Congress got down to business to confront problems such as, for example, what my constituents back home want is an immigration bill. And the House passed one back last December. The Senate hopefully will pass one this week or next week. But then those two have to be reconciled into a bill that both Houses can support. With only a few days left in this entire session, how are we going to reconcile that legislation? Is it going to be a good bill when it is reconciled? The clock is ticking, Mr. Speaker. There is very little time left.

Let me mention one other issue that I think is of great concern to all Americans. If you have anyone in your family who has been touched by the dread diseases of Parkinson's or Alzheimer's or diabetes or cancer or a stroke or heart disease, or any other of a myriad of diseases, you are probably interested, you are probably in strong support of embryonic stem cell research so that our brilliant scientists can try to discover cures for these dread diseases. The best information we have is that some 72 percent of the American people favor research in this area. They want it done. They want it done now. They want it done in America, too. They are not willing to outsource an entire area of scientific hope for our patients. But although this House passed a stem cell bill, the Senate has not, and we need action on that, because the House passed stem cells a year ago.

I see that my time is expired, Mr. Speaker. Thank you.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 18 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS) at 10 a.m.

PRAYER

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

With the words about Judith from the Hebrew scriptures, let us pray for each of the women who serve in our military forces:

''Strike up a song to our God. Let us sing a hymn of praise as we honor and call upon God's holy name.

''The Lord is our God who stamps out wars. Enemies have threatened us and set fire to our land. The young they have killed, and they have left us widows and orphans.

''Yet the Lord has fought back with a woman's hand. She took off her mourning cloak and has taken on a new beauty.

''Some were struck by her daring. Others stopped by her boldness. She has led her people with a shout of triumph, and the enemy became paralyzed with fear.''

So let us sing a new hymn, in our day, to the Lord, for the strength of our God has been made known in the glory of this woman, now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. PRICE of Georgia 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.

NEW IRAQI GOVERNMENT: SUCCESS

(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 acknowledge and applaud the inauguration this past weekend of Iraq's new permanent unity government. For 3 years, democracy has been coming to Iraq, and now it is officially here.

Millions have participated in the process, voting and debating, and now the people of Iraq finally have their own sovereign, democratically elected government. The Iraqis have overcome huge obstacles, uncertainty, threats, violence and fear, but have continued to stand firm for the most noble of ideals, freedom and democracy.

In just 3 years, we have seen a tyrannical oppressive dictatorship removed and a fully sovereign democracy born. Their new government is one of unity with Kurds, Shiites and Sunnis all serving in prominent leadership roles. All the people of Iraq may proudly stand up and say, this is their government, their country, and they will honor and protect it.

Mr. Speaker, the historic significance of this event cannot be overestimated. From this day forward, we must always look at Iraq as a nation of independence, a nation of freedom and a nation of democracy. May it always be.

''NO COST'' SUGAR PROGRAM

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

Mr. BLUMENAUER. Mr. Speaker, there is a Dear Colleague circulating on Capitol Hill that talks about our no-cost sugar subsidy program. I would suggest that each of our Congressional offices have a little contest, take the certified smart young interns that we have working for us and have a contest in your office. See how long it takes them to prove how bogus that claim is.

How long will it take them to find out that there is a $1- to $2 billion cost to the taxpayer and the consumer, that there are environmental costs for cleaning up the Everglades, that this program threatens over 500,000 American jobs in the candy industry that are being driven to Mexico and Canada

because our cost of sugar is two to three times the world price.

Those interns will find that 40 percent of the benefits go to 1 percent of the growers, and just two huge companies in south Florida get $120 million a year.

It is time to make modest adjustments and have a serious discussion about how to treat sugar in this assembly. I strongly urge approval of the amendment that Mr. FLAKE and I will be offering later today.

AMERICANS NEED NOT APPLY

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

Mr. POE. Mr. Speaker, imagine a place where one can get a job with no identification, no references, no experience. You show up, and after a few hours, you walk away with hard cash in your pocket. No questions asked. You pay no taxes. You pay no Social Security. You pay no health coverage, and at the end of the day, somebody else pays for all of that.

Welcome to your local day labor center funded by American tax dollars. Government money to get hoards of illegals day labor jobs with the help of your wallet. Provide that cheap plantation labor for businesses that exploit the law at the expense of real Americans.

But these day laborers don't always work, Mr. Speaker. One in New York partied on cocaine and beer then beat, raped and murdered a woman after a subcontractor hired him to power wash her home. That Guatemalan had been illegally in the United States for 5 years. Another example of our government's failure to keep illegals out of America but provide them jobs while they are here.

Mr. Speaker, whose side is our government on? Our government should be buying into America, not selling out to illegals.

And that's just the way it is.

ANNIVERSARY OF H.R. 810, STEM CELL RESEARCH ENHANCEMENT ACT

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

Ms. DEGETTE. Mr. Speaker, nearly 1 year ago today, we witnessed a truly historic event on the floor of this House: Members of Congress from both sides of the aisle joining together to put patients first by passing H.R. 810, the Stem Cell Research Enhancement Act.

Two months later we were further encouraged when the majority leader of the other body announced his support for our bill. At that point, it appeared that the hopes of so many patients and caregivers would finally be realized as this critically important research would obtain the funding necessary to reach its true potential. Unfortunately, Mr. Speaker, that is the last we heard of this bill; 364 days after passage of the bill in the House, the other body remains silent. They have proceeded to work on numerous other bills, including the designation of 46 post offices, but they have refused to put patients first.

In the meantime, in the last year, 1.5 million people have been diagnosed with diabetes; 55,000 were diagnosed with Parkinson's; and 8,700 with multiple sclerosis.

It is time for the other body to put patients first and pass H.R. 810.

NORTH CAROLINA TEACHER OF THE YEAR

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

Mr. MCHENRY. Mr. Speaker, today I rise to congratulate Diana Beasley, a biology teacher at Hickory High School in my district, for being named North Carolina's Teacher of the Year.

A teacher for over two decades, Mrs. Beasley is known for bringing passion to her job while instilling confidence in her students. Mrs. Beasley will spend the next year as a teaching ambassador, traveling throughout North Carolina and acting as a role model for teachers and students alike.

It has been said, ''Teachers who inspire realize there will always be rocks in the road ahead of us. There will be stumbling blocks or stepping stones; it all depends on how we use them.''

Mrs. Beasley is like all great educators, teaching us more by who she is than by what she says.

Mr. Speaker, I commend the great work of Mrs. Beasley and the tireless, selfless investment she has made to the future of my district and to the future of North Carolina.

STEM CELL RESEARCH

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

Mr. CHANDLER. Mr. Speaker, I rise today on behalf of life and on behalf of my constituents whose voices are weakening because they are losing their battles with diseases such as diabetes, Alzheimer's, Parkinson's and ALS.

Just last week, I met with Mary Lou Smith of Lexington, Kentucky, who struggles daily with her battle against Lou Gehrig's disease.

Diagnosed in February of 2005, this degenerative neurological disease has quickly devastated her and her family.

It is individuals such as Mary Lou Smith that exemplify the urgency for the Federal Government to act on stem cell research. I urge the other body to pass H.R. 810, which the House passed 1 year ago tomorrow.

Stem cell research has the potential to not only improve the quality of life of people living with ALS but save the lives of individuals all across this world.

DELIVER ECONOMIC OPPORTUNITIES TO AMERICANS

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

Mr. WILSON of South Carolina. Mr. Speaker, 3 years ago, I visited the White House and witnessed President Bush sign several historic tax cuts into law. House Minority Leader Nancy Pelosi predicted that none of these cuts would create jobs, but we have actually seen 5.2 million American jobs created in only 2½ years. Additionally, our country has the lowest average unemployment rate in over four decades.

By decreasing income taxes, doubling the child tax credit, reducing the marriage penalty, and creating new incentives for small businesses, Republicans have delivered tremendous economic opportunities throughout our country.

Last week I was proud to visit the White House again to watch President Bush sign another law to help prevent tax increases upon American families. While Democrats have proposed to increase taxes by $772 billion, House Republicans will always fight to ensure that American families keep more of their own hard-earned income.

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

EXPANSION OF STEM CELL RESEARCH

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

Mr. LANGEVIN. Mr. Speaker, it has been 1 year since the historic bipartisan achievement in the House of Representatives when we voted overwhelmingly to support stem cell research. Yet Americans and others around the world have continued to suffer from devastating illnesses and disabilities while scientific progress has been limited at home due to restrictive policies. Other nations with more progressive policies have not let the opportunities slip by.

Let us look at lung disease as one example. In the past year, an estimated 342,000 Americans have died of lung disease; yet researchers in London have coaxed embryonic stem cells to change into specialized lung cells, highlighting the potential for embryonic stem cells to be used in regenerative medicine.

All this while the United States Senate has failed to hold a vote on H.R. 810 and the President has failed to offer support for the advancement of this science, which holds tremendous potential not only for lung disease but Parkinson's disease, ALS, and even spinal cord injuries and so many others.

Mr. Speaker, the suffering faced by so many Americans dealing with disease and chronic conditions is shameful in the face of such potential treatments and cures. I urge all my colleagues in the House to encourage our

friends in the Senate to act swiftly to pass the Stem Cell Research Enhancement Act.

NATIONAL GUARD

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

Mr. GINGREY. Mr. Speaker, I rise today in strong support of border security.

Every day we fail to put a meaningful immigration reform bill on President Bush's desk is 1 more day illegal immigrants will steadily flow across our border, seeking the unearned rewards of American society.

I strongly support President Bush's call for temporarily utilizing members of our National Guard along the border. Guardsmen have the training and skills needed to support our overburdened Border Patrol, as we continue to expand its numbers.

As they have in the past, National Guard units will assist with constructing barriers, providing surveillance operations, and analyzing intelligence. All of these functions will help secure our border while rightfully leaving law enforcement duties to the U.S. Border Patrol.

Mr. Speaker, the National Guard units are a temporary solution to help stop the flow of illegal immigrants into this Nation. I remain committed to legislation that gives our Border Patrol better tools, more personnel and the resources they need to secure our borders.

ONE YEAR ANNIVERSARY OF THE PASSAGE OF H.R. 810, THE STEM CELL RESEARCH ENHANCEMENT ACT

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

Mr. CARNAHAN. Mr. Speaker, I rise to recognize it has been 1 year since this House passed H.R. 810, the Stem Cell Research and Enhancement Act, and still there is no action by the Senate.

Stem cell research holds the promise of cures for many diseases. Removing the Bush administration's limits will expand research and support the hopes of millions of Americans who work every day to survive under the burden of a life-altering diagnosis. Science, not politics, should determine the future of this vital research.

The House passed H.R. 810 with extraordinary bipartisan effort, and most believe there is a bipartisan group in the Senate of well over 60 votes to pass this bill. And still there is no action in the Senate.

We stand here with the tools in our hands to ease the pain of so many across this country and around the world. If we don't tap into this potential, we will never know what it can yield. To forego potentially lifesaving cures is simply immoral. It is time for the Senate to act on lifesaving cures.

□ 1015

MEXICAN PRESIDENT SHOULD WORK TO GUARD BORDER

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

Mrs. BLACKBURN. Mr. Speaker, I read in the paper this morning that Mexican President Vicente Fox is visiting the United States today. I would like to encourage him to visit the border and to understand why we are so troubled by what is happening there. The reported actions on that border, they are not good for his country. They are certainly not good for our's.

And I hope he does spend some time observing the power of freedom and capitalism, to make a better life for countries which choose to honor these values. That power of freedom is a reason people want to come. We ask that they come legally and respecting those laws and respecting those freedoms.

I also hope that he will speak to those breaking U.S. law, violating the security on our border and tell them he does not condone what they are doing.

Mr. Speaker, the Mexican President should be working with us to guard our borders, not encouraging his nation's citizens to cross our borders illegally. We hope he will join us in the fight against terrorism.

SOMETHING IS ROTTEN IN THE STATE OF BIG OIL

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

Mr. BISHOP of New York. Mr. Speaker, while the Federal Trade Commission says price gouging isn't a problem at the Nation's gas pumps, American families know there is something rotten in the state of big oil.

In the face of soaring gas prices that have pinched consumers for over a year, record breaking profits and nine-figure golden parachutes for oil CEOs, it is impossible to fathom why the FTC didn't include any meaningful recommendations about how to deal with price spikes or why our leadership in Congress hasn't done a better job delivering relief to American families approaching the peak summer months of gas consumption.

One thing is for sure: This rubber stamp Republican Congress bears responsibility for an energy policy that makes a priority of handing out billions worth of tax breaks for an industry that simply doesn't need it, as one CEO testified before the Senate, above delivering real relief to consumers.

When all five FTC Commissioners back up their report before the Senate Commerce Committee today, it is going to be a tough sell to the American people that price gouging really isn't a problem and that what is good for the oil companies' bottom line is good for the American families.

REPUBLICANS HAVE ALREADY WORKED TO GAIN BORDER SECURITY

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

Ms. FOXX. Mr. Speaker, Democrats unveiled their national security agenda recently with much fanfare. High on their agenda was improving border security. So how can Democrats improve border security?

Here are some suggestions. First, you get a border security bill that addresses the hiring of illegal immigrants and gaining control of our borders. Second, you can have a bill that completes the mission of the 9/11 Commission recommendations by implementing common-sense reforms in order to better protect our homeland.

Now, I am sure many on this side of the aisle are asking, didn't we pass legislation like this? Why, yes we did. Back in December 2005, we passed the Border Protection Anti-Terrorism and Illegal Immigration Control Act, which combats the hiring of illegal workers and increases penalties for alien smuggling. We also passed the Real ID, which requires driver's license applicants to provide proof they are in the country legally and closed asylum loopholes that the 9/11 Commission found had been abused by a number of terrorists.

Mr. Speaker, I guess the Democrats left improving border security on their list because they didn't vote for either bill. But I say they should check it off. House Republicans have already accomplished it.

REPUBLICANS UNDERFUND OUR VETERANS

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

Mr. FILNER. Mr. Speaker, as we near Memorial Day, it is especially important to recognize the dedication of the men and women who have served in our Armed Forces over the years. Across the country on Monday, flags will be flown, parades will be held, and many Americans will enjoy a day off work. However, truly honoring our veterans means making sure their needs are met every day of the year, not just on one day in May.

Democrats believe strongly in providing for America's veterans. That is why we introduced the New GI Bill for the 21st Century, comprehensive legislation that will strengthen benefits for veterans and military retirees, as well as the men and women serving our country today.

Unfortunately, our colleagues on the other side of the aisle do not seem to

share this same dedication to fully funding veterans programs. In fact, the Republicans recently passed a 5-year budget that cuts veteran health care by $6 billion, even as hundreds of thousands of new veterans return from Iraq and Afghanistan in need of VA care. They yell ''support our troops, support our troops,'' but these returning men and women will have to wait almost a year for some appointments.

Mr. Speaker, the brave men and women who risk their lives in our Armed Forces deserve more than just our respect. They also deserve the quality health care we promised them when they enlisted.

TAX RELIEF LEGISLATION PROVIDING RELIEF TO AMERICANS

(Mr. MARIO DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, Florida once again led the Nation in job growth during the past year with 261,000 new jobs. To continue this growth, Mr. Speaker, in Florida and the rest of the country, this Republican Congress passed a tax relief bill which ensures millions of American families, small businesses and seniors will continue to enjoy relief from budget-busting, economy-killing tax increases.

Yet despite our sustained economic success and the shrinking deficits, Democrat leadership continues to endorse policies that would slam the brakes on our economic success and our remarkable job growth. Just last week, Mr. Speaker, House Democrats, like the minority leader and the ranking Democrat member of the Ways and Means Committee, voted for a massive tax hike on hard-working Americans, more than half a trillion dollars in increased taxes over the next 5 years, or enough to pay for all the expenditures of all the governments of the Western Hemisphere combined for an entire year.

The American people, Mr. Speaker, want and deserve a fiscally responsive government, not the burdensome tax burden one that the Democrats continue to vote for.

STEM CELL RESEARCH: IT'S TIME FOR THE SENATE TO ACT

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

Mr. EMANUEL. Mr. Speaker, today marks the one year anniversary of the House passage of the Stem Cell Research Enhancement Act. By a vote of 298–134, the House overwhelmingly approved the stem cell bill, which would expand the Federal Government's investment in vital promising research.

Embryonic stem cells hold the key to the treatment of diseases like Parkinson's, Alzheimer's, ALS and many other currently incurable diseases. An overwhelming majority of Americans support this research.

This is not a traditional Democrat versus Republican issue, it is about a right versus a wrong. Yet a year after House action, America is still waiting on the Senate.

Two weeks ago, the Senate held its ''Health Week,'' a series of votes, but the Republican leadership refused to take a vote on stem cell research that would have saved lives in the area we are talking about. Health Week in the Senate will be known from now on as the ''Hoax Week.''

When the Senate majority leader refused to hold a vote, despite his past public support, the majority leader showed America his priorities, and I am afraid it has little to do with funding treatments for incurable diseases.

Mr. Speaker, if the majority leader is as committed to stem cell research as he says, then it is time for an up or down vote on this important research that will save many lives, and then the Senate will earn the title ''Health Week'' back again.

RENEWING THE AMERICAN DREAM: THE REAL RATIONAL MIDDLE GROUND ON IMMIGRATION REFORM

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

Mr. PENCE. Mr. Speaker, one week ago President Bush set out his views on immigration reform to the American people. He stated, ''There is a rational middle ground between granting an automatic path to citizenship for every illegal immigrant and a program of mass deportation.''

I agree with the President that there is a rational middle ground that can be found between amnesty and mass deportation, but amnesty is not that middle ground.

Today at the Heritage Foundation, here in Washington, DC, I will unveil the real rational middle ground on immigration reform. I call it the Border Integrity and Immigration Reform Act. It sees the solution to this crisis as a four-step process. First, secure the border. The second step is to make the decision once and for all to deny amnesty to people whose first act in the United States was a violation of the law. Third, is to put in place a guest worker program without amnesty that will efficiently provide American employers with willing guest workers who come into America legally. The final step is tough employer sanctions that ensure a full partnership between American business and the American government in the enforcement of our laws on immigration.

There is a real rational middle ground on immigration reform, and I hope and humbly submit the Border Integrity and Immigration Reform Act might just be it.

WAR WITH IRAN NOT INEVITABLE

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

Mr. KUCINICH. Mr. Speaker, war with Iran is not inevitable if the U.S. is ready to lead the way with honest, patient negotiations. However, this administration seems intent on war with Iran. The administration is ignoring any diplomatic initiatives which could set the stage for talks to end the confrontation and the escalation.

The administration is seeking to isolate Iran from the international community and threatens to punish nations which try to intervene to end the crisis. The administration is ratcheting up fears in Europe over a first strike nuclear capability, which Iran does not have.

Dozens of Members of Congress have now signed a letter to the President urging the United States to open up talks with Iran. Foreign policy experts such as Henry Kissinger, Zbigniew Brzezinski and Madeleine Albright are urging negotiations.

President Kennedy once said in his inaugural, ''We should not negotiate out of fear, but we should never fear to negotiate.'' We must make a new beginning and begin talks with Iran. War is not inevitable. Peace is inevitable, if we are ready to work for it.

DEMOCRAT PLAN TO ACHIEVE ENERGY INDEPENDENCE

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

Mr. PAYNE. Mr. Speaker, when I return to my home district, where the price of regular gas has topped $3 a gallon at many service stations, I hear constituents tell me loud and clear that they believe that the Republican majority in Congress has led this country in a drastically wrong direction.

Unfortunately, from the very beginning, the Bush administration has excluded the concerns of ordinary Americans from their energy policy debates. In fact, the secretive energy task force, headed by Vice President CHENEY, deliberated behind closed doors, and, as a result, billions of dollars in subsidies were provided to big oil interests.

Last fall, the Republican House rubber stamped an energy bill that even President Bush's own Energy Department predicted would raise gas prices. Almost 1 year later, the price of gas at the pump has skyrocketed. In fact, Americans are now paying an incredible 100 percent more for gas than they were when President Bush took office. Meanwhile, the incomes of middle income families have fallen every year.

Mr. Speaker, I ask that we turn out those who have given us this flawed policy.

REPUBLICAN DO-NOTHING CONGRESS REFUSES TO ADDRESS RISING GAS PRICES

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

Mr. NADLER. Mr. Speaker, as of today, this House has been in session only 36 days this year. We are scheduled to meet a total of 93 days. That is 15 days less than the do-nothing Congress of 1948. How are we supposed to address the issues most important to all of our fellow countrymen if we are hardly ever in session?

This weekend, millions of Americans will take Memorial Day vacations. They will be forced to pay hundreds of dollars more in travel bills, thanks to high prices at the pump.

For weeks now, House Republicans have ignored this very serious economic issue. That is, until this week, when the House Republicans plan to offer their second solution. Their first solution a couple years ago was to throw billions of dollars at the oil companies. The second solution is drilling in the Arctic National Wildlife Refuge.

Despite the environment havoc this would cause, it will do nothing to lower gas prices today. When Republicans tout this as a solution, they ignore the fact that drilling in ANWR would not be possible for another decade and would provide only 6 months of oil, in any event, for the American consumer.

Once again this week, the House Republicans plan to do nothing to address high prices at the pump. They simply refuse to offer any real solutions to our energy problems. It is time for a change in leadership.

PROVIDING FOR CONSIDERATION OF H.R. 5384, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 830 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 830

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 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. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except for sections 749, 751, and 752. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

□ 1030

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 830 is an open rule providing 1 hour of general debate 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 H.R. 5384, the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriation Act of 2007. Under the rules of the House, the bill shall be read for amendment by paragraph.

House Resolution 830 waives points of order provisions in the bill for failure to comply with clause 2 of rule XXI prohibiting unauthorized appropriations or legislative provisions in an appropriation bill, except as specified in the resolution.

The rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD and provides one motion to recommit, with or without instructions.

Mr. Speaker, I am proud that yesterday the House Rules Committee reported by voice vote an open rule for consideration of H.R. 5384, the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2007.

As with most appropriation bills, the Rules Committee has once again afforded Members an opportunity to offer amendments to this legislation that comply with the rules of the House. Members of the House may bring forth an idea or change they wish to see and express their views on how our Nation should prioritize its spending.

Mr. Speaker, the Agriculture Appropriations Subcommittee reported out a bill that provides important resources for the U.S. Department of Agriculture and various other agencies. Specifically, H.R. 5384 makes available nearly $95 billion to fund agriculture, rural development, drug safety, food nutrition programs for the fiscal year 2007.

Mr. Speaker, this legislation provides the funding necessary for the programs and activities of USDA while at the same time maintaining fiscal discipline and reflecting our Nation's priority spending needs.

Mr. Speaker, the USDA carries out widely varied responsibilities through about 30 separate internal agencies and offices staffed by some 100,000 employees. Important programs covered under the agriculture spending bill include the food nutrition programs such as the Food Stamp Program, the Nutrition Program for Women, Infants and Children or WIC, and child nutrition programs, farm and foreign agricultural services, certain mandatory conservation and trade programs, crop insurance, farm loans, foreign food aid programs.

Additionally, it includes natural resources and environmental conservation programs and food safety and rural development activities. The underlying bill provides essential funding for agriculture research activities which include USDA's Agriculture Research Service as well as university research and extension programs.

I have visited, Mr. Speaker, several agricultural research centers in central Washington, and I am impressed by the innovative work being accomplished to equip farmers with the tools they need to improve the quality and production of their agricultural products.

Agriculture research enables American farmers to reap the benefits of science and technology they need to remain competitive in an ever-changing international marketplace. H.R. 5384 also provides several programs that seek to protect human health and safety.

Avian flu pandemic countermeasures and monitoring are funded at $80 million. The Food Safety and Inspection Service is funded at $853 million. The Animal Plant and Health Service Inspection Service activities are funded at $904 million, with $90 million going to BSE detection and prevention activities.

One program of importance to farmers in my area of central Washington is the Department of Agriculture's Market Access Program, which is aimed at creating, expanding and maintaining foreign markets for U.S. agriculture products through consumer promotions, market research and technical assistance.

One of the biggest challenges facing American agriculture, especially the specialty crops, is the need to expand overseas markets in the face of often subsidized foreign competition. By opening foreign markets to American

agricultural products and breaking down trade barriers, the Market Access Programs help local farmers and our Nation's economy, while improving our balance of trade and creating jobs.

I am pleased that the underlying bill fully funds the Market Access Program, which is particularly important for many of the specialty crops that I mentioned, including apples, cherries, hops, pears, potatoes and wine grapes.

With a proven track record of success, it is clear that this program's return on investment is far greater than the cost of the Market Access Program to the Federal Government.

Mr. Speaker, this is a fiscally responsible bill that will help American farmers and ranchers respond to the challenges of the global market and provide a wholesome food supply for our Nation. I urge my colleagues to join me in support of House Resolution 830, and the open rule provided by the Rules Committee by a voice vote.

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

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Washington, my good friend, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Mr. MCGOVERN. Mr. Speaker, I want to commend Chairman BONILLA and Ranking Member DELAURO for working together on this important bill. They have taken the President's inadequate budget proposal and made it better.

Chairman BONILLA and his staff deserve to be congratulated for doing the right thing with this bill. And Ranking Member DELAURO and the Democratic members of the Appropriations Committee, including Ranking Member OBEY, deserve credit for improving the chairman's mark.

Mr. Speaker, I would like to take a moment to highlight some of the very important antihunger programs in this bill that make a real difference in the lives of millions of people here in the United States and around the world.

Mr. Speaker, I am privileged to be a cochair of the Congressional Hunger Center and of the Hunger Caucus. I have seen how important our anti-hunger programs are to low-income Americans. I have met families who, through no fault of their own, have to rely on Federal anti-hunger programs to put food on their table.

In my own district, I am working with State and local officials to make sure every eligible person in need signs up and receives these important benefits so that central Massachusetts and southeastern Massachusetts is made up of hunger-free communities.

On the Federal level, we must continue to fight for critical anti-hunger programs. In his budget, the President eliminated the Commodity Supplemental Food Program, which provides food to low-income mothers and children under 6 years of age, as well as America's elderly poor. Literally hundreds of thousands of people would have been left to fend for themselves if this program had been shut down, as the President had requested.

Thankfully, Chairman BONILLA and Ranking Member DELAURO not only restored the funding eliminated by President Bush, they also provided an increase of $11 million over last year's level. I believe my colleagues on both sides of the aisle are thankful that this bill includes a $40 million increase for the WIC Program over last year's allocation, or $44 million more than the President's request.

WIC is one of the most successful domestic maternal and infant health and nutrition programs in the history of the United States. I am troubled, however, that funding in this bill for the child nutrition programs is below the President's request and that funding for the food stamp program is almost $3 million less than last year, at a time when more and more and more people are falling below the poverty line.

Mr. Speaker, even though I believe the funding levels for anti-hunger programs should be increased even more than what this bill was able to provide, I am more concerned that the administration and Congress continue to lack a cohesive anti-hunger, antipoverty strategy.

Mr. Speaker, I know the Agriculture Appropriations Act is not the most appropriate bill to establish such a policy, but it is the vehicle that ultimately funds many of the important and most fundamental programs that help lift people out of poverty. I believe we can end hunger and poverty, if only we have the political will to do so.

I challenge my colleagues in this chamber to do more. And it will not necessarily cost a great deal more, but it will take far better coordination of public and private efforts. It will take a concerted effort by the Federal Government, and it will take the heart and compassion of a great Nation to eradicate poverty and hunger in the United States once and for all.

I believe in the heart of the American people. I think we saw that heart after Katrina. I think we see that heart every time there is a crisis abroad and children are in need.

Mr. Speaker, over the next year, I hope we all rise to the occasion and commit to this worthy and necessary goal. Overall, Mr. Speaker, I believe this bill should be commended for restoring funding for many of our most important domestic hunger and nutrition programs.

Regrettably, due once again to the extreme limits on the Agriculture Appropriations Bill, the same cannot be said of international hunger and good aid programs. The committee was able to maintain last year's funding levels, but so much more is needed.

The George McGovern-Bob Dole International Food for Education Program is basically frozen at last year's levels. This was done despite a bipartisan letter from over 100 Members of Congress asking that funding for the McGovern program be restored to its fiscal year 2001 level of $300 million.

This bill provides only one-third of that amount. McGovern-Dole has proven itself time and time again to be one of our most effective tools in reducing hunger in school-aged children, and increasing attendance and academic performance, especially among girls in some of the poorest places in the world.

I know that the committee supports this program. I just hope that the chairman and the ranking member will find a way in conference negotiations to increase the funding for this program so that it can reach more children in the neediest communities in the developing world.

Mr. Speaker, I also regret that P.L. 480, title II, food for peace, emergency food aid and development programs, have also basically been level-funded, although I do appreciate that the committee did find a few additional dollars for this program. In fiscal year 2006, Congress has ostensibly provided $1.218 billion for title II, and this bill provides $1.226 billion for title II.

Unfortunately, what is hidden by these figures is that, for the past 3 years, the Congress has ended up appropriating about $1.5 billion each year so that title II can meet global food emergencies. This year is no exception. In the fiscal year 2006 emergency supplemental, which is currently awaiting House-Senate conference negotiations, there is about $350 million in title II emergency food aid; $225 million of that emergency food aid is for the humanitarian crisis in Darfur.

If the President had put those funds in last year's regular budget request, and Congress had approved and appropriated those funds in the regular agriculture appropriations bill, then that food would be on its way to the people of Darfur today.

Instead, the World Food Programme has been forced to cut food rations in half for 2.6 million Darfur refugees and displaced people.

Why should we care about this? Well, Mr. Speaker, as a Congress, we should care because this is deceptive budgeting, and poor planning hinders our ability to respond to emergencies as they arise. But more importantly, much more importantly, we should care because people are dying from lack of food because we do not have the funding in hand that we knew ahead of time we would need for fiscal year 2006 and that we should plan now to have in hand for fiscal year 2007.

We know emergencies happen. We know we have been appropriating about $300 million or more each year for the past 3 years in supplemental appropriations bills to meet those needs. Let us do the right thing and build such funds into our planning process.

Put those funds in the regular budget and include and approve them in the regular agriculture appropriations bill. Let me be clear, Mr. Speaker. No country in the world has been as responsive

to international food emergencies as the United States.

No other country even comes close to our generosity. The United States has been and continues to be the leader in providing food and humanitarian aid for Darfur. It is past time that the rest of the world step up to the plate.

The funds sitting in the fiscal year 2006 supplemental will not reach the President's desk until June. And therefore the food aid itself will not reach the people of Darfur until November. If USAID had those moneys now up front, the ration cuts in Darfur would not be happening, period. I appeal to the President. I appeal to the appropriators and to the leadership of this House, do not repeat this mistake in 2007. We need to plan ahead.

Somehow, before this bill comes back to us as a conference report, we need to find a way to substantially increase Title II funding so that we are not robbing food aid from one hungry family to feed another simply because we failed to provide the necessary funding to plan for and to meet global food emergencies.

Mr. Speaker, I know the committee cannot do this on its own, which is why I make a plea for all of us to work this problem out, so that we are not faced with such desperate choices next year.

□ 1045

Mr. Speaker, Chairman BONILLA, Ranking Member DELAURO, and their colleagues on the committee should be commended for their hard work on this bill. They have done the best they could despite the difficult choices that face them in this process. They deserve our respect and gratitude.

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

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

Mr. MCGOVERN. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Wisconsin (Mr. OBEY), the ranking Democrat on the Appropriations Committee.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I had originally intended to vote for this bill and for this rule; but the action of the Rules Committee on one item last night has changed all of that, at least for me, and I would like to alert Members of the House as to the reasons why.

In the farm bill that passed several years ago, the expiration date for various programs wound up not being identical; and that meant that the dairy program was hugely at a disadvantage after the expiration of the dairy title of the farm bill. Last year the Congress renewed the dairy section of the bill that related to the milk program, but it contained a budget gimmick which ended the dairy program one month before the end of the fiscal year and one month before the other farm programs in that bill.

As a result, when the next farm program is put together next year, dairy will be at a huge disadvantage because there will be nothing included in the budget baseline for dairy. That will not only be a problem for dairy farmers; that will be a problem for all other farmers, because if in the end the Congress decides under those circumstances to extend the milk program, the funding for that will come out of the hide of each and every other farm program, all because of this 1-month gimmick that we tried to correct in the Appropriations Committee.

Now, the Appropriations Committee adopted an amendment that I offered last week which attempted to correct that problem by simply extending the milk program by 1 month so that it would expire at the same time as the other programs in the farm bill. But now our friends on the authorizing committee have insisted that the Rules Committee not protect that provision from being stricken on a point of order. As a result, if such a motion is made and upheld by the Chair, it will mean that we are going to create the conditions for a billion dollar war between farm groups all over this country. That could easily be avoided by the $40 million provision represented by section 752 of the appropriations bill that will shortly be before us.

That $40 million correction is fully paid for so that at this point there is no budget problem associated with 752. So I would simply want to alert every Member of this House who represents dairy farmers that they will be at a substantial disadvantage in considering the farm bill a year and a half from now if this section 752 of this bill is stricken.

And I want to alert Members who represent other kinds of farmers that lest they think this is only a problem only affecting dairy farmers, I'm sorry, it will affect all farmers because financing for whatever dairy program that eventually emerges from that authorization bill will come out of reductions for other farm programs.

Now, this may not be a big problem for persons who have thousand-cow dairy herds, but it is a huge problem if you represent a district like mine where the average herd is 50 or 60 cows. The extension to the milk program will determine whether or not many of those farmers stay in business. And I would submit that the House would be doing itself a great favor if they could prevail upon our friends on the authorizing committee not to lodge a point of order against this provision in this bill.

There is another provision in this bill which affects an extension of the peanut program for storage. It seems to me that there are good reasons for extending both of those programs. So I would urge any Member of this House who is concerned about being able to pass a decent farm bill down the line to recognize that if this action takes place today, if this action takes place today, anyone who votes for the farm bill, if this is stricken today, anyone who votes for this agriculture appropriations bill will be voting to put dairy farmers at a huge disadvantage a year and a half from now when the reauthorization is considered and they will be inviting a very nasty war between different commodity groups and different regions of the country.

That is what the milk program sought to end 3 years ago when we wanted to end all of these regional fights on dairy, and I would suggest that the House would be ill advised if it produces that result by allowing this provision to be knocked out on a point of order.

So I will be calling for a roll call on the rule to protest the action of the Rules Committee, and I will urge Members from farm country to vote ''no'' on the rule and ''no'' on the bill if that provision is stricken.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the remarks of the distinguished ranking member of the Appropriations Committee, but we have a long-standing tradition in the Rules Committee that when the authorizing committee has a problem with amendments or policies that are put on the Appropriations Committee that they feel is under their jurisdiction, they ask that that not be protected. That was the case here as you pointed out in your remarks with the peanut program and the milk program.

So as you suggested, if somebody from the Agriculture Committee or the chairman stands up and asks for a point of order then, of course, the Chair will have to make his ruling by what the rules are.

I will also say this, and I know that the gentleman from Wisconsin has been working just because of the nature of his committee on a lot of milk programs, I too have a lot of dairies in my district. There has been a gravitation towards those dairies in my district. When I talk to my dairy farmers, I have essentially one message for them and that message is at some point, and I know this is a very difficult thing to do, but at some point the dairy industry in this country has got to try to speak with one voice as much as they possibly can. I know that is very, very difficult. They are cognizant of that.

When this provision was put in place several years ago, there was an attempt to do that. So we will have to see. But the Rules Committee has a tradition and that is the reason why we did not protect that portion of the bill.

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

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

Mr. Speaker, I would like to take just a moment to thank Chairman BONILLA and Ranking Member DELAURO and members of the committee for providing funding for the Congressional Hunger Center. The Hunger Center is co-chaired by my colleague Congressman JO ANN EMERSON

and myself, and it trains young people to be the future leaders of the anti-hunger movement. The Congressional Hunger Center, I think, is known to most Members of this Chamber. It has an incredible staff, an excellent staff, and does a very good job in raising awareness and getting young people involved and getting them to feel passionate about combating hunger, not only here in the United States but around the world. I think every Member of this Chamber should be proud of this center's work. So I am pleased that the committee continues to fund this center.

Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this rule.

I am pleased that under the rule we will be able later in the deliberations to have a debate, a discussion, on a modest amendment to the sugar subsidy program. This is something that unfortunately flies under the radar screen here in Washington, DC. Any approach to look at independent analysts, to look at conservative groups like the Cato Institute, to look at environmental organizations, all document that the sugar subsidy program we have provides tremendous cost to the taxpayers, billions of dollars.

It starts by forcing American consumers and the industries that use sugar to pay two to three times the world market price. It puts at risk over 500,000 jobs that are still in the United States in the confectionery industry. We used to have more people at work in Hershey, Pennsylvania, in the Northeast, in Chicago making candy; but these jobs are being driven to Canada, to Mexico and other places because our price of the raw material, sugar, is so much more expensive.

We find that the sugar cane industry particularly is a cause of significant pollution in the everglades. This Congress has placed a $7.5 billion down payment cleaning up the everglades in part because of the significant expansion of cane sugar production because it is so heavily subsidized and produces a toxic run off of pollution.

It even drives up cost to the Federal Government in other areas you do not think about; $90 million that the Federal Government pays for food, for example, for U.S. troops, with added cost because of these subsidies.

This sugar subsidy continues at a time when we are cutting programs for other farmers for their environmental programs at a time when there is no help for many farmers, in my State that are short-changed row crops, the speciality crops, the nursery industry, and wine producers. We have an out-of-whack, hopelessly expensive, outmoded and anti-competitive trade subsidy program that will leave the taxpayer footing the bill for years to come.

We will have an amendment offered later today that will provide for a modest adjustment, downward, so the taxpayer will not be on the hook for quite so much and we can reduce the pressure on American industry that uses sugar and American consumers who will be paying over a billion dollars a year.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I thank the gentleman for yielding. I speak at this time in regard to an amendment which I understand will be offered later concerning the National Animal Identification System.

Two Tennessee legislators who also happen to represent parts of my district, State Representative Frank Niceley and my own State Senator Tim Burchett, have introduced a bill to prohibit the use of State funds to implement the program in Tennessee. As Representative Niceley told the Knoxville News Sentinel: ''I think this thing had more to do with selling chips than anything else.'' He said, ''I just get tired of business going to Washington and selling their business plan up there and getting rich off the public.''

The people pushing this are international and national bureaucrats who want more power and control, their academic supporters, and especially a few agri-giant businesses. Small and medium-sized farmers do not want it.

Ron Freeman, a fifth-generation cattleman said, ''NAIS will not prevent or control disease. Instead it will allow the government and big business to control our food supply and intrude into the lives of every farmer and rancher.''

Judith McGeary, a Texas lawyer, described the program as, ''One of the most far-reaching acts of surveillance of the most wholesome activities of U.S. citizens. Children in 4–H with pet goats, senior citizens raising food for themselves, friends going on trail rides would all be forced to endure the warrantless government surveillance.''

If this isn't Big Brother government I do not know what is.

Mr. Speaker, this sure isn't traditional conservatism. Costs of new programs such as this are always lowballed on the front end. The president of the Australian Cattleman's Association called this program ''the single worst thing to ever hit the beef industry in Australia.''

□ 1100

He said they were promised on the front end that it would cost only $3 a head. The costs are already running $37 a head counting cost of scanners and various indirect costs.

A farmer in Roane County, Tennessee, Everett Phillips has only eight beef cattle, a milk cow, some chickens and a few barnyard animals. He told the Knoxville News-Sentinel, if you add up cost, the inconvenience of Federal bureaucracy and privacy concerns, and ''It is going to hurt the farmer.'' He said he considers selling out and moving to Argentina. I know that people laugh when people make statements like this, but this highlights the serious concern that small farmers have about this program.

If this is still a free country, Mr. Speaker, we should at least make this program voluntarily instead of mandatory. This NAIS program will really hurt the smallest of our farmers, the very farmers we always claim to be helping.

I urge support if this amendment is offered later today to really help the small farmer.

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

I am sure there will be a number of amendments offered during the day. I just want to call my colleagues' attention to one amendment that may be offered by Representative JOHNSON of Illinois that I strongly oppose, and I would urge all my colleagues to oppose it as well.

This is an amendment that is supposedly an attempt to tackle the obesity problem in this country, but what it is, is an amendment that would restrict the choice of people who are on food stamps. It would basically dictate to people on food stamps that they could not buy certain things, and this is problematic, I think, for a number of reasons.

First, I think the emphasis should be on promoting healthier foods in our nutrition and not on constant punitive measures against poor people. If we want to deal with the obesity problem in this country, which is a serious problem, we should do so thoughtfully, and we should do so with considerable deliberation to make sure that what we are doing is actually solving and tackling the problem. I do not think this will do that.

Secondly, this bill I do not think is the appropriate bill for us to make these kinds of big changes. There are other bills that are more appropriate coming down the line, and I hope that my colleagues will respect that. But, again, rather than limiting choices for poor people, we should focus our attention and put the emphasis on healthier foods, like fruits and vegetables, without limiting people's choices. We should focus on nutrition education, and we should focus on raising people out of poverty instead of constantly blaming them and trying to pursue punitive measures, which I think is not only the wrong way to deal with the problem but I also think shows kind of a lack of respect for people who are struggling in this country.

Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO), the ranking member on this committee.

Ms. DELAURO. Mr. Speaker, it has been a privilege to serve on this subcommittee and to work on issues of such importance, such as rural development, nutrition, drug safety and so many others, and I have enjoyed working with Chairman BONILLA in my time as ranking member.

We have produced a good bill I think, but I am disappointed that this rule does not allow for consideration of an amendment I planned to offer that would have increased funding for rural development and renewable energy programs by $500 million. Nor does this rule protect language giving the FDA, the Food and Drug Administration, the much-needed authority to mandate post-market drug studies when needed.

In offering this amendment, I believe we could have begun to meet a variety of rural development needs, from waste and water grants and community facility grants to funding for broadband expansion and renewable energy infrastructure.

In particular, we could have made a strong commitment to renewable energy by providing meaningful incentives for renewable energy production, consumption and infrastructure through programs in the farm bill and in the energy bill, the Bioenergy Program, the Value-Added Agricultural Product Market Development Grants, the Renewable Energy Systems and Energy Efficiency Improvements Programs, just to name a few.

But even though we have an extraordinary opportunity to reenergize our farm economy at the same time we jump start the country's energy independence efforts by getting these new technologies out of the labs, onto our roads and into our homes and businesses, our investment in these programs continues to be tentative.

Mr. Speaker, with Americans ready to declare their energy independence, with biofuels on the cusp of revolutionizing the American economy in the very near future, just as they did for Brazil in only a few years' time, we can make a statement that the Congress is ready to face this challenge. We should be tapping the promise that our farms hold to reduce our dependence on oil and provide a more secure economic future for our farmers.

I am also disappointed that the Rules Committee failed to protect language approved by the Appropriations Committee to give the Food and Drug Administration, the FDA, the much-needed authority to mandate post-market drug studies when needed and allow the FDA to begin the process of removing the drugs in question from the market if there are instances of noncompliance.

The amendment is simple. It would require anyone who has the approval of the FDA to sell a drug to conduct any study or studies on any significant safety issue on that product that the FDA requests.

This language addresses one of the key issues identified in the recent GAO study on post-market studies which concluded that, ''the FDA lacks clear and effective processes for making decisions about and providing management oversight of post-market safety issues.'' The FDA needs this authority to ensure that we are not putting lives at risk with unsafe drugs that are not fully tested.

Let me quote to you what the GAO study said: To improve the decision-making process for post-market drug safety, the Congress should consider expanding FDA's authority to require drug sponsors to conduct post-market studies, such as clinical trials and observation studies, as needed and to collect additional data on the drug safety concerns.

This is an issue that could not have come up at a more appropriate time. Just yesterday, the New York Times reported that the data analysis that was completed on Vioxx was done in a way that actually minimized the risks of the drug. That tells us that even when post-market studies are conducted, they cannot be counted on to be completely reliable. The language stripped by this rule would have constituted one small step toward implementing a better post-market system at the FDA and to stop putting at risk the lives of the American public and make sure that the drugs are safe and that they are fully tested and that, when we have adverse reactions to these drugs, that there is a way in which the government can, in fact, make sure that these companies do what is required to ensure public health.

So, Mr. Speaker, while I do believe we have produced a good bill, these are two areas in which I am very disappointed because I think we had an opportunity to produce an even better bill.

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

I will be calling for a ''no'' vote on the previous question. If the previous question is defeated, I will amend the rule so that we can consider the DeLauro amendment that was rejected in Rules Committee last night on a straight party-line vote.

Mr. Speaker, I ask unanimous consent to insert in the text of the amendment and extraneous materials immediately prior to the vote.

The SPEAKER pro tempore (Mr. BASS). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, the DeLauro amendment will increase funding for alternative energy research, something that is desperately needed in our Nation these days. The cost of the amendment is fully offset by rolling back a mere 1.21 percent, the tax cut for Americans making more than $1 million annually.

Mr. Speaker, the energy crisis continues to get worse and worse in our country every day. All you need to do is fill up your gas tank or open your heating bill to know that the cost of fuel is skyrocketing, with no signs of letting up anytime soon, if ever.

We can continue to ignore this crisis until the costs are prohibited or our supplies run dry, or we can do the responsible thing and invest in research and development of alternative energy sources, something that we should have been doing a long time ago.

Our energy needs are growing every day in this Nation and in the rest of the world as well. We have to find other ways to meet those needs. We need a substitute for oil and other fossil fuels. There are many promising alternative energy sources out there that we need to explore immediately to ensure that they are available in the near future. The DeLauro amendment will help support these efforts.

Mr. Speaker, in the Rules Committee last night, we were told, as we are told often, that there is a germaneness issue and that thereby they would not make this amendment in order, but the fact of the matter is that those of us on this side of the aisle are trying to actually solve America's problems. We are trying to propose alternatives and pay for them as we go. We are not just proposing ideas and not identifying where the money would come from. We are actually laying out a plan to make this country energy independent, to try to deal with the rising costs of gas and of oil, and this is the only way we can do this. We are constantly denied the opportunity to debate and to vote on a comprehensive plan or to deal with this issue. This is the moment.

I want to point out to my colleagues that a ''no'' vote will not prevent us from considering the agricultural appropriations bill under an open rule, but a ''no'' vote will allow Members to vote on the DeLauro amendment. A ''no'' vote will allow us to be able to support an initiative and a plan to deal with this energy crisis, to actually map out a strategy to support renewable energy sources.

I urge my colleagues to vote ''no'' on the previous question.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am going to urge my colleagues to vote for the previous question and for the resolution. I want to make two points.

The gentleman says that one reason to vote against the previous question is to have a chance to have a say on the DeLauro amendment. I would advise my colleagues that the DeLauro amendment was offered in the full committee, notwithstanding the fact that it is legislating on an appropriations bill, and even the members of the Appropriations Committee rejected the DeLauro amendment.

As I mentioned earlier in my remarks, there is a long-standing tradition that when an authorizing committee has an objection to a provision in an appropriations bill, that provision is not waived.

With that, Mr. Speaker, this is a good rule. It allows for open debate. It is an open rule.

The material previously referred to by Mr. MCGOVERN is as follows:

PREVIOUS QUESTION FOR H. RES. 830—RULE FOR H.R. 5384, THE AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS FOR FY 2007

At the end of the resolution, add the following new sections:

SEC. 2. Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order without intervention of any point of order and before any other amendment if offered by Representative DeLauro of Connecticut or a designee. The amendment is not subject to amendment except for pro forma amendments or to a demand for a division of the question in the committee of the whole or in the House.

SEC. 3. The amendment referred to in section 2 is as follows:

AMENDMENT TO H.R. 5384, AS REPORTED

OFFERED BY MS. DELAURO OF CONNECTICUT

Page 13, line 6, insert after the dollar amount the following: ''(increased by $25,000,000)''.

Page 36, line 21, insert after the dollar amount the following: ''(increased by $229,303,000)''.

Page 48, line 26, insert after the dollar amount the following: ''(increased by $12,000,000)''.

Page 50, line 6, insert after the dollar amount the following: ''(increased by $23,000,000)''.

Page 51, line 23, insert after the dollar amount the following: ''(increased by $10,000,000)''.

Page 52, line 7, insert after the dollar amount the following: ''(increased by $6,697,000)''.

At the end of the bill (before the short title), add the following new sections:

''SEC. ____. In addition to amounts otherwise provided by this Act, there is hereby appropriated to the Secretary the following amounts for the following purposes:

''(1) For biorefinery grants authorized by section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103), $50,000,000.

''(2) For grants under the energy audit and renewable energy development program authorized by section 9005 of such Act (7 U.S.C. 8105), $10,000,000.

''(3) For payments under the bioenergy program authorized by section 9010 of such Act (7 U.S.C. 8108), and notwithstanding subsection (c)(2) of such section, $120,000,000.

''(4) For grants under the Biomass Research and Development Initiative authorized by section 307 of the Biomass Research and Development Act of 2000 (7 U.S.C. 7624), $14,000,000.

''SEC. ____. In the case of taxpayers with income in excess of $1,000,000, for the calendar year beginning in 2007, the amount of tax reduction resulting from enactment of Public Law 107–16, Public Law 108–27, and Public Law 108–311 shall be reduced by 1.21 percent.''.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

APPOINTMENT OF CONFEREES ON H.R. 4939, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY, 2006

Mr. LEWIS of California. Mr. Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes, with the Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Messrs. LEWIS of California, YOUNG of Florida, REGULA, ROGERS of Kentucky, WOLF, KOLBE, WALSH, TAYLOR of North Carolina, HOBSON, BONILLA, KNOLLENBERG, OBEY, MURTHA, SABO, MOLLOHAN, OLVER, VISCLOSKY, Mrs. LOWEY, and Mr. EDWARDS.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on H. Res. 830, by the yeas and nays;

Adoption of H. Res. 830, if ordered;

Motion to suspend the rules on H.R. 4681, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 5384, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. The pending business is the vote on ordering the previous question on House Resolution 830 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 213, nays 194, not voting 25, as follows:

[Roll No. 179]

YEAS—213

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot

Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hyde
Inglis (SC)
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Petri
Pitts
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOT VOTING—25

Brown, Corrine
Camp (MI)
Davis (FL)
Doolittle
Evans
Ford
Gibbons
Higgins
Hunter
Issa
Istook
Jenkins
Kennedy (RI)
Larson (CT)
Lewis (GA)
McCrery
Peterson (PA)
Pickering
Poe
Pombo
Rehberg
Snyder
Wexler
Wicker
Young (AK)

□ 1140

Ms. WATSON, Mr. MILLER of North Carolina and Mr. COSTA changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 214, noes 192, answered ''present'' 1, not voting 25, as follows:

[Roll No. 180]

AYES—214

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hyde
Inglis (SC)
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Petri
Pitts
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—192

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar

Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—1

McHugh

NOT VOTING—25

Brown, Corrine
Camp (MI)
Davis (FL)
Doolittle
Evans
Ford
Gibbons
Higgins
Hunter
Issa
Istook
Jenkins
Kennedy (RI)
Larson (CT)
Lewis (GA)
McCrery
Peterson (PA)
Pickering
Poe
Pombo
Rehberg
Snyder
Strickland
Wexler
Wicker

□ 1149

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PALESTINIAN ANTI-TERRORISM ACT OF 2006

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4681, as amended.

The Clerk read the title of the bill.

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, 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 361, nays 37, answered ''present'' 9, not voting 25, as follows:

[Roll No. 181]

YEAS—361

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Everett
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pitts
Platts
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—37

Abercrombie
Becerra
Blumenauer
Capps
Capuano
Conyers
DeFazio
Dingell
Doggett
Eshoo
Farr
Gilchrest
Grijalva
Hinchey
Jones (NC)
Kaptur
Kilpatrick (MI)
Kolbe
Kucinich
LaHood
Lee
Marshall
McCollum (MN)
McDermott
McGovern
McKinney
Miller, George
Moore (WI)
Moran (VA)
Obey
Paul
Price (NC)
Rahall
Stark
Thornberry
Velázquez
Watt

ANSWERED ''PRESENT''—9

Carson
Clay
Davis (IL)
Gutierrez
Jackson (IL)
Johnson, E. B.
Payne
Rush
Watson

NOT VOTING—25

Brown, Corrine
Camp (MI)
Davis (FL)
Doolittle
Evans
Ford
Gibbons
Higgins
Hunter
Issa
Istook
Jenkins
Kennedy (RI)
Larson (CT)
Lewis (GA)
McCrery
Napolitano
Peterson (PA)
Pickering
Poe
Pombo
Rehberg
Ruppersberger
Snyder
Wicker

□ 1157

Mr. PAYNE changed his vote from ''nay'' to ''present.''

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RUPPERSBERGER. Mr. Speaker, on rollcall No. 181 I was unavoidably detained in a meeting with some of my constituents. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. HIGGINS. Mr. Speaker, I missed three rollcall votes this morning, Tuesday, May 23, 2006.

On roll No. 179 regarding the Previous Question for the Agricultural, Rural Development, FDA and related agencies Appropriations Act, I would have voted "no."

On roll No. 180 regarding the Rule for the consideration of H.R. 5384—Agricultural, Rural Development, FDA and related agencies Appropriations Act (Rules), I would have voted "no."

On roll No. 181 regarding H.R. 4681—Palestinian Anti-Terrorism Act of 2006, I would have voted "yea."

PERSONAL EXPLANATION

Mr. POMBO. Mr. Speaker, I was unable to vote today on the House floor. I take my responsibility to vote very seriously.

Had I been present, I would have voted "yea" on rollcall 179; "yea" on rollcall 180, or H. Res. 380, the Rule for consideration of 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 "yea" on rollcall 181, or H.R. 4681, the Palestinian Anti-Terrorism Act. On March 9, 2006 I joined 295 of my colleagues in the House in support of H.R. 4681.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2349) to provide greater

transparency in the legislative process, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2349

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

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I—LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006

Sec. 101. Short title.
Sec. 102. Out of scope matters in conference reports.
Sec. 103. Earmarks.
Sec. 104. Availability of conference reports on the Internet.
Sec. 105. Elimination of floor privileges for former members, Senate officers, and Speakers of the House who are lobbyists or seek financial gain.
Sec. 106. Ban on gifts from lobbyists.
Sec. 107. Travel restrictions and disclosure.
Sec. 108. Post employment restrictions.
Sec. 109. Public disclosure by Members of Congress of employment negotiations.
Sec. 110. Prohibit official contact with spouse or immediate family member of Member who is a registered lobbyist.
Sec. 111. Influencing hiring decisions.
Sec. 112. Sense of the Senate that any applicable restrictions on Congressional branch employees should apply to the Executive and Judicial branches.
Sec. 113. Amounts of COLA adjustments not paid to certain Members of Congress.
Sec. 114. Requirement of notice of intent to proceed.
Sec. 115. Effective date.

TITLE II—LOBBYING TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006

Sec. 201. Short title.

Subtitle A—Enhancing Lobbying Disclosure

Sec. 211. Quarterly filing of lobbying disclosure reports.
Sec. 212. Annual report on contributions.
Sec. 213. Public database of lobbying disclosure information.
Sec. 214. Disclosure by registered lobbyists of all past executive and congressional employment.
Sec. 215. Disclosure of lobbyist travel and payments.
Sec. 216. Increased penalty for failure to comply with lobbying disclosure requirements.
Sec. 217. Disclosure of lobbying activities by certain coalitions and associations.
Sec. 218. Disclosure of enforcement for noncompliance.
Sec. 219. Electronic filing of lobbying disclosure reports.
Sec. 220. Disclosure of paid efforts to stimulate grassroots lobbying.
Sec. 221. Electronic filing and public database for lobbyists for foreign governments.
Sec. 222. Effective date.

Subtitle B—Oversight of Ethics and Lobbying

Sec. 231. Comptroller General audit and annual report.
Sec. 232. Mandatory Senate ethics training for Members and staff.
Sec. 233. Sense of the Senate regarding self-regulation within the lobbying community.
Sec. 234. Annual ethics committees reports.

Subtitle C—Slowing the Revolving Door

Sec. 241. Amendments to restrictions on former officers, employees, and elected officials of the executive and legislative branches.

Subtitle D—Ban on Provision of Gifts or Travel by Lobbyists in Violation of the Rules of Congress

Sec. 251. Prohibition on provision of gifts or travel by registered lobbyists to Members of Congress and to congressional employees.

Subtitle E—Commission to Strengthen Confidence in Congress Act of 2006

Sec. 261. Short title.
Sec. 262. Establishment of Commission.
Sec. 263. Purposes.
Sec. 264. Composition of Commission.
Sec. 265. Functions of Commission.
Sec. 266. Powers of Commission.
Sec. 267. Administration.
Sec. 268. Security clearances for Commission Members and staff.
Sec. 269. Commission reports; termination.
Sec. 270. Funding.

TITLE I—LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006

SEC. 101. SHORT TITLE.

This title may be cited as the ''Legislative Transparency and Accountability Act of 2006''.

SEC. 102. OUT OF SCOPE MATTERS IN CONFERENCE REPORTS.

(a) IN GENERAL.—A point of order may be made by any Senator against consideration of a conference report that includes any matter not committed to the conferees by either House. The point of order shall be made and voted on separately for each item in violation of this section.

(b) DISPOSITION.—If the point of order against a conference report under subsection (a) is sustained, then—

(1) the matter in such conference report shall be deemed to have been struck;

(2) when all other points of order under this section have been disposed of—

(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report not deemed to have been struck;

(B) the question shall be debatable; and

(C) no further amendment shall be in order; and

(3) if the Senate agrees to the amendment, then the bill and the Senate amendment thereto shall be returned to the House for its concurrence in the amendment of the Senate.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 103. EARMARKS.

The Standing Rules of the Senate are amended by adding at the end the following:

''RULE XLIV

''EARMARKS

''1. In this rule—

''(1) the term 'earmark' means a provision that specifies the identity of a non-Federal entity to receive assistance and the amount of the assistance; and

''(2) the term 'assistance' means budget authority, contract authority, loan authority, and other expenditures, and tax expenditures or other revenue items.

''2. It shall not be in order to consider any Senate bill or Senate amendment or conference report on any bill, including an appropriations bill, a revenue bill, and an authorizing bill, unless a list of—

''(1) all earmarks in such measure;

''(2) an identification of the Member or Members who proposed the earmark; and

''(3) an explanation of the essential governmental purpose for the earmark;

is available along with any joint statement of managers associated with the measure to all Members and made available on the Internet to the general public for at least 48 hours before its consideration.''.

SEC. 104. AVAILABILITY OF CONFERENCE REPORTS ON THE INTERNET.

(a) IN GENERAL.—

(1) AMENDMENT.—Rule XXVIII of all the Standing Rules of the Senate is amended by adding at the end the following:

''7. It shall not be in order to consider a conference report unless such report is available to all Members and made available to the general public by means of the Internet for at least 48 hours before its consideration.''.

(2) EFFECTIVE DATE.—This subsection shall take effect 60 days after the date of enactment of this title.

(b) IMPLEMENTATION.—Not later than 60 days after the date of enactment of this title, the Secretary of the Senate, in consultation with the Clerk of the House of Representatives, the Government Printing Office, and the Committee on Rules and Administration, shall develop a website capable of complying with the requirements of paragraph 7 of rule XXVIII of the Standing Rules of the Senate, as added by subsection (a).

SEC. 105. ELIMINATION OF FLOOR PRIVILEGES FOR FORMER MEMBERS, SENATE OFFICERS, AND SPEAKERS OF THE HOUSE WHO ARE LOBBYISTS OR SEEK FINANCIAL GAIN.

Rule XXIII of the Standing Rules of the Senate is amended by—

(1) inserting ''1.'' before ''Other'';

(2) inserting after ''Ex-Senators and Senators elect'' the following: '', except as provided in paragraph 2'';

(3) inserting after ''Ex-Secretaries and ex-Sergeants at Arms of the Senate'' the following: '', except as provided in paragraph 2'';

(4) inserting after ''Ex-Speakers of the House of Representatives'' the following: '', except as provided in paragraph 2''; and

(5) adding at the end the following:

''2. (a) The floor privilege provided in paragraph 1 shall not apply to an individual covered by this paragraph who is—

''(1) a registered lobbyist or agent of a foreign principal; or

''(2) is in the employ of or represents any party or organization for the purpose of influencing, directly, or indirectly, the passage, defeat, or amendment of any legislative proposal.

''(b) The Committee on Rules and Administration may promulgate regulations to allow individuals covered by this paragraph floor privileges for ceremonial functions and events designated by the Majority Leader and the Minority Leader.''.

SEC. 106. BAN ON GIFTS FROM LOBBYISTS.

Paragraph 1(a)(2) of rule XXXV of the Standing Rules of the Senate is amended by—

(1) inserting ''(A)'' after ''(2)''; and

(2) adding at the end the following:

''(B) This clause shall not apply to a gift from a registered lobbyist or an agent of a foreign principal.''.

SEC. 107. TRAVEL RESTRICTIONS AND DISCLOSURE.

(a) IN GENERAL.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

''(f)(1) Before a Member, officer, or employee may accept transportation or lodging otherwise permissible under this paragraph from any person, other than a governmental entity, such Member, officer, or employee shall—

''(A) obtain a written certification from such person (and provide a copy of such certification to the Select Committee on Ethics) that—

''(i) the trip was not financed in whole, or in part, by a registered lobbyist or foreign agent;

''(ii) the person did not accept, directly or indirectly, funds from a registered lobbyist or foreign agent specifically earmarked for the purpose of financing the travel expenses;

''(iii) the trip was not planned, organized, or arranged by or at the request of a registered lobbyist or foreign agent; and

''(iv) registered lobbyists will not participate in or attend the trip;

''(B) provide the Select Committee on Ethics (in the case of an employee, from the supervising Member or officer), in writing—

''(i) a detailed itinerary of the trip; and

''(ii) a determination that the trip—

''(I) is primarily educational (either for the invited person or for the organization sponsoring the trip);

''(II) is consistent with the official duties of the Member, officer, or employee;

''(III) does not create an appearance of use of public office for private gain; and

''(iii) has a minimal or no recreational component; and

''(C) obtain written approval of the trip from the Select Committee on Ethics.

''(2) Not later than 30 days after completion of travel, approved under this subparagraph, the Member, officer, or employee shall file with the Select Committee on Ethics and the Secretary of the Senate a description of meetings and events attended during such travel and the names of any registered lobbyist who accompanied the Member, officer, or employee during the travel, except when disclosure of such information is deemed by the Member or supervisor under whose direct supervision the employee is employed to jeopardize the safety of an individual or adversely affect national security. Such information shall also be posted on the Member's official website not later than 30 days after the completion of the travel, except when disclosure of such information is deemed by the Member to jeopardize the safety of an individual or adversely affect national security.''.

(b) DISCLOSURE OF NONCOMMERCIAL AIR TRAVEL.—

(1) RULES.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate, as amended by subsection (a), is amended by adding at the end the following:

''(g) A Member, officer, or employee of the Senate shall—

''(1) disclose a flight on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, excluding a flight on an aircraft owned, operated, or leased by a governmental entity, taken in connection with the duties of the Member, officer, or employee as an officeholder or Senate officer or employee; and

''(2) with respect to the flight, file a report with the Secretary of the Senate, including the date, destination, and owner or lessee of the aircraft, the purpose of the trip, and the persons on the trip, except for any person flying the aircraft.''.

(2) FECA.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended—

(A) by striking ''and'' at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting ''; and''; and

(C) by adding at the end the following:

''(9) in the case of a principal campaign committee of a candidate (other than a candidate for election to the office of President or Vice President), any flight taken by the candidate (other than a flight designated to transport the President, Vice President, or a candidate for election to the office of President or Vice President) during the reporting period on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, together with the following information:

''(A) The date of the flight.

''(B) The destination of the flight.

''(C) The owner or lessee of the aircraft.

''(D) The purpose of the flight.

''(E) The persons on the flight, except for any person flying the aircraft.''.

(c) PUBLIC AVAILABILITY.—Paragraph 2(e) of rule XXXV of the Standing Rules of the Senate is amended to read as follows:

''(e) The Secretary of the Senate shall make available to the public all disclosures filed pursuant to subparagraphs (f) and (g) as soon as possible after they are received and such matters shall be posted on the Member's official website but no later than 30 days after the trip or flight.''.

SEC. 108. POST EMPLOYMENT RESTRICTIONS.

(a) IN GENERAL.—Paragraph 9 of rule XXXVII of the Standing Rules of the Senate is amended by—

(1) designating the first sentence as subparagraph (a);

(2) designating the second sentence as subparagraph (b); and

(3) adding at the end the following:

''(c) If an employee on the staff of a Member or on the staff of a committee whose rate of pay is equal to or greater than 75 percent of the rate of pay of a Member and employed at such rate for more than 60 days in a calendar year, upon leaving that position, becomes a registered lobbyist under the Lobbying Disclosure Act of 1995, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, such employee may not lobby any Member, officer, or employee of the Senate for a period of 1 year after leaving that position.''.

(b) EFFECTIVE DATE.—This section shall take effect 60 days after the date of enactment of this title.

SEC. 109. PUBLIC DISCLOSURE BY MEMBERS OF CONGRESS OF EMPLOYMENT NEGOTIATIONS.

Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

''14. A Member shall not directly negotiate or have any arrangement concerning prospective private employment until after the election for his or her successor has been held, unless such Member files a statement with the Secretary of the Senate, for public disclosure, regarding such negotiations or arrangements within 3 business days after the commencement of such negotiation or arrangement, including the name of the private entity or entities involved in such negotiations or arrangements, the date such negotiations or arrangements commenced, and must be signed by the Member.''.

SEC. 110. PROHIBIT OFFICIAL CONTACT WITH SPOUSE OR IMMEDIATE FAMILY MEMBER OF MEMBER WHO IS A REGISTERED LOBBYIST.

Rule XXXVII of the Standing Rules of the Senate is amended by—

(1) redesignating paragraphs 10 through 12 as paragraphs 11 through 13, respectively; and

(2) inserting after paragraph 9, the following:

''10. (a) If a Member's spouse or immediate family member is a registered lobbyist under the Lobbying Disclosure Act of 1995, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, the Member shall prohibit all staff employed by that Member (including staff in personal, committee and leadership offices) from having any official contact with the Member's spouse or immediate family member.

''(b) In this paragraph, the term 'immediate family member' means the son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of the Member.''.

SEC. 111. INFLUENCING HIRING DECISIONS.

Rule XLIII of the Standing Rules of the Senate is amended by adding at the end the following:

''6. No Member shall, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

''(1) take or withhold, or offer or threaten to take or withhold, an official act; or

''(2) influence, or offer or threaten to influence the official act of another.''.

SEC. 112. SENSE OF THE SENATE THAT ANY APPLICABLE RESTRICTIONS ON CONGRESSIONAL BRANCH EMPLOYEES SHOULD APPLY TO THE EXECUTIVE AND JUDICIAL BRANCHES.

It is the sense of the Senate that any applicable restrictions on Congressional branch employees in this title should apply to the Executive and Judicial branches.

SEC. 113. AMOUNTS OF COLA ADJUSTMENTS NOT PAID TO CERTAIN MEMBERS OF CONGRESS.

(a) IN GENERAL.—Any adjustment under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to the cost of living adjustments for Members of Congress) shall not be paid to any Member of Congress who voted for any amendment (or against the tabling of any amendment) that provided that such adjustment would not be made.

(b) DEPOSIT IN TREASURY.—Any amount not paid to a Member of Congress under subsection (a) shall be transmitted to the Treasury for deposit in the appropriations account under the subheading ''MEDICAL SERVICES'' under the heading ''VETERANS HEALTH ADMINISTRATION''.

(c) ADMINISTRATION.—The salary of any Member of Congress to whom subsection (a) applies shall be deemed to be the salary in effect after the application of that subsection, except that for purposes of determining any benefit (including any retirement or insurance benefit), the salary of that Member of Congress shall be deemed to be the salary that Member of Congress would have received, but for that subsection.

(d) EFFECTIVE DATE.—This section shall take effect on the first day of the first applicable pay period beginning on or after February 1, 2007.

SEC. 114. REQUIREMENT OF NOTICE OF INTENT TO PROCEED.

(a) IN GENERAL.—The majority and minority leaders of the Senate or their designees

shall recognize a notice of intent of a Senator who is a member of their caucus to object to proceeding to a measure or matter only if the Senator—

(1) submits the notice of intent in writing to the appropriate leader or their designee; and

(2) within 3 session days after the submission under paragraph (1), submits for inclusion in the Congressional Record and in the applicable calendar section described in subsection (b) the following notice:

''I, Senator ____, intend to object to proceeding to ____, dated ____.''.

(b) CALENDAR.—The Secretary of the Senate shall establish for both the Senate Calendar of Business and the Senate Executive Calendar a separate section entitled ''Notices of Intent to Object to Proceeding''. Each section shall include the name of each Senator filing a notice under subsection (a)(2), the measure or matter covered by the calendar that the Senator objects to, and the date the objection was filed.

(c) REMOVAL.—A Senator may have an item with respect to the Senator removed from a calendar to which it was added under subsection (b) by submitting for inclusion in the Congressional Record the following notice:

''I, Senator ____, do not object to proceeding to ____, dated ____.''.

SEC. 115. EFFECTIVE DATE.

Except as otherwise provided in this title, this title shall take effect on the date of enactment of this title.

TITLE II—LOBBYING TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006

SEC. 201. SHORT TITLE.

This title may be cited as the ''Legislative Transparency and Accountability Act of 2006''.

Subtitle A—Enhancing Lobbying Disclosure

SEC. 211. QUARTERLY FILING OF LOBBYING DISCLOSURE REPORTS.

(a) QUARTERLY FILING REQUIRED.—Section 5 of the Lobbying Disclosure Act of 1995 (in this title referred to as the ''Act'') (2 U.S.C. 1604) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking ''Semiannual'' and inserting ''Quarterly'';

(B) by striking ''the semiannual period'' and all that follows through ''July of each year'' and inserting ''the quarterly period beginning on the 20th day of January, April, July, and October of each year or on the first business day after the 20th day if that day is not a business day''; and

(C) by striking ''such semiannual period'' and inserting ''such quarterly period''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''semiannual report'' and inserting ''quarterly report'';

(B) in paragraph (2), by striking ''semiannual filing period'' and inserting ''quarterly period'';

(C) in paragraph (3), by striking ''semiannual period'' and inserting ''quarterly period''; and

(D) in paragraph (4), by striking ''semiannual filing period'' and inserting ''quarterly period''.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION.—Section 3(10) of the Act (2 U.S.C. 1602) is amended by striking ''six month period'' and inserting ''three-month period''.

(2) REGISTRATION.—Section 4 of the Act (2 U.S.C. 1603) is amended—

(A) in subsection (a)(3)(A), by striking ''semiannual period'' and inserting ''quarterly period''; and

(B) in subsection (b)(3)(A), by striking ''semiannual period'' and inserting ''quarterly period''.

(3) ENFORCEMENT.—Section 6(a)(6) of the Act (2 U.S.C. 1605(6)) is amended by striking ''semiannual period'' and inserting ''quarterly period''.

(4) ESTIMATES.—Section 15 of the Act (2 U.S.C. 1610) is amended—

(A) in subsection (a)(1), by striking ''semiannual period'' and inserting ''quarterly period''; and

(B) in subsection (b)(1), by striking ''semiannual period'' and inserting ''quarterly period''.

(5) DOLLAR AMOUNTS.—

(A) REGISTRATION.—Section 4 of the Act (2 U.S.C. 1603) is amended—

(i) in subsection (a)(3)(A)(i), by striking ''$5,000'' and inserting ''$2,500'';

(ii) in subsection (a)(3)(A)(ii), by striking ''$20,000'' and inserting ''$10,000'';

(iii) in subsection (b)(3)(A), by striking ''$10,000'' and inserting ''$5,000''; and

(iv) in subsection (b)(4), by striking ''$10,000'' and inserting ''$5,000''.

(B) REPORTS.—Section 5 of the Act (2 U.S.C. 1604) is amended—

(i) in subsection (c)(1), by striking ''$10,000'' and ''$20,000'' and inserting ''$5,000'' and ''$10,000'', respectively; and

(ii) in subsection (c)(2), by striking ''$10,000'' both places such term appears and inserting ''$5,000''.

SEC. 212. ANNUAL REPORT ON CONTRIBUTIONS.

Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end the following:

''(d) ANNUAL REPORT ON CONTRIBUTIONS.—Not later than 45 days after the end of the quarterly period beginning on the first day of October of each year referred to in subsection (a), a lobbyist registered under section 4(a)(1), or an employee who is a lobbyist of an organization registered under section 4(a)(2), shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

''(1) the name of the lobbyist;

''(2) the employer of the lobbyist;

''(3) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom a contribution equal to or exceeding $200 was made within the past year, and the date and amount of such contribution; and

''(4) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom a fundraising event was hosted, co-hosted, or otherwise sponsored, within the past year, and the date and location of the event.''.

SEC. 213. PUBLIC DATABASE OF LOBBYING DISCLOSURE INFORMATION.

(a) DATABASE REQUIRED.—Section 6 of the Act (2 U.S.C. 1605) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(9) maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

''(A) includes the information contained in registrations and reports filed under this Act;

''(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

''(C) is searchable and sortable, at a minimum, by each of the categories of information described in section 4(b) or 5(b).''.

(b) AVAILABILITY OF REPORTS.—Section 6(a)(4) of the Act is amended by inserting before the semicolon the following: ''and, in the case of a report filed in electronic form under section 5(e), shall make such report available for public inspection over the Internet not more than 48 hours after the report is filed''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (9) of section 6(a) of the Act, as added by subsection (a).

SEC. 214. DISCLOSURE BY REGISTERED LOBBYISTS OF ALL PAST EXECUTIVE AND CONGRESSIONAL EMPLOYMENT.

Section 4(b)(6) of the Act (2 U.S.C. 1603) is amended by striking ''or a covered legislative branch official'' and all that follows through ''as a lobbyist on behalf of the client,'' and inserting ''or a covered legislative branch official,''.

SEC. 215. DISCLOSURE OF LOBBYIST TRAVEL AND PAYMENTS.

Section 5(b) of the Act (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (3), by striking ''and'' after the semicolon;

(2) in paragraph (4), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(5) the name of each covered legislative branch official or covered executive branch official for whom the registrant provided, or directed or arranged to be provided, or the employee listed as a lobbyist directed or arranged to be provided, any payment or reimbursements for travel and related expenses in connection with the duties of such covered official, including for each such official—

''(A) an itemization of the payments or reimbursements provided to finance the travel and related expenses and to whom the payments or reimbursements were made, including any payment or reimbursement made with the express or implied understanding or agreement that such funds will be used for travel and related expenses;

''(B) the purpose and final itinerary of the trip, including a description of all meetings, tours, events, and outings attended;

''(C) the names of any registrant or individual employed by the registrant who traveled on any such trip;

''(D) the identity of the listed sponsor or sponsors of travel; and

''(E) the identity of any person or entity, other than the listed sponsor or sponsors of the travel, which directly or indirectly provided for payment of travel and related expenses at the request or suggestion of the registrant or the employee;

''(6) the date, recipient, and amount of funds contributed or disbursed by, or arranged by, a registrant or employee listed as a lobbyist—

''(A) to pay the costs of an event to honor or recognize a covered legislative branch official or covered executive branch official;

''(B) to, or on behalf of, an entity that is named for a covered legislative branch official or covered executive branch official, or to a person or entity in recognition of such official;

''(C) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official; or

''(D) to pay the costs of a meeting, retreat, conference or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials;

except that this paragraph shall not apply to any payment or reimbursement made from funds required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

''(7) the date, recipient, and amount of any gift (that under the rules of the House of Representatives or Senate counts towards

the one hundred dollar cumulative annual limit described in such rules) valued in excess of $20 given by a registrant or employee listed as a lobbyist to a covered legislative branch official or covered executive branch official;

''(8) for each client, immediately after listing the client, an identification of whether the client is a public entity, including a State or local government or a department, agency, special purpose district, or other instrumentality controlled by a State or local government, or a private entity.

For purposes of paragraph (7), the term 'gift' means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred. Information required by paragraph (5) shall be disclosed as provided in this Act not later than 30 days after the travel.''.

SEC. 216. INCREASED PENALTY FOR FAILURE TO COMPLY WITH LOBBYING DISCLOSURE REQUIREMENTS.

Section 7 of the Act (2 U.S.C. 1606) is amended by striking ''$50,000'' and inserting ''$100,000''.

SEC. 217. DISCLOSURE OF LOBBYING ACTIVITIES BY CERTAIN COALITIONS AND ASSOCIATIONS.

(a) IN GENERAL.—Section 4(b)(3)(B) of the Act (2 U.S.C. 1603(b)(3)(B)) is amended to read as follows:

''(B) participates in a substantial way in the planning, supervision or control of such lobbying activities;''.

(b) NO DONOR OR MEMBERSHIP LIST DISCLOSURE.—Section 4(b) of the Act (2 U.S.C. 1603(b)) is amended by adding at the end the following:

''No disclosure is required under paragraph (3)(B) if it is publicly available knowledge that the organization that would be identified is affiliated with the client or has been publicly disclosed to have provided funding to the client, unless the organization in whole or in major part plans, supervises or controls such lobbying activities. Nothing in paragraph (3)(B) shall be construed to require the disclosure of any information about individuals who are members of, or donors to, an entity treated as a client by this Act or an organization identified under that paragraph.''.

SEC. 218. DISCLOSURE OF ENFORCEMENT FOR NONCOMPLIANCE.

Section 6 of the Act (2 U.S.C. 1605) is amended—

(1) by inserting ''(a)'' before ''The Secretary of the Senate'';

(2) in paragraph (8), by striking ''and'' at the end;

(3) in paragraph (9), by striking the period and inserting ''; and'';

(4) after paragraph (9), by inserting the following:

''(10) provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives the aggregate number of lobbyists and lobbying firms, separately accounted, referred to the United States Attorney for the District of Columbia for noncompliance as required by paragraph (8) on a semi-annual basis''; and

(5) by inserting at the end the following:

''(b) ENFORCEMENT REPORT.—The United States Attorney for the District of Columbia shall report to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Government Reform and the Committee on the Judiciary of the House of Representatives on a semi-annual basis the aggregate number of enforcement actions taken by the Attorney's office under this Act and the amount of fines, if any, by case, except that such report shall not include the names of individuals or personally identifiable information.''.

SEC. 219. ELECTRONIC FILING OF LOBBYING DISCLOSURE REPORTS.

Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end the following:

''(e) ELECTRONIC FILING REQUIRED.—A report required to be filed under this section shall be filed in electronic form, in addition to any other form. The Secretary of the Senate and the Clerk of the House of Representatives shall use the same electronic software for receipt and recording of filings under this Act.''.

SEC. 220. DISCLOSURE OF PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.

(a) DEFINITIONS.—Section 3 of the Act (2 U.S.C. 1602) is amended—

(1) in paragraph (7), by adding at the end of the following: ''Lobbying activities include paid efforts to stimulate grassroots lobbying, but do not include grassroots lobbying.''; and

(2) by adding at the end of the following:

''(17) GRASSROOTS LOBBYING.—The term 'grassroots lobbying' means the voluntary efforts of members of the general public to communicate their own views on an issue to Federal officials or to encourage other members of the general public to do the same.

''(18) PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—

''(A) IN GENERAL.—The term 'paid efforts to stimulate grassroots lobbying' means any paid attempt in support of lobbying contacts on behalf of a client to influence the general public or segments thereof to contact one or more covered legislative or executive branch officials (or Congress as a whole) to urge such officials (or Congress) to take specific action with respect to a matter described in section 3(8)(A), except that such term does not include any communications by an entity directed to its members, employees, officers, or shareholders.

''(B) PAID ATTEMPT TO INFLUENCE THE GENERAL PUBLIC OR SEGMENTS THEREOF.—The term 'paid attempt to influence the general public or segments thereof' does not include an attempt to influence directed at less than 500 members of the general public.

''(C) REGISTRANT.—For purposes of this paragraph, a person or entity is a member of a registrant if the person or entity—

''(i) pays dues or makes a contribution of more than a nominal amount to the entity;

''(ii) makes a contribution of more than a nominal amount of time to the entity;

''(iii) is entitled to participate in the governance of the entity;

''(iv) is 1 of a limited number of honorary or life members of the entity; or

''(v) is an employee, officer, director or member of the entity.

''(19) GRASSROOTS LOBBYING FIRM.—The term 'grassroots lobbying firm' means a person or entity that—

''(A) is retained by 1 or more clients to engage in paid efforts to stimulate grassroots lobbying on behalf of such clients; and

''(B) receives income of, or spends or agrees to spend, an aggregate of $25,000 or more for such efforts in any quarterly period.''.

(b) REGISTRATION.—Section 4(a) of the Act (2 U.S.C. 1603(a)) is amended—

(1) in the flush matter at the end of paragraph (3)(A), by adding at the end the following: ''For purposes of clauses (i) and (ii), the term 'lobbying activities' shall not include paid efforts to stimulate grassroots lobbying.''; and

(2) by inserting after paragraph (3) the following:

''(4) FILING BY GRASSROOTS LOBBYING FIRMS.—Not later than 45 days after a grassroots lobbying firm first is retained by a client to engage in paid efforts to stimulate grassroots lobbying, such grassroots lobbying firm shall register with the Secretary of the Senate and the Clerk of the House of Representatives.''.

(c) SEPARATE ITEMIZATION OF PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—Section 5(b) of the Act (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (3), by—

(A) inserting after ''total amount of all income'' the following: ''(including a separate good faith estimate of the total amount of income relating specifically to paid efforts to stimulate grassroots lobbying and, within that amount, a good faith estimate of the total amount specifically relating to paid advertising)''; and

(B) inserting ''or a grassroots lobbying firm'' after ''lobbying firm'';

(2) in paragraph (4), by inserting after ''total expenses'' the following: ''(including a good faith estimate of the total amount of expenses relating specifically to paid efforts to stimulate grassroots lobbying and, within that total amount, a good faith estimate of the total amount specifically relating to paid advertising)''; and

(3) by adding at the end the following:

''Subparagraphs (B) and (C) of paragraph (2) shall not apply with respect to reports relating to paid efforts to stimulate grassroots lobbying activities.''.

(d) GOOD FAITH ESTIMATES AND DE MINIMIS RULES FOR PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—

(1) IN GENERAL.—Section 5(c) of the Act (2 U.S.C. 1604(c)) is amended to read as follows:

''(c) ESTIMATES OF INCOME OR EXPENSES.—For purposes of this section, the following shall apply:

''(1) Estimates of income or expenses shall be made as follows:

''(A) Estimates of amounts in excess of $10,0000 shall be rounded to the nearest $20,000.

''(B) In the event income or expenses do not exceed $10,000, the registrant shall include a statement that income or expenses totaled less than $10,000 for the reporting period.

''(2) Estimates of income or expenses relating specifically to paid efforts to stimulate grassroots lobbying shall be made as follows:

''(A) Estimates of amounts in excess of $25,000 shall be rounded to the nearest $20,000.

''(B) In the event income or expenses do not exceed $25,000, the registrant shall include a statement that income or expenses totaled less than $25,000 for the reporting period.''.

(2) TAX REPORTING.—Section 15 of the Act (2 U.S.C. 1610) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''and'' after the semicolon;

(ii) in paragraph (2), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(3) in lieu of using the definition of paid efforts to stimulate grassroots lobbying in section 3(18), consider as paid efforts to stimulate grassroots lobbying only those activities that are grassroots expenditures as defined in section 4911(c)(3) of the Internal Revenue Code of 1986.''; and

(B) in subsection (b)—

(i) in paragraph (1), by striking ''and'' after the semicolon;

(ii) in paragraph (2), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(3) in lieu of using the definition of paid efforts to stimulate grassroots lobbying in

section 3(18), consider as paid efforts to stimulate grassroots lobbying only those activities that are grassroots expenditures as defined in section 4911(c)(3) of the Internal Revenue Code of 1986.''.

SEC. 221. ELECTRONIC FILING AND PUBLIC DATABASE FOR LOBBYISTS FOR FOREIGN GOVERNMENTS.

(a) ELECTRONIC FILING.—Section 2 of the Foreign Agents Registration Act (22 U.S.C. 612) is amended by adding at the end the following new subsection:

''(g) ELECTRONIC FILING OF REGISTRATION STATEMENTS AND UPDATES.—A registration statement or update required to be filed under this section shall be filed in electronic form, in addition to any other form that may be required by the Attorney General.''.

(b) PUBLIC DATABASE.—Section 6 of the Foreign Agents Registration Act (22 U.S.C. 616) is amended by adding at the end the following new subsection:

''(d) PUBLIC DATABASE OF REGISTRATION STATEMENTS AND UPDATES.—

''(1) IN GENERAL.—The Attorney General shall maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

''(A) includes the information contained in registration statements and updates filed under this Act;

''(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

''(C) is searchable and sortable, at a minimum, by each of the categories of information described in section 2(a).

''(2) ACCOUNTABILITY.—Each registration statement and update filed in electronic form pursuant to section 2(g) shall be made available for public inspection over the internet not more than 48 hours after the registration statement or update is filed.''.

SEC. 222. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect January 1, 2007.

Subtitle B—Oversight of Ethics and Lobbying

SEC. 231. COMPTROLLER GENERAL AUDIT AND ANNUAL REPORT.

(a) AUDIT REQUIRED.—The Comptroller General shall audit on an annual basis lobbying registration and reports filed under the Lobbying Disclosure Act of 1995 to determine the extent of compliance or noncompliance with the requirements of that Act by lobbyists and their clients.

(b) ANNUAL REPORTS.—Not later than April 1 of each year, the Comptroller General shall submit to Congress a report on the review required by subsection (a). The report shall include the Comptroller General's assessment of the matters required to be emphasized by that subsection and any recommendations of the Comptroller General to—

(1) improve the compliance by lobbyists with the requirements of that Act; and

(2) provide the Secretary of the Senate and the Clerk of the House of Representatives with the resources and authorities needed for effective oversight and enforcement of that Act.

SEC. 232. MANDATORY SENATE ETHICS TRAINING FOR MEMBERS AND STAFF.

(a) TRAINING PROGRAM.—The Select Committee on Ethics shall conduct ongoing ethics training and awareness programs for Members of the Senate and Senate staff.

(b) REQUIREMENTS.—The ethics training program conducted by the Select Committee on Ethics shall be completed by—

(1) new Senators or staff not later than 60 days after commencing service or employment; and

(2) Senators and Senate staff serving or employed on the date of enactment of this Act not later than 120 days after the date of enactment of this Act.

SEC. 233. SENSE OF THE SENATE REGARDING SELF-REGULATION WITHIN THE LOBBYING COMMUNITY.

It is the sense of the Senate that the lobbying community should develop proposals for multiple self-regulatory organizations which could provide—

(1) for the creation of standards for the organizations appropriate to the type of lobbying and individuals to be served;

(2) training for the lobbying community on law, ethics, reporting requirements, and disclosure requirements;

(3) for the development of educational materials for the public on how to responsibly hire a lobbyist or lobby firm;

(4) standards regarding reasonable fees to clients;

(5) for the creation of a third-party certification program that includes ethics training; and

(6) for disclosure of requirements to clients regarding fee schedules and conflict of interest rules.

SEC. 234. ANNUAL ETHICS COMMITTEES REPORTS.

The Committee on Standards of Official Conduct of the House of Representatives and the Select Committee on Ethics of the Senate shall each issue an annual report due no later than January 31, describing the following:

(1) The number of alleged violations of Senate or House rules including the number received from third parties, from Members or staff within each House, or inquires raised by a Member or staff of the respective House or Senate committee.

(2) A list of the number of alleged violations that were dismissed—

(A) for lack of subject matter jurisdiction; or

(B) because they failed to provide sufficient facts as to any material violation of the House or Senate rules beyond mere allegation or assertion.

(3) The number of complaints in which the committee staff conducted a preliminary inquiry.

(4) The number of complaints that staff presented to the committee with recommendations that the complaint be dismissed.

(5) The number of complaints that the staff presented to the committee with recommendation that the investigation proceed.

(6) The number of ongoing inquiries.

(7) The number of complaints that the committee dismissed for lack of substantial merit.

(8) The number of private letters of admonition or public letters of admonition issued.

(9) The number of matters resulting in a disciplinary sanction.

Subtitle C—Slowing the Revolving Door

SEC. 241. AMENDMENTS TO RESTRICTIONS ON FORMER OFFICERS, EMPLOYEES, AND ELECTED OFFICIALS OF THE EXECUTIVE AND LEGISLATIVE BRANCHES.

(a) VERY SENIOR EXECUTIVE PERSONNEL.—The matter after subparagraph (C) in section 207(d)(1) of title 18, United States Code, is amended by striking ''within 1 year'' and inserting ''within 2 years''.

(b) RESTRICTIONS ON LOBBYING BY MEMBERS OF CONGRESS AND EMPLOYEES OF CONGRESS.—Subsection (e) of section 207 of title 18, United States Code, is amended—

(1) in paragraph (1)(A), by striking ''within 1 year'' and inserting ''within 2 years'';

(2) by striking paragraphs (2) through (5) and inserting the following:

''(2) CONGRESSIONAL STAFF.—

''(A) PROHIBITION.—Any person who is an employee of a House of Congress and who, within 1 year after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

''(B) CONTACT PERSONS COVERED.— persons referred to in subparagraph (A) with respect to appearances or communications are any Member, officer, or employee of the House of Congress in which the person subject to subparagraph (A) was employed. This subparagraph shall not apply to contacts with staff of the Secretary of the Senate or the Clerk of the House of Representatives regarding compliance with lobbying disclosure requirements under the Lobbying Disclosure Act of 1995.'';

(3) in paragraph (6)—

(A) by striking ''paragraphs (2), (3), and (4)'' and inserting ''paragraph (2)'';

(B) by striking ''(A)'';

(C) by striking subparagraph (B); and

(D) by redesignating the paragraph as paragraph (3); and

(4) by redesignating paragraph (7) as paragraph (4).

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall take effect 60 days after the date of enactment of this Act.

Subtitle D—Ban on Provision of Gifts or Travel by Lobbyists in Violation of the Rules of Congress

SEC. 251. PROHIBITION ON PROVISION OF GIFTS OR TRAVEL BY REGISTERED LOBBYISTS TO MEMBERS OF CONGRESS AND TO CONGRESSIONAL EMPLOYEES.

The Lobbying Disclosure Act of 1995 is amended by adding at the end the following:

''SEC. 25. PROHIBITION ON PROVISION OF GIFTS OR TRAVEL BY REGISTERED LOBBYISTS TO MEMBERS OF CONGRESS AND TO CONGRESSIONAL EMPLOYEES.

''(a) PROHIBITION.—A registered lobbyist may not knowingly make a gift or provide travel to a Member, Delegate, Resident Commissioner, officer, or employee of Congress, unless the gift or travel may be accepted under the rules of the House of Representatives or the Senate.

''(b) PENALTY.—Any registered lobbyist who violates this section shall be subject to penalties provided in section 7.''.

Subtitle E—Commission to Strengthen Confidence in Congress Act of 2006

SEC. 261. SHORT TITLE.

This subtitle may be cited as the ''Commission to Strengthen Confidence in Congress Act of 2006''.

SEC. 262. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch a commission to be known as the ''Commission to Strengthen Confidence in Congress'' (in this subtitle referred to as the ''Commission'').

SEC. 263. PURPOSES.

The purposes of the Commission are to—

(1) evaluate and report the effectiveness of current congressional ethics requirements, if penalties are enforced and sufficient, and make recommendations for new penalties;

(2) weigh the need for improved ethical conduct with the need for lawmakers to have access to expertise on public policy issues;

(3) determine whether the current system for enforcing ethics rules and standards of conduct is sufficiently effective and transparent;

(4) determine whether the statutory framework governing lobbying disclosure should be expanded to include additional means of attempting to influence Members of Congress, senior staff, and high-ranking executive branch officials;

(5) analyze and evaluate the changes made by this Act to determine whether additional changes need to be made to uphold and enforce standards of ethical conduct and disclosure requirements; and

(6) investigate and report to Congress on its findings, conclusions, and recommendations for reform.

SEC. 264. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) the chair and vice chair shall be selected by agreement of the majority leader and minority leader of the House of Representatives and the majority leader and minority leader of the Senate;

(2) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party, 1 of which is a former member of the Senate;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party, 1 of which is a former member of the Senate;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party, 1 of which is a former member of the House of Representatives; and

(5) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party, 1 of which is a former member of the House of Representatives.

(b) QUALIFICATIONS; INITIAL MEETING.—

(1) POLITICAL PARTY AFFILIATION.—Five members of the Commission shall be Democrats and 5 Republicans.

(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in professions such as governmental service, government consulting, government contracting, the law, higher education, historian, business, public relations, and fundraising.

(4) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed on a date 3 months after the date of enactment of this Act.

(5) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(c) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 265. FUNCTIONS OF COMMISSION.

The functions of the Commission are to submit to Congress a report required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules and regulations—

(1) related to section 263; or

(2) related to any other areas the commission unanimously votes to be relevant to its mandate to recommend reforms to strengthen ethical safeguards in Congress.

SEC. 266. POWERS OF COMMISSION.

(a) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this title hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths.

(b) OBTAINING INFORMATION.—Upon request of the Commission, the head of any agency or instrumentality of the Federal Government shall furnish information deemed necessary by the panel to enable it to carry out its duties.

(c) LIMIT ON COMMISSION AUTHORITY.—The Commission shall not conduct any law enforcement investigation, function as a court of law, or otherwise usurp the duties and responsibilities of the ethics committee of the House of Representatives or the Senate.

SEC. 267. ADMINISTRATION.

(a) COMPENSATION.—Except as provided in subsection (b), members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(b) TRAVEL EXPENSES AND PER DIEM.—Each member of the Commission shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) STAFF AND SUPPORT SERVICES.—

(1) STAFF DIRECTOR.—

(A) APPOINTMENT.—The Chair (or Co-Chairs) in accordance with the rules agreed upon by the Commission shall appoint a staff director for the Commission.

(B) COMPENSATION.—The staff director shall be paid at a rate not to exceed the rate established for level V of the Executive Schedule under section 5315 of title 5, United States Code.

(2) STAFF.—The Chair (or Co-Chairs) in accordance with the rules agreed upon by the Commission shall appoint such additional personnel as the Commission determines to be necessary.

(3) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff director and other members of the staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the staff director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) PHYSICAL FACILITIES.—The Architect of the Capitol, in consultation with the appropriate entities in the legislative branch, shall locate and provide suitable office space for the operation of the Commission on a nonreimbursable basis. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for the proper functioning of the Commission.

(e) ADMINISTRATIVE SUPPORT SERVICES AND OTHER ASSISTANCE.—

(1) IN GENERAL.—Upon the request of the Commission, the Architect of the Capitol and the Administrator of General Services shall provide to the Commission on a nonreimbursable basis such administrative support services as the Commission may request.

(2) ADDITIONAL SUPPORT.—In addition to the assistance set forth in paragraph (1), departments and agencies of the United States may provide the Commission such services, funds, facilities, staff, and other support services as the Commission may deem advisable and as may be authorized by law.

(f) USE OF MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(g) PRINTING.—For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of the Congress.

SEC. 268. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this title without the appropriate security clearances.

SEC. 269. COMMISSION REPORTS; TERMINATION.

(a) ANNUAL REPORTS.—The Commission shall submit—

(1) an initial report to Congress not later than July 1, 2006; and

(2) annual reports to Congress after the report required by paragraph (1);

containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) ADMINISTRATIVE ACTIVITIES.—During the 60-day period beginning on the date of submission of each annual report and the final report under this section, the Commission shall—

(1) be available to provide testimony to committees of Congress concerning such reports; and

(2) take action to appropriately disseminate such reports.

(c) TERMINATION OF COMMISSION.—

(1) FINAL REPORT.—Five years after the date of enactment of this Act, the Commission shall submit to Congress a final report containing information described in subsection (a).

(2) TERMINATION.—The Commission, and all the authorities of this title, shall terminate 60 days after the date on which the final report is submitted under paragraph (1), and the Commission may use such 60-day period for the purpose of concluding its activities.

SEC. 270. FUNDING.

There are authorized such sums as necessary to carry out this title.

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent to strike all after the enacting clause of S. 2349 and insert in lieu thereof the provisions of H.R. 4975 as engrossed by the House.

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

There was no objection.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: ''To provide greater transparency with respect to lobbying activities, to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes.''

A motion to reconsider was laid on the table.

A similar House bill (H.R. 4975) was laid on the table.

□ 1200

GENERAL LEAVE

Mr. BONILLA. 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. 5384, and that I might include tabular material on the same.

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

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 830 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5384.

The Chair designates the gentleman from Wisconsin (Mr. RYAN) as Chairman of the Committee of the Whole, and requests the gentleman from Florida (Mr. MILLER) to assume the chair temporarily.

□ 1201

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 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, with Mr. MILLER of Florida (Acting Chairman) in the chair.

The Clerk read the title of the bill.

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

The gentleman from Texas (Mr. BONILLA) and the gentlewoman from Connecticut (Ms. DELAURO) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

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

Mr. Chairman, I am pleased to bring before the House today the fiscal year 2007 appropriations bill for Agriculture, Rural Development, the Food and Drug Administration and Related Agencies. Before I do so, I would like to say how proud I am to be serving in my final year as chairman of the subcommittee. It has been a great privilege and a great experience.

I want to compliment my ranking member, Ms. DELAURO, for helping us get to this point today to produce a good bill for the American people. My goal every year has been to produce a bipartisan bill.

We began our hearings on the budget on February 15, and we added an additional hearing at the request of Ms. DELAURO on bird flu, which is a very important issue to people not just in this country, but around the world; and I have tried very hard to accommodate every Member who had a request for this bill. But it has been difficult. We received this year over 1,600 individual requests for specific spending from most Members of the House.

I would say that all Members can support this bill and tell their constituents that they voted to improve their lives while maintaining fiscal responsibility.

I would also like to thank all of my subcommittee members on both sides of the aisle for helping to produce this bill, and I would like to thank people who oftentimes don't get recognized for all of the hard work, sometimes on Saturday nights and Sunday mornings, that goes into putting a bill together. It is not just the Members that are elected to serve on this subcommittee and full committee, but we have the committee staff: Martha Foley of the minority staff; Martin Delgado, the great, distinguished leader, the clerk of the subcommittee; Maureen Holohan, Leslie Barrack and Jamie Swafford of the majority staff. In addition, I would like to thank our detailee, Mike Arnold, and Walt Smith from Texas A&M back in Texas at College Station from my personal staff for working hard on this.

I also want to mention some people that I would say have never had their names mentioned before on the floor of the House, but without them we could not be here today. They are the ones that helped put this whole product together: Larry Boarman, Theo Powell, Cathy Edwards, Linda Muir and the staff of the Government Printing Office.

Mr. Chairman, we refer to this bill as the agriculture bill, but it goes so much more than assisting basic agriculture. It also supports rural and economic development, human nutrition, ag exports and land conservation, as well as the food, drug, and medical safety in this country. This bill will cover benefits to of every one of your constituents everyday, no matter what district you represent.

There are some key increases over the fiscal year 2006 spending level in the bill that include the following: $80 million for bird flu; $24 million for food safety; $11 million for the Commodity Supplemental Food Program, the budget request proposed to zero out this program; $34 million for the Farm Service Agency, salaries and expenses; $12 million for farm operating loans; $91 million for the Animal and Plant Health Inspection Service; and $20 million for the FDA user-fee programs for prescription drugs, medical devices, and animal drugs.

Mr. Chairman, I will include at this point in the RECORD tabular material relating to the bill.

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 5384)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - AGRICULTURAL PROGRAMS					
Production, Processing, and Marketing					
Office of the Secretary	5,076	11,540	5,499	+423	-6,041
Executive Operations:					
Chief Economist	10,434	11,226	11,226	+792	---
National Appeals Division	14,379	14,795	14,795	+416	---
Office of Budget and Program Analysis	8,215	8,479	8,479	+264	---
Homeland Security staff	925	1,114	954	+29	-160
Office of the Chief Information Officer	16,297	16,936	16,936	+639	---
Common computing environment	108,971	108,900	68,971	-40,000	-39,929
Office of the Chief Financial Officer	5,815	19,931	5,991	+176	-13,940
Working capital fund	---	---	---	---	---
Total, Executive Operations	165,036	181,381	127,352	-37,684	-54,029
Office of the Assistant Secretary for Civil Rights	813	836	836	+23	---
Office of Civil Rights	19,908	22,650	22,650	+2,742	---
Office of the Assistant Secretary for Administration	669	773	736	+67	-37
Agriculture buildings and facilities and rental payments	(185,857)	(209,814)	(209,814)	(+23,957)	---
Payments to GSA	146,257	155,851	155,851	+9,594	---
Building operations and maintenance	39,600	53,963	53,963	+14,363	---
Hazardous materials management	11,880	12,020	12,020	+140	---
Departmental administration	22,872	28,302	24,114	+1,242	-4,188
Office of the Assistant Secretary for Congressional Relations	3,783	3,940	3,940	+157	---
Office of Communications	9,414	9,695	9,695	+281	---
Office of the Inspector General	79,533	82,493	82,493	+2,960	---
Office of the General Counsel	38,957	40,647	40,455	+1,498	-192
Office of the Under Secretary for Research, Education, and Economics	592	694	651	+59	-43
Economic Research Service	75,172	82,544	80,963	+5,791	-1,581
National Agricultural Statistics Service	139,293	152,584	148,719	+9,426	-3,865
Census of Agriculture	(28,824)	(36,582)	(36,582)	(+7,758)	---
Agricultural Research Service:					
Salaries and expenses	1,123,654	1,001,385	1,057,603	-66,051	+56,218
Buildings and facilities	129,883	8,415	140,000	+10,117	+131,585
Total, Agricultural Research Service	1,253,537	1,009,800	1,197,603	-55,934	+187,803
Cooperative State Research, Education, and Extension Service:					
Research and education activities	670,081	566,300	651,606	-18,475	+85,306
Native American Institutions Endowment Fund	(12,000)	(11,880)	(11,880)	(-120)	---
Extension activities	451,395	430,727	457,042	+5,647	+26,315
Integrated activities	55,234	19,120	55,234	---	+36,114
Outreach for socially disadvantaged farmers	5,940	6,930	6,930	+990	---
Total, Cooperative State Research, Education, and Extension Service	1,182,650	1,023,077	1,170,812	-11,838	+147,735
Office of the Under Secretary for Marketing and Regulatory Programs	717	741	741	+24	---
Animal and Plant Health Inspection Service:					
Salaries and expenses	807,306	945,153	898,116	+90,810	-47,037
Animal welfare (user fees) (leg. proposal) NA.	---	(8,221)	---	---	(-8,221)
Buildings and facilities	4,946	6,431	5,946	+1,000	-485
Total, Animal and Plant Health Inspection Service	812,252	951,584	904,062	+91,810	-47,522

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 5384)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Agricultural Marketing Service:					
Marketing Services	74,622	81,498	77,269	+2,647	-4,229
Standardization (user fees) (leg. proposal) NA	---	(2,212)	---	---	(-2,212)
(Limitation on administrative expenses, from fees collected)	(65,667)	(62,211)	(62,211)	(-3,456)	---
Funds for strengthening markets, income, and supply (transfer from section 32)	16,055	4,106	16,425	+370	+12,319
Agriculture marketing service standardization (user fees) (leg. proposal) NA	---	(12,000)	---	---	(-12,000)
Discretionary appropriations	20,000	---	9,900	-10,100	+9,900
Payments to states and possessions	3,809	1,334	1,334	-2,475	---
Total, Agricultural Marketing Service	114,486	86,938	104,928	-9,558	+17,990
Grain Inspection, Packers and Stockyards Administration:					
Salaries and expenses	38,059	21,844	39,737	+1,678	+17,893
Grain inspection, packers and stockyards administration (user fees) (leg. proposal)NA	---	(19,663)	---	---	(-19,663)
Limitation on inspection and weighing services	(42,463)	(42,463)	(42,463)	---	---
Office of the Under Secretary for Food Safety	596	696	656	+60	-40
Food Safety and Inspection Service	829,378	757,470	853,249	+23,871	+95,779
Food safety inspection (user fees) (leg. prop) NA.	---	(105,435)	---	---	(-105,435)
Lab accreditation fees	(1,000)	(1,000)	(1,000)	---	---
Total, Production, Processing, and Marketing	4,990,530	4,692,063	5,041,725	+51,195	+349,662
Farm Assistance Programs					
Office of the Under Secretary for Farm and Foreign Agricultural Services	629	737	691	+62	-46
Farm Service Agency:					
Salaries and expenses	1,019,700	1,091,359	1,053,760	+34,060	-37,599
Loan deficiency payments (user fees) (leg. proposal) NA	---	(10,000)	---	---	(-10,000)
Conservation reserve program (user fees) (leg. proposal) NA	---	(25,000)	---	---	(-25,000)
(Transfer from export loans)	(1,821)	(346)	(346)	(-1,475)	---
(Transfer from P.L. 480)	(3,185)	(2,651)	(2,651)	(-534)	---
(Transfer from ACIF)	(301,545)	(311,737)	(307,338)	(+5,793)	(-4,399)
(Transfer from farm storage loan program account).	---	(4,560)	---	---	(-4,560)
Subtotal, transfers from program accounts	(306,551)	(319,294)	(310,335)	(+3,784)	(-8,959)
Total, Salaries and expenses	(1,326,251)	(1,410,653)	(1,364,095)	(+37,844)	(-46,558)
State mediation grants	4,208	4,208	4,208	---	---
Grassroot source water protection program	3,713	---	3,713	---	+3,713
Dairy indemnity program	100	100	100	---	---
Subtotal, Farm Service Agency	1,027,721	1,095,667	1,061,781	+34,060	-33,886
Agricultural Credit Insurance Fund Program Account:					
Loan authorizations:					
Farm ownership loans:					
Direct	(205,918)	(222,750)	(222,750)	(+16,832)	---
Guaranteed	(1,386,000)	(1,200,000)	(1,200,000)	(-186,000)	---
Subtotal	(1,591,918)	(1,422,750)	(1,422,750)	(-169,168)	---
Farm operating loans:					
Direct	(643,500)	(643,500)	(643,500)	---	---
Unsubsidized guaranteed	(1,138,500)	(1,025,610)	(1,150,000)	(+11,500)	(+124,390)

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 5384)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Subsidized guaranteed	(271,886)	(272,250)	(272,254)	(+368)	(+4)
Subtotal	(2,053,886)	(1,941,360)	(2,065,754)	(+11,868)	(+124,394)
Indian tribe land acquisition loans	(2,000)	(3,960)	(3,960)	(+1,960)	---
Boll weevil eradication loans	(100,000)	(59,400)	(59,400)	(-40,600)	---
Total, Loan authorizations	(3,747,804)	(3,427,470)	(3,551,864)	(-195,940)	(+124,394)
Loan subsidies:					
Farm ownership loans:					
Direct	10,544	9,333	9,333	-1,211	---
Guaranteed	6,653	---	6,960	+307	+6,960
Subtotal	17,197	9,333	16,293	-904	+6,960
Farm operating loans:					
Direct	64,028	75,225	75,225	+11,197	---
Unsubsidized guaranteed	34,497	2,667	28,405	-6,092	+25,738
Subsidized guaranteed	33,986	24,720	27,416	-6,570	+2,696
Subtotal	132,511	102,612	131,046	-1,465	+28,434
Indian tribe land acquisition	80	838	838	+758	---
Boll weevil eradication loans	---	1,129	1,129	+1,129	---
Total, Loan subsidies	149,788	113,912	149,306	-482	+35,394
ACIF expenses:					
Salaries and expense (transfer to FSA)	301,545	311,737	307,338	+5,793	-4,399
Administrative expenses	7,920	7,920	7,920	---	---
Total, ACIF expenses	309,465	319,657	315,258	+5,793	-4,399
Total, Agricultural Credit Insurance Fund	459,253	433,569	464,564	+5,311	+30,995
(Loan authorization)	(3,747,804)	(3,427,470)	(3,551,864)	(-195,940)	(+124,394)
Total, Farm Service Agency	1,486,974	1,529,236	1,526,345	+39,371	-2,891
Risk Management Agency	76,278	80,797	77,197	+919	-3,600
Total, Farm Assistance Programs	1,563,881	1,610,770	1,604,233	+40,352	-6,537
Corporations					
Federal Crop Insurance Corporation:					
Federal crop insurance corporation fund	3,159,379	4,131,035	4,131,035	+971,656	---
Commodity Credit Corporation Fund:					
Reimbursement for net realized losses	25,690,000	19,740,000	19,740,000	-5,950,000	---
Hazardous waste management (limitation on expenses)	(5,000)	(5,000)	(5,000)	---	---
Farm Storage Facility Loans Program Account:					
Salaries and expenses:					
Farm Service Agency (transfer to FSA)	---	4,560	---	---	-4,560
Total, Corporations	28,849,379	23,875,595	23,871,035	-4,978,344	-4,560
Total, title I, Agricultural Programs	35,403,790	30,178,428	30,516,993	-4,886,797	+338,565
(By transfer)	(306,551)	(319,294)	(310,335)	(+3,784)	(-8,959)
(Loan authorization)	(3,747,804)	(3,427,470)	(3,551,864)	(-195,940)	(+124,394)
(Limitation on administrative expenses)	(113,130)	(109,674)	(109,674)	(-3,456)	---

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 5384)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE II - CONSERVATION PROGRAMS					
Office of the Under Secretary for Natural Resources and Environment	737	957	810	+73	-147
Natural Resources Conservation Service:					
Conservation operations	831,124	744,877	791,498	-39,626	+46,621
Watershed surveys and planning	6,022	---	6,022	---	+6,022
Watershed and flood prevention operations	74,250	---	40,000	-34,250	+40,000
Watershed rehabilitation program	31,245	15,300	31,245	---	+15,945
Resource conservation and development	50,787	25,933	50,787	---	+24,854
Healthy forests reserve program	---	2,475	---	---	-2,475
Total, Natural Resources Conservation Service	993,428	788,585	919,552	-73,876	+130,967
Total, title II, Conservation Programs	994,165	789,542	920,362	-73,803	+130,820
TITLE III - RURAL DEVELOPMENT PROGRAMS					
Office of the Under Secretary for Rural Development	629	823	692	+63	-131
Rural Development:					
Rural community advancement program	694,922	600,762	699,893	+4,971	+99,131
(Transfer out)	(-25,740)	---	---	(+25,740)	---
Total, Rural community advancement program	694,922	600,762	699,893	+4,971	+99,131
RD expenses:					
Salaries and expenses	162,979	170,741	182,860	+19,881	+12,119
(Transfer from RHIF)	(450,261)	(455,776)	(430,080)	(-20,181)	(-25,696)
(Transfer from MHRP)	---	---	(990)	(+990)	(+990)
(Transfer from RDLFP)	(4,745)	(4,950)	(4,780)	(+35)	(-170)
(Transfer from RETLP)	(38,396)	(39,600)	(39,101)	(+705)	(-499)
(Transfer from RTB)	(2,475)	---	---	(-2,475)	---
Subtotal, Transfers from program accounts	(495,877)	(500,326)	(474,951)	(-20,926)	(-25,375)
Total, RD expenses	(658,856)	(671,067)	(657,811)	(-1,045)	(-13,256)
Total, Rural Development	857,901	771,503	882,753	+24,852	+111,250
Rural Housing Service:					
Rural Housing Insurance Fund Program Account:					
Loan authorizations:					
Single family direct (sec. 502)	(1,129,391)	(1,237,498)	(1,237,498)	(+108,107)	---
Unsubsidized guaranteed	(3,644,224)	(3,564,238)	(3,564,238)	(-79,986)	---
Subtotal, Single family	(4,773,615)	(4,801,736)	(4,801,736)	(+28,121)	---
Housing repair (sec. 504)	(34,652)	(36,382)	(36,382)	(+1,730)	---
Rental housing (sec. 515)	(99,000)	---	(100,000)	(+1,000)	(+100,000)
Site loans (sec. 524)	(5,000)	(5,045)	(5,045)	(+45)	---
Multi-family housing guarantees (sec. 538)	(99,000)	(197,997)	(100,000)	(+1,000)	(-97,997)
Multi-family housing credit sales	(1,485)	(1,482)	(1,482)	(-3)	---
Single family housing credit sales	(10,000)	(10,000)	(10,000)	---	---
Self-help housing land develop. (sec. 523)	(4,998)	(4,980)	(4,980)	(-18)	---
Total, Loan authorizations	(5,027,750)	(5,057,622)	(5,059,625)	(+31,875)	(+2,003)

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 5384)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Loan subsidies:					
Single family direct (sec. 502)	128,638	124,121	124,121	-4,517	---
Unsubsidized guaranteed	40,491	7,772	7,772	-32,719	---
Subtotal, Single family	169,129	131,893	131,893	-37,236	---
Housing repair (sec. 504)	10,136	10,751	10,751	+615	---
Rental housing (sec. 515)	45,421	---	45,670	+249	+45,670
Multi-family housing guarantees (sec. 538)	5,366	15,325	7,740	+2,374	-7,585
Multi-family housing credit sales	674	672	672	-2	---
Single family housing credit sales	---	48	48	+48	---
Self-help housing land develop. (sec. 523)	51	123	123	+72	---
Multi-family housing preservation	8,910	---	---	-8,910	---
Total, Loan subsidies	239,687	158,812	196,897	-42,790	+38,085
RHIF administrative expenses (transfer to RD)	450,261	455,776	430,080	-20,181	-25,696
Rental assistance program:					
(Sec. 521)	638,651	486,320	329,500	-309,151	-156,820
(Sec. 502(c)(5)(D))	7,920	---	5,900	-2,020	+5,900
Total, Rental assistance program	646,571	486,320	335,400	-311,171	-150,920
Total, Rural Housing Insurance Fund	1,336,519	1,100,908	962,377	-374,142	-138,531
(Loan authorization)	(5,027,750)	(5,057,622)	(5,059,625)	(+31,875)	(+2,003)
Rural housing voucher program	15,840	---	---	-15,840	---
Multifamily housing revitalization program account	---	74,250	28,000	+28,000	-46,250
MHRP administrative expenses (transfer to RD)	---	---	990	+990	+990
Total, Multifamily housing revitalization	---	74,250	28,990	+28,990	-45,260
Mutual and self-help housing grants	33,660	37,620	37,620	+3,960	---
Rural housing assistance grants	43,536	40,590	40,590	-2,946	---
Farm labor program account	30,856	33,798	47,525	+16,669	+13,727
Subtotal, grants and payments	108,052	112,008	125,735	+17,683	+13,727
Total, Rural Housing Service	1,460,411	1,287,166	1,117,102	-343,309	-170,064
(Loan authorization)	(5,027,750)	(5,057,622)	(5,059,625)	(+31,875)	(+2,003)
Rural Business-Cooperative Service:					
Rural Development Loan Fund Program Account:					
(Loan authorization)	(33,870)	(33,925)	(33,925)	(+55)	---
Loan subsidy	14,571	14,951	14,951	+380	---
Administrative expenses (transfer to RD)	4,745	4,950	4,780	+35	-170
Total, Rural Development Loan Fund	19,316	19,901	19,731	+415	-170
Rural Economic Development Loans Program Account:					
(Loan authorization)	(24,752)	(34,652)	(34,652)	(+9,900)	---
Direct subsidy	4,943	7,568	7,568	+2,625	---
Rural cooperative development grants	29,193	27,225	9,913	-19,280	-17,312
Rural empowerment zones and enterprise communities grants	11,088	---	11,088	---	+11,088
Renewable energy program	22,770	10,163	20,000	-2,770	+9,837
Total, Rural Business-Cooperative Service	87,310	64,857	68,300	-19,010	+3,443
(Loan authorization)	(58,622)	(68,577)	(68,577)	(+9,955)	---

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 5384)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Rural Utilities Service:					
Rural Electrification and Telecommunications Loans Program Account:					
Loan authorizations:					
Electric:					
Direct, 5%	(99,000)	(99,018)	(99,018)	(+18)	---
Direct, Municipal rate	(99,000)	(39,602)	(99,000)	---	(+59,398)
Direct, FFB	(2,600,000)	(3,000,000)	(3,000,000)	(+400,000)	---
Direct, Treasury rate	(990,000)	(700,000)	(990,000)	---	(+290,000)
Guaranteed electric	(99,000)	---	---	(-99,000)	---
Guaranteed underwriting	(1,500,000)	---	(500,000)	(-1,000,000)	(+500,000)
Subtotal, Electric	(5,387,000)	(3,838,620)	(4,688,018)	(-698,982)	(+849,398)
Telecommunications:					
Direct, 5%	(145,000)	(143,513)	(143,513)	(-1,487)	---
Direct, Treasury rate	(419,760)	(246,666)	(246,666)	(-173,094)	---
Direct, FFB	(125,000)	(299,000)	(299,000)	(+174,000)	---
Subtotal, Telecommunications	(689,760)	(689,179)	(689,179)	(-581)	---
Total, Loan authorizations	(6,076,760)	(4,527,799)	(5,377,197)	(-699,563)	(+849,398)
Loan subsidies:					
Electric:					
Direct, 5%	911	2,119	2,119	+1,208	---
Direct, Municipal rate	5,000	598	1,495	-3,505	+897
Guaranteed electric	89	---	---	-89	---
Direct, Treasury rate	99	---	---	-99	---
Subtotal, Electric	6,099	2,717	3,614	-2,485	+897
Telecommunications:					
Direct, 5%	---	531	531	+531	---
Direct, Treasury rate	210	74	74	-136	---
Subtotal, Telecommunications	210	605	605	+395	---
Total, Loan subsidies	6,309	3,322	4,219	-2,090	+897
RETLP administrative expenses (transfer to RD)	38,396	39,600	39,101	+705	-499
Total, Rural Electrification and Telecommunications Loans Program Account	44,705	42,922	43,320	-1,385	+398
(Loan authorization)	(6,076,760)	(4,527,799)	(5,377,197)	(-699,563)	(+849,398)
Rural Telephone Bank Program Account:					
RTB administrative expenses (transfer to RD)	2,475	---	---	-2,475	---
Total, Rural Telephone Bank Program Account	2,475	---	---	-2,475	---
High energy costs grants (by transfer)	(26,000)	---	---	(-26,000)	---
Distance learning, telemedicine, and broadband program:					
Loan authorizations:					
Distance learning and telemedicine	(24,750)	---	---	(-24,750)	---
Broadband telecommunications	(495,000)	(356,419)	(503,535)	(+8,535)	(+147,116)
Total, Loan authorizations	(519,750)	(356,419)	(503,535)	(-16,215)	(+147,116)
Loan subsidies:					
Distance learning and telemedicine:					
Direct	371	---	---	-371	---
Grants	29,700	24,750	24,750	-4,950	---

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 5384)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Broadband telecommunications:					
Direct	10,643	10,826	10,826	+183	---
Grants	8,910	---	8,910	---	+8,910
Total, Loan subsidies and grants	49,624	35,576	44,486	-5,138	+8,910
Total, Rural Utilities Service	96,804	78,498	87,806	-8,998	+9,308
(Loan authorization)	(6,596,510)	(4,884,218)	(5,880,732)	(-715,778)	(+996,514)
Total, title III, Rural Economic and Community Development Programs	2,503,055	2,202,847	2,156,653	-346,402	-46,194
(By transfer)	(521,877)	(500,326)	(474,951)	(-46,926)	(-25,375)
(Loan authorization)	(11,682,882)	(10,010,417)	(11,008,934)	(-673,948)	(+998,517)
TITLE IV - DOMESTIC FOOD PROGRAMS					
Office of the Under Secretary for Food, Nutrition and Consumer Services	593	732	652	+59	-80
Food and Nutrition Service:					
Child nutrition programs	7,473,208	7,763,200	7,610,897	+137,689	-152,303
Transfer from section 32	5,187,621	5,582,287	5,734,590	+546,969	+152,303
Contingency reserve	---	300,000	---	---	-300,000
Total, Child nutrition programs	12,660,829	13,645,487	13,345,487	+684,658	-300,000
Special supplemental nutrition program for women, infants, and children (WIC)	5,204,430	5,200,000	5,244,000	+39,570	+44,000
Food stamp program:					
Expenses	36,045,026	33,186,215	33,159,215	-2,885,811	-27,000
Indian reservations (FDPIR)	2,970	---	---	-2,970	---
Armed forces provision	1,000	1,000	1,000	---	---
Reserve	3,000,000	3,000,000	3,000,000	---	---
Nutrition assistance for Puerto Rico and Samoa	1,522,369	1,565,016	1,565,016	+42,647	---
The emergency food assistance program	140,000	140,000	140,000	---	---
CSFP transitional benefit	---	21,000	---	---	-21,000
CSFP nutrition education	---	2,000	---	---	-2,000
CSFP food Stamp expenses	---	19,000	---	---	-19,000
Total, Food stamp program	40,711,365	37,934,231	37,865,231	-2,846,134	-69,000
Commodity assistance program	177,572	70,370	189,370	+11,798	+119,000
Nutrition programs administration	139,353	160,429	142,314	+2,961	-18,115
Total, Food and Nutrition Service	58,893,549	57,010,517	56,786,402	-2,107,147	-224,115
Total, title IV, Domestic Food Programs	58,894,142	57,011,249	56,787,054	-2,107,088	-224,195
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS					
Foreign Agricultural Service:					
Salaries and expenses, direct appropriation	146,422	157,486	156,486	+10,064	-1,000
(Transfer from export loans)	(3,406)	(4,985)	(4,985)	(+1,579)	---
(Transfer from P.L. 480)	(166)	---	---	(-166)	---
Total, Salaries and expenses program level	(149,994)	(162,471)	(161,471)	(+11,477)	(-1,000)
Public Law 480 Program and Grant Accounts:					
Program account:					
Loan authorization, direct	(74,032)	---	---	(-74,032)	---
Loan subsidies	64,390	---	---	-64,390	---
Ocean freight differential grants	11,821	---	---	-11,821	---
Title II - Commodities for disposition abroad:					
Program level	(1,138,500)	(1,218,500)	(1,223,100)	(+84,600)	(+4,600)

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 5384)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Appropriation	1,138,500	1,218,500	1,223,100	+84,600	+4,600
Salaries and expenses:					
Foreign Agricultural Service (transfer to FAS)	166	---	---	-166	---
Farm Service Agency (transfer to FSA)	3,185	2,651	2,651	-534	---
Subtotal	3,351	2,651	2,651	-700	---
Total, Public Law 480:					
Program level	(1,138,500)	(1,218,500)	(1,223,100)	(+84,600)	(+4,600)
Appropriation	1,218,062	1,221,151	1,225,751	+7,689	+4,600
CCC Export Loans Program Account (administrative expenses):					
Salaries and expenses (Export Loans):					
General Sales Manager (transfer to FAS)	3,406	4,985	4,985	+1,579	---
Farm Service Agency (transfer to FSA)	1,821	346	346	-1,475	---
Total, CCC Export Loans Program Account	5,227	5,331	5,331	+104	---
McGovern-Dole international food for education and child nutrition program grants	99,000	99,000	100,000	+1,000	+1,000
Total, title V, Foreign Assistance and Related Programs	1,468,711	1,482,968	1,487,568	+18,857	+4,600
(By transfer)	(3,572)	(4,985)	(4,985)	(+1,413)	---
TITLE VI - RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION					
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Food and Drug Administration					
Salaries and expenses, direct appropriation	1,466,801	1,540,399	1,538,452	+71,651	-1,947
Prescription drug user fee act	(305,332)	(320,600)	(320,600)	(+15,268)	---
Medical device user fee act	(40,300)	(43,726)	(43,726)	(+3,426)	---
Animal drug user fee act	(11,318)	(11,604)	(11,604)	(+286)	---
Reinspection fees (user fees) (leg. prop) NA	---	(22,000)	---	---	(-22,000)
Food export fees (user fees) (leg. prop) NA	---	(3,536)	---	---	(-3,536)
Subtotal	(1,823,751)	(1,916,329)	(1,914,382)	(+90,631)	(-1,947)
Mammography clinics user fee (outlay savings)	(17,173)	---	(17,522)	(+349)	(+17,522)
Export and color certification	(7,640)	---	(8,481)	(+841)	(+8,481)
Payments to GSA	(134,853)	---	(146,013)	(+11,160)	(+146,013)
Buildings and facilities	7,920	4,950	4,950	-2,970	---
Total, Food and Drug Administration	1,474,721	1,545,349	1,543,402	+68,681	-1,947
INDEPENDENT AGENCIES					
Commodity Futures Trading Commission	97,402	127,000	109,402	+12,000	-17,598
Transaction fees (user fees) (leg. prop) NA	---	(127,000)	---	---	(-127,000)
Farm Credit Administration (limitation on administrative expenses)	(44,250)	---	(44,250)	---	(+44,250)
Total, title VI, Related Agencies and Food and Drug Administration	1,572,123	1,672,349	1,652,804	+80,681	-19,545
TITLE VII - GENERAL PROVISIONS					
Hunger fellowships (sec. 716)	2,500	---	2,500	---	+2,500
National Sheep Industry Improvement Center revolving fund (sec. 717)	1,238	---	250	-988	+250
Denali Commission	743	---	---	-743	---

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 5384)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Section 32 (rescission) (sec. 740)	-37,601	---	-9,900	+27,701	-9,900
Milk processing and packaging facilities	644	---	---	-644	---
Alaska private lands wildlife management	198	---	---	-198	---
Livestock Expo Center	990	---	---	-990	---
Wisconsin Federation of Cooperatives	2,228	---	---	-2,228	---
WIC contingency reserve (rescission)	-32,000	---	---	+32,000	---
Specialty crop grants (sec. 736)	6,930	---	15,600	+8,670	+15,600
SFSP Summer food service program	1,000	---	---	-1,000	---
Healthy Forest Reserve	2,475	---	---	-2,475	---
Fruit and vegetable pilot program (sec. 738)	6,000	---	25,000	+19,000	+25,000
World food prize	347	---	---	-347	---
Utah State	198	---	---	-198	---
University of Nevada	139	---	---	-139	---
Ohio State University	396	---	---	-396	---
Nueces County	495	---	---	-495	---
IRP Choctaw	990	---	---	-990	---
High energy cost grants (rescission) (sec. 744)	---	-25,265	-25,265	-25,265	---
MILC extension (sec. 752)	---	---	40,000	+40,000	+40,000
Total, title VII, General provisions	-42,090	-25,265	48,185	+90,275	+73,450
OTHER APPROPRIATIONS					
EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT TO ADDRESS HURRICANES IN THE GULF OF MEXICO AND PANDEMIC INFLUENZA, 2006 (P.L.109-148, DIVISION B)					
TITLE I, CHAPTER 1					
Department of Agriculture					
Executive Operations, Working capital fund (emerg.)	35,000	---	---	-35,000	---
Agricultural Research Service					
Buildings and facilities (emergency)	9,200	---	---	-9,200	---
Rural Development					
Rural community advancement program (emergency)	45,000	---	---	-45,000	---
Rural Housing Service					
Rural housing insurance fund program (emergency)	45,000	---	---	-45,000	---
Rural housing assistance grants (emergency)	20,000	---	---	-20,000	---
Rural Utilities Service					
Rural electrification and telecom (emergency)	8,000	---	---	-8,000	---
Food and Nutrition Service					
Commodity assistance program (emergency)	4,000	---	---	-4,000	---
The emergency food assistance program (emergency)	6,000	---	---	-6,000	---
General Provisions					
Emergency conservation program (emergency)	199,800	---	---	-199,800	---
Watershed and flood prevention operations (emergency)	300,000	---	---	-300,000	---
Emergency forestry conservation reserve program	50,000	---	---	-50,000	---
Total, Title I, Chapter 1 (emergency)	722,000	---	---	-722,000	---

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 5384)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE II, CHAPTER 1					
Department of Agriculture					
Office of the Secretary (emergency)	11,350	---	---	-11,350	---
Agricultural Research Service					
Salaries and expenses (emergency)	7,000	---	---	-7,000	---
Cooperative State Research, Education, and Extension Service					
Research and educational activities (emergency)	1,500	---	---	-1,500	---
Animal and Plant Health Inspection Service					
Salaries and expenses (emergency)	71,500	---	---	-71,500	---
Department of Health and Human Services					
Salaries and expenses (emergency)	20,000	---	---	-20,000	---
*Total, Title II, Chapter 1 (emergency)	111,350	---	---	-111,350	---
TITLE III, CHAPTER 1					
Department of Agriculture					
Natural Resources Conservation Service: Conservation Operations (rescission)	-10,000	---	---	+10,000	---
Rural Utilities Service					
Distance Learning, Telemedicine, and Broadband direct loan financing (rescission)	-9,900	---	---	+9,900	---
Food and Nutrition Service: Food Stamp Program (rescission)	-11,200	---	---	+11,200	---
Foreign Agricultural Service					
Public Law 480 Title I Ocean Freight Differential Grants (rescission)	-35,000	---	---	+35,000	---
Total, Title III, Chapter 1 (rescissions)	-66,100	---	---	+66,100	---
Total, Public Law 109-148	767,250	---	---	-767,250	---
Emergency appropriations	833,350	---	---	-833,350	---
(Rescissions)	(-66,100)	---	---	(+66,100)	---
Total, Other appropriations	767,250	---	---	-767,250	---
Grand total	101,561,146	93,312,118	93,569,619	-7,991,527	+257,501
Appropriations	(100,863,497)	(93,337,383)	(93,604,784)	(-7,258,713)	(+267,401)
Emergency Appropriations	833,350	---	---	-833,350	---
Rescissions	(-135,701)	(-25,265)	(-35,165)	(+100,536)	(-9,900)
(By transfer)	(832,000)	(824,605)	(790,271)	(-41,729)	(-34,334)
(Loan authorization)	(15,504,718)	(13,437,887)	(14,560,798)	(-943,920)	(+1,122,911)
(Limitation on administrative expenses)	(157,380)	(109,674)	(153,924)	(-3,456)	(+44,250)

Mr. BONILLA. Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me first thank you and Mr. OBEY, as well as Chairman LEWIS, all of whom I have been pleased to work with on this bill. In particular it is a pleasure to join the chairman again as we bring to the floor our second and final agriculture appropriations bill together. As before, this has been a good process, one in which we have made substantial progress on many issues.

As I have said before, I want to take a moment to recognize that this is not only the last time this bill will be considered on the House floor under Mr. BONILLA's management, but also his last year of service on our subcommittee. He has served as chairman with distinction and carried out his responsibilities to this subcommittee with a real sense of determination and focus. So I thank you, and it has been a pleasure to work with you.

This is always an important bill, from public health and the FDA, to rural development and food safety, to environmental conservation and nutrition assistance, to investing in renewable sources of energy.

The mission of the Agriculture Appropriations Subcommittee is, at its core, about improving people's lives; and I think the subcommittee has produced a bill overall that we can be proud of.

There are several areas in particular that have been improved from the President's request. For one, the bill includes increased funding for the Commodity Supplemental Food Program and the Specialty Crops Program on which so many of our farmers rely. The bill restores the section 515 Housing Program and included $25 million for a National Fresh Fruit and Vegetable Program.

In addition, we have turned aside several misguided proposals by the administration not included in this bill, including proposals that would have changed funding for the Agriculture Research Institutions and capped WIC administrative funds.

We also made some progress during the markup. I appreciate the chairman's willingness to increase funding for the Office of Generic Drugs, bringing that up to $5 million. This will help to reduce the backlog of generic drug applications and in turn contribute to reducing the price of prescription drugs.

I was pleased that the committee accepted an amendment that I offered to give the FDA the authority to mandate post-market drug studies when needed. With 65 percent of the post-market studies pending, it is clear that the system FDA has in place is broken and must be fixed. As such, giving FDA the authority to mandate post-market drug studies and authorizing the agency to begin proceedings that would move a drug from the market, should the drug company refuse to carry out its responsibility, is a critical part of the drug safety process.

I was also pleased that this subcommittee accepted language preventing the implementation of a final rule by USDA to allow processed chicken products from China to enter the United States. We all know China has massive problems with avian influenza in its chicken population. Only hours after the Food Safety and Inspection Service announced it would allow the imports from China, claiming these products would be safe because they will be fully processed and cooked, a Tennessee firm announced the recall of more than 20,000 pounds of breaded chicken due to possible undercooking. Stopping that process from going forward was a good decision.

I do think that there are some areas where the bill falls short. While I know we cannot do everything we want to in this bill, I believe that many Members will be disappointed to see that, for instance, we could not fund a pilot program to look at the impact of eliminating the Reduced Price Meal Program that requires children from low-income working families to pay 40 cents per lunch and 30 cents per breakfast. If a family qualifies for free WIC benefits, they should qualify for free school meals as well. I wish we had found the money to make that pilot program happen, even if only as a pilot program.

I am also disappointed that we failed to substantially increase the funding for the McGovern-Dole International Food Program which is funded in this bill at $100 million, an increase of a mere $1 million over last year's bill and the budget request. This program fights child hunger in the world's poorest countries, while expanding educational opportunities for children; and it has a proven track record. It should have been a priority in this bill.

Lastly, we missed a golden opportunity with this bill to jump-start the country's energy independence efforts by seriously and aggressively funding the many programs in this bill that deal with renewable energy. I offered an amendment that was defeated on a roll call vote of 24–36 to our commitment to renewable energy and rural development by $500 million. It is time to be bold about energy independence; and this bill is an appropriate place to start doing that, which is why I intend to offer this amendment again before the full House.

I look forward to debating this bill today, Mr. Chairman, and I want to say thank you to you and your staff as well as staff on our side of the aisle for working so hard to put together the bill before us. As I have said throughout the process, barring any unexpected developments, it is my intention to support this bill.

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

Mr. BONILLA. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. LEWIS), the distinguished chairman of the full committee.

Mr. LEWIS of California. Mr. Chairman, I rise in support of H.R. 5384, the agriculture appropriations bill for the year 2007. This is the third of 11 bills the committee plans to bring to the House floor before the 4th of July break.

I want to especially praise Chairman BONILLA and Ranking Member DELAURO, as well as members of the Agriculture Subcommittee and their staff, for the very fine work done on this bill.

In total, this measure provides $18.4 billion in total discretionary spending. This level represents a decrease, that is a decrease, of $96 million below the FY 2006 enacted level. The bill contains critical funding to protect health and safety, fulfill our commitment to important food and nutrition programs and support farmers and ranchers, as well as rural America.

I would like to make, Mr. Chairman, two additional points about the measure. First, the bill before us today includes $435 million in Member-project funding, which is $35 million below, that is, below last year's House-bill level. It is $277 million below last year's House-Senate conference report as well.

This bill also terminates eight programs resulting in $414 million in taxpayer savings; eight programs, $414 million in taxpayer savings.

Mr. Chairman, this agriculture bill is Mr. BONILLA's last bill as chairman of this subcommittee; and to say the least, this bill is a very fine product, and it is worthy of our support.

I want to commend Mr. BONILLA and certainly Ms. DELAURO, as well, for their work on this very fine measure. Indeed, it is a reflection of the best work of our committee. Mr. BONILLA is to be congratulated for his service as chairman of the committee.

Ms. DELAURO. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I want to renew my comments on something that is likely to happen here later with respect to the dairy program; but before I do that, in the unlikely event that anybody in any of the congressional offices is listening, I hope they understand that there are at least 50 amendments pending to this bill. If we only take 10 minutes on each of those amendments and if we only have votes on about half of them, we will be here until about 2 or 3 o'clock in the morning. So I hope that Members will not expect us to have a schedule which allows them to go to supper and allows them to do other work around here and, at the same time, expect the committee to get us out of here before the wee hours of the morning. If all of these amendments are offered, that just isn't going to happen.

Let me say, Mr. Chairman, that I want to once again take note of the

fact that because the Rules Committee chose not to protect a provision in this bill that is very important to small dairy farmers around the country, we face the likelihood that a point of order will be lodged against section 752 of this bill. That section is meant to correct a major flaw in the authorization bill that was amended last year.

Under existing law, supplemental payments to dairy farmers, the so-called MILC program, will expire 1 month before the other major commodities programs expire in the existing farm bill.

□ 1215

What that means in practical terms is that there will be no dairy component in the budget baseline when the next farm bill is considered by the authorizing committee.

If that happens, we are guaranteeing that there will be fewer dollars in the Federal budget that will be flowing to rural America than would otherwise be the case. If people think it is a good idea for rural America to voluntarily relinquish any portion of their share of the Federal budget, then by all means they should be enthusiastic about the point of order.

If they do not, then I think they ought to ask the authorizing committee chairman not to make that point of order. I would point out that the provision in this bill which extends that MILC program for 1 month so that we can correct that budget baseline problem. I should point out that that provision is supported by the Midwest Dairy Coalition, the Northeast Dairy Producers, including Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont. It is supported by the New York Farm Bureau, by the National Farmers Union, by the Wisconsin Farm Bureau, and by a good many other farmers around the country.

Mr. Chairman, I would simply say that if that point of order is lodged, and if this bill therefore does not carry that correcting provision, it will not just be dairy farmers who are hurt, it will also mean that if a dairy program is continued, financing for that program will have to come out of the base for each of the other farm groups.

That is a great recipe for having a regional war between different farm groups, and it is a great recipe for having a war between various commodity groups in the agriculture community. So I would urge the majority party leadership to prevail upon the chairman of the Agriculture Committee not to make that point of order, because, if he does, we are not going to be able to fix this problem and dairy farmers are going to be at a huge disadvantage when the next farm bill is written.

Mr. BONILLA. Mr. Chairman, I yield 3 minutes to the gentlemen from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I want to thank the chairman of the committee, Mr. BONILLA, for the great job that he has done, and the leadership that he has provided. And I thank my friend, ROSA DELAURO, for all the good work that she has done and the bipartisan cooperation that we have had on this bill. We don't agree on everything, but we agree on ag policy and trying to look out for the farmers together, and all of the various commodities and programs that are in this important bill. And this is certainly one of the greatest subcommittees in Congress.

Mr. Chairman, farmers today have lots of challenges, financing. Long-term financing for farmers, they can't get loans the way business people can get loans. They have problems with labor. The immigration issue is the hot issue of the day right now. Well, it has been a hot issue down on the farm for years as they have tried to get labor who will go out there in the hot sunshine and pick apples and pick peaches and pick onions, and trying to work with the H2A program that can be very difficult to comply with.

And while farmers are trying to work with H2A, along comes legal services funded by the Federal Government and suing farmers for technical violations often and not really substantive violations.

They have problems with environmental issues, in that we have very strict EPA laws, which their international competitors do not always have. And Ms. KAPTUR, our friend from Ohio, often talks to us about Ohio tomatoes. And yet we know in Mexico they make tomatoes that can be competitive with those of Ohio tomatoes, but they do not have to follow the same labor or environmental laws.

Mr. Chairman, that is just one of the examples. And then we talk about unfair trade practices and what is subsidized and what is not. And so often the WTO, which is an organization most Americans do not even know about; yet the farmers, they are very mindful of what the WTO is up to, because so often the rulings seem to come down against American farmers.

Mr. Chairman, despite everything that farmers are up against, our food program and our food supply is the best any world has ever seen, any nation in the world at any time. Americans spend 11 cents on the dollar on groceries. We spend 43 cents on the dollar on recreation, from skiing to jet skiing, to boats, to fishing to buying CDs and going to movies and shows; we spend 43 cents on the dollar, but only 11 cents on the dollar for food. And for that, we have fruit all year long. We have meat in great abundance at low prices all year long. We have, as Mr. OBEY knows well, milk. And there used to be milk shortages all over the country. And yet we do not have those kinds of shortages anymore. We do have a very complex, hard-to-explain agriculture system in America, and yet the product on the shelf in the grocery stores across America beats all in the world.

We need to all support this bill. It is a bipartisan bill. It is well thought out, well debated. There are going to be things I am going to comment on later on.

Ms. DELAURO. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. MARSHALL).

Mr. MARSHALL. Mr. Chairman, I want to thank Mr. KINGSTON for all he has done on behalf of peanuts and milk. In the authorizing committee, we failed to extend the peanut program storage and handling fees for the year it needed to be extended, at the end of this farm program. And we also failed to extend the milk program, that 1 month that is necessary, according to Mr. OBEY and others, to establish an appropriate baseline where milk is concerned and an appropriate baseline where peanuts are concerned, peanut storage and handling.

Anticipating that a point of order might be made, Mr. Chairman, and I am not sure that it would be made by the chairman of the authorizing committee or someone else, we have put together a letter to the chairman, Chairman GOODLATTE, asking that he support the two bipartisan amendments made in the appropriations committee with regard to these two issues, the peanut storage and handling fees issue and the milk program issue that was spoken about by Mr. OBEY.

Mr. Chairman, 26 members of the 46 members of the committee have signed on. Mr. Chairman, it seems to me the real question will be whether or not somehow the Appropriations Committee is inappropriately treading on the authority of the authorizing committee. Here you have a majority of the members of the authorizing committee saying that they think that the Appropriations Committee is acting properly with regard to these two issues, and they would request that the point of order be denied.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume for the purpose of entering into a colloquy with the gentlemen from New Jersey (Mr. GARRETT). I now yield to Mr. GARRETT.

Mr. GARRETT of New Jersey. Mr. Chairman, I appreciate the opportunity to enter into a colloquy with the gentlemen from Texas, the chairman of the subcommittee.

Also, before I begin, I just want to thank the chairman for all of your hard work that you put into the committee and into this bill, and all of the members of the committee.

And may I also echo the words as far as those members of the committee and the staff who do not normally get their names mentioned on the floor for their work; as the former chairman, I know there are many people behind the scenes that do not get recognized and I appreciate your recognizing those people of your committee.

Mr. Chairman, at this time I also want to voice my strong support of the Farm and Ranchland Preservation Program. The chairman may know that I

grew up on my family farm in the State of New Jersey; it is the Garden State. We are the most densely populated State in the country. And for that reason, trying to preserve open space and farmland was one of the main reasons why I went into government 12 years ago on the state level and here in the Congress as well.

And so I support strongly The National Farm and Ranchland Preservation Program and its work to contain, to preserve environmentally sensitive pieces of property in the Fifth Congressional District.

It is my hope that the chairman would continue to work closely with myself and the Department of Agriculture, so that we can move forward to see to it that as much of this property can be preserved for future generations.

Mr. BONILLA. If the gentleman would yield, I thank the gentlemen for his comments and pledge to work closely with him and the Department of Agriculture moving forward to see that any eligible environmentally sensitive farmland is given full and adequate consideration as this bill continues through the legislative process and as the Department establishes its priorities for the Farm and Ranchland Preservation Program for fiscal year 2007.

Mr. GARRETT of New Jersey. I thank the gentlemen for his support.

Mr. BONILLA. Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I want to thank Chairman BONILLA and Ranking Member DELAURO for their hard work on this bill, particularly their work on the school meal and WIC program.

While I appreciate the increase in funding, I sincerely hope that we can do even better in conference on the WIC program and on the school meal program.

I also appreciate that the committee rejected a number of President Bush's requests that would have harmed the women and children who benefit from WIC. The President's proposed cap on nutrition counseling and on education for WIC recipients would limit both essential services for WIC families and for the States' abilities to negotiate cost savings with food producers.

The President also asked to limit WIC eligibility for any Medicaid recipients. These are only some of the examples that the President would have listed in his neverending effort to pay for tax cuts for the wealthiest Americans, with benefit cuts for the most vulnerable Americans.

As I say, I honor the Chair and the ranking member for not letting that happen. I am proud to have led a bipartisan effort in opposition to those proposals, and I thank the committee again for rejecting them.

Finally, Mr. Chairman, I thank the committee for its promise to continue to monitor the WIC caseload to ensure that funding remains sufficient to meet the needs. I ask the committee to also monitor, as I will, USDA's implementation of its cost containment regulations.

Mr. BONILLA. Mr. Chairman, I continue to reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, can you tell us, please, how much time remains on the bill.

The Acting CHAIRMAN. The gentlewoman has 17½ minutes remaining.

Ms. DELAURO. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, I rise today to I guess reluctantly support the bill. I have been looking over the provisions, and I think that while I commend Chairman BONILLA and Ranking Member DELAURO for their work, given the constraints that they have been placed under, but I do have some concerns that I would like to raise.

You know, in the last farm bill, 2002 Farm Bill, we made a significant shift in the biggest increases that we placed in the 2002 Farm Bill were in the conservation programs.

And we have some limitations that have been put in the bill that have been protected against a point of order, that I have some concerns about and other people across the country have concerns about.

Our Wetlands Reserve Program, which I think has been one of the most successful programs that we have implemented and was part of the 2002 farm bill, we are going to be further limiting the level to 144,000 acres.

This is a program that has a substantial backlog. We have a lot of folks out there that are ready to go and put their land into the Wetlands Reserve Program and, you know, just does not seem logical that we would eliminate it given the amount of interest that is out there in the countryside.

The EQUIP Program was another program that we substantially increased in the 2002 farm bill. And again, we have many more requests than we have money and authorization. And we are going to have some further limitations in that area as well, as well as the CSP program, the WHIP program and some others.

So I just want to raise my concern about those limitations and I guess my displeasure from the authorizing committee point of view that the appropriators would be limiting the work of the Agriculture Committee that has spent a lot of time looking into them.

□ 1230

I would also like to follow up on the comments of Mr. OBEY regarding the milk program. Wherever you are at on that particular issue, I think this does have implications out into the next farm bill.

I know in our part of the country this is a popular program. In the west it is not popular. But eliminating this baseline is going to make it more difficult for us as we do the next farm bill next year, and it could come back to haunt some folks in the dairy area potentially given how that all plays out.

The peanut provision which also was not protected is something that was worked out in the last farm bill and is important to a lot of folks that had to have a substantial change in that program, and I just do not think it is right to end that program a year early. It would make more sense, I think, to continue it to the ends of the bill.

I am going to support this bill today. I commend the chairman and the ranking member for their work, and I look forward to the debate.

Mr. BONILLA. Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Can I ask the gentleman from Texas if he has any additional speakers.

Mr. BONILLA. At this time I do not.

Ms. DELAURO. Neither do we.

With that, my comment is I think that we will just proceed to the amendments, and I hope that with that process we can make the bill better.

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

Mr. BONILLA. Mr. Chairman, once again, just to comment on how many prudent recommendations were made to put this bill together and it has been a very good product that we have come to the floor with today, and we hope that all Members would support it without any amendments.

Mr. LEVIN. Mr. Chairman, I rise in support of H.R. 5384, the Fiscal Year 2007 Agriculture Appropriations Act. In particular, I am pleased that funding for the Commodity Supplemental Food Program, or CSFP, has been restored in this bill.

In yet another example of the Administration's upside-down priorities, the President's request proposed eliminating CSFP. Last year, in Michigan alone, almost 76,000 low income seniors, mothers and children received much-needed, nutritious food each month thanks to this funding and the hard work of organizations like Focus: Hope in Detroit.

I thank the Committee for responding to the outpouring of grassroots support for CSFP, and refusing to do away with this important program. The bill before us includes $118.3 million for CSFP, an increase of $11 million from the current level. Following the President's recommendation would have literally taken food from the mouths of seniors and children across the country. I hope our action here not only protects CSFP, but also sends a message to the President that cuts like this are not acceptable.

Mr. SIMPSON. Mr. Chairman, in accordance with earmark reform proposals currently under consideration in the House and Senate, I would like to place into the RECORD a listing of Congressionally-directed projects in my home state of Idaho that are contained within the report to this bill. These are projects that I asked the Agriculture Subcommittee to consider, both this year and in previous years, and I am grateful for their inclusion in this bill.

I'd like to take just a few minutes to describe why I supported these projects and why they are valuable to the nation and its taxpayers.

It is important to remember that the vast majority of these funds go to two entities.

First, the Cooperative State Research, Education, and Extension Service, CSREES, grants included below are targeted to our nation's Land Grant Colleges. In the case of Idaho, these funds are used by the University of Idaho to conduct research on a variety of crops important to the Pacific Northwest. I have also supported research in Washington and Oregon because their research is invaluable to my constituents as well.

In assessing the value of these requests, there are some important considerations that must be made. World labor standards and costs are far below those of the U.S. Our Nation's farmers are subjected to far more stringent environmental regulations than those of many of our competitors. Input costs in the U.S. far surpass those of other nations. And energy prices, including farm diesel, are rising dramatically.

So how can a U.S. farmer remain competitive in a global market? Through greater productivity and efficiency, increased yields, and better defenses against diseases. These are the very things that agriculture research funding delivers for U.S. producers—and for U.S. consumers.

If you want to rely on foreign nations for our food in the way we rely on them for our oil, then by all means eliminate these important agriculture research programs. But if you believe, as I do, that maintaining a domestic capability to produce our food is a national security issue, then you ought to support these research programs and fight for their continuation.

The second entity that receives the bulk of these funds is the Agriculture Research Service, ARS, and its stations across rural America. In Idaho, these institutions are conducting vital research into some of our most important crops—sugar, potatoes, small fruits, and aquaculture. I encourage all of my colleagues to visit an ARS station to see firsthand the value of this research. If you do, you will learn that these researchers are doing amazing things with very limited budgets. These projects are usually small in terms of their funding, but the benefits that flow from that research cannot be measured in dollars alone.

Two of the projects below are funded through the Animal and Plant Health Inspection Service, APHIS. These two programs are critical to combating brucellosis in bison and cattle and in assisting ranchers whose livestock are harassed and killed by predators like wolves.

The Greater Yellowstone Brucellosis funding is particularly critical to my home State of Idaho. Idaho recently lost its brucellosis free status and these funds are critical to establishing a management plan that will allow Idaho to regain its brucellosis free status.

The Tri-State Predator control funding is hardly a handout to ranchers. The federal government forced wolf reintroduction on Idaho and other western states and it is duty-bound to pay for the deadly and gruesome impacts of this decision.

The final project on this list is the Idaho One-Plan. The Idaho One-Plan is a unique collaboration of agencies, industries, and associations dedicated to assisting Idaho farmers and ranchers in their continuing natural resource stewardship responsibilities. The program was developed jointly with state and federal resource agencies, the University of Idaho Cooperative Extension program, the Environmental Protection Agency, and local commodity groups. It's a successful program that has enormous value to not only the Idaho agriculture community and the environment, but to other states that might be interested in a similar collaborative process.

Mr. Chairman, any effort to remove these projects from the bill would not only result in zero savings to taxpayers, it would stop dead these important efforts to enhance and protect our nation's food supply.

I appreciate the opportunity to provide a list of Congressionally-directed projects in my region and an explanation of my support for them.

1. ARS aquaculture research—Aberdeen ($628,843) pg. 17;
2. CSREES NW Small Fruits Research—ID, WA, OR ($443,000) pg. 36;
3. ARS Potato Breeding—Aberdeen ($365,156) pg. 18;
4. ARS Sugarbeet Research—Kimberly ($702,592) pg. 19;
5. ARS Sustainable Aquaculture Feeds—Aberdeen ($99,000) pg. 19;
6. ARS Viticulture—Corvallis, OR ($852,861) pg. 19;
7. CSREES Grain Legume Plant Pathologist—Pullman, WA ($244,125) pg. 20;
8. CSREES Alternative Crops—Canola ($1,175,000) pg. 33;
9. CSREES Aegilops Cylindricum—Goatgrass (WA, ID) ($355,000) pg. 34;
10. CSREES Cool Season Food Legume Research (ID, WA, ND) ($564,000) pg. 34;
11. CSREES Grass Seed Cropping/or Sustainable Agriculture (WA, ID, OR) ($450,000) pg. 35;
12. CSREES Increasing Shelf Life of Agricultural Commodities ($863,000) pg. 35;
13. CSREES Potato Research (national program) ($1,497,000) pg. 36;
14. CSREES STEEP III ($640,000) pg. 36;
15. CSREES Wood Utilization (multi-state) ($6,371,000) pg. 36;
16. APHIS Greater Yellowstone Brucellosis—ID, WY, MT ($10,455,000) pg. 72;
17. APHIS Tri-State Predator Control ($1,324,000) pg. 74;
18. NRCS Idaho One-Plan ($200,000) pg. 87.

Mr. RYAN of Wisconsin. Mr. Chairman, I rise today to support the Milk Income Loss Contract Program (MILC). Created under the 2002 Farm Bill, the MILC program has been a major success for Wisconsin dairy farmers. I believe it is inherently unfair to set the expiration date of the MILC program one month before the expiration of other farm bill programs. MILC should be on a level playing field with all other commodity programs, so that it will be dealt with equitably under the 2007 Farm Bill.

Mr. GUTKNECHT. Mr. Chairman, I rise today to support the FY 2007 Agriculture Appropriations bill. I am especially pleased with the funding levels prescribed for the Domestic Food Assistance programs such as the Commodity Supplemental Food Program CSFP) and the Women, Infants and Children (WIC) nutritional programs.

This year, the President proposed eliminating CSFP as part of his plan to streamline government services. Participants in this program were supposed to move to either the Food Stamps program or the WIC program. I disagreed with this proposal, and that is why I am pleased that my colleagues on the House Agriculture Appropriations Subcommittee chose to ignore the elimination proposal and instead increased funding for this program by $11 million above last year's level.

Under the House-passed bill, CSFP will get $118.3 million in fiscal 2007. It is my understanding and hope that the Senate will include a similar amount in its appropriations bill and that future conferees will protect this valuable program from elimination.

More than 2,000 seniors in my district depend on this important supplemental food program, which provides them a box of food staples once a month to seniors who are at or below 130 percent of the poverty level. Pregnant, breast feeding and postpartum women, infants and children up to age six also are eligible for CSFP if they are at or below 185 percent of federal poverty guidelines. For young children, the program is used as a bridge between their eligibility for WIC and their eligibility for free school lunches, which generally happens around age 6.

There is no doubt that CSFP works. In Minnesota, about 15,000 participants—85 percent of them seniors—receive a box of food at the beginning of each month. The box is about the size of a banana box and weighs about 60 pounds. Each box contains about $55 worth of pantry staples such as canned vegetables, fruit and meat, as well as evaporated milk, juice, rice and pasta. The foods are nutritionally balanced and approved by the U.S. Department of Agriculture.

Minnesota receives about $3.2 million each year to purchase these foods and deliver them to four food banks throughout the state. Volunteers then deliver the boxes to centralized distribution sites and in some cases to the front doors of home-bound seniors.

In Southeastern Minnesota, the Channel One Food Distribution Center in Rochester, delivers CSFP food packages to 1,750 participants in a 13 county area. The average income for a senior receiving CSFP assistance in this area is a meager $8,846 a year or $737 a month. That's why CSFP is so vital for our nation's low-income seniors, particularly those in rural America.

Seniors like Harriet Salisbury from Ceylon, Minnesota; Elsa Suter of Fairmont, Minnesota, and Edward Levy of Brownsdale, Minnesota, need these vital food packages. When the Administration proposed eliminating CSFP, these seniors took pen and paper in hand and let me know exactly what they thought about that proposal. They told me CSFP was their ''lifeline,'' and some even begged me to save this vital program from elimination.

Today, I am here to tell these seniors and thousands more across our nation that I know how important CSFP is to them, and that I will fight to save this vital program from elimination.

In conclusion, I want to thank Chairman BONILLA for his continued support for CSFP.

Mr. UDALL of Colorado. Mr. Chairman, I will vote for the bill H.R. 5384, the ''Agriculture, Rural Development, Food and Drug Administration, Appropriations Act of 2007.''

While the bill is a dramatic improvement from the request made by the Bush Administration it still does not fully meet the needs of rural Colorado. I'm disappointed about that, but the fact is that the federal government is being forced to do more with less because of the budget resolution the Republican leadership forced through the House.

I am pleased the bill provides support for research programs important to Colorado State University, including research on infectious diseases and ultraviolet radiation monitoring. I am also pleased provisions of the legislation adequately funds important programs for Renewable Energy and Energy Efficiency grants which can provide much needed resources for rural economic development to communities throughout the Eastern Plains, Western Slope and San Luis Valley of Colorado.

While there are good things about this bill it does have its shortcomings. Even though attempts were made to the conservation provisions, more needs to be done to address the continued under funding of these important programs. I am also particularly disappointed this legislation does not address the continued delay of the implementation of a mandatory country of origin labeling (COOL) for products such as meat and produce. The shortsightedness of the committee denies Colorado ranchers and farmers a wonderful resource to market their products and provide consumers a clear choice in the products they purchase.

I am hopeful the Senate will build on the work of the House passed legislation so an even stronger bill can be sent to the President.

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

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 5384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2007, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, $5,499,000: *Provided,* That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KUCINICH:

Page 2, line 9, insert after the dollar amount the following: ''(reduced by $1)''.

Mr. KUCINICH. Mr. Chairman, the Kucinich Organic Food Amendment strikes $1 of salary from the Secretary's office to raise an objection to the removal of consumer public interest representation from the National Organic Standards Board.

What is organic food? Organic food is produced in a sustainable manner without pesticides, herbicides, or artificial fertilizers. Organic food production improves the environment and delivers a safe food to our children.

Our fields and streams are relied upon to grow our food; therefore, we must protect these assets with a sustainable agricultural system. Organic food has proven itself commercially viable. It is a multi-billion dollar industry. It has improved the sustainability of our agricultural system. But organic foods cannot be distinguished by how they look, taste, or smell. Consumers can only rely on an organic label. Consumers need to trust that label if they are going to pay the premium for organic food.

The National Organic Standards Board was formed in 1990 as part of the 1990 farm bill's Organic Food Production Act. Its 15 members are meant to assist the Secretary of Agriculture in developing organic food standards. Members have 5-year terms and the board is comprised of four farmers/growers; two handlers/processors; one retailer; one scientist; three consumer public advocates; three environmentalists; and one certifying agent who sits on various committees.

This board is, among other things, tasked with ensuring that consumers can trust the organic food label. There appears to be an effort to undercut consumer public interest representation on the board. Led by Consumers Union, several food safety and public interest organizations raised objections to two recent appointments to the consumer public interest slots because those slots went to industry representatives. One occupant is a food industry lobbyist for General Mills and the other occupant is a consultant to the organic dairy industry. Fortunately, the General Mills lobbyist was responsible and resigned. Unfortunately, the dairy consultant remains on the board.

Now, the Consumers Union letter stated in part: ''These individuals could not reflect the specific interests of the consumers or the public, but rather the interests of the industry. For example, General Mills is a large corporation. It has a vested interest in the sales of organic food products which is in conflict with representing a consumer public interest position on the National Organic Standards Board.''

When the USDA was challenged by the Center For Science in the Public Interest, the USDA staff for the National Organic Standards Board responded with: ''It was the Secretary's decision to pick,'' talking about the General Mills representative, ''and he didn't want to pick anyone else.''

Clearly, the USDA has signaled its intention to leave the consumer slot vacant for the rest of the year. To ensure consumers can trust the organic label, the Secretary should fill the slots with consumer representatives. This amendment would simply remind the USDA that Congress, which created the National Organic Standards Board, believes that the consumer public interest representation on the National Organic Standards Board is critical to setting organic food standards that are credible and trustworthy.

Mr. Chairman, I yield to my colleague from Wisconsin, Mr. OBEY.

Mr. OBEY. I thank the gentleman for yielding. Let me simply say that I appreciate his comments, especially in light of the fact that last year in the conference on this bill after the conference was gaveled to a close, the conference committee then made arbitrary and anonymous changes in the definition of organic foods without a vote of the conference. So it seems to me that the gentleman is correct that we need to be vigilant in terms of who is trying to manipulate their definition of what represents a high organic standard.

I thank the gentleman for yielding.

Mr. KUCINICH. Reclaiming my time, the comments of the gentleman from Wisconsin make it very clear that Congress has a role here in affirming the position of consumer representatives on the National Organic Standards Board. It was Congress that created this board. It was Congress that wanted to ensure the integrity of the organic label. So I am asking my colleagues to vote ''yes'' to protect the integrity of the organic food label.

I would once again say that the Consumers Union has taken this position that they believe that the integrity of the consumer public interest positions have been compromised by the appointment.

Mr. BONILLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is my understanding that there is currently one vacancy on the National Organic Standards Board, and I understand the gentleman is very concerned about this issue and USDA is seeking nominations for the position. There was some advertisement that went out to these positions in the spring time. The vacancy closes July 14, and it will be filled. So the way we see the process going, that is, the gentleman's issues are being addressed, we see this as a non-issue, and we would hope that the gentleman would withdraw the amendment.

If there is some opposition to the way the process works, we can understand that; but the process is moving forward and the board positions will be filled in a timely manner according to our information.

Mr. KUCINICH. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from Ohio.

Mr. KUCINICH. Would the gentleman endorse the statement of concern that I made so that the appointment would truly go to a consumer representative?

Mr. BONILLA. I cannot advocate or endorse a particular group's choice for the position. That is not my role.

Mr. KUCINICH. If I may, if the gentleman would continue to yield, it is not my intention to ask you to endorse a particular person or a particular group's nominee. The spirit of this amendment is to protect the organic label through making sure that there is a consumer representative.

I would ask if the gentleman would be willing to work with me to make sure as we move through this process that, in fact, we will have a real consumer representative, whoever he or she may be, and not someone who is necessarily part of the industry. The industry does have representatives, and I have no quarrel with that; but consumer representatives ought to be as such. If the gentleman would agree to work with me on it, I would be happy to withdraw the amendment.

Mr. BONILLA. I would be happy to work with the gentleman on this; but, of course, I cannot stand here and guarantee the outcome.

Mr. KUCINICH. I understand, but the chairman, if we work together, I think that the consumers would have a better feeling that with the Chair being involved there is an opportunity that at least we could address the issue. I am not asking you to guarantee the outcome, but if I have your word that you will make an effort, that is good enough for me.

Mr. BONILLA. I would be happy to do that. I have a tremendous amount of respect for the gentleman. There have been many unrelated issues that we have worked on together in the past, and we would be happy to do that.

Mr. KUCINICH. In consideration of the chairman giving me his word that we will work together on this, Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), $11,226,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, $14,795,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $8,479,000.

HOMELAND SECURITY STAFF

For necessary expenses of the Homeland Security Staff, $954,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $16,936,000.

COMMON COMPUTING ENVIRONMENT

For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service, and Rural Development mission areas for information technology, systems, and services, $68,971,000, of which $4,494,127 is for rural development-related activities, $14,494,273 is for Natural Resource Conservation Service-related activities, and $49,982,600 is for Farm Service Agency-related activities, to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915–16 and 40 U.S.C. 1421–28: *Provided*, That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based agencies, and shall be with the concurrence of the Department's Chief Information Officer: *Provided further*, That of the funds provided under this section, $410,000 shall be available to process data to acquire fourband digital color infrared imagery of the entire State of New Mexico.

AMENDMENT OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEINER:

Page 3, line 12, insert after the dollar amount the following: ''(reduced by $25,576,000)''.

Page 3, line 13, insert after the dollar amount the following: ''(reduced by $1,666,523)''.

Page 3, line 14, insert after the dollar amount the following: ''(reduced by $5,374,803)''.

Page 3, line 15, insert after the dollar amount the following: ''(reduced by $18,534,674)''.

Page 19, line 8, insert after the first dollar amount the following: ''(increased by $23,000,000)''.

Mr. WEINER. Mr. Chairman, there are a great many people who are watching with rapt attention what we do in this appropriations bill. There are many people watching, well, many might be a strong word, but there are some people watching on C–SPAN and many of our colleagues are very interested to see the outcome of this bill. But I can tell you there is a whole group of other creatures that really don't mind at all what we do here because they are going about the business of ravaging our economy.

I am talking about the invasive insects, the invasive species like the Asian longhorn beetle which because of the lack of funding in this budget and in past budgets are on course to do an estimated $268 billion worth of damage to the economy. It is insects like the Asian longhorn beetle that is eating away at Illinois and Pennsylvania and New York and New Jersey. It is insects like the emerald ash borer that my colleague Mr. SCHWARZ is so concerned about and folks in Indiana and Ohio. The sudden oak death disease in California and Oregon, all kinds of different insects are right now creating havoc in our economy.

We have over the course of time been frankly funding less and less and less for these invasive species. Sometimes it is a matter of surveillance like it is with the Asian longhorn beetle. You have to find it in order to stamp it out. Sometimes it is a matter of taking steps like we did successfully in Illinois to poison these pests before they do any more damage.

□ 1245

But I am going to tell you what the cost is if we do not pass the Weiner-Schwarz-Crowley-Maloney amendment today.

These insects will continue to move from neighborhood to neighborhood, city to city, State to State. This very same insect, which has cost over 4,000 trees in New York City, yes, Mr. OBEY, a tree does grow in Brooklyn; more than 4,000 trees have been eaten by the Asian longhorned beetle. It is on a path going north. Think of what is north of New York City. It is the Adirondacks. It is Vermont. This pest likes maple trees more than we like maple syrup. If it starts to infect that part of the U.S. economy, there will be no stopping it.

But we do have a plan now. If we provide about $23 million, it does not eliminate the problem overnight, but it does put us on a glide course to stopping this problem and these pests in their tracks.

This is a moment. This is kind of like a ripple in a pond. Right now, the problem is relatively concentrated. This is what it looks like in New York City. It started about 3 years ago, just in this neighborhood of Greenpoint, and now it is moving further and further and further out. At the same time that is happening, we have been reducing our funding, and the President has underfunded this bill appreciably.

My amendment is very simple. It would take $23 million from the common computing account and move it into this line which would help stamp out this bug and so many others. There is a list of States that this impacts, everything from the southern U.S. where the cactus moth is, all the way up to the northeast where the Asian longhorned beetle is, and Mr. SCHWARZ is going to talk about the effect it is having on Michigan.

Look, I want to upgrade the computers at the Department of Agriculture as much as anyone, but a slow computer is the least of our problems when up against this fellow. I want to tell you, as dangerous as this bug is, in all truth, this is not life size. It is a little bit smaller than this, but this bug will continue plowing away through our trees. They have already eaten 4,000 trees in New York City alone, and the only way to stop it after a while is just to raise entire forests. We simply cannot do that.

In conclusion, let me just say this, Mr. Chairman, we have shown that when the office of APHIS at the Department of Agriculture goes into a problem like they did with the boll weevil, jumps into a problem like they did with the Asian longhorned beetle in Illinois, we can stop this problem, and we can do it for relatively pennies on the dollar.

PARLIAMENTARY INQUIRY

Mr. WEINER. Mr. Chairman, parliamentary inquiry. Am I allowed to reserve time?

The Acting CHAIRMAN (Mr. MILLER of Florida). No.

Mr. WEINER. Mr. Chairman, in conclusion then, this is a chance to spend $23 million to save us having to spend $268 million.

I urge you to vote ''yes'' on the Weiner-Schwarz-Maloney-Crowley amendment and stamp out the Asian longhorned beetle and the other invasive species.

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman raises a very good issue that deserves attention, but we have done our absolute best to fund eradication and control of plant pests in the bill before you today that we are presenting. The overall total for plant pests is $115 million, which is $16 million over last year's level.

The Asian longhorned beetle is at the President's request of $20 million; the glassy winged sharpshooter is at $24 million; emerald ash borer, $20 million, more than doubling last year's level of $8 million; citrus response is $39 million; sudden oak death, doubled from last year to $6 million; and the list goes on and on.

Eradication and control of these pests is also supported by emergency funding from the Commodity Credit Corporation at the discretion of the Secretary. The emerald ash borer control just received $7.5 million from CCC last month.

As for the offset of this amendment, it is completely irresponsible to cut funding to farmers, rural areas and conservation programs for this gentleman's purpose.

I would imagine that it would not just be me, but there would be Members from all across America that are sensitive to the cuts that are being proposed in this amendment. It is not just about one district. This is about national priorities.

If the gentleman wishes to look in his own district for offsets, New York City benefits greatly from the programs funded by this bill. I heard from you and others that funding for the Commodity Supplemental Fielding Program was a critical need. This bill includes $118 million for that program, which the President attempted to zero out. Of that amount, New York City receives $7.8 million and about 30,000 people receive food as a result. Would the gentleman propose that funding for that program be cut to fund beetle eradication since there is a parochial interest in taking money from one place and putting it in another?

The gentleman could also propose cuts in funding for WIC, the feeding program that we all care about and try to take care of every year for at-risk women and children, to fund this priority. This bill before us today includes over $5 billion of WIC funding. New York receives about $200 million of that funding every year for eligible women, infants and children. Why are beetles more important? What is the priority?

The point is that there are a lot of choices that you have to make in putting a bill like this together, and we made the choices that we feel are best for this country and have been fair to every State. So I would ask Members to oppose the amendment when it comes for a moment.

Mrs. MALONEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the Weiner-Schwarz amendment to boost funding for the Animal and Plant Health Inspection Service by $23 million to fight invasive species nationwide, all across our country, and this additional funding that we are requesting is measured, it is responsible. It is the difference between what APHIS tell us they need to eradicate invasive species and what this bill contains.

My good friend on the other side of the aisle calls this a New York issue. This is not a New York issue. This is across the country, and it addresses not only the Asian longhorned beetle, but the emerald ash borer, the sudden death oak disease, the cactus moth that is in the gulf region, the boll weevil that is in the south and has destroyed a lot of the cotton industry, and again, this is not what we are requesting. It is what the professionals are requesting.

If we are able to stop it in New York or Chicago; Chicago has practically eradicated the Asian longhorned beetle. Believe me, you do not want this moving across the country. It is a terrible, terrible bug. I have got one right here, and it is only about an inch long with white spots on it. It does not look that dangerous, but if it gets into a tree, it will completely destroy the tree.

It first appeared in Greenpoint, Brooklyn, in my district, and we did not detect it, and literally, we had to chop down every single tree in a park and throughout the neighborhood. We are now trying to contain it and to keep it out of Central Park. It has moved into New Jersey. If we are able to contain it in Chicago and New Jersey and New York, then you will not have this problem.

Again, we are not just talking about the Asian longhorned beetle. We are talking about all invasive species, and it is the amount that is requested by the professionals in the Animal and Plant Health Inspection Service.

So this is a responsible bill. Regrettably, in New York, we have had to chop down over 4,000 trees; 27,000 trees have been chopped down across the country, and this is really an unacceptable price to pay, and that is why we need to pass this amendment which will provide more funding to fight these invasive species.

I tell you, it is a responsible request. We are just backing up what the agency is asking for, and this is a national problem. If we are able to contain it in Chicago and New Jersey, then you will not have the problem, and as I said, it also funds all of the other areas such as the sudden oak death and the emerald ash borer. I yield the remainder of my time to my colleague and friend from New York who has worked so hard on this issue, and it is so critical to all of New York City and State but to your States, too.

Mr. WEINER. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY. I yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, I thank the gentlewoman.

This was passed on a bipartisan level, a similar bump-up amendment, 2 years ago. I just want to respond to the chairman's suggestion.

There is no doubt about it, the chairman makes some very difficult choices and I think did a very admirable job, but he read a long list of programs we do not take the money from. It should be clear where it comes from.

It comes from computer upgrades, computer upgrades, infrastructure, Department of Agriculture, a very worthy thing to do, no doubt about it, but if we do not wipe out these invasive species, they are going to wipe us out. The vector is like this. It is a wider and wider challenge with each additional year.

I believe that we need to have the highest technology we can in all of our agencies, but it is a matter of waiting another year to upgrade computers rather than trees.

Mrs. MALONEY. Mr. Chairman, reclaiming my time, if we do not fell this beetle and other invasive species, they will continue to fell our trees across our country.

I have an example here from APHIS of the beetle and what to look for if it goes to your States so you will know about it, and I urge my colleagues to support this amendment. This is a bipartisan amendment, and this is about the health and welfare of our economy, our environment.

It has cost us zillions of dollars to stop this beetle. We need to stop it now or it is only go to cause more economic and environmental damage across our country.

So I urge my colleagues on both sides of the aisle to support this important amendment.

Mr. SCHWARZ of Michigan. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the emerald ash borer started in the State of Michigan, in southeast Michigan, probably another unwanted import from someplace in Southeast Asia where it does not affect the ash species, only apparently in North America, but it has now killed tens of millions of ash trees in the Midwest, and the destruction continues.

It affects the baseball bat industry, baseball bats are made from ash; the nursery industry; Native American culture, basket weaving; hardwood flooring and furniture industry; beautification projects; et cetera. It has moved out from southeast Michigan now to central Michigan into the northern

part of the State and into the upper peninsula, Ohio and Indiana and, unfortunately with some nursery trees, into the State of Virginia as well.

It is expected, if we do not go after this effectively and aggressively, that all the ash trees east of the Mississippi River will soon be destroyed by the emerald ash borer. For that reason, I support the Weiner-Schwarz amendment. I am hopeful that the chairman will as well.

Michigan State University in my State is doing a great deal of research and trying to find an easier way than the methods now used to exterminate this pest. That has not been done yet, and as a result, all of the ash trees in the United States, but especially those east of the Mississippi, are at risk.

I would say this. We appreciate the $20 million. The $20 million is not quite enough, and I do not think, unless you live in that part of the country, one understands the magnitude of what is going on with the emerald ash borer.

If we cannot pass our amendment, I would hope the chairman would consider changing the report language in the bill to include the lower peninsula of Michigan as well as the upper peninsula and Indiana and Ohio. For some reason yet unknown to me, the lower peninsula of Michigan is not in that language, but in any event, the emerald ash borer, which is the reason I am here and the reason I so strongly support this amendment, is something that has to be eradicated. If it is not eradicated, every ash tree in the United States itself will be eradicated.

Mr. CROWLEY. Mr. Chairman, I move to strike the last word.

I rise in support of the Weiner-Schwarz amendment. I want to thank my colleague from New York (Mr. WEINER) for all his hard work on this important issue on attacking invasive species.

Many people wonder why members of the New York City delegation would be up here on the Agricultural bill, but the issue of invasive species is a serious one for Members from rural, suburban and urban areas as well.

For New York City, the pest in question is the Asian longhorned beetle, and quite frankly, if the Asian longhorned beetle were this big, we would not be having this debate right now. We would all be putting more than $48 million per year towards eradicating it. But it is much smaller. It is about one-and-a-half inches to 2 inches in length.

It has been in Queens County since 1999, where I represent. The Asian longhorned beetle has had devastating effects on trees in my home County of Queens but also of Brooklyn, the Bronx, Manhattan, as well as parts of Chicago and New Jersey.

□ 1300

I know this pest has been depriving the residents of my constituency in my district of precious shade, green space, and natural beauty provided by a variety of trees. This issue is particularly serious in an area where trees and shades are at a premium, in the County of Queens. We have lost almost half of the trees that have been lost in New York City.

But besides attacking urban area trees, scientists have stated that the Asian longhorned beetle is a real threat to the hardwood trees of America; and if left unchecked, this pest could be more threatening to our Nation's trees and forests than the Dutch elm disease, the gypsy moth caterpillar, the chestnut blight combined. This beetle would be devastating to our timber industry, but let me go to our homes and to the breakfast table. This invasive species can have a direct impact on the maple syrup industry here in America. Imagine, pancakes without real maple syrup. That is what this bug represents to America right now.

On this point, I want to thank again the Chair and the ranking member for including report language in this bill recognizing the real threat of the Asian longhorned beetle. The report states: ''The Asian longhorned beetle threatens all hardwood trees, and is of great concern to the northeast, particularly in New York and New Jersey.''

When this pest was first discovered, I called for the assistance of my colleagues in this Chamber and you all responded. I want to acknowledge the great work of then-Chairman Skeen and now Chairman BONILLA, and then-Ranking Member KAPTUR and now Ranking Member DELAURO in working with me and the City of New York to try to address this issue.

I remember visiting the Heinz family of Ridgewood, Queens, who lost some of their precious trees to this pest in 1999. Due to our hard work here in Washington, we were able to fund investigators who searched the trees to look for the beetle and worked towards eliminating the problem in this particular neighborhood. We were able to replace those trees.

Green space and trees are a vital component to the quality of life of my constituents both in Queens and the Bronx and all the outer boroughs, including Manhattan. We can fight this invasive species and other pests that plague our country, like the emerald ash borer, sudden oak death, cactus moth and boll weevil, by passing this Weiner-Schwarz amendment today.

In addition to their past support for battling the beetle, I also want to thank Chairman BONILLA and Ranking Member DELAURO for including a provision in their bill granting the Secretary of the USDA discretion to use Commodity Credit Corporation funds to combat the beetle. While this provision is important, it cannot replace the need for this amendment, as over the past several years OMB has not approved CCC funding to combat this beetle and work towards its total eradication.

That is why I am supporting this amendment today to provide a $23 million increase to APHIS this year to more effectively combat invasive species in our country. Please support this amendment. It will benefit our constituents in almost every State in the country. In fact, I would argue every State, if you eat pancakes in the morning.

Mr. THOMPSON of California. Mr. Chairman, I move to strike the last word.

I rise for the purpose of a colloquy with the chairman. I want to thank you for the good work you and Ranking Member DELAURO have done on this bill and all the good work you have done for agriculture, much of which is manifested in this bill.

Mr. Chairman, thank you in particular for the interest that you have paid in regard to the wine industry, which is very important not only to my district but to the entire State of California, now a nearly $50 billion annual industry in California. I know that you took the time to come out and see it firsthand from the ground up, and that is very much appreciated.

Mr. Chairman, on page 22 of the House report, it directs and approves the reprogramming of available construction funds away from certain facilities. The report further states: ''This reprogramming will be used to offset construction costs for other Federal facilities in those States.''

I would like to get clarification, Mr. Chairman, that this language is not intended to imply that the committee has decided that these other projects are unworthy facilities or that the committee has determined that construction funding is no longer warranted.

Mr. BONILLA. If the gentleman will yield, I appreciate the gentleman's inquiry. The bill ensures that previously appropriated funds for planning and design of a new facility will continue to be available. This reprogramming is not intended to signify that construction funds are no longer needed.

Let me also add that I appreciate the gentleman's remarks on my interest in the industry. I have enjoyed my touring of the gentleman's region of California and also in Washington and would look forward at some point to returning. I plan to continue supporting the industry for as long as I am here.

Mr. THOMPSON of California. Thank you, Mr. Chairman, and I look forward to working with you and your staff on this and other matters that are important to this region in the future. We would love to get you back out there to see the parts of the industry that you didn't get a chance to see, and I appreciate your continued interest and hard work on behalf of this industry.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. WEINER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT OFFERED BY MR. BUTTERFIELD

Mr. BUTTERFIELD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BUTTERFIELD:

Page 3, line 12, insert after the dollar amount the following: ''(reduced by $5,000,000)''.

Page 3, line 14, insert after the dollar amount the following: ''(reduced by $5,000,000)''.

Page 36, line 21, insert after the dollar amount the following: ''(increased by $5,000,000)''.

Page 36, line 22, insert after the dollar amount the following: ''(increased by $5,000,000)''.

Mr. BUTTERFIELD. Mr. Chairman, I would like to offer this amendment today on behalf of the 23 rural counties that I represent in eastern North Carolina, and I might say that we are also the 15th poorest district in the Nation. I offer this amendment on behalf of the small and low-income and underserved rural communities all across America.

Mr. Chairman, before I continue with offering this amendment, I would like to say what a fine job that you and your staff have done on this bill. You were very courteous to me when I discussed this amendment with you a few minutes ago, and I thank you so very much. I also would like to thank the chairman and the ranking member for their spirit of bipartisanship on this committee.

Mr. Chairman, it is my intention to support the underlying bill. This amendment is offered to respectfully bring attention to this particular area of need.

If an individual is driving along interstate highway 95, and many of my colleagues when they travel south will travel that route, if you are driving along this interstate highway and you find yourself in an unfortunate collision, the odds are very likely that the emergency vehicles that respond to your situation were financed through the Community Facilities Account in Rural Development.

In all likelihood, the fire station and the police station and other facilities in the rural community that support these vehicles came from this account. Community Facilities, or CF as we call it, provides low-interest, long-term loans to rural towns and cities for buildings and emergency vehicles and other items. These loans are a net positive to the Federal Government over the life of the loan, and they have an exceptionally low default rate because the recipient is a local governmental entity. Because the funding is leveraged, a $5 million increase in this account will result in approximately $28 million in increased lending to local counties, cities, and towns.

Mr. Chairman, I realize that funding is tight this fiscal year. We all know that. But a small amount of money will allow a disproportionately large amount of lending to small communities across America to develop critical infrastructure that will save lives. So on behalf of the rural communities across America, I urge the adoption of this amendment.

Mr. BONILLA. Mr. Chairman, I rise to oppose the amendment.

The amendment proposes to cut funding for computers and information technology for NRCS and to add funding for the Rural Community programs.

The gentleman did not include this funding level as a priority to the subcommittee prior to this bill coming to the floor. The bill provides over $49 million for the Rural Community programs, which is an increase of $6 million over the President's request.

We had to make some tough decisions within our funding allocation, and I do not believe we should cut the Natural Resources Conservation Service to provide an additional increase for the Rural Community programs. So we have dealt with this issue in the committee, and we feel like we have done the best we can. Therefore, I rise to oppose this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. BUTTERFIELD).

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $5,991,000: *Provided*, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A–76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary salaries and expenses of the Office of the Assistant Secretary for Civil Rights, $836,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $22,650,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration, $736,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $209,814,000, to remain available until expended, of which $155,851,000 shall be available for payments to the General Services Administration for rent and the Department of Homeland Security for building security: *Provided*, That amounts which are made available for space rental and related costs for the Department of Agriculture in this Act may be transferred between such appropriations to cover the costs of additional, new, or replacement space 15 days after notice thereof is transmitted to the Appropriations Committees of both Houses of Congress.

AMENDMENT NO. 3 OFFERED BY MR. KENNEDY OF MINNESOTA

Mr. KENNEDY of Minnesota. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. KENNEDY of Minnesota:

Page 5, line 15, insert after the dollar amount the following: ''(reduced by $500,000)''.

Page 13, line 6, insert after the dollar amount the following: ''(increased by $500,000)''.

Mr. KENNEDY of Minnesota. Mr. Chairman, let me first of all thank the chairman of the committee and the great committee itself for the wonderful job they are doing with a very difficult task in a tight budget year of balancing so many priorities, and I commend them on the job that they have done.

I do rise today as someone who did not live in a town of more than 500 until after I graduated from high school. I understand the unique challenges that our rural communities face, and one of those challenges that has emerged in the last few years is the growing shortfall of qualified veterinarians serving in rural practice.

This shortage is particularly troubling because vets provide critical services that help make our country's food security and disease management systems the envy of the world. Veterinarians in rural communities are our front line of defense against biosecurity outbreaks, like avian influenza, SARS, BSE, West Nile virus, and others.

The need to prevent such outbreaks and identify new biohazards before they endanger our food supply makes it crucial that we have qualified vets working in our rural communities. However, over the last few years, the rising cost of veterinary education has led to a critical shortfall of new vets entering into practice in lower-paying underserved areas.

□ 1315

According to the American Veterinary Medical Association, in 2005, the average new vet had over $88,000 in debt from their education, and more than one-third of the graduates had debt over $100,000. As a result, new vets face loan repayments that amount to

nearly a third of their monthly salaries, forcing many to go into higher-paying smaller animal practices instead of the large animal, food-supply related service in our rural areas.

Worse yet, statistics show that the shortage of food-supply vets is growing by 4 percent a year with an anticipated 13 percent shortage for cattle and swine veterinarians and a 19 percent shortage for vets involved in Federal animal inspections.

To address this shortfall, in December 2003, the National Veterinary Medical Service Act was signed into law. The bill authorizes the Secretary of Agriculture to exchange payment of a vet's educational loans for service in critical shortage areas such as rural, public health and inner city practices.

Although the act had nearly unanimous support when passed into law, today Congress has only appropriated $500,000 for this pilot program in last year's agriculture appropriations conference report, and I thank the chairman for that. The amount is far too short of the act's authorizing level, but veterinarian professionals like the American Veterinary Medical Association believe it is vital to encouraging more vets to enter into practices critical to our Nation's food security.

That is why I am offering an amendment to again fund this program at $500,000, the same as enacted in last year's bill. The offset for this funding would come from the Agriculture Buildings Facilities and Rental Payments Account which is set to increase at over $24 million to nearly $210 million next year.

We must provide much-needed resources in the area of work dedicated to combating the threat of economic, human and animal loss. I again acknowledge the difficult task the chairman faces and the commendable job they have done in balancing those priorities, but I encourage all Members to support my amendment, which is endorsed by the Veterinary Medical Association, so we have a strong defense against all disease outbreaks throughout the country.

Mr. BONILLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first let me say, I want to commend Mr. KENNEDY for his hard work on this issue. He is a great Member of the House and is destined and on his way to doing greater things for the State of Minnesota.

However, I reluctantly rise to oppose the amendment, and I think if the gentleman will listen to my reasons, he will understand why.

Mr. Chairman, it is not that we are against the issue; it is that there is no place to put the money that the gentleman is proposing. The gentleman does accurately point out that the Senate provided funding for this program in fiscal year 2006, and we agreed to fund this in the conference. The Senate-passed bill had $1 million for this program, and we agreed to $500,000.

However, adding more money to this program will have zero effect. This is a brand new program. The USDA is only currently deciding how to set this program up because they do not run a student loan repayment program. The department has coordinated a working group, and they are only now reviewing a draft management proposal. USDA wants to ensure that this program is thought out. Rules and regulations will have to be drafted and finalized, and the USDA estimates it is going to be about 18 months before this program is in place.

My point is fiscal year 2007 will have passed before this program is in place. We have a hard enough time keeping ongoing programs adequately funded. I know the gentleman appreciates that.

So, again, just to emphasize, even if I stood up here and agreed to the gentleman's amendment, the money would go into limbo and would not be used for what the gentleman wants it to be used for. I would urge the gentleman to withdraw his amendment because we can work together to make sure that this thing works properly.

This is the fiscal year 2007 appropriations bill for agriculture, and there is absolutely nothing that they can do with this money for at least 18 months. So it is not a prudent way to proceed.

Mr. KENNEDY of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from Minnesota.

Mr. KENNEDY of Minnesota. Would the gentleman stipulate that the previously appropriated funds are going to be sufficient to cover any amounts going under this program during fiscal year 2007?

Mr. BONILLA. Yes, because until they can develop the rules, regulations and how it is going to work, there is nothing they can spend money the money on.

Mr. KENNEDY of Minnesota. At the chairman's request, I will withdraw my amendment under the agreement that in the future and once this program has been further defined by the USDA, that we work together to make sure that it becomes funded at the level necessary to ensure that we have large animal veterinarians out in our rural areas.

Mr. BONILLA. Absolutely.

Mr. KENNEDY of Minnesota. I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

AMENDMENT NO. 18 OFFERED BY MR. HOLT

Mr. HOLT. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. HOLT:

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)''.

Mr. HOLT. Mr. Chairman, I rise to offer an amendment to the bill that will increase funding for organic transitions. It should come as no surprise; in fact, we have talked about it already this morning, that the demand for natural pesticide-free and chemical-free foods has been increasing dramatically in the United States. In fact, the Department of Agriculture says this part, this sector of the industry, is growing at 20 percent per year.

And yet funding for a critical government program to help farmers make the transition to organic farming has remained quite small and flat year after year.

The Organic Transitions Program is a competitive grants program established as part of the Cooperative Research and Extension Service. The national program has been very important to organic farming, to organic farmers and farms, and to fund research to assist the farmers in overcoming the barriers and making the transition into organic production.

This will help farmers, and it does today, help farmers optimize management of organic matter, soil fertility, research in pests and in crop health. Farmers have been funded to implement pest management programs for use in blueberry production. Another study has been funded to look at organic weed suppression.

Organic agriculture, indeed, is coming of age. But still, there is a need for research under the Department of Agriculture to help in the transition. Despite the surge in demand for organic products, the research into the transition, the research to assist the farmers in making the transition into organic farming methods has been holding steady at just under $2 million for the last several fiscal years. Well, spread over 50 States for agricultural research and extension services, obviously that is not keeping up.

So today I am offering with my colleagues from Iowa, Oregon and Wisconsin, Mr. LEACH, Mr. DEFAZIO and Mr. KIND, an amendment to increase the funding of the organic transitions program from $1.8 million to $5 million.

I am very much aware of the hard work that the chairman and the committee have put into squeezing every dollar out of their bill to get the best effect. However, I must say I was startled to find that the funding for this important program was not increased a bit even though this sector of agriculture in the United States is growing at 20 percent a year, and the demand for this very program is growing very rapidly.

So this amendment has the enthusiastic support of the National Organic Coalition, the Organic Trade Association, the northeast and other chapters of the Organic Farming Association, and many in the farming community.

And without this additional organic research funding, the farming community simply will not be able to keep

pace with the ever-growing demand for pesticide-free and chemical-free organic agricultural products.

I hope my colleagues will join me in favor of this amendment. I ask for its approval.

Mr. BONILLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment. The amendment proposes to increase the organic transitions program by over $3 million. This represents, and I ask for all of my colleagues to get this, a 175 percent increase over the current funding level. This amendment is not even reasonable.

We struggle every day when we put a bill like this together to squeeze every last penny that we can to be fiscally responsible and to take care of requests that Members have. So to come to the floor with an amendment that has a 175 percent increase is unreasonable. It is not good government. I would urge Members to vote ''no.'' If this amendment even passes with this funding level, it would be unsustainable in conference. I do not understand, what is the point?

Mr. KIND. Mr. Chairman, I move to strike the last word.

Mr. Chairman, with all due respect to the chairman of the subcommittee, and I know he has a very tough task given the allocation that he has to work with under the budget, but this amendment is not only necessary, it is fair and reasonable.

The offset would be from the facilities account which is increased even more than 175 percent from our calculation.

But the reason it is fair is because the organic industry today commands well over 2 percent of market share in this country. As my friend from New Jersey indicated, they have been growing on average 20 percent every year. The demand is growing even faster than that. Yet under agriculture appropriations funding, they are receiving approximately 0.2 percent of the funding under the agriculture bill even though they command well over 2 percent of market share.

What we are saying is that the organic industry is here and it is time to start treating them more fairly. They are growing and commanding a bigger share. Consumer demand exists, and that is why I am proud to offer this amendment with the gentleman from New Jersey, along with our colleagues, Mr. LEACH and Mr. DEFAZIO.

I personally have witnessed this growth in my congressional district in western Wisconsin, which has more organic producers than anywhere else in the entire country. In fact, it is the home of Organic Valley which has seen their sales increase, on average, roughly 50 percent every year. Last year alone, Organic Valley had an increase by 173 in the membership of their coop, bringing their total number up to 730. Today, based on a recent communication I had with them, they have over 600 applicants wanting to join Organic Valley and the cooperative, so they can sell their organic products.

But as we know, the transition to organic is very difficult, very expensive and it is very lengthy. The transition is a 3-year period where they see a tremendous drop in income during that time period until they are certified organic. That is why I think this amendment addresses a very specific need that exists, and it is helping with the transition costs into organic by the competitive grants that this amendment would offer. The increase in funding is something that I think is long overdue.

I think we in this body need to recognize the growing strength and the impact that organic is having in the market today. But this is not a question that organic is scientifically more healthy. We are not alleging that.

What organic represents is a choice: A choice that producers get to make on how they want to work their own lands, and a choice that consumers can make when it comes time to buying products for themselves and their families, and more and more consumers are choosing organic. In fact, more and more large retailers throughout the country are choosing to offer organic products on their shelves, and this will only continue to grow. Therefore, the demand will continue to grow, and the necessity for this amendment will certainly grow.

That is why I am hoping as we move forward with the reauthorization of the next farm bill in the next session of Congress, we will be able to engage the chairman of the subcommittee and other Members of this Congress in recognizing the growing need and vitality that exists in the organic industry today, and that we will be able to do some innovative and creative things to assist organic producers, but especially those smaller producers that are making that difficult and expensive transition into organic today so that there is a place in the farm bill for short-term assistance to enable them to make it.

But we can take an important step today by supporting this amendment, again with the appropriate offset that we have identified, which is a lot less than the increase in funding under this transition program.

Mr. HOLT. Mr. Chairman, will the gentleman yield?

Mr. KIND. I yield to the gentleman from New Jersey.

Mr. HOLT. The gentleman from Wisconsin, I am sure, is fully aware of the fact that the Department of Agriculture's Cooperative State Research and Extension Service has been one of the things that has made agriculture in America great and has made it successful.

What we are talking about is a highly competitive grant program under that service. This is not any give-away. This is something that advances the understanding and advances the agricultural science. The chairman makes it sounds like we are talking about a whooping amount of money, $5 million. We are talking about agricultural services all over the country; every State is involved in organic agriculture now. This is an important increase, but this is not a whooping, prohibitive increase.

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Mr. KIND. Mr. Chairman, reclaiming my time, the organic industry has never come before the Congress asking for a heck of a lot. That has been the history of them. God bless them for doing so. This is one small program in the overall agriculture appropriations bill that they have come to us asking for greater assistance, because their need has grown exponentially.

We believe that with the appropriate offset we have identified, moving from roughly $1.8 million in these competitive grants up to $5 million will help relieve a little pent up pressure in that need that exists today. Because the organic industry has the potential of growing much faster and much larger than it is, even in recent years. I encourage my colleagues to support the amendment.

Mr. KUCINICH. Mr. Chairman, I move to strike the last word.

I want to thank the gentleman from New Jersey as well as the gentleman from Wisconsin for their statements in support of the organic transitions program.

As someone who has traveled the country, I can tell you that organic food growers are an emerging sector in agriculture. Mr. KIND pointed out that they now are at 2 percent.

I can tell you that all around this country there are many people getting into organic agriculture. What that means is that there needs to be structures in place to facilitate the growth of organic agriculture, which is just what this amendment will do.

I think we can look at it as emerging small business persons as well. These are individuals who believe in sustainability. These are individuals who believe in the American dream of being able to farm a plot of land and do it in a way that is consistent with a high quality, something that we ought to all be proud of. It is something that affects many Congressional districts in certainly every State.

I wanted to add my voice to support the efforts of Mr. HOLT, Mr. KIND and others who understand that the organic transition program is something that is going to help the organic industry grow. It is good for the industry, and it is good for American agriculture, and it is good for our ability to keep growing our economy as we grow with the growth of the organic industry.

Ms. DELAURO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I won't take all of my time, I just want to lend my support to this amendment as a State in which we are seeing increasing efforts in terms of organic farming, and having visited those efforts, myself and understanding

the concerns that they have in making these kinds of transitions with the kinds of movement of the American public that is moving in this direction.

I just wanted to associate myself with the words of my colleagues and support the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $12,020,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $24,114,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,940,000: *Provided*, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further*, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: *Provided further*, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry out services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $9,695,000: *Provided*, That not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the Inspector General Act of 1978, $82,493,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $40,455,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $651,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, $80,963,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, $148,719,000, of which up to $36,582,000 shall be available until expended for the Census of Agriculture.

AMENDMENT NO. 17 OFFERED BY MR. KENNEDY OF MINNESOTA

Mr. KENNEDY of Minnesota. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. KENNEDY of Minnesota:

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)''.

Mr. KENNEDY of Minnesota. Mr. Chairman, as a representative from Minnesota's largest dairy-producing region, I have been a strong advocate for working with the Federal Government to protect my State's dairy producers and ranchers.

With 30,000 cattle producers representing a $2 billion industry in the State of Minnesota, I take very seriously any potential threat to the viability of the livestock sector in my State. The continued spread of bovine tuberculosis in cattle throughout Minnesota and other States poses a major risk of devastation to herds across the country.

So far this year, five beef cattle herds have tested positive for bovine tuberculosis in Minnesota. During the same period, seven beef and dairy herds in Michigan, and one dairy heard in Arizona have contracted the disease.

While some may believe that these outbreaks are the exception rather than the rule, it should be noted that several other States, including California, New Mexico and Texas have seen outbreaks in their herds. In fact, back in 2000, the USDA Secretary Glickman authorized over $44 million in emergency funds to expand TB eradication in Texas, Michigan and elsewhere.

States are responsible for the lion's share of the cost of dealing with these outbreaks. Not only must they combat the spread of bovine TB in livestock, but they must also make do with the shortage of limited Federal funds for indemnity payments to the ranchers and dairy producers.

The scope of the problem is evident at USDA's Animal and Plant Health Inspection Service, APHIS, where the limited funding for the bovine TB eradication program has been strained so severely that no indemnity money is left for the rest of this fiscal year. In fact, as a result of the most recent herds testing positive for bovine TB, USDA has had to find an additional $1.5 million above what has been appropriated for the bovine TB program for this year.

This has resulted in delays, threatens animal health and increases costs for our farmers and ranchers who are now reluctant. They are reluctant to test their herds unless they are confident that indemnity money is available.

Simply put, this is not acceptable. That is why I am offering an amendment today that calls for a $500,000 increase in APHIS TB's eradication program. Such an increase was specifically referenced in the meeting that I had with APHIS Administrator DeHaven just last week.

My amendment, which is endorsed by the National Cattlemen's Beef Association, would mean that the total of $17.2 million would be appropriated for this year to deal with tuberculosis outbreaks in fiscal 2007. The offset for this funding would come from the National Agricultural Statistics Service, which has provided an increase of $9 million this year to a total of $145 million.

I, again, commend the chairman for the difficult balancing act that he has and a difficult tight year, but I encourage all Members to support my amendment so that all ranchers and dairy farmers, dairy producers, receive the resources they need to combat this resilient and destructive disease.

Mr. BONILLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is with great reluctance I rise to oppose the gentleman's amendment, because the gentleman is such a distinguished Member. But we have funded the bovine TB program at $16.7 million, the same as the President's request. That is $1.8 million over the current level. So it is not like we haven't tried to address this issue.

We have challenges in fighting TB, but we feel like the resources provided can meet those challenges for now. If indemnity funds are exhausted in the current year, the Secretary can then access emergency funds.

So we do feel that this issue that the gentleman is concerned about, the concerns could be addressed. We certainly

would be willing to work with the Department and the gentleman if there is a greater need that we currently don't foresee.

The gentleman also proposes to cut funds for the National Agriculture Statistics Service. Those funds are for the purposes of agriculture and agriculture estimates. The census of agriculture does have an increase this year because it is a 5-year cycle and has up and down years. We are headed up to a census.

If you cut agricultural estimates, you decrease the USDA's ability to provide quality agriculture data. That data affects cash receipts to America's farms and ranches and exceeds $200 billion annually. The estimates must be precise; for example, a 1 cent change in the average corn price can result in the change of more than $110 million in counter-cyclical payments.

That is why I oppose the amendment. I know the gentleman can see my points very clearly and also the earlier point I made that it is not like we are not trying to address the gentleman's concerns and feel like, again, that we have increased this line item. There is additional money available, if there is a problem that emerges, so we are on your side, would be my quote to the gentleman.

Mr. KENNEDY of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from Minnesota.

Mr. KENNEDY of Minnesota. Mr. Chairman, the concern that we have, having met with the administrator, the funds have run out for this year some time ago. They have other diseases where they have sort of known expiration funds that they can give assurance.

But there is no assurance that funds would be released by OMB from CCC to provide this. Our farmers are telling us, as you know, farmers can take time to be concerned, that they just don't even want to test their animals because they know there isn't assured indemnity funds out there. So given the current status we are at today, where we are out of indemnity funds, farmers are concerned that their concern and their lack of confidence in the program being there could result in them making decisions that would delay identification of TB.

I recognize the issues that the chairman has brought up, but I do believe that given the heightened importance of this, that I think we need to proceed. I would also point out, as I mentioned, that when Texas was vitally concerned, we had $44 million back in 2000. Yes I do commend the increase, but I do believe this further increase remains being called for.

Mr. BONILLA. Mr. Chairman, reclaiming my time, I would further emphasize CCC funds could be used if they are needed to address this. So we feel like, again, we are doing all we can to address this issue at this time. That is why I am opposing the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. KENNEDY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. KENNEDY of Minnesota. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,057,603,000, of which $2,350,000 shall remain available until expended: *Provided*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That the foregoing limitations shall not apply to the purchase of land at Florence, South Carolina: *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law: *Provided further*, That the Secretary, through the Agricultural Research Service, or successor, is authorized to lease approximately 40 acres of land at the Central Plains Experiment Station, Nunn, Colorado, to the Board of Governors of the Colorado State University System, for its Shortgrass Steppe Biological Field Station, on such terms and conditions as the Secretary deems in the public interest: *Provided further*, That the Secretary understands that it is the intent of the University to construct research and educational buildings on the subject acreage and to conduct agricultural research and educational activities in these buildings: *Provided further*, That as consideration for a lease, the Secretary may accept the benefits of mutual cooperative research to be conducted by the Colorado State University and the Government at the Shortgrass Steppe Biological Field Station: *Provided further*, That the term of any lease shall be for no more than 20 years, but a lease may be renewed at the option of the Secretary on such terms and conditions as the Secretary deems in the public interest: *Provided further*, That the Agricultural Research Service may convey all rights and title of the United States, to a parcel of land comprising 19 acres, more or less, located in Section 2, Township 18 North, Range 14 East in Oktibbeha County, Mississippi, originally conveyed by the Board of Trustees of the Institution of Higher Learning of the State of Mississippi, and described in instruments recorded in Deed Book 306 at pages 553–554, Deed Book 319 at page 219, and Deed Book 33 at page 115, of the public land records of Oktibbeha County, Mississippi, including facilities, and fixed equipment, to the Mississippi State University, Starkville, Mississippi, in their ''as is'' condition, when vacated by the Agricultural Research Service: *Provided further*, That none of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $140,000,000, to remain available until expended.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $651,606,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), $183,275,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), $22,668,000; for payments to the 1890 land-grant colleges, including Tuskegee University and West Virginia State University (7 U.S.C. 3222), $38,331,000, of which $1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), $103,471,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), $14,952,000; for competitive research grants (7 U.S.C. 450i(b)), $190,000,000; for the support of animal health and disease programs (7 U.S.C. 3195), $5,006,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $1,175,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), $1,091,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), $1,250,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), $1,000,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $4,455,000, to remain available until expended (7 U.S.C. 2209b); for higher education challenge grants (7 U.S.C. 3152(b)(1)), $5,445,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $988,000 to remain available until

expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $5,940,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), $990,000; for aquaculture grants (7 U.S.C. 3322), $3,956,000; for sustainable agriculture research and education (7 U.S.C. 5811), $12,196,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University and West Virginia State University, $12,375,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $3,000,000; for resident instruction grants for insular areas under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), $500,000; and for necessary expenses of Research and Education Activities, $39,542,000, of which $2,723,000 for the Research, Education, and Economics Information System and $2,151,000 for the Electronic Grants Information System, are to remain available until expended: *Provided*, That none of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products: *Provided further*, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

AMENDMENT OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. DELAURO:

Page 13, line 6, insert after the dollar amount the following: ''(increased by $25,000,000)''.

Page 36, line 21, insert after the dollar amount the following: ''(increased by $229,303,000)''.

Page 48, line 26, insert after the dollar amount the following: ''(increased by $12,000,000)''.

Page 50, line 6, insert after the dollar amount the following: ''(increased by $23,000,000)''.

Page 51, line 23, insert after the dollar amount the following: ''(increased by $10,000,000)''.

Page 52, line 7, insert after the dollar amount the following: ''(increased by $6,697,000)''.

At the end of the bill (before the short title), add the following new sections:

''SEC. ____. In addition to amounts otherwise provided by this Act, there is hereby appropriated to the Secretary the following amounts for the following purposes:

''(1) For biorefinery grants authorized by section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103), $50,000,000.

''(2) For grants under the energy audit and renewable energy development program authorized by section 9005 of such Act (7 U.S.C. 8105), $10,000,000.

''(3) For payments under the bioenergy program authorized by section 9010 of such Act (7 U.S.C. 8108), and notwithstanding subsection (c)(2) of such section, $120,000,000.

''(4) For grants under the Biomass Research and Development Initiative authorized by section 307 of the Biomass Research and Development Act of 2000 (7 U.S.C. 7624), $14,000,000.

''SEC. ____. In the case of taxpayers with income in excess of $1,000,000, for the calendar year beginning in 2007, the amount of tax reduction resulting from enactment of Public Law 107–16, Public Law 108–27, and Public Law 108–311 shall be reduced by 1.21 percent.''.

Ms. DELAURO. (During the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

Mr. BONILLA. Mr. Chairman, I reserve a point of order against the amendment.

The Acting CHAIRMAN. A point of order is reserved.

Ms. DELAURO. Mr. Chairman, this amendment seeks to address energy and rural development needs. We have become all too aware in recent years of the growing divide between rural Americans and other parts of our nation. Rural America has 90 percent of the country's poorest counties, a poverty rate of over 14 percent, and the number of farms in the United States has declined by two-thirds over the past 7 decades. Crop prices are low. Subsidies are eroding deepening digital divide. The opportunities for opportunity in rural America are slim.

In offering the amendment, I believe we could begin to meet a variety of rural development needs. From waste and water grants and community facility grants to funding for broadband expansion and renewable energy infrastructure, the amendment would raise the total water and waste grant program in the bill to $689 million, an increase of 44 percent over the bill, higher than any of the years since at least fiscal year 1996. These are the kinds of community facilities which help communities, that provide direct loans to them to build libraries, medical facilities, daycare centers. The funds help small rural communities meet EPA Clean Water Act requirements, lower water costs for homeowners and businesses, helping lower-income smaller communities get funds they need.

USDA has left grant applications with $497 million from 536 communities unfunded at the end of fiscal year 2005 because it had used up the funds appropriated for the program. This happens year after year. We have got to start doing better. I believe this amendment helps us to do that.

Let me focus on energy for a moment. The single most significant action this committee could take to improve the prospects for rural and national economies would be to make a strong commitment to renewable energy. There are several programs in the 2002 farm bill, last year's energy bill, funded through the agricultural appropriations bill that offer us this opening to look at meaningful incentives for renewal energy, production, consumption and infrastructure.

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We ought to seize this opportunity to re-energize a farm economy and at the same time jump-start the country's energy independence by looking at these new technologies.

Unfortunately, I believe our investment in these programs continues to be tentative. Let's take a look at the programs. Bioenergy makes available reduced-price feedstocks for expansion of ethanol and biodiesel facilities. That receives no funding at all under this bill. This program alone could help our farmers take those first steps towards creating a market for renewable energy.

The Value-Added Agricultural Product Market Development Grants could build more integrated ethanol biorefineries and spur development of new uses for agricultural products that does not even receive its authorized level in this bill with only $28 million.

Despite its popularity, the Renewable Energy Systems and Energy Efficiencies Improvement Program that provides resources to farmers and rural small businesses for energy efficiency is only funded at $23 million. That is half its authorized level.

Let me just be clear. These are all USDA programs funded under this bill, so we have a serious role to play in this committee. The amendment proposes to seriously fund these programs. It would increase biorefinery development grants by $50 million, restore $120 million to the bioenergy program, and fund the Value-Added Agricultural Product Market Development Grant Program at an authorized level of $40 million.

In addition, it doubles the funding for the Renewable Energy Systems and the Energy Efficiency Improvements Program and the Biomass Research and Development Program, while providing increased funding to finance renewable fuel filling stations in rural areas. It also increases funding for the land grant universities by $25 million to look at their portion of the research, which will be critical in order for us to move forward.

The amendment is fully paid for by asking those making more than $1 million per year to forego less than $1,500 of their $90,000-plus tax cuts. American families are sacrificing enough. It is time this Congress ask the most well-off to do their part to meet the challenge as well.

So, Mr. Chairman, with biofuels on the cusp of revolutionizing the American economy in the very near future, the technologies are here, they are here now. Brazil did this in only a few years' time. We can make a statement here, a statement that the Congress is ready to face this challenge head-on.

As I said before, Americans are ready to declare their energy independence. We can make this possible with this bill. We can tap the promise of our farms that they hold to reduce our dependence on oil. We can provide a more secure economic future for our farmers. We can make it happen with this amendment.

Renewable energy has the incredible potential to revive the American farm economy and our own agricultural base. We ought to pass this amendment.

POINT OF ORDER

Mr. BONILLA. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill, and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: ''An amendment to a general appropriations bill shall not be in order if changing existing law.'' The amendment changes the application of existing law.

I request a ruling from the Chair.

The Acting CHAIRMAN (Mr. MILLER of Florida). Does any Member wish to be heard?

The Chair is prepared to rule. The Chair finds this amendment changes the application of existing law. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT OFFERED BY MR. BACA

Mr. BACA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BACA:

Page 13, line 6, insert after the dollar amount the following: ''(reduced by $100,000)''.

Page 13, line 19, insert after the dollar amount the following: ''(reduced by $800,000)''.

Page 14, line 12, insert after the dollar amount the following: ''(increased by $700,000)''.

Page 18, line 16, insert after the dollar amount the following: ''(increased by $100,000)''.

Mr. BACA. Mr. Chairman, I first wish to commend Ranking Member ROSA DELAURO and Chairman BONILLA for their good work on this appropriations bill. It is a good bipartisan bill that has brought in a very important issue, especially as it pertains to Hispanic Serving Institutions and Colleges.

I now rise in favor of this collaboration amendment by my Congressional Hispanic and Black Caucus to boost funding for minority education in farming programs at the USDA. This amendment is being offered by me, Representatives BUTTERFIELD, HINOJOSA and THOMPSON to increase funding for Hispanic Serving Institutions and for the 2501 Socially Disadvantaged Farmers and Ranchers Program.

This amendment is important because it provides funding to help minority educations in agriculture.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. BACA. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, the gentleman is presenting a good amendment, and I would just like to inform the gentleman we would be happy to accept the gentleman's amendment if he would like to move it to a vote.

Mr. BACA. Mr. Chairman, reclaiming my time, I don't mind. I just wanted to read it for the RECORD to be recorded that I am fighting on behalf of everyone, if you don't mind, Mr. Chairman. But I appreciate that. I think it is important, and I appreciate the fact that they are moving on the amendment. Also I felt it was important for people to hear the amendment itself in terms of what it does.

This amendment is important because it provides funding for minority education in agriculture and helps rebuild a minority farming community that has been often neglected and discriminated against.

Hispanic Serving Institutions are a great source of innovation and deserve funding to continue generating advances in agricultural sciences. We must stop the long-standing practice of underfunding these institutions.

HSI funding lags behind funding for other minority institutions and remains underfunded by nearly 75 percent. With population growth, and this is why I appreciate the chairman's concern, and innovative ideas in terms of helping Hispanic-growing populations, we see enrollment at HSIs has skyrocketed, but funding remains very low and it is still unacceptable.

HSIs have grown to a number nearly equal to Historically Black Colleges and Universities. The funding has remained much lower.

A decade ago, we had less than 100 of the HSIs, and now we have nearly 250. In my district alone, we have three Hispanic Serving Institutions: Chaffey Community College, San Bernardino Community College and San Bernardino Cal State University of California. Hispanic community colleges want to know why they should not receive the full $20 million per year in investment we promised them in the farm bill.

In addition, the 2501 program helps socially disadvantaged farmers and ranchers, the fastest growing population in agriculture. We need to help these small minority farmers who are investing and keeping our country's farming legacy alive and well.

This program can help thousands of farm workers who are leaving strawberry fields behind and growing their own crops. This is a great example of the American Dream.

On the opposite side of the American Dream, this program helps keep farming traditions of thousands of African American farmers forced to the brink of discrimination, often by our own Federal Government.

Mr. Chairman, I understand you have agreed to accept this amendment, and I appreciate that. Again, I want to thank you; I want to thank Ranking Member DELAURO for the fine and great work on this legislation and this bill. So I thank both of you.

Mr. BUTTERFIELD. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

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

Mr. BUTTERFIELD. Mr. Chairman, I won't take the full 5 minutes. Let me thank the chairman for agreeing to this amendment and thank him for his leadership on the committee and thank him for his work on this Congress.

Mr. Chairman, this amendment is critically needed to provide financial assistance to our Nation's minority farmers, 1890 Land Grant Colleges and Universities, and our Nation's Hispanic serving institutions.

We must offer more outreach and more technical assistance to our farmers. During fiscal year 1983, President Reagan initiated the Small Farmer Outreach Training and Technical Assistance program in response to the USDA task force on A.A. farm ownership.

This is the only program—the only program—implemented by the USDA that directly helps minority farmers who are losing their farms at a rate that far exceeds their White counterparts.

Mr. Chairman, the USDA has already paid over $1 billion to settle discrimination lawsuits. By investing in the 2501 program, we can improve relationships between the USDA and socially disadvantaged farmers and prevent future lawsuits. This is a small investment that could potentially save millions in the future. I therefore, Mr. Chairman, urge my colleagues to support this amendment.

Mr. Chairman, I rise to urge my colleagues to support the Baca-Butterfield-Hinojosa-Thompson amendment to increase funding for the USDA education grants program for Hispanic-serving institutions and for the Minority Rancher and Farmer Program. I would like to thank my colleague from California, my good friend, Mr. BACA, for his leadership role in building the capacity for our community to fully participate and contribute to the USDA research agenda.

I am also pleased to join in partnership with Mr. BUTTERFIELD and Mr. THOMPSON to offer this amendment to advance equality and equity in the agriculture sector.

I would especially like to thank the chairman, my colleague from Texas, Mr. BONILLA, for working with us to craft an amendment that could draw bipartisan support.

The minority farmer and rancher outreach and technical assistance program provides outreach and technical assistance to encourage and assist socially disadvantaged farmers and ranchers in owning and operating farms and ranches as well as participating equitably in the full range of agricultural programs offered by the USDA.

My region is home to a large number of hispanic farmers, and their numbers are growing. our nation is stronger when our minority farmers and ranchers are successful, and this program is a modest investment to advance that success.

The competitive USDA/HSI grant program is designed to promote and strengthen the ability of HSIs to carry out education programs that attract, retain, and graduate outstanding students capable of enhancing the nation's food and agricultural scientific and professional work force.

This program is making a difference in my community and across the nation.

Only 2.7 percent of Hispanic college graduates earn a degree in agriculture-related areas. The continued under-representation of Hispanics in these important demands a greater investment in such programs to expand funding to additional HSIs to better meet USDA goals.

Our amendment is a modest step in that direction.

I strongly urge my colleagues to support this amendment.

Mr. AL GREEN of Texas. Mr. Chairman, I rise to speak on behalf of some of our most vulnerable Americans who are being denied access to needed and I underscore needed food stamps because of states eliminating face-to-face interviews.

Mr. Chairman, I speak on behalf of children, the elderly, the disabled and those with limited literacy. And I regret that they are not here to speak for them selves. Because if they were here to speak for themselves, they would tell you about the 20 minute phone waits, they would tell you about the phone calls that have been abandoned because they had to wait too long (44 percent per the USDA). They would tell you about the inability to use the phone because they can't speak; the inability to use the phone because they can't hear; they would tell you about the lack of computer access and the lack of computer literacy. This amendment assures a user friendly system for some of our most vulnerable Americans. I speak for them, I stand for them, I cast my vote for them.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. BACA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FALEOMAVAEGA

Mr. FALEOMAVAEGA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FALEOMAVAEGA:

Page 13, line 19, after the dollar amount, insert ''(decreased by $200,000)''.

Page 15, line 2, after the dollar amount, insert ''(increased by $200,000)''.

Mr. FALEOMAVAEGA. Mr. Chairman, I first would like to express my appreciation to Chairman BONILLA and our senior ranking member, Ms. DELAURO, for allowing me this opportunity to introduce this amendment on behalf of my colleagues, the gentleman from Puerto Rico (Mr. FORTUÑO), the gentlewoman from Guam (Ms. BORDALLO), and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. FALEOMAVAEGA. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, we have reviewed the amendment and would be happy to accept it. If the gentleman would like to submit his remarks for the RECORD, we can accept the amendment and move on.

Mr. FALEOMAVAEGA. I thank the distinguished chairman and the ranking member for their support of my amendment.

Mr. Chairman, the bill as reported by the committee provides five hundred thousand dollars for the Resident Instruction Grants Program for Institutions of Higher Education in the Insular Areas. Our amendment would increase this amount by two hundred thousand dollars for a total of seven hundred thousand dollars for this program.

The Resident Instruction Grants Program is a competitively-awarded program administered by the Cooperative State Research, Education, and Extension Service of the United States Department of Agriculture. The Program is authorized by Section 7503 of the Farm Security and Rural Investment Act of 2002.

Resident Instruction Grants, as described by C-S-R-E-E-S, are designed to promote and strengthen the ability of institutions in the insular areas to carry out teaching and education programs within the food and agricultural sciences and related disciplines. This Program helps the land-grant institutions in the territories meet their unique needs by strengthening their institutional educational capacities in instruction and curriculum, and by enhancing the quality of teaching and learning. Funding this program at a more sufficient level will allow for a more efficient use of existing educational funds by the institutions in the territories. Partnerships between faculties at insular area and mainland institutions can be forged with continued and increased funding for this program.

The amendment would reduce the amount appropriated for the National Research Initiative competitive grants program by a corresponding amount to ensure budget neutrality. The NRI is slated to receive roughly a five percent increase over the Fiscal Year 2006 level under this bill. The Congressional Budget Office has reviewed this amendment and determined that it is budget neutral.

Adoption of this amendment would fund the Resident Instruction Grants Program at an amount closer to what my colleagues from the territories and I have requested in this cycle. The additional two hundred thousand that this amendment would provide is still below the amount my colleagues and I originally requested. This figure is also below the amount recommended for this program by the National Association of State Universities and Land-Grant Colleges.

Mr. Chairman, for the past three fiscal years my colleagues and I have requested a level of funding for this program proportional to the level provided under this bill for historically black colleges and universities, Hispanic-serving institutions and tribal colleges. The land grant institutions in our districts, in ways similar to the 1890 and 1994 institutions, are underserved and have unique needs that deserve to be addressed.

We have written to the subcommittee chairman and to the ranking member to request their support for the Resident Instruction Grants Program. We have done so most recently as of last week regarding this specific amendment, a version of which was preprinted in the May 16 CONGRESSIONAL RECORD by my colleague from Guam, Ms. BORDALLO. We are grateful Mr. Chairman that Chairman BONILLA has recognized the unique needs of the land-grant institutions in the insular areas. He understands their potential to contribute more substantially with USDA support to national agricultural research missions.

This Program was first funded two years ago with the support of Chairman BONILLA and our colleague from Ohio, Ms. KAPTUR. This program is important to strengthening the curriculum in the agricultural and food sciences in the territories. The territorial colleges were designated by Congress in 1972 as part of the land grant university system, and are considered 1862 institutions. They include American Samoa Community College, the University of Guam, the University of the Virgin Islands, the University of Puerto Rico at Mayaguez, Northern Marianas College, and the College of Micronesia in Palau, Pohnpei, and the Marshall Islands.

The institutions in the territories do not have the advantage of housing long-established and historically well-funded agricultural and food science programs as do many of the flagship programs within the 1862 institutions. Our institutions boast a much smaller faculty and student enrollment compared with the most reputable 1862 institutions on the U.S. mainland. Our institutions also do not have the capability and capacity, from an institutional perspective, to effectively compete for National Research Initiative dollars at the national level. The inherent disadvantages experienced by our institutions are significant concerns from a policy standpoint. We seek to address these concerns with the amendment.

The amendment simply recognizes that the 1972 community—the land grant in the territories—should have the ability to compete amongst themselves for research and instruction grants. This amendment would afford them that opportunity. I hope the gentleman from Texas, Chairman BONILLA, and the gentle lady from Connecticut, Ms. DELAURO, can support this amendment and, provided that it is adopted, will work to support this increased level of funding in conference with the other body.

I thank the gentleman from Texas for committing the first funds for this program two years ago and for his continued support of the land-grant colleges in the territories. I also want to thank Mr. Chairman, the Ranking Member for her support, as well as the assistance of Martin Delgado and Martha Foley of the subcommittee staff. This program is important to us and to our institutions in the territories. We hope we can strengthen the Resident Instruction Grants Program in future years, but we recognize that the modest increase proposed by this amendment is a good start. I urge adoption of this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA).

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $11,880,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, $457,042,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents, $281,429,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,273,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $62,634,000; payments for the pest management program under section 3(d) of the Act, $10,152,000; payments for the farm safety program under section 3(d) of the Act, $4,517,000;

payments for New Technologies for Ag Extension under Section 3(d) of the Act, $1,985,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University and West Virginia State University, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $16,777,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, $8,396,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $494,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $4,052,000; payments for federally-recognized Tribes Extension Program under section 3(d) of the Smith-Lever Act, $3,000,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,067,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92–419 (7 U.S.C. 2662(i)), $1,945,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University and West Virginia State University, $34,073,000, of which $1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for grants to youth organizations pursuant to section 7630 of title 7, United States Code, $2,000,000; and for necessary expenses of Extension Activities, $18,248,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $55,234,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $45,792,000, including $11,278,000 for the water quality program, $12,997,000 for the food safety program, $3,890,000 for the regional pest management centers program, $4,219,000 for the Food Quality Protection Act risk mitigation program for major food crop systems, $1,275,000 for the crops affected by Food Quality Protection Act implementation, $3,075,000 for the methyl bromide transition program, and $1,855,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, $990,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89–106, as amended, $1,000,000, to remain available until September 30, 2008 for the critical issues program; and $1,378,000, for the regional rural development centers program; $2,277,000 for asian soybean rust; and $11,000,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Act of 1977, to remain available until September 30, 2008.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $6,930,000, to remain available until expended.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; $741,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, $898,116,000, of which $4,127,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which $40,269,000 shall be used for the Cotton Pests program for cost share purposes or for debt retirement for active eradication zones; of which $33,107,000 shall be available for a National Animal Identification program; of which $47,205,000 shall be used to conduct a surveillance and preparedness program for highly pathogenic avian influenza: *Provided,* That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further,* That none of the funds appropriated under this heading for the National Animal Identification program may be obligated until the Committee on Appropriations of the House of Representatives receives from the Secretary a complete and detailed plan for the National Animal Identification System, including, but not limited to, proposed legislative changes, cost estimates, and means of program evaluation, and such plan is published as an Advanced Notice of Proposed Rulemaking in the Federal Register for comment by interested parties: *Provided further,* That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further,* That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further,* That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KUCINICH:

Page 19, line 8, insert after the first dollar amount the following: ''(reduced by $89,000,000)(increased by $89,000,000)''.

Mr. KUCINICH. Mr. Chairman, my amendment would maintain current testing levels for mad cow disease. The underlying bill already appropriates the same amount as that appropriated in fiscal year 2005. This amendment merely calls for the same funding levels using the same funding mechanism.

Until the United States Department of Agriculture stumbled upon America's first case of mad cow disease, testing rates were abysmally low. Out of 35 million cattle slaughtered annually, the USDA tested 20,000 in fiscal year 2003. Out of every 10,000 cattle that went to the dinner table, only six were tested.

Then came the first case of mad cow in the U.S., that we know of. The USDA ramped up the testing rate significantly, but only after considerable public pressure. Six months after the positive test in fiscal year 2005, the USDA tested at the rate of 100 cattle tested for every 10,000 slaughtered. Another way of looking at it is 99 percent were untested even after a major increase in testing rates. Though still inadequate, it was a big improvement.

Contrast that with the other industrialized nations, many of whom did not know the extent to which their countries harbored mad cow disease until they got serious with their testing program. France and Germany test over half their cattle. The U.K. tests all cattle over 24 months old. Japan tests every single one.

So far, even with an untested rate of 99 percent, we managed to find a total of three cases in the United States. When we looked, we found cases. Even the USDA predicts undetected cases exist in the U.S.

Now their illogical response is to try to drastically cut back its testing rates again. It is not enough of a gift to the large cattle producers that 99 percent of the cattle do not go tested. Do we have to do more for them at the expense of public health? So now 99.9 percent will go untested?

Now, you could almost call this a we-aren't-looking-so-it-is-not-there policy. And this policy is built on the assumption that we have a firewall in place that prevents infected material from getting into the food supply.

By banning high-risk material like cattle brains and spinal cord from cattle feed, we are supposedly preventing any infected cow from contaminating other cattle. This is an important part of our efforts, because mad cow disease spreads when cattle eat infected parts of other cattle. And yet scientists, advocates, the Inspector General and the GAO have detailed the ways in which this practice is still allowed because of gaping holes in the firewall.

Consider that the infectious material can be found in materials that are allowed to be fed to cattle. Bone marrow, cow blood, peripheral nerves, tongue and now some muscles are well-known or suspected to contain the same infectious agent called a prion.

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And they are all still allowed in animal feed. There is very little protection for cattle under 30 months. The

justification is, we do not expect to see the disease in younger cattle. But at least two cases in Japan, 19 cases in the UK and 20 cases in the European Union have occurred in cattle under 30 months old.

This level of protection failed to end the epidemic in the UK. Enforcement of the firewall has been weak. The GAO found on three separate occasions, including 2005, that even the meager laws designed to keep cattle from eating cattle were being poorly enforced.

Finally, we must not forget that the USDA is in favor of this ''do not look, do not find'' policy. When testing results for a cow in Texas were inconclusive in November of 2004, the USDA declared the cow to be free of Mad Cow Disease. But, again, after a public outcry and a public admonition from the inspector general, the cow was tested 7 months later and was found to be positive. And now the USDA wants to reduce testing rates without adequate protections to ensure the disease cannot be amplified through industrial agriculture practice. We need a backstop.

Mr. Chairman, we need a way to know for sure whether our so called firewall is working. Surveillance is the way to do that. But we are taking an already weak program and undermining it; 99.9 percent of our cattle will not be tested unless we signal to the USDA that Congress demands otherwise.

Mr. Chairman, I am asking for support for my amendment to keep the same level of testing we are using right now. This is the level that proved what we all knew despite reassurances to the contrary, that undetected Mad Cow Disease is here in the United States.

We must test to build the confidence of both domestic and foreign consumers of American beef.

Mr. BONILLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to oppose the amendment. And I want to explain to the gentleman from Ohio why, because I know he has got a serious concern here. Let me assure the gentleman that there is not a Member in this House of Representatives that is not concerned about BSE.

But sometimes some fringe groups in this country and big media start talking about the sky is falling, and you have got to do this, that or the other to check our beef supply, but for the most part, I am proud of what this country has done to monitor BSE. I mean, nobody, most people that serve in the House have children; they have families, and no one wants to expose anyone to anything dangerous to eat.

USDA has had an enhanced surveillance program going since the spring of 2004, they have tested 700,000 cattle. They have had two positive tests. USDA is evaluating data from the enhanced surveillance program to design a maintenance surveillance program. The data and design are being peer reviewed by an outside group who will report findings within a month.

Under any surveillance program, the U.S. will continue to test 100 percent of animals that have signs of a central nervous system disorder. Any BSE program USDA adopts will meet or exceed international standards.

Again, to compare our standards to another country that has a minimal industry versus what we have in this country is absolutely not fair and comparing apples to oranges. No country tests 100 percent of its cattle.

The budget request covers 40,000 tests per year. However, if the peer review panel or USDA determine that more than 40,000 are needed, the Secretary has the ability to access additional funds. I can assure you that if more tests need to be done to affirm the safety of the food supply, they will be done.

Again, I can assure the gentleman that I have no less concern about this issue than he does. And I understand, I have read the gentleman's amendment. It is a very short amendment. It is going to take money out of a line item, put it back into a line item in the appropriations bill.

Mr. Chairman, I can assure the gentleman that the points have been made. This is, again, not going to change one dollar in the bill. So now that we have had this discussion, maybe the gentleman would consider withdrawing the amendment unless he has an additional comment that he would like to make.

I would yield for a response.

Mr. KUCINICH. If the gentleman would yield. I thank the gentleman. I think that the gentleman's expression of concern that is shared by all Members of Congress is correct. I appreciate you voicing it.

I want to point out that the feed ban, which is an underlying problem here, and the USDA insists is strong, in reality is so weak that you have companies like McDonalds, Cargill, Purina Mills, and even Pharma, the pharmaceutical industry publicly calling for closing the loopholes.

So while I would agree with you, that if there were an outbreak, the Secretary would advance more funds, I am also concerned that if we do not keep the present funding levels, that we may not know if there is a problem. So that is why I brought this amendment, Mr. Chairman.

I would reluctantly ask for the amendment to be voted on, only because of that underlying concern that there is not enough, and we should just keep things the way they are at the current levels and not cut back on them. That is what my concern is.

Mr. BONILLA. Mr. Chairman, I appreciate the gentleman's position, because I know he brings a great deal of sincerity to the floor when he has an amendment. In closing, I would just comment on how no matter what business you have that sells beef to the public, whether it is a fast food chain or a single restaurant, doesn't the gentleman understand that that industry in itself, that the gentleman mentioned, would do everything humanly possible to keep the beef supply safe?

So I know the gentleman is not making insinuations beyond what he is saying today. But there are a lot of groups out there that somehow try to scare the American people into thinking that this is not happening. But I can assure the gentleman, again, that there is no less concern on this side of the aisle about this issue than he has.

Ms. DELAURO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the gentleman's amendment because I, too, am very, very concerned that the USDA is deciding or may decide to lower the number of BSE tests that are performed annually. I spent some time in this area.

Since the enhanced testing program began, the Inspector General of the USDA has raised series concerns about the current enhanced surveillance program. We have raised concerns with the USDA agencies in hearings and in private conversations.

Let me just give you just a little bit of information. For example, 2004, the IG reported serious problems with the testing program, including sampling was not random, and APHIS had not exercised the authority it had to collect the samples. Geographic representation in the testing was not assured. Cattle with central nervous system symptoms were not always tested. Because of interagency confusion, a process for getting samples of animals that die on the farm, those who are at the highest risk, was not in place.

More recently, the IG found that senior APHIS officials blocked the recommendations of scientists at the National Veterinary Services Laboratory in Ames, Iowa, for additional BSE testing on a sample that had tested positive initially several times.

Faced with the conflicting results, the scientists recommended additional testing to resolve the discrepancy. APHIS headquarter officials concluded no further testing was necessary, because testing protocols were followed. In the end, it was the IG who decided the additional testing should take place. It was done by AIS and the British lab at Weybridge who both found that the sample tested positively for BSE.

The IG also made shocking findings about the quality assurance and the BSE testing program at the NVSL, the National Veterinary Service Laboratory, such as the lack of adequate controls and procedures to ensure the quality or capability of the BSE testing program, the failure to implement an adequate quality assurance program for its own laboratory testing procedures, or to obtain internationally recognized accreditation for its BSE testing program.

Those are our concerns. That is what I was trying to lay out here, and flaws in the program, the existing program. It does not make sense to return to a lower level of BSE testing. I support the amendment.

I yield to the gentleman from Ohio.

Mr. KUCINICH. I thank the gentlewoman from Connecticut.

As the gentlewoman has pointed out, we have questions about the current testing practices at the current funding levels. If we reduce substantially the funding levels, with the thought that we have flaws in the current test and practices, what could the consumers expect?

I mean, what the gentlewoman has suggested is that the USDA in this regard has not been doing its job. Part of its job is to advocate for defects for which the world has told us they do not want beef from the United States if they cannot be assured of its safety.

Mr. Chairman, in same way you can say that the USDA is sabotaging U.S. beef exports by its failure to have the kind of program that people have a right to expect with the money that has already been appropriated; if that money is cut, it essentially plays into the USDA's lack of performance. So I want to thank the gentlewoman for bringing that up. I, again, want to let the chairman know that I am convinced on his commitment to this.

I believe that he wants to make sure that there is safety here. And I just feel that it is important to bring this up and to call for a vote on it.

Mr. GOODLATTE. Mr. Chairman, I move to strike the last word.

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

Mr. GOODLATTE. Mr. Chairman, I rise to join Chairman BONILLA in opposition to this amendment.

Mr. Chairman, the most important thing that should come out of this debate is that the American beef supply is very, very safe, the safest in the world. And that is based not only on the statistics maintained by the Department on food-borne illness, the lowest in the world, but also based on the fact that there is no evidence of any American ever contracting any disease from BSE based upon consuming American beef, ever.

The enhanced surveillance program for BSE was designed as a one-time intensive assessment to test as many animals as possible from the portion of the cattle population considered to be most at risk for BSE.

A surveillance program is not designed to test every single animal at risk for a disease, and surveillance is not a food safety measure. Surveillance testing looks for signs of the disease in the cattle herd. But it is USDA's other safeguards, such as the removal of specified risk materials from cattle at slaughter, that protect consumers and the food supply.

USDA has tested over 714,000 samples. And they have tested the greatest at-risk cattle for having BSE. It has cost us more than $1 million a week to do it. The USDA's analysis of that surveillance data shows that we are dealing with an incredibly low prevalence of the disease in the United States, no more than four to seven cases in the entire U.S. herd of 100 million cows.

What is more, because of the other practices, even if a cow has BSE, like four to seven may have, they are not getting into our food supply. The two cows that have been found so far in this country with BSE, neither one got into our food supply. The USDA is currently putting its analysis through a rigorous peer review process to ensure that the conclusions drawn are sound and that they are scientifically credible.

We should allow that process to go forward. The enhanced surveillance program gives the USDA the ability to stand on solid scientific ground in saying that the prevalence of BSE in the United States is extraordinarily low.

Mr. Chairman, given that fact, there is little justification for continuing surveillance at the enhanced level once the USDA analysis is affirmed by peer review. The USDA has said that the framework for ongoing BSE testing will be based in science and will be in line with international guidelines for a country like the United States that is at minimal risk for the disease.

Mr. Chairman, we now have the data to draw scientific specific conclusions, leaving no need to continue the enhanced program and no justifications for the related costs. Surveillance testing is distinct from food-safety testing, which we also conduct.

It is appropriate that the USDA will transition to ongoing testing for BSE from a standpoint of sound science and policy.

Mr. Chairman, I urge my colleagues to oppose this amendment.

Mr. KUCINICH. Mr. Chairman, after conferring with the Chair and the ranking member, I decided that it looks like they are really engaged in this to keep on the USDA, so I am going to withdraw the amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In fiscal year 2007, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $5,946,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, $77,269,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $62,211,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, including not less than $9,900,000 for replacement of a system to support commodity purchases, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $16,425,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,334,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, $39,737,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $656,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $853,249,000, of which no less than $766,290,000 shall be available for Federal food safety and inspection; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *Provided,* That of the total amount made available under this heading, no less than $20,653,000 shall be obligated for regulatory and scientific training: *Provided further,* That not to exceed $565,000 is for construction of a laboratory sample receiving facility at the Russell Research Center in Athens, Georgia: *Provided further,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

FARM ASSISTANCE PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $691,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $1,053,760,000: *Provided,* That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further,* That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further,* That none of the funds made available by this Act may be used to pay the salaries or expenses of any officer or employee of the Department of Agriculture to close any local or county office of the Farm Service Agency unless the Secretary of Agriculture, not later than 30 days after the date on which the Secretary proposed the closure, holds a public meeting about the proposed closure in the county in which the local or county office is located, and, after the public meeting but not later than 120 days before the date on which the Secretary approves the closure, notifies the Committee on Agriculture and the Committee on Appropriations of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate, and the members of Congress from the State in which the local or county office is located of the proposed closure.

□ 1415

AMENDMENT OFFERED BY MR. RYAN OF OHIO

Mr. RYAN of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RYAN of Ohio:

Page 27, line 1, strike ''after'' and insert ''before''.

Mr. BONILLA. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. A point of order is reserved.

Mr. RYAN of Ohio. Mr. Chairman, my amendment would simply strike the word ''after'' and insert ''before'' in the section of the bill dealing with the Farm Service Agency.

The amendment at hand would allow for the public hearing to take place no later than 30 days before and not after the Secretary of Agriculture allows for an office closure.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. RYAN of Ohio. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, we have reviewed the amendment and would be happy to accept the amendment. If the gentleman would take ''yes'' for an answer and submit his remarks for the RECORD, we could move on.

Mr. RYAN of Ohio. I would be happy to, Mr. Chairman.

Mr. BONILLA. I withdraw my reservation of the point of order.

Mr. RYAN of Ohio. I thank the chairman and I thank Ms. DELAURO.

Thank you Mr. Chairman, Chairman BONILLA and Ranking Member DELAURO and the staff on the Agriculture Appropriations Subcommittee.

My amendment would simply strike the word "after" and insert "before" in the section of the bill dealing with the Farm Service Agency. The amendment at hand would allow for the public hearing to take place no later than 30 days before—and not after—the Secretary of Agriculture allows for an office closure.

In this section of the current bill, language had been put in place to safeguard local FSA offices from inappropriate closure and relocation. In current form, the Secretary of the Department of Agriculture would be able to propose an office closure—and then after the closure is proposed, then hold a public hearing. This language was in last years Agriculture Appropriations Bill—and we thought this would help the process and allow for local public input before any office closures were proposed.

The reason for this amendment is due to my profound concerns of what is currently taking place in Ohio. Last month I was contacted by local producers in my district concerned that their local FSA office would be closed.

My office received a copy of the proposed "county office reorganization" as provided by the Ohio State FSA Committee, and I was surprised to see this proposal as there has been no involvement from my local county FSA committees or local producers.

In a memo sent from Administrator Teresa Lasseter (USDA) to all State FSA Executive Directors on January 13, 2006, she states, "Further, USDA agrees with the long-standing intent of Congress that office closures and relocations should occur based on rigorous analysis to ensure actions are cost-effective and will better serve the public."

The bottom line is that we need to have complete information about the needs of family farmers and ranchers before we or the Department makes radical decisions about FSA Personnel levels.

This process should start at the county committees and involve an office-by-office and regional analysis. Only then, can our State FSA offices and the USDA make the best decisions on office closures and relocations.

I understand the need for efficiency, but we must be concerned about how this will impact our family farmers and agricultural communities. In most of our counties, our farmers know that they can drive to one place to access their FSA, NRCS, SWCD and Extension. This is the place where they access the Internet, the fax machine and socialize with others in their community.

Again, my amendment only says that the public hearing be 30 days prior to closure, rather than after the closure has been proposed. Please help in supporting the family farmers in your district and support this fair and simple amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $4,208,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 1240O of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), $3,713,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, $100,000, to remain available until expended: *Provided,* That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), and boll weevil loans (7 U.S.C. 1989), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,422,750,000, of which $1,200,000,000 shall be for unsubsidized guaranteed loans and $222,750,000 shall be for direct loans; operating loans, $2,065,754,000, of which $1,150,000,000 shall be for unsubsidized guaranteed loans, $272,254,000 shall be for subsidized guaranteed loans and $643,500,000 shall be for direct loans; Indian tribe land acquisition loans, $3,960,000; and for boll weevil eradication program loans, $59,400,000: *Provided,* That the Secretary shall deem the

pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $16,293,000, of which $6,960,000 shall be for guaranteed loans, and $9,333,000 shall be for direct loans; operating loans, $131,046,000, of which $28,405,000 shall be for unsubsidized guaranteed loans, $27,416,000 shall be for subsidized guaranteed loans, and $75,225,000 shall be for direct loans; Indian tribe land acquisition loans, $838,000; and for boll weevil eradication program loans, $1,129,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $315,258,000, of which $307,338,000 shall be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: *Provided,* That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer: *Provided further,* That none of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to collect from the lender an annual fee on unsubsidized guaranteed operating loans, a guarantee fee of more than one percent of the principal obligation of guaranteed unsubsidized operating or ownership loans, or a guarantee fee on subsidized guaranteed operating loans administered by the Farm Service Agency.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), $77,197,000: *Provided,* That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): *Provided,* That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C 714i) for the conduct of its business with the Foreign Agricultural Service, up to $5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $810,000.

AMENDMENT OFFERED BY MR. LUCAS

Mr. LUCAS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LUCAS:

Page 32, line 12, insert after the dollar amount the following: ''(reduced by $810,000)''.

Mr. LUCAS. Mr. Chairman, the purpose of the amendment is to remove $810,000 in salaries and expenses from the Office of the Under Secretary For the Natural Resources and the Environment.

Mr. Chairman, I have had the privilege since and during the 2002 farm bill of chairing the subcommittee with jurisdiction over the conservation programs. In the 2002 farm bill we did an outstanding job of bringing new and substantial resources to conservation. Since then I have had the privilege of working with Chairman BONILLA and the subcommittee on appropriations in making sure those resources are effectively put in the hands of producers out there to protect our environment, our soil, our water, our wildlife. But after a number of years, I have worked diligently to address problems in the technical assistance programs, how these problems are paid for, the implementation.

I must say after much frustration with working with the national office of the NRCS today I have to take action. In that I offer this amendment to set aside $810,000 so that when the Appropriations Committee begins the process of putting the final conference committee reports together this fall, that they will have the necessary ammunition to correct this situation.

I know it is a bold statement, and I know it is a serious thing; but making sure that the technical assistance dollars are available to local and State NRCS offices so that the farm bill programs, conservation programs can be implemented is of the greatest importance. And only after tremendous frustration as a subcommittee chairman on the authorizing committee do I take this bold and drastic step.

Mr. BONILLA. Mr. Chairman, I move to strike the last word.

I would like to commend the gentleman from Oklahoma for his work on this issue. When a gentleman who works as hard and as sincerely as Mr. LUCAS does on this issue, it is just unconscionable that he cannot get the response that he needs.

This is a gentleman who does not ask for too much. He tries to be fair about the request that he has from the Department. I support the gentleman's amendment with enthusiasm. There is also, as an aside from the issues that he has addressed, it has been brought to my attention that there may be some inappropriate activity that has been conducted out of this office. We are not going to name names here, but there is a buddy who has the nickname by the name of ''chief'' or something like that that has been lobbying on behalf of their causes which is an unethical, illegal activity that has been conducted out of this office.

We need to get to the bottom of this as well as trying to address the gentleman from Oklahoma's issue. The gentleman brings a good amendment forward, and we are prepared to vote ''aye'' on it.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $791,498,000, to remain available until March 31, 2008, of which not less than $10,588,000 is for snow survey and water forecasting, and not less than $10,678,000 is for operation and establishment of the plant materials centers, and of which not less than $27,225,000 shall be for the grazing lands conservation initiative: *Provided,* That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further,* That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further,* That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974

(43 U.S.C. 1592(c)): *Provided further,* That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service.

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1009), $6,022,000.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $40,000,000, to remain available until expended; of which up to $10,000,000 may be available for the watersheds authorized under the Flood Control Act (33 U.S.C. 701 and 16 U.S.C. 1006a): *Provided,* That not to exceed $20,000,000 of this appropriation shall be available for technical assistance: *Provided further,* That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, $31,245,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $50,787,000, to remain available until expended: *Provided,* That the Secretary shall enter into a cooperative or contribution agreement, within 45 days of enactment of this Act, with a national association regarding a Resource Conservation and Development program and such agreement shall contain the same matching, contribution requirements, and funding level, set forth in a similar cooperative or contribution agreement with a national association in fiscal year 2002: *Provided further,* That not to exceed $3,411,000 shall be available for national headquarters activities.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service, $692,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H and 381N of the Consolidated Farm and Rural Development Act, $699,893,000, to remain available until expended, of which $49,477,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $561,252,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act, of which not to exceed $500,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $1,000,000 shall be available for the rural utilities program described in section 306E of such Act; and of which $89,164,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: *Provided,* That of the total amount appropriated in this account, $24,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking water and waste disposal systems pursuant to section 306C of such Act, of which $4,000,000 shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of the Consolidated Farm and Rural Development Act, and of which $250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further,* That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; $3,000,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.) for any purpose under this heading: *Provided further,* That of the amount appropriated for rural utilities programs, not to exceed $25,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of such Act; $16,215,000 shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, of which $5,600,000 shall be for Rural Community Assistance Programs; and not to exceed $14,000,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further,* That of the total amount appropriated, not to exceed $22,800,000 shall be available through June 30, 2007, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which $1,100,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which $13,400,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which $8,300,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: *Provided further,* That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)) shall be transferred to and merged with the ''Rural Utilities Service, High Energy Costs Grants Account''.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SANDERS:

Page 36, line 21, after the dollar amount, insert the following: ''(increased by $1,500,000) (reduced by $1,500,000)''.

Mr. SANDERS. Mr. Chairman, the purpose of this amendment is to provide $1.5 million in Federal funding for a revival of the National Agri-Tourism Initiative under the USDA Rural Community Advancement Program.

Mr. Chairman, I do not have to explain to anybody in this room that family farmers all over this country are in desperate condition. Commodity prices are extremely low, and we are seeing the loss of thousands and thousands of family farmers and the way of life that many rural communities in Vermont and throughout this country have known.

What this amendment does is pretty simple. What it says is that in many States like mine, people come to rural areas because they enjoy the beauty, the incredible beauty that farmers help create.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Texas.

Mr. BONILLA. I would say to the gentleman that we would be happy to accept the gentleman's amendment, and if he could submit his remarks for the RECORD and he can take ''yes'' for an answer, we can move on.

Mr. SANDERS. I thank the chairman very much. I will be very brief. Just to say that I think we can all agree that we want to help family farmers increase their cash flow, and one of the ways we can do that is enable them to come up with ideas that will bring tourists to their farms, and that is what this amendment is about. It has worked well in Vermont up to now. I think it can work well all over the country. I thank the chairman very much for his support and Ms. DELAURO as well.

Mr. Chairman, the purpose of this amendment is to provide $1.5 million in Federal funding for a revival of the national agri-tourism initiative under the USDA Rural Community Advancement Program. This program received $1 million in the fiscal year 2000 Agriculture appropriations bill. The House provided $2 million in the fiscal year 2001 Agriculture appropriations bill, but unfortunately this funding was stripped in conference, and this program hasn't received funding since. Mr. Chairman, it is time to bring this program back to life. Family farmers today need all of the help that they can get if they are going to stay in business, and agri-tourism is one way to help them.

Mr. Chairman, it is imperative that in Vermont and throughout rural America we preserve family owned farms and maintain strong rural economies. As family farmers struggle to survive, it is important that we develop new sources of revenue for them. Reviving the national agri-tourism program will help family farmers increase their incomes. From creating advertising campaigns and working more closely with the tourism industry, to developing farmers' markets, food festivals, bed and breakfasts and farm tours, such programs have great potential for increasing the incomes of family farmers.

Mr. Chairman, family farmers throughout this country deserve more revenue from tourism than they are currently receiving. Many tourists come to rural America because of the beautiful agricultural landscape. Unfortunately, however, family farmers receive relatively little direct revenue from that tourism. This program will help put more tourists' dollars into the hands of our farmers and that is very important.

Specifically, Mr. Chairman, this amendment would help farmers with the knowledge, networks, markets and loans critical to starting-up farm-based businesses that take advantage of the tourism dollars coming into their States.

Let me give you some examples of what agri-tourism is all about and why we need additional help for family farmers to get involved in this growing enterprise. Family farmers throughout this country are converting their guest rooms to small bed and breakfast operations, and are making a few bucks in doing that. To be successful, they might need a loan to convert a room into a bed and breakfast, and they might need some help in learning how to market their enterprise.

Farmers are now encouraging tour buses to stop by and to learn what family agriculture is about. In order to be successful, they might need a loan or a small grant to build a restroom or a parking facility. Farmers might want to build snowmobile trails through their fields in the wintertime. It costs a little bit of money to do that and advertise what you have.

A farm family that grows apples might want to add value to their product and bake apple pies, and they might need some help in buying a large enough oven to do that and to get started in a small business venture.

The list goes on and on. But family farmers all over this country, who desperately want to stay on the land, increasingly are trying to take advantage of the tourism that comes into their region.

Family farmers all across America desperately need the kind of funding that this agri-tourism initiative would provide. The agri-tourism initiative can mean the difference between another family farm going out of business or finding a way to thrive.

To put it simply, agri-tourism funding is about saving family farms.

Without this kind of funding America will lose its family farms, agriculture will cease to be competitive and consumers will pay the price of shortsighted government policies.

Mr. Chairman, family farmers deserve the support of this Congress. I urge my colleagues to stand up for America's family farmers and support this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $182,860,000: *Provided*, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: *Provided further*, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: *Provided further*, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V- of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $4,801,736,000 for loans to section 502 borrowers, as determined by the Secretary, of which $1,237,498,000 shall be for direct loans, and of which $3,564,238,000 shall be for unsubsidized guaranteed loans; $36,382,000 for section 504 housing repair loans; $100,000,000 for section 515 rental housing; $100,000,000 for section 538 guaranteed multi-family housing loans; $5,045,000 for section 524 site loans; $11,482,000 for credit sales of acquired property, of which up to $1,482,000 may be for multi-family credit sales; and $4,980,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $131,893,000, of which $124,121,000 shall be for direct loans, and of which $7,772,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $10,751,000; repair, rehabilitation, and new construction of section 515 rental housing, $45,670,000; section 538 multi-family housing guaranteed loans, $7,740,000; credit sales of acquired property, $720,000; and section 523 self-help housing land development loans, $123,000: *Provided*, That of the total amount appropriated in this paragraph, $1,500,000 shall be available through June 30, 2007, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: *Provided further*, That any obligated balances for a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties as authorized in Public Law 109–97 shall be transferred to and merged with the ''Rural Housing Service, Multifamily Housing Revitalization Program Account''.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $430,080,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $335,400,000, to remain available through September 30, 2008; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount, up to $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $50,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That agreements entered into or renewed during the current fiscal year shall be funded for a one-year period: *Provided further*, That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: *Provided further*, That rental assistance that is recovered from projects that are subject to prepayment shall be deobligated and reallocated for vouchers and debt forgiveness or payments consistent with the requirements of this Act for purposes authorized under section 542 and section 502(c)(5)(D) of the Housing Act of 1949, as amended: *Provided further*, That up to $4,190,000 may be used for the purpose of reimbursing funds used for rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) of the Act for emergency needs related to Hurricanes Katrina and Rita.

MULTIFAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, (without regard to section 542(b)), for the cost to conduct a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects, and for additional costs to conduct a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties, $28,000,000, to remain available until expended: *Provided*, That of the funds made available under this heading, $16,000,000 shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: *Provided further*, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: *Provided further*, That funds made available for such vouchers, shall be subject to the availability of annual appropriations: *Provided further*, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development (including the ability to pay administrative costs related to delivery of the voucher funds): *Provided further*, That of the funds made available under this heading, $3,000,000 shall be available for loans to private nonprofit organizations, or such non-profit organizations' affiliate loan funds and State and local housing finance agencies, to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects: *Provided further*, That loans under such demonstration program shall have an interest rate of not more than 1 percent direct loan to the recipient: *Provided further*, That the Secretary may defer the interest and principal payment to the Rural Housing Service for up to 3 years and the term of such loans shall not exceed 30 years: *Provided further*,

That of the funds made available under this heading, $9,000,000 shall be available for a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties to restructure existing section 515 loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents including reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances and incentives required by the Secretary: *Provide further*, That if Congess enacts legislation to permanently authorize a section 515 multi-family rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, for administrative expenses necessary to carry out the direct loan program, $990,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses'', which shall be made available for the Secretary to contract with third parties to acquire the necessary automation and technical services needed to restructure section 515 mortgages.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $37,620,000, to remain available until expended: *Provided*, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2007, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $40,590,000, to remain available until expended: *Provided*, That of the total amount appropriated, $1,188,000 shall be available through June 30, 2007, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones*: Provided further*, That any balances to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects as authorized in Public Law 108–447 and Public Law 109–97 shall be transferred to and merged with ''Rural Housing Service, Multifamily Housing Revitalization Program Account''.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $47,525,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $33,925,000.

For the cost of direct loans, $14,951,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,724,000 shall be available through June 30, 2007, for Federally Recognized Native American Tribes and of which $3,449,000 shall be available through June 30, 2007, for Mississippi Delta Region counties (as determined in accordance with Public Law 100–460): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That of the total amount appropriated, $880,000 shall be available through June 30, 2007, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $4,780,000 shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $34,652,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $7,568,000, to remain available until expended.

Of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, $78,514,000 shall not be obligated and $78,514,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $9,913,000, of which $500,000 shall be for a cooperative research agreement with a qualified academic institution to conduct research on the national economic impact of all types of cooperatives; and of which $3,000,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed $1,485,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority.

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS

For grants in connection with second and third rounds of empowerment zones and enterprise communities, $11,088,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277): *Provided*, That of the funds appropriated, $1,000,000 shall be made available to third round empowerment zones, as authorized by the Community Renewal Tax Relief Act (Public Law 106–554).

RENEWABLE ENERGY PROGRAM

For the cost of a program of direct loans, loan guarantees, and grants, under the same terms and conditions as authorized by section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106), $20,000,000 for direct and guaranteed renewable energy loans and grants: *Provided*, That the cost of direct loans and loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $99,018,000; municipal rate rural electric loans, $99,000,000; loans made pursuant to section 306 of that Act, rural electric loans, $3,000,000,000; Treasury rate direct electric loans, $990,000,000; guaranteed underwriting loans pursuant to section 313A, $500,000,000; 5 percent rural telecommunications loans, $143,513,000; cost of money rural telecommunications loans, $246,666,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, $299,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, $3,614,000, and the cost of telecommunications loans, $605,000: *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $39,101,000 which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of broadband telecommunication loans, $503,535,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $24,750,000, to remain available until expended.

For the cost of broadband loans, as authorized by 7 U.S.C. 901 et seq., $10,826,000, to remain available until September 30, 2008: *Provided*, That the interest rate for such loans shall be the cost of borrowing to the Department of the Treasury for obligations of comparable maturity: *Provided further*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, $8,910,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $652,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $13,345,487,000, to remain available through September 30, 2008, of which $7,610,897,000 is hereby appropriated and $5,734,590,000 shall be derived by transfer from funds available under section 32 of the

Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That up to $5,335,000 shall be available for independent verification of school food service claims.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $5,244,000,000, to remain available through September 30, 2008, of which such sums as are necessary to restore the contingency reserve to $125,000,000 shall be placed in reserve, to remain available until expended, to be allocated as the Secretary deems necessary, notwithstanding section 17(i) of such Act, to support participation should cost or participation exceed budget estimates: *Provided*, That amounts over $125,000,000 in the contingency reserve shall be treated as general WIC appropriated funds rather than contingency reserve funds: *Provided further*, That of the total amount available, the Secretary shall obligate not less than $15,000,000 for a breastfeeding support initiative in addition to the activities specified in section 17(h)(3)(A): *Provided further*, That notwithstanding section 17(h)(10)(A) of such Act, only the provisions of section 17(h)(10)(B)(i) and section 17(h)(10)(B)(ii) shall be effective in 2007; including $14,000,000 for the purposes specified in section 17(h)(10)(B)(i) and $20,000,000 for the purposes specified in section 17(h)(10)(B)(ii): *Provided further*, That funds made available for the purposes specified in section 17(h)(10)(B)(ii) shall only be made available upon a determination by the Secretary that funds are available to meet caseload requirements without the use of the contingency reserve funds: *Provided further*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $37,865,231,000, of which $3,000,000,000 to remain available through September 30, 2008, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act: *Provided further*, That notwithstanding section 5(d) of the Food Stamp Act of 1977, any additional payment received under chapter 5 of title 37, United States Code, by a member of the United States Armed Forces deployed to a designated combat zone shall be excluded from household income for the duration of the member's deployment if the additional pay is the result of deployment to or while serving in a combat zone, and it was not received immediately prior to serving in the combat zone.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the commodity supplemental food program, as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $189,370,000, to remain available through September 30, 2008: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further*, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2007 to support the Seniors Farmers' Market Nutrition Program (SFMNP), as authorized by section 4402 of Public Law 107–171, such funds shall remain available through September 30, 2008: *Provided further*, That no funds available for SFMNP in fiscal year 2007 shall be used to pay State or local sales taxes on food purchased with SFMNP coupons or checks: *Provided further*, That the value of assistance provided by the SFMNP shall not be considered income or resources for any purposes under any Federal, State or local laws related to taxation, welfare and public assistance programs: *Provided further*, That of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to $10,000,000 for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the domestic nutrition assistance programs funded under this Act, $142,314,000.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $156,486,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

PUBLIC LAW 480 TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the credit program of title I, Public Law 83–480, $2,651,000, to be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $1,223,100,000, to remain available until expended.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $5,331,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $4,985,000 may be transferred to and merged with the appropriation for ''Foreign Agricultural Service, Salaries and Expenses'', including $775,000 to be made available for debt recovery, and of which $346,000 may be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $100,000,000, to remain available until expended: *Provided*, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107–188; $1,914,382,000: *Provided*, That of the amount provided under this heading, $320,600,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2008 but collected in fiscal year 2007; $43,726,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; and $11,604,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, and animal drug assessments received during fiscal year 2007, including any such fees assessed prior to the current fiscal year but credited during the current year, shall be subject to the fiscal year 2007 limitation: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized

by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) $454,006,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $545,938,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $194,637,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $105,595,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $253,789,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $34,118,000 shall be for the National Center for Toxicological Research; (7) $62,007,000 shall be for Rent and Related activities, of which $25,552,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (8) $146,013,000 shall be for payments to the General Services Administration for rent; and (9) $118,279,000 shall be for other activities, including the Office of the Commissioner; the Office of Management; the Office of External Relations; the Office of Policy and Planning; and central services for these offices: *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $4,950,000, to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, $109,402,000, including not to exceed $3,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $44,250,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 292 passenger motor vehicles, of which 290 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, cotton pests program, low pathogen avian influenza program, high pathogen avian influenza program, up to $33,107,000 in animal health monitoring and surveillance for the animal identification system, up to $682,000 in the brucellosis program for indemnities, up to $2,888,000 in the chronic wasting disease program for indemnities, up to $3,934,000 in the scrapie program for indemnities, up to $2,387,000 in the tuberculosis program for indemnities, up to $4,900,000 in the emergency management systems program for the vaccine bank, up to $1,000,000 for wildlife services methods development, up to $1,000,000 of the wildlife services operations program for aviation safety, and up to 25 percent of the screwworm program; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), funds for the Research, Education, and Economics Information System, and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program, and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 703. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, financial management modernization initiative, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 704. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 705. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 706. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 22 percent of total Federal funds provided under each award: *Provided*, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 707. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 708. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 709. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 710. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 711. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 712. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over $25,000 prior to receipt of written approval by the Chief Information Officer.

SEC. 713. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes offices, programs, or activities; or

(6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 714. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2008 Appropriations Act.

SEC. 715. None of the funds made available by this or any other Act may be used to close or relocate a State Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

SEC. 716. In addition to amounts otherwise appropriated or made available by this Act, $2,500,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships, through the Congressional Hunger Center.

SEC. 717. There is hereby appropriated $250,000 for a grant to the National Sheep Industry Improvement Center, to remain available until expended.

SEC. 718. Notwithstanding any other provision of law, of the funds made available in this Act for competitive research grants (7 U.S.C. 450i(b)), the Secretary may use up to 30 percent of the amount provided to carry out a competitive grants program under the same terms and conditions as those provided in section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

SEC. 719. No funds shall be used to pay salaries and expenses of the Department of Agriculture to carry out or administer the program authorized by section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

SEC. 720. No funds shall be used to pay salaries and expenses of the Department of Agriculture to carry out or administer the calendar year 2007 wetlands reserve program as authorized by 16 U.S.C. 3837 in excess of 144,776 acres.

SEC. 721. No funds shall be used to pay salaries and expenses of the Department of Agriculture to carry out or administer an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of $1,087,000,000.

SEC. 722. No funds shall be used to pay salaries and expenses of the Department of Agriculture to carry out or administer a program authorized by section 601(j)(1) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb(j)(1)).

SEC. 723. None of the funds made available in fiscal year 2006 or preceding fiscal years for programs authorized under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) in excess of $20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): *Provided,* That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 724. No funds shall be used to pay salaries and expenses of the Department of Agriculture to carry out or administer a program authorized by section 6401 of Public Law 107–171, in excess of $28,000,000.

SEC. 725. Notwithstanding subsections (c) and (e)(2) of section 313A of the Rural Electrification Act (7 U.S.C. 940c(c) and (e)(2)) in implementing section 313A of that Act, the Secretary shall, with the consent of the lender, structure the schedule for payment of the annual fee, not to exceed an average of 30 basis points per year for the term of the loan, to ensure that sufficient funds are available to pay the subsidy costs for note guarantees under that section.

SEC. 726. No funds shall be used to pay salaries and expenses of the Department of Agriculture to carry out or administer a conservation security program authorized by 16 U.S.C. 3838 et seq., in excess of $280,173,000.

SEC. 727. No funds shall be used to pay salaries and expenses of the Department of Agriculture to carry out or administer a program authorized by section 2502 of Public Law 107–171, in excess of $55,000,000.

SEC. 728. No funds shall be used to pay salaries and expenses of the Department of Agriculture to carry out or administer a program authorized by section 2503 of Public Law 107–171, in excess of $50,000,000.

SEC. 729. No funds shall be used to pay salaries and expenses of the Department of Agriculture to carry out or administer a ground and surface water conservation program authorized by section 2301 of Public Law 107–171, in excess of $51,000,000.

SEC. 730. None of the funds made available by this Act may be used to issue a final rule in furtherance of, or otherwise implement, the proposed rule on cost-sharing for animal and plant health emergency programs of the Animal and Plant Health Inspection Service published on July 8, 2003 (Docket No. 02–062–1; 68 Fed. Reg. 40541).

SEC. 731. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year, and are not available for new obligations. Funds made available under section 524(b) of the Federal Crop Insurance Act, 7 U.S.C. 1524(b), in fiscal years 2004, 2005, and 2006 shall remain available until expended to disburse obligations made in fiscal years 2004, 2005, and 2006, respectively, and are not available for new obligations.

SEC. 732. Notwithstanding any other provision of law, Rural Development shall provide grants from funds available for the Rural Community Advancement Program for the Ohio Livestock Expo Center in Springfield, Ohio, in an amount not to exceed $1,000,000.

SEC. 733. No funds shall be used to pay salaries and expenses of the Department of Agriculture to carry out or administer an agricultural management assistance program authorized by section 524 of the Federal Crop Insurance Act, in excess of $6,000,000 (7 U.S.C. 1524).

SEC. 734. None of the funds provided in this Act may be used for salaries and expenses to draft or implement any regulation or rule insofar as it would require recertification of rural status for each electric and telecommunications borrower for the Rural Electrification and Telecommunication Loans program.

SEC. 735. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 736. In addition to other amounts appropriated or otherwise made available by this Act, there is hereby appropriated to the Secretary of Agriculture $15,600,000, of which not to exceed 5 percent may be available for administrative expenses, to remain available until expended, to make specialty crop block grants under section 101 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note).

SEC. 737. No funds shall be used to pay salaries and expenses of the Department of Agriculture to carry out or administer a program authorized by section 18(g)(6)(B)(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)(6)(B)(i)).

SEC. 738. Notwithstanding any other provision of law, there is hereby appropriated $25,000,000, of which not to exceed 5 percent may be available for administrative expenses, to carry out section 18(g) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g) in each State and on Indian reservations.

SEC. 739. None of the funds made available in this Act may be used to study, complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary of Agriculture, including support personnel of the Department of Agriculture, relating to rural development or farm loan programs.

SEC. 740. Of the unobligated balances under section 32 of the Act of August 24, 1935, $9,900,000 are hereby rescinded.

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 section 508(e)(3) of such Act for the 2007 and the 2008 reinsurance years, except that funds are available to administer section 508(e)(3) of the Federal Crop Insurance Act for policies in effect as of the date of enactment of this Act.

SEC. 742. None of the funds made available in this Act may be used—

(1) to grant a waiver of a financial conflict of interest requirement pursuant to section 505(n)(4) of the Federal Food, Drug, and Cosmetic Act for any voting member of an advisory committee or panel of the Food and Drug Administration; or

(2) to make a certification under section 208(b)(3) of title 18, United States Code, for any such voting member.

SEC. 743. Section 739 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriation Act, 2001 (H.R. 5426 as enacted by Public Law 106–387, 115 Stat. 1549A–34) is amended by striking ''2 percent'' and inserting ''3 percent''.

SEC. 744. Of the unobligated balances available in the High Energy Cost Grants account, $25,265,000 is hereby rescinded.

SEC. 745. Notwithstanding any other provision of law, for the purposes of title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.), the Secretary of Agriculture shall consider the City of Atascadero, California, the City of Paso Robles, California, the City of Freeport, Illinois, and Kitsap County (except the City of Bremerton), Washington, as meeting the requirements of a rural area contained in section 520 of such Act (42 U.S.C. 1490) until the receipt of the decennial Census in the year 2010.

SEC. 746. Of the appropriations available for payments for the nutrition and family education program for low-income areas under section 3(d) of the Smith-Lever Act (7 U.S.C. 343(d)), if the payment allocation pursuant to section 1425(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175(c)) would be less than $100,000 for any institution eligible under section 3(d)(2) of the Smith-Lever Act, the Secretary shall adjust payment allocations under section 1425(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to ensure that each institution receives a payment of not less than $100,000.

SEC. 747. None of the funds made available in this Act may be used to implement the final rule published by the Secretary of Agriculture on April 24, 2006, amending part 381 of title 9 of the Code of Federal Regulations to add the People's Republic of China to the list of countries eligible to export poultry products to the United States.

SEC. 748. None of the funds made available in this Act may be used to prohibit the use of non-government electronic certification forms that verify properly certified results of equine infectious anemia testing for the purpose of interstate or international shipment of tested animals.

□ 1430

POINT OF ORDER

Mr. GOODLATTE. Mr. Chairman, I rise to make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. GOODLATTE. I rise to make a point of order against section 749, which begins on page 80, line 19, and ends on page 81, line 7, because it violates rule XXI, clause 2, which prohibits legislative language in a general appropriations bill.

The CHAIRMAN. The Chair finds that this section directly amends existing law. This section, therefore, constitutes legislation in violation of clause 2, rule XXI.

The point of order is sustained, and the section is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 750. None of the funds appropriated or otherwise made available by this Act for the Food and Drug Administration may be used under section 801 of the Federal Food, Drug, and Cosmetic Act to prevent an individual not in the business of importing a prescription drug within the meaning of section 801(g) of such Act, wholesalers, or pharmacists from importing a prescription drug which complies with sections 501, 502, and 505.

POINT OF ORDER

Mr. DEAL of Georgia. Mr. Chairman, I rise to make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DEAL of Georgia. Mr. Chairman, I make a point of order that the language beginning with, ''The Secretary of Health and Human Services,'' on page 81, line 16, through, ''Food, Drug and Cosmetic Act,'' on page 82, line 5, violates clause 2 of rule XXI of the rules of the House which prohibits legislation on appropriations bills.

The language that I have cited permits the Secretary of HHS to require the holder of an approved application for a drug to conduct studies to refute proposed theories. This language clearly constitutes legislating on an appropriations bill and, as such, violates clause 2 of rule XXI.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Ms. DELAURO. Mr. Chairman, I regret that my friend has moved to strike this language, particularly given the GAO's recent findings.

The FDA needs the authority to mandate post-marketing drug studies when needed, and indeed, the General Accountability Office has issued a very harsh report of the post-market studies saying, and I quote, FDA lacks clear and effective processes for making decisions about and providing management oversight of post-market safety issues. They further say that, to improve the decision-making process for post-market drug safety, Congress should consider expanding FDA's authority to require drug sponsors to conduct post-market studies, such as clinical trials or observational studies, as needed, to collect additional data on drug safety issues.

The FDA is under increasing pressure to approve new drugs quickly. Some of us have been concerned by the implication of the approval process. Since 2000, ten drugs have been withdrawn for safety reasons by their manufacturers, all voluntarily. As far back as 1996, when the inspector general at HHS looked into the matter, it found that the FDA lacked an appropriate system for monitoring or tracking the status of the post-market——

The CHAIRMAN. The gentlewoman would confine her remarks to the substance of the point of order.

Ms. DELAURO. Mr. Chairman, no one is accusing FDA of willful negligence. There can be innocent reasons why this study is not done, but the fact is the FDA needs to have authority in order to assure that we are not putting lives at risk with unsafe drugs that are not fully tested.

This language would ensure that they have the authority. Prescription drugs are the foundation of modern medical treatment. The public's interest is being preserved by having the FDA have this authority.

The CHAIRMAN. The Chair will remind the gentlewoman that her remarks must be confined to the substance of the point of order.

□ 1445

If no other Members wish to be heard on the point of order, the Chair is prepared to rule.

The Chair finds that this section confers authority on the Executive. The section, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the section is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 752. Section 1502(c)(3) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(c)(3)) is amended—

(1) by inserting ''and'' at the end of subparagraph (A);

(2) in subparagraph (B), by striking ''August 31, 2007, 34 percent; and'' and inserting ''September 30, 2007, 34 percent.''; and

(3) by striking subparagraph (C).

POINT OF ORDER

Mr. GOODLATTE. Mr. Chairman, I raise a point of order against section 752.

The CHAIRMAN. The gentleman will state his point of order.

Mr. GOODLATTE. I raise a point of order against page 82, line 6, ending on page 82, line 17, because it violates rule XXI, clause 2, which prohibits legislative language in a general appropriations bill.

The CHAIRMAN. Does anybody wish to be heard on the point of order? If not, the Chair is prepared to rule on the point of order.

The Chair finds that this section directly amends existing law. This section, therefore, constitutes legislate in violation of clause 2 of rule XXI.

The point of order is sustained, and the section is stricken from the bill.

Mr. KINGSTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in less than 6 months, farmers will begin to plan for the next crop year. Without extending the storage and handling fee program for peanuts, all over the Southeast there will be problems in the ag world. As we know, when we did away with the peanut quota program, the farmers went from a support price of over $600 down to $355. Now, in exchange for such a reduction in the support price and elimination of the quota program, farmers

were also successful in negotiating a $50 per ton storage and handling fee.

The reason why this was important is because when peanuts are ready to harvest, the market might not be at the optimal selling price for the peanuts. Likewise, when the shellers and the folks in manufacturing and processing need peanuts, there might at times be an abundance and at other times there might be a deficit. So for everyone involved in the peanut food chain, having a good storage and handling program is important. You can't just put peanuts in any warehouse and keep them in fresh order. You have to have a specialized warehouse, and that is why this program is important.

This program is important not just to those in the peanut business directly, the farmer, the producer, the processor, the user, and the shelling facility; but it is also important for rural southeast America. The peanut program is bigger in poor counties across the southeastern States. You don't have a problem with the peanut program in Atlanta, Georgia, or in Birmingham, Alabama, or St. Simons Island, Georgia, or Savannah, Georgia. You have it in the small areas, like Cook County and Berien County and Candler County and Bulloch County, counties that do not have the growth in many cases of those in the urban areas.

This program has been successful from South Carolina to southern Mississippi to Alabama. Just one example: in Donalsonville, Georgia, the American Peanut Growers Group, a co-op comprised of 85 different peanut producers, invested in a shelling facility after the last farm bill and created 50 new full-time jobs and six new buying points throughout the region, a great success story.

In Tifton, Georgia, over $18 million has been invested in a new dome storage peanut shelling facility that employs 60 people. This is a product of 56 different peanut producers in making this shelling plant.

Examples of this are all over here. And I know the gentleman from Alabama is here and he has seen it from his own area, but even though the chairman of the Ag Committee has been a good supporter of farm programs and the peanut program, striking this language on a point of order actually hurts us at this time. Because as these peanut farmers are making growing decisions, we have just taken away one of the great economic tools they need to successfully decide if they are going to be planting peanuts or planting corn or planting soybeans or cotton.

What I would say to the members of the committee is as this bill moves through the process without this language in it, it is quite likely our friends in the other body will restore this language, and I am hoping that the Senators from Georgia are able to do that. The language was put in the bill by me, Mr. BISHOP, and Congressman BOYD, bipartisan support and southeastern agriculture support, and we are hoping to get it restored at some point along the line.

So I just wanted to come down here on the point of order to make sure folks know that even though this is going to be stricken today, we do feel like it does not kill this, but for the time being.

Mr. BONILLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to commend Mr. KINGSTON for his work on this issue. This is an issue that we have worked very closely with the authorizers on to try to fix this program because it expired, as the gentleman said. Mr. KINGSTON has been a real leader, as has Senator CHAMBLISS on the other side of the Capitol, in trying to address this issue.

I am very grateful the gentleman came to the floor today to address the concerns, because they needed to be exposed rather than just rule on the technicality that was before us. The gentleman understood that the peanut issue was subject to a point of order and nonetheless fought the good fight to the very end.

So I would just like to commend the gentleman for his work in this area.

Mr. EVERETT. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I would be happy to yield to my good friend from Alabama.

Mr. EVERETT. I thank the chairman, and Mr. KINGSTON has adequately explained the situation that we are in. This handling and storage fee is absolutely critical for the peanut farmers in these very small rural towns that we all represent.

One thing that might be noted is that in the last farm bill, which I had the privilege of being the subcommittee chairman that wrote this peanut title, this was put in there to help the farmers and the shellers transition into a more market-based program. The problem that we have gotten into is because I believe that the USDA has not followed the word and/or spirit of the peanut title, in that they have kept these peanuts, we have had about 2 or 3 years of great peanut crops, and they have kept these peanuts in loan. That has not created a market that we intended to create. They have not moved these peanuts out of loan, which we fully intended for them to do.

They have to understand if it is a budget thing, it is either pay now or pay later. But the longer they keep them in there, the less those peanuts are going to be worth and they will go out to people for almost nothing.

So I appreciate Mr. KINGSTON for putting this language in there, and I further appreciate the chairman. I understand my full committee chairman on the authorizing side is trying to protect the committee's privileges, and also my friend from Texas, Mr. BONILLA, I appreciate the words that he had concerning this issue and, hopefully, we can do something in conference about it.

Mr. BONILLA. Mr. Chairman, I appreciate the gentleman's remarks and, in closing, there are oftentimes issues like this that come before us that as appropriators you never know what is around the next corner with legislation that is being put in our lap that has a profound impact above and beyond dollar figures that we debate on every day in our committee.

So, again, I realize and all of us realize this is a very serious issue that needs to be addressed.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I simply want to express my chagrin at the fact that the chairman of the authorizing committee has exercised a point of order against the provision in the appropriation bill, section 752, which would have corrected a gross shortcoming in the dairy program.

The fact is that with the language in the appropriation bill being stricken, we will now face the situation under which dairy will be at a distinct disadvantage when the farm bill is renewed in 2007 because the authorization committee arranged in previous legislation to see to it that the milk program expired one month before the end of the fiscal year. What that means is that evidently the Agriculture Committee majority desires to see the supplemental milk payment program die.

I hope that every small dairy farmer in America takes note of that fact. It is a pretty clear indication of whose side people are on. And I simply want to make the observation that this provision that required the milk program to expire 1 month early was not done for any policy reason. It was done as a gimmick to get around the budget act. And it is another illustration of the fact that when our principal goal is to find whatever parliamentary gimmicks we can find in order to fit programs into a defined box, then real people get hurt. The fact is that there will be many small dairy farmers who go out of business if they do not have the support that comes from that supplemental milk payment program.

So, Mr. Chairman, I regret very much the gentleman felt required to do that. I hope that dairy farmers will take note of the fact that the only possible dairy farmers who could benefit from this are the giant operators, the 1,000- and 2,000-cow herd operators, but the average dairy farmer in the United States is hurt by the action that was taken today, and I hope they take that into account when they go to the polls in November.

Mr. BISHOP of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to the point of order that was offered by my good friend, the chairman of the Agriculture Committee, Mr. GOODLATTE, and in support of the peanut storage and handling language that was included in the 2007 agriculture appropriations bill.

As the Representative of the Second Congressional District of Georgia,

which I am proud to say is the largest peanut producing district in the Nation, I would like to lend my full support and endorsement of language that was included in the bill extending the peanut storage and handling program for an additional year.

During consideration of the 2002 farm bill, the peanut industry, including growers, manufacturers, and processors, asked that the House Agriculture Committee change the Nation's peanut program from a supply management structure to a more market-oriented program.

At the time, I had the pleasure of serving as a member of the Agriculture Committee. The House Ag Committee made these changes, working in cooperation with the peanut industry, and the transition to the new market-oriented program was a part of a very carefully crafted compromise that was developed and approved by the House Agriculture Committee.

□ 1500

The 2002 farm bill provided storage, handling fees and related costs for the peanut program through the 2006 crop year. Our concern centered on the fact that growers would have to absorb the storage costs associated with peanuts placed under loan.

The language included in the committee bill would simply continue the peanut storage and handling fees program through 2007, terminating at the beginning of fiscal year 2008. The language was reviewed by the CBO and will not have a 2007 cost, primarily because the payments will come after the 2007 harvest. There will be a cost of approximately $77 million in 2008. By all measures, the new peanut program is a true success story.

The storage and handling fees paid on peanuts by this loan program are very limited in scope. And more importantly, the storage and handling segment of the peanut program will actually expire at the end of this fiscal year.

As the chairman will recall, the original intent of this program was to provide an efficient and practical transition from the old supply-management structure to the new market-oriented approach. Without the bridge provided by this program, producers would not have participated in transitioning to the new program.

Every licensed warehouse operator has a structure for storage and handling fees. These fees will be passed on to the peanut producer if they are not paid by the Department of Agriculture. Much of the 2006 peanut crop has already been contracted, and the underlying business decisions associated with these transitions are in large part based on the program provisions that are in effect under current law.

Peanut producers entered this crop year and planned for this farm bill period based on the commitment that Congress made in the 2002 farm bill. Warehouse operators will not absorb these costs. It will be the producer who will pay if these fees are not paid as designed by the current bill.

Peanuts, unlike many other crops, can't practically be stored on the farm. Specialized handling and storage by knowledgeable warehouse operators is necessary to preserve the value of this semi-perishable commodity. So it is an expense that is absolutely necessary and one that the grower can't avoid by doing it himself.

Without this language, what is now a $355 per ton marketing loan program will effectively be reduced to a loan program that will not be profitable for the peanut producer.

Mr. Chairman, this language is crucial to the future of the peanut industry and continuation of the program into 2007. It could literally mean the difference between profitability and loss, between success and failure, between farmers surviving or forcing even more family farmers off the land. These farmers are real people, Mr. Chairman, real people whose lives will be profoundly changed if this point of order is upheld by the Chair.

I strongly oppose the point of order and ask the Chairman to retain the language in question which is vital to the American peanut farmer, particularly those in the State of Georgia.

Mr. BONILLA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HEFLEY) having assumed the chair, Mr. RYAN of Wisconsin, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 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, had come to no resolution thereon.

LIMITING AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 5384, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 5384 in the Committee of the Whole pursuant to House Resolution 830, notwithstanding clause 11 of rule XVIII, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

An amendment by Mr. BLUMENAUER regarding funding limitations for sugar loan rates, which shall be debatable for 20 minutes;

An amendment by Ms. SLAUGHTER regarding funding for Center For Veterinary Medicine;

An amendment or amendments by Mr. BONILLA regarding funding levels;

An amendment by Mr. LATHAM regarding section 741 of the bill;

An amendment by Mr. HEFLEY regarding an across-the-board reduction;

An amendment by Mr. TIAHRT regarding funding limitation on competitiveness;

An amendment by Mr. PAUL regarding funding limitation on National Animal Identification System;

An amendment by Mr. KING of Iowa regarding submission of a report on the National Animal Identification System and certain pilot projects;

An amendment by Mr. SCHWARZ of Michigan regarding emerald ash borer;

An amendment by Mr. SWEENEY regarding a funding limitation on examination, inspection, and processing of horses;

An amendment by Mr. WEINER regarding payments to certain cotton and rice producers;

An amendment by Mr. CARTER regarding funding for program integrity activities in Federal Crop Insurance program;

An amendment by Mr. CHABOT regarding a funding limitation on the MAP program;

An amendment by Mr. LUCAS regarding funding for conservation technical assistance programs;

An amendment by Mr. GUTKNECHT regarding funding limitation on section 720 of this bill;

An amendment by Mr. BACA regarding funding limitation on operational changes to the Food Stamp program;

An amendment by Mr. GERLACH regarding funding limitation on section 728 of the bill;

An amendment by Mr. REICHERT regarding funding limitation on certain milk producer handlers;

An amendment by Mr. GARRETT of New Jersey regarding Federal employee attendance at overseas conferences;

An amendment by Mr. GARRETT of New Jersey on food stamp program in contravention of the INA;

An amendment by Mr. ENGEL regarding funding limitation on alternative fuel vehicles;

An amendment by Ms. JACKSON-LEE of Texas regarding claims processing on Pigford v. Glickman case;

An amendment by Mr. KING of Iowa regarding the Livestock Identification and Marketing Act;

An amendment by Mr. BOREN regarding funding limitation on the transfer of activities from Oklahoma;

An amendment by Mr. GORDON regarding energy standards for Federal buildings;

An amendment by Mr. FLAKE regarding funding limitation on dairy education in Iowa;

An amendment by Mr. FLAKE regarding funding limitation on fruit and vegetable market analysis in Arizona and Missouri;

An amendment by Mr. FLAKE regarding funding for Food Marketing Policy Center in Connecticut;

An amendment by Mr. FLAKE regarding funding limitation for greenhouse nurseries in Ohio;

An amendment by Mr. FLAKE regarding funding limitation for aquaculture in Ohio;

An amendment by Mr. FLAKE regarding funding limitation for hydroponic tomato production in Ohio;

An amendment by Mr. FLAKE regarding funding limitation for wood utilization in Oregon, Mississippi, North Carolina, Minnesota, Maine, Michigan, Idaho, Tennessee, Arkansas, and West Virginia;

An amendment by Mr. FLAKE regarding funding limitation for the National Grape and Wine Initiative in California;

An amendment by Mr. FLAKE regarding funding limitation for income enhancement demonstration in Ohio;

An amendment by Mr. FLAKE regarding funding limitation for Appalachian Horticulture Research in Mississippi;

An amendment by Mr. FLAKE regarding funding limitation for the Competitiveness of Agriculture Products in Washington;

An amendment by Mr. FLAKE regarding funding limitation for Value-Added Product Development for Agriculture resources in Montana.

Each such amendment may be offered only by the Member named in this request or a designee, or by the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

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

Mr. OBEY. Reserving the right to object, Mr. Speaker, as I calculate the time that would be required to dispose of all the amendments made in order by this unanimous consent agreement, it appears to me that it amounts to about 6½ hours just of palaver, without the time consumed by votes; or for that matter, without the time consumed by slippage as we go through the procedures around here.

That means that if every person offers each amendment that is provided for in this unanimous consent request, and if they take the time allotted, we will be here until at least 10:30 or 11 o'clock before we even get to the votes.

Given the fact that there are many amendments, that means, as I see it, that we could be here as late as 2 o'clock tomorrow morning. I would ask Members to keep that in mind when they are determining whether or not they actually want to offer many of these amendments.

Mr. BONILLA. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Speaker, I could not agree with the gentleman more. The gentleman knows that I have tried to work through this bill as expeditiously as possible. I would concur that we try to expedite this process and minimize the speeches that could be associated with these amendments.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 830 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5384.

□ 1512

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 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, with Mr. RYAN of Wisconsin in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the bill had been read through page 82, line 14.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except those specified in the previous order of the House of today, which is at the desk.

AMENDMENT OFFERED BY MR. BONILLA

Mr. BONILLA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BONILLA:

At the end add:

Sec. ____. The limitation in section 721 shall not apply below a program level of $1,127,000,000.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. BONILLA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

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

Hopefully, this will set an example for dealing with the remaining amendments. We have cleared this amendment that deals with putting money back into the EQIP program. We have cleared it with the minority, and I ask for an ''aye'' vote.

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

The CHAIRMAN. Does any Member seek the time in opposition?

If not, the question is on the amendment offered by the gentleman from Texas (Mr. BONILLA).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. PAUL:

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 administer the National Animal Identification System.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

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

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

Mr. PAUL. Mr. Chairman, my amendment is very simple. It says none of the funds made available in this act may be used to implement or administer a National Animal Identification System. I think at this time one thing that this country doesn't need is another huge bureaucracy tracing and following every animal in the country.

□ 1515

That is exactly what this new program will do. It means that each animal will be tagged with a radio frequency ID, all cattle, swine, sheep, goats, horses poultry, bison, deer, elk, lamas and alpacas.

For one, what you own on your farm should be your property, and that information should be private unless there is some type of a subpoena. There is a fourth amendment issue here.

Also, there is the issue of just why this is being done. A lot of people have claimed, and I agree with this, that this is a benefit to the large agribusiness farmers, and it is a great detriment to the small farmers who will be burdened with this great effort to accumulate data which will be of benefit to some private big companies.

Actually, the database will be controlled by private companies. It will be said that this is a voluntary program, but it has also been told me by the Agriculture Department that if it isn't 100 percent agreed to by the year 2008, it will become mandatory. So it is a little bit of 1984 newspeak about exactly how voluntary it is.

But we certainly don't need this type of program. We already have plenty of programs that trace and monitor movement. There are health requirements and brands and all the other efforts. This, to me, is a bureaucratic boondoggle that we don't need.

Mr. Chairman, I yield 1½ minutes to the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, I come from cattle country out in Colorado. I can tell you that one of the things that has gotten our cattle producers worked up more than anything in recent times is this animal identification program. They are very, very worried about it.

The feeling is that it is going to take the small producer and put them absolutely out of business. The initial estimates for a national ID program range from $122 million to $550 million, and who will be responsible for that? USDA? The producer? The packer? Again, we don't know, because we have not defined the range and scope of the program.

The Australian Beef Association condemns their mandatory ID program because it is the farmers and the ranchers that have been forced to shoulder the burden. We can understand the need to deal with the Mad Cow problem, but at the same time, the idea that the possibility that every animal you have on your farm, including your chickens and your horses, all of the animals, would have to be identified by some kind of an electronic means is something that just doesn't make any sense at all.

We have spent about $86 million on it already. I think that we ought to go back to the committee and reconsider this. At this time, I would hope that we would not put any money into it whatsoever.

Mr. Chairman, I rise today in support of the amendment that prohibits funds from being directed to an National Animal Identification program, which amounts to a total about $33 million this year. We all know this is a tough budget year, and in no way does this amendment intend to diminish the hard work performed by Chairman BONILLA and his staff. In fact, I applaud the Committee for decreasing the total bill by $7 billion below last year's level. Given our well-known budget problems, it is necessary that we evaluate what programs are working and what ones are not. When I look at the Animal ID program, one that the USDA has spent $85 million on in the last three years and at the earliest estimations, is expected to be fully operational by 2009, I do not see a program that needs $33 million more, rubber-stamped for it. Especially given that this program has seemingly very little direction and has produced very little so far, even though all 50 states are now of registering, very few animals are registered. The Department itself has changed its opinion on the fundamental direction of the program between May and August of last year, moving from defined timeline of implementation for a single national mandatory system to the collection of massive databases. When the Department, the States, as well as the numerous producer groups needed to assist in such a massive undertaking are undecided on even the goals of the program: Is it animal safety and disease control, or food safety? Let alone a course of action, this is not a program we simply need to throw more money at.

Initial estimates for a National ID program range from $122 to $550 million, and who will be responsible: USDA, the producer, the packer? Again we don't know because we have not defined the range and scope of the program. The Australian Beef Association condemns their mandatory ID program because it is the farmers and ranchers that have been forced to shoulder the burden. As this is currently set up, this makes for a massive invasion in privacy rights and will in many cases reinvent the wheel with current branding systems already in place. Furthermore, we must better define how implementation of Country of Origin Labeling will fit into this? We are foolish to look at Animal ID and Congress in a vacuum. In the report of this appropriations bill, the committee expressed concern for the program regarding "mixed signals" about participation and registration. Animal ID accounts for only about 4 percent of APHIS budget but I feel that this money would be better spent on programs like Avian Flu prevention and Emergency programs that are clearly defined, and do not threaten property rights.

Mr. KINGSTON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Georgia is recognized for 5 minutes.

Mr. KINGSTON. Mr. Chairman, I yield myself 1½ minutes.

I certainly appreciate the intent of what the gentlemen are trying to accomplish. I have a lot of sympathy for it, but I oppose the American Farm Bureau at this time. The reason is, we do need to identify those animals who are involved in the food chain for human consumption.

Yet, at the same time, because our language, we worked very closely with the authorizing committee, requires that before it is implemented that we have comments in the Federal Registry which at that time people can weed out those nonessential animals, because I don't want a national bureaucracy knowing about every single animal that I own or a rancher or farmer may own.

During that comment period, it certainly would be my intention, and I think most of us on the authorizing and on the appropriating committee, to make sure what you are saying is correct. So, at this point, I also want to point out that we are delaying any of these funds to be available to the USDA until it publishes the advance notice of proposed rulemaking about the plan. We are doing everything we can in a public comment period.

Mr. Chairman, I yield 2 minutes to the chairman of the authorizing committee, Mr. GOODLATTE.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Georgia for yielding me this time.

I rise in opposition to the amendment.

While I appreciate the intent of the amendment and the questions that have led to it, the appropriations measure as reported contains language on animal identification that should be sufficient to address its concerns. Since becoming chairman of the Agricultural Committee, we have conducted five hearings on the national identification, national animal identification system.

It is clear that animal ID has the potential to significantly improve our animal health monitoring system and enhance our ability to respond to an animal health emergency. Unfortunately, many of the livestock producers I talk with about the USDA's animal ID system, still have questions about cost, liability, regulatory burden, confidentiality and barriers to commerce that have yet to be addressed.

It is reasonable to expect that an individual producer could look at a USDA document and determine what he would be required to do under either the voluntary program or the mandatory program that will follow on later.

Today, it is simply not possible. The Appropriations Committee has included language in their bill that holds funding until the Secretary of Agriculture publishes an advance notice of proposed rulemaking outlining how USDA's animal ID system will work. This informal process will provide the details necessary to have a full and thoughtful debate about animal ID and allow us to find our way forward with this important public policy initiative.

For those who worry an ANPR might slow down an animal ID implementation, I offer this observation, if USDA is not prepared to quickly answer these fundamental questions about its plans, then USDA is in no position to be moving forward in any case.

Mr. PAUL's amendment has the best of intentions. However, the underlying bill has provided the mechanism to work through the issues he seeks to address. For this reason, I believe his amendment should be defeated.

Mr. PAUL. Mr. Chairman, I just want to say that if the gentleman from Georgia does not want another huge bureaucracy, he must support my amendment, because that is what he is going to get. It has already been funded. Even though there is pretense that there is a restraint on funding, it has already been funded, so it is in motion.

Mr. Chairman, I yield the balance of my time to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, I rise in strong support of the Paul amendment. The proposed national animal ID system will force small family farmers and ranchers to spend thousands of dollars as well as comply with

new paperwork and monitoring regulations to implement and operate the national ID system. This unnecessary financial burden could ruin small farms.

As we all know, many of America's small farms are struggling to survive in today's environment. They are teetering on a line that fluctuates with the seasons, with disease and with ever-changing markets. The national animal ID system will only push these farmers further into financial troubles. By forcing small farms to adhere to unfair bureaucratic regulation, you will be driving third and fourth generation farmers out of the only livelihood they have ever known.

In town hall meetings across my district, constituents have expressed to me their concerns with the proposed program. They are afraid of losing their farms because of big brother looking over their shoulder and forcing them to adhere to unrealistic and intrusive regulations.

I urge my colleagues to support the Paul amendment and stand up for the thousands of hardworking small farmers in our country.

Mr. KINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Chairman, I rise today in opposition of this amendment. Although I have to say that the way the Department so far has administered this thing, I have some sympathy for what you are saying, but not for the same reasons.

We have spent $84 million so far. We haven't accomplished a whole lot. In Canada, they put this up for $6 million. In Australia, they set their system up for $10 million. We could have done this for a lot less money if we had gone about it in the right way.

I introduced a bill some time ago to make a mandatory system. But the fact of the matter is, if you don't think we need a national ID system in this country, you have got your head in the sand, because we are going to have a problem. It is going to be foot and mouth, or it will be something else.

If we don't have a system, we are in big trouble. We are never going to get back in the Japanese market, some of these other markets, if we don't have an ID system in this country that works. So this is not the right way to go, and I urge rejection of this amendment.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. KINGSTON. How much time is remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has 30 seconds left.

Mr. KINGSTON. I will yield 10 seconds to the gentleman from Texas if 10 seconds will help him.

Mr. PAUL. I thank the gentleman for yielding.

I just want to urge an ''aye'' vote to try to slow up at least a brand new bureaucracy that is going to play havoc with our small farmers.

Mr. KINGSTON. Mr. Chairman, I want to urge a ''no'' vote and say that we are going to join Mr. PAUL in fighting a new bureaucracy and also to weed out an excessive burden on small farmers and too much information to the Federal Government. That is why we have delayed the funding of this until the advanced notice for proposed rulemaking has been filed, and we are going to work on a bipartisan basis to get that right. So please vote ''no.''

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as the gentleman from Texas knows, I have a great deal of respect for him. He and I do not agree very often, but I think that he is a very thoughtful watchdog in this House, and I appreciate the fact that he is suspicious of government overreach wherever it comes from.

Having said that, I want to echo the words of the gentleman from Minnesota. If you think that we are going to be able to sell our meat products on international markets without eventually having a system like this, you are smoking something that ain't legal. It simply is not going to happen. To defend the ability of our producers to export, we are going to have to have a decent animal ID system. We are also going to have to have a decent animal ID system in order to protect the public health of our own citizens. So we need to have this go forward.

What the committee is doing is recognizing that the Agriculture Department has handled this issue so badly that they have given incompetence a bad name. And what the committee has therefore done is to say that until the department gets its act in order, there will be no funds provided, but we leave the possibility open for funding once they get their act together. That is the responsible way to force the agency to quit jerking farmers around. I mean, it is like watching a tennis game; bump, bump, bump. They change their mind every 5 minutes. You cannot keep your eye on the ball. One day they have one approach; one day they have another. And as a result, farmers are frustrated, consumers are confused, and taxpayers are bilked for a heck of a lot more money than this system ought to cost. We would not even be having this debate today if USDA had handled this in a fashion which was in any way competent, but they did not. So now we pay the price with debates such as this.

I would urge that the House support the committee in this position. It is taking the responsible path on this issue. And I would urge that we turn down the amendment even though I fully appreciate the frustration that lies underneath the actions of the people who have offered the amendment today.

Ms. DELAURO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to associate myself with the comments of Mr. OBEY and Mr. PETERSON. I think that there is not any question that on all sides of this issue there has been great frustration with the way in which the USDA has handled this issue.

In exchange, in the budget hearing this year, we find on one day it is a mandatory program and the next day it is a voluntary program. What we are doing is, we continue to put at risk the industry and its ability to be able to protect the ranchers, and on the other hand, it does not deal with looking at, how do we protect the public health?

The bill does address this issue, and it acknowledges what the problems are. And I think that we said very clearly that until there is a complete and a detailed plan for the program included, not limited to, pro-legislative changes, cost estimates, means of program evaluation, and that such a plan is published as an advanced notice of proposed rulemaking that these are the kinds of requirements that have been put in by the committee.

And I want to urge my colleagues, though I understand, again, what the frustration is about this issue, to oppose the amendment and move with what the committee has put forward.

□ 1530

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PAUL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT OFFERED BY MR. BOREN

Mr. BOREN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BOREN:

Page 82, after line 14, insert the following:

SEC. 753. None of the funds provided by this Act for the Agricultural Research Service may be obligated or expended to reprogram programs and resources currently operating at Lane, Oklahoma.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Oklahoma (Mr. BOREN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma.

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

Mr. Chairman, my amendment would allow the scientists and support staff at the Agriculture Research Lab in Lane, Oklahoma, to continue their valuable work at the facility. The lab is important not only to my district and the State of Oklahoma, but also makes significant contributions to agriculture in the region, Nation, and across the globe.

When the center was established in 1985, it was in response to the need for new and improved innovations in agriculture for the south central region of this country. I believe that need still exists.

The ARS lab at Lane shares a facility with Oklahoma State University's Wes Watkins Research and Extension Center, named for one of my predecessors in Congress.

To give you an example of the work being done at this lab, scientists at Lane are leading research on watermelon vine decline. Watermelon growers have determined this to be the most important challenge they will face in the coming years. But with the experience and leadership that exists at Lane, they are confident they can meet this challenge.

The facility is recognized nationally and internationally as a center for excellence for vine crop research, especially on watermelons and cantaloupe. It is important our research facilities be spread across the State and country to provide the best research for varying soil types and climates.

For these reasons, Mr. Chairman, I urge my colleagues to support this amendment.

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

The CHAIRMAN. Who seeks time in opposition?

Mr. KINGSTON. Mr. Chairman, if the gentleman will yield, I want to say on behalf of the Chair, we are ready to accept this amendment. I know you have worked very hard on this facility, and I know your passion for it. The committee accepts the amendment.

Mr. BOREN. Mr. Chairman, I thank the other side and the chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. BOREN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TIAHRT

Mr. TIAHRT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TIAHRT:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available in this Act may be used to promulgate regulations without consideration of the effect of such regulations on the competitiveness of American businesses.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Kansas (Mr. TIAHRT) and a Member opposed each will control 5 minutes.

Mr. KINGSTON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. A point of order is reserved.

The gentleman from Kansas is recognized for 5 minutes.

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

Mr. Chairman, my amendment is very simple. It just says that none of the funds made available in this act will be used to promulgate regulations without consideration of the effect that such regulations would have on the competitiveness of American businesses.

Mr. Chairman, over the last generation, Congress has created barriers to keeping and creating jobs in America. There are at least eight major barriers in which our policies have been preventative of keeping jobs in America. They consist of health care policy that is driving the fastest growth in costs in America, making it more difficult to keep and create jobs. It includes a tax policy that punishes success. It includes litigation costs that result in court costs, lawyer fees and higher liability insurance costs. It includes an energy policy that has prevented exploration, expansion of refinement capability, and new renewable energy resources. It includes trade policy that hasn't been properly enforced. And it has allowed American companies to be targeted by foreign-owned government businesses. It includes an education policy that is not meeting the needs of the next more technological economy. It includes research and development funding that is not focused on the ideas that will move us into a strong position for tomorrow's products in the next economy. And it includes a regulatory policy that slows the growth of our economy by taking an adversarial role which works against those that create and keep jobs in America.

Mr. Chairman, I would like to explain just one example of how the funding in this bill has been used by government agencies to prevent us from creating and keeping jobs in America.

Creekstone Farms is a small Kansas beef processing plant in my congressional district that has sought permission from the United States Department of Agriculture since early 2004 to voluntarily conduct BSE tests or screening tests on cattle. USDA has repeatedly refused to allow BSE test kit manufacturers to sell the test kits to companies who want to voluntarily test for BSE.

Let me say, Mr. Chairman, the American food system is completely safe with many checks and balances built into our production, processing, distribution, and retail system. Mad cow disease has never made it into our markets. In December of 2003, USDA detected the first case of mad cow disease, but that case never made it into our system. It is completely safe. Our food supply is completely safe.

But concerns developed overseas in several of our export markets, specifically in Japan and South Korea. They banned our meat products from their markets. Since then, we have lost over $4 billion in sales and thousands of jobs, some of them right in Kansas.

South Korea and Japan are looking for more confidence in their meat supply. We believe it is perfectly safe, but they want something to tell their consumers.

Creekstone proposed a screening test on a voluntary basis of each carcass so that they could provide that level of confidence to the consumers in South Korea and in Japan. But when they went to the United States Department of Agriculture to get permission to do this screening, they were told no. Not only was Creekstone told no, but the company that manufactured these test kits for BSE was told, no, you cannot sell these kits to Creekstone.

Whatever happened to the old adage that the consumer is always right? In America, we have built a strong economy by meeting the needs of the consumers, by opening new markets to a developing level of confidence.

For example, the side air bags in an automobile: an automobile that has side air bags, gives some people more confidence that it is safe and therefore they are willing to spend a little extra money on buying a car with side air bags. But not all cars have side air bags. The Department of Transportation said, yes, it is fine. If you want to meet those customers' needs and they want to pay a little more, then go ahead and voluntarily put side air bags in automobiles.

Unlike the Department of Transportation, USDA has said that you cannot use this type of voluntarily based marketing to meet consumers needs, so they have completely shut off this area of letting us develop this new market, and the consumers in South Korea and Japan still don't have enough confidence to buy American beef. We have lost that market now to Australia and New Zealand, and it is going to be difficult for us to gain it back.

Creekstone has an idea to regain this market, but it is the government-regulation bureaucracy that is preventing us from opening that market and keeping and creating jobs in America.

Mr. Chairman, this is just one example of how regulations can keep us from expanding and preparing for the next economy. Other nations are preparing for the next economy, but we are not.

Mr. Chairman, I realize this is authorization on an appropriations bill and it is my I intent to ask unanimous consent to withdraw this amendment, but I will not withdraw from the fight of creating a strong economy for tomorrow's future.

Mr. Chairman, I respectfully withdraw this amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KING of Iowa:

At the end of the bill (before the short title), add the following new section:

SEC. ____. (a) SHORT TITLE.—This section may be cited as the ''Livestock Identification and Marketing Opportunities Act''.

(b) FINDINGS.—Congress finds the following:

(1) For purposes of animal health investigation and surveillance, there needs to be

an identification system that can trace animals from the time of first movement of the animal from its original premise to the time of slaughter of the animal in less than 48 hours.

(2) The beef industry estimates that the United States cattle industry lost approximately $3,000,000,000 in export value on beef, beef variety meats, hides, and tallow during the 12 months after a December 2003 diagnosis in the United States of bovine spongiform encephalopathy. A livestock identification system may have prevented some of this loss.

(3) In order to be as efficient as possible, the livestock identification system needs to be automated and electronic with participants using compatible technologies.

(4) The livestock identification system needs to be flexible enough to adapt to changes in technology and to the demands of the industry and the markets.

(5) The best technology available should be used for the livestock identification system while still allowing for registration into the system for livestock owners who are economically disadvantaged.

(6) Confidentiality of information on animal movements, sales, and ownership is necessary to ensure that livestock owners have the confidence to comply with and fully participate in the livestock identification system.

(7) Besides animal disease surveillance, the livestock identification system should provide a commercial information exchange infrastructure that would allow for enhanced marketing opportunities.

(c) LIVESTOCK IDENTIFICATION BOARD.—

(1) ESTABLISHMENT.—There is established a board to be known as the ''Livestock Identification Board''.

(2) DUTIES.—The duties of the Board shall be to—

(A) establish and maintain an electronic livestock identification system that—

(i) is capable of tracing all livestock in the United States from the time of first movement of the livestock from its original premise to the time of slaughter of such livestock in less than 48 hours;

(ii) tracks all relevant information about the livestock, including—

(I) the livestock identification number or the group or lot identification number for the livestock, as applicable;

(II) the date the livestock identification number or the group or lot identification number was assigned;

(III) the premise identification number;

(IV) the species of the livestock;

(V) the date of birth of the livestock, to the extent possible;

(VI) the sex of the livestock;

(VII) any other information the Board considers appropriate for animal disease surveillance; and

(VIII) any other information that the person who owns or controls the livestock voluntarily submits to the Board;

(B) maintain information obtained through the livestock identification system in a centralized data system; and

(C) determine the official identification technology to be used to track animals under the livestock identification system.

(3) POWERS.—The Board may—

(A) prescribe and collect fees to recover the costs of the livestock identification system; and

(B) establish and maintain a grant program to assist persons with fulfilling the requirements of the livestock identification system.

(4) MEMBERSHIP.—

(A) VOTING MEMBERS.—The Board shall be composed of 7 voting members appointed by the Secretary of Agriculture, in consultation with the Chair and ranking minority member of the relevant congressional committees, of whom—

(i) 1 member shall be a representative of cattle owners;

(ii) 1 member shall be a representative of swine owners;

(iii) 1 member shall be a representative of sheep and goat owners;

(iv) 1 member shall be a representative of poultry owners;

(v) 1 member shall be a representative of livestock auction market operators;

(vi) 1 member shall be a representative of meat processors; and

(vii) 1 member shall be a person actively engaged in the livestock industry.

(B) NON-VOTING MEMBERS.—The Board shall include 2 non-voting members appointed by the Secretary, in consultation with the Chair and ranking minority member of the relevant congressional committees, of whom—

(i) 1 member shall be a representative of the Department of Agriculture; and

(ii) 1 member shall be a representative of State or tribal veterinarians or State or tribal agriculture agencies.

(C) TERMS.—

(i) IN GENERAL.—Each member shall be appointed for a term of 3 years, except as provided by clauses (ii) and (iii).

(ii) TERMS OF INITIAL APPOINTEES.—As designated by the Secretary at the time of appointment, of the voting members first appointed—

(I) the members appointed under clauses (ii), (iv), and (v) of subparagraph (A) shall be appointed for a term of 2 years; and

(II) the members appointed under subparagraphs (iii) and (vii) of subparagraph (A) shall be appointed for a term of 1 year.

(iii) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(D) CHAIRPERSON.—The Chairperson of the Board shall be elected by its members.

(E) APPOINTMENT.—The Secretary shall appoint all members of the Board not later than 45 days after the date of the enactment of this section.

(5) MEETINGS.—

(A) INITIAL MEETING.—Not later than 60 days after the date of the enactment of this section, the Board shall hold its initial meeting.

(B) SUBSEQUENT MEETINGS.—The Board shall meet at the call of the Chairperson.

(6) QUORUM.—4 voting members of the Board shall constitute a quorum.

(7) PAY.—Members of the Board shall serve without compensation.

(8) TRAVEL EXPENSES.—Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(9) STAFF.—The Board may appoint and fix the pay of personnel as the Board considers appropriate.

(10) CONTRACTS.—The Board may contract with or compensate any persons for goods or services.

(11) RULES AND REGULATIONS.—The Board may issue such rules and regulations as may be necessary to carry out this section.

(12) IMPLEMENTATION.—

(A) IN GENERAL.—The Board shall implement the livestock identification system established pursuant to this section not later than December 31, 2008.

(B) REPORT.—Not later than one year after the date of the enactment of this section, and quarterly thereafter until December 31, 2010, the Board shall submit to the Secretary of Agriculture and the relevant congressional committees a report on the status of the implementation of the livestock identification system, including—

(i) for each species subject to the system, the number of animals or groups of animals tracked by the system; and

(ii) the percentage of each animal species subject to the livestock identification system that are tracked by the system, which shall be determined by dividing the number submitted under clause (i) for a species by the total number of animals of such species in the United States.

(d) PREMISE IDENTIFICATIONS.—Not later than nine months after the date of the enactment of this section, the Secretary of Agriculture shall establish a premise identification system for all premises in the United States. The premise identification data shall be made available to the Board and shall include—

(1) a premise identification number;

(2) the name of the entity that owns or controls the premise;

(3) contact information for the premise, including a person, address, and phone number;

(4) the type of operation at the premise; and

(5) the date the premise number was assigned.

(e) ENFORCEMENT; FIRST ENTRY INTO COMMERCE.—Subject to subsection (f)(2), the Secretary of Agriculture shall verify that each animal, or group of animals, where applicable, subject to the livestock identification system established pursuant to subsection (c) is properly identified upon first entry of the animal into commerce. Any animal or group of animals that the Secretary determines is not properly identified shall be identified using the official identification technology before entering commerce.

(f) VOLUNTARY PARTICIPATION FOR OTHER ANIMAL SPECIES.—

(1) IN GENERAL.—The owner of an animal or group of animals, where applicable, that is not subject to the livestock identification system established pursuant to subsection (c) may voluntarily subject such animal or group of animals to tracking by such livestock identification system.

(2) ENFORCEMENT EXEMPTION.—The voluntary tracking of such animal or group of animals shall not make the animal or group of animals subject to the enforcement actions of the Secretary under subsection (e).

(g) RELEASE OF LIVESTOCK IDENTIFICATION NUMBERING INFORMATION.—

(1) FREEDOM OF INFORMATION ACT.—Information obtained through the livestock identification system established pursuant to subsection (c) or the premise identification system established pursuant to subsection (d) is exempt from disclosure under section 552 of title 5, United States Code.

(2) CHARACTER OF LIVESTOCK IDENTIFICATION SYSTEM INFORMATION.—Except as provided in paragraphs (3) and (4), information obtained through the livestock identification system or the premise identification system—

(A) may not be released;

(B) shall not be considered information in the public domain; and

(C) shall be considered commercial information that is privileged and confidential.

(3) LIMITED RELEASE OF INFORMATION AUTHORIZED.—Notwithstanding paragraph (2), the Board may release information obtained through the livestock identification system or the premise identification system (other

than information voluntarily submitted pursuant to subsection (c)(2)(A)(ii)(VIII)) regarding particular livestock if—

(A) a disease or pest poses a significant threat to the livestock that the information involves;

(B) the release of the information is related to actions the Board may take under this section; and

(C) the person obtaining the information needs the information for reasons consistent with the public health and public safety purposes of the livestock identification system, as determined by the Secretary of Agriculture.

(4) LIMITED RELEASE OF INFORMATION REQUIRED.—

(A) IN GENERAL.—Notwithstanding paragraph (2), the Board shall promptly release information obtained through the livestock identification system or the premise identification system (other than information voluntarily submitted pursuant to subsection (c)(2)(A)(ii)(VIII)) regarding particular livestock—

(i) to the person who owns or controls the livestock, if the person requests such information;

(ii) to the Secretary of Agriculture for the purpose of animal disease surveillance;

(iii) to a State or tribal veterinarian or a State or tribal agriculture agency for the purpose of animal disease surveillance;

(iv) to the Attorney General for the purpose of investigation or prosecution of a criminal act;

(v) to the Secretary of Homeland Security for the purpose of national security;

(vi) to the Secretary of Health and Human Services for the purpose of protection of public health; and

(vii) to the government of a foreign country, if release of the information is necessary to trace livestock threatened by disease or pest, as determined by the Secretary.

(B) INFORMATION VOLUNTARILY SUBMITTED.—Notwithstanding paragraph (2), on the request of a person who owns or controls livestock, the Board shall release information voluntarily submitted to the Board pursuant to subsection (c)(2)(A)(ii)(VIII) regarding such livestock to such person or to another person.

(5) CONFLICT OF LAW.—If the information disclosure limitations or requirements of this subsection conflict with information disclosure limitations or requirements of a State law and such conflict involves interstate or international commerce, this subsection shall take precedence over the State law.

(h) REPORT ON IMPACT OF LIVESTOCK IDENTIFICATION SYSTEM.—Not later than 180 days after the date of the enactment of this section, the Secretary of Agriculture shall submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on a livestock identification system, including—

(1) the lessons learned and the effectiveness of the animal identification system pilot programs funded in fiscal year 2005;

(2) an analysis of the economic impact of a livestock identification system on the livestock industry; and

(3) the expected cost of implementing a livestock identification system.

(i) CONFORMING AMENDMENTS.—Subsection (f) of section 282 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638a) is amended—

(1) by striking ''CERTIFICATION OF ORIGIN.—'' and all that follows through ''To certify the country of origin'' and inserting ''CERTIFICATION OF ORIGIN; EXISTING CERTIFICATION PROGRAMS.—To certify the country of origin''; and

(2) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively.

(j) DEFINITIONS.—In this section:

(1) The term ''Board'' means the Livestock Identification Board established under subsection (c)(1).

(2) The term ''livestock'' means cattle, swine, sheep, goats, and poultry.

(3) The term ''premise'' means a location that holds, manages, or boards animals.

(4) The term ''relevant congressional committees'' means the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(5) The term ''Secretary'' means the Secretary of Agriculture.

(k) AUTHORIZATION OF APPROPRIATONS.—There is authorized to be appropriated to carry out this section $33,000,000 for each of fiscal years 2007 through 2009.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

Mr. KINGSTON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from Georgia reserves a point of order.

The Chair recognizes the gentleman from Iowa for 5 minutes.

Mr. KING of Iowa. Mr. Chairman, the amendment I offer today is an amendment that is made up of an original bill that I drafted as a stand-alone bill actually to establish a livestock identification plan. It is called the LIMO Act, the Livestock Identification and Market Opportunities Act.

We have heard debate here on the gentleman from Texas' amendment, and it is recognized I believe throughout the industry, certainly the industry in Iowa and the industry across the country that I have had the opportunity to interrelate with, that we must go to a livestock identification plan at some point.

If we are going to make a change, the quicker the better. We are losing market share in Asia right now because we are not able to identify our livestock. I took the initiative to travel to different locations on the globe to inspect their livestock identification systems, including some of the locations in Europe, including Canada and especially Australia, where I tracked their livestock from birth to slaughter and each one of those stops that they have there. They were very helpful and cooperative.

As I looked at all the models that were out there and worked with our major commodities groups that we have here in this country and sat down and sorted through the differences, we produced this bill that I think stands alone as the single most carefully thought-out crafted and customized piece of livestock identification that has been presented to this Congress.

It recognizes the gentleman from Minnesota's contribution for protection of the Freedom of Information Act and a number of other interests and points that needed to be incorporated into this legislation.

But what it does is it establishes a livestock identification board and keeps the control of the data within the hands of the producers. This is a quasi-private sector entity that will be established. It establishes a board that is made up of seven members, voting members. There is one each representing the beef industry, one for swine, one for poultry, which includes chicken and turkeys, one for sheep and goats together, and also a voting position that would be a member-at-large as well as a representative from the meat processors and another representative from the livestock auctioneers. Those would be the voting members of the board.

Also on the board would be two ex-officios that would be appointed by the Secretary of Agriculture, as would the entire board. Those ex-officios would be one from USDA, our Secretary of Agriculture's appointment, and one from the State veterinarians or Tribal veterinarians organizations. So we have a producer-driven consortium that runs this, and they will be the controllers of the data.

We set up the standards by which the data would be available to the Secretary of Agriculture in the event of the necessity to eradicate disease and give Freedom of Information Act protection.

So this process we have protects the producers from having their data within the control of the USDA; it makes it within the click of a mouse of the Secretary of Agriculture if there is a disease that needs to be eradicated. So we find the best of both worlds.

But the firewall is there. The Secretary can only access the data that is necessary for eradication, and the balance of the data that would be entered into this program would be data that would be voluntarily submitted then by the producers, and they could then use this data for market opportunity, for breeding purposes, for marketing purposes, and particularly our purebred breeders will be able to utilize it.

This is an idea whose time has come. It is carefully well thought out, and this is the opportunity presented to this Congress for evaluation by the Members.

I recognize that it is policy that would be amended on to an appropriations bill, and I recognize the gentleman's point of order; but I hope that this Congress recognizes the necessity to take a careful look at this well-thought-out livestock identification plan that gives Freedom of Information Act protection.

It is driven by the membership, by the producers. They will be able to control their own data, and they will also control then the input into that data. We will let them apply some fees, and the fees then can go to fund the operation of the management of the data,

and I am convinced it will be far cheaper than what will be done by the agency.

But the important part is this: it respects the contributions made by the other entities out there. The cattle industry, for example, the swine industry, they have been out there doing their contributions from a volunteer perspective.

Envision, if you will, a house with many rooms and different electricians coming into each room, wiring the lights and hanging the lights, but not wiring every room and not hanging lights in every room, just some rooms, the room for beef, the room for pork; but we don't have a junction box, we don't have a way to bring the power in.

This bill is the junction box in that house. It brings the power in that lights up all the work that has been done by the other entities, including the USDA, and it wires the rooms that haven't been wired to this point, such as sheep and goats, and it allows for group identification.

That is pretty much the quick once-over of the livestock identification bill, the LIMO Act, Mr. Chairman.

Mr. Chairman, recognizing the point of order that has been pointed out by the chairman, I would respectfully ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the gentleman's amendment is withdrawn.

There was no objection.

□ 1545

AMENDMENT NO. 12 OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. CHABOT:

At the end of the bill (before the short title) insert the following new section:

SEC. ____. None of the funds appropriated or otherwise made available by this Act may be used to carry out section 203 of the Agriculture Trade Act of 1978 (7 U.S.C. 5623) or to pay the salaries and expenses of personnel who carry out a market program under such section.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. CHABOT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

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

Mr. Chairman, our national debt is now $8.3 trillion. Each day we add another $1.7 billion to it. Each American's share is about $28,000. Think about that. In order for the United States to be debt free, every American, all 299 million of us, would have to write a check for about $28,000. Each year the Department of Agriculture writes checks underwritten by the American taxpayer to foot the bill for the Market Access Program, MAP, a program that pays industry associations, cooperatives and State and regional trade groups to market their wares overseas.

Now, should these groups market these wares overseas? Absolutely. We want them to be successful. We want them to create jobs. But they ought to do it on their dime, not on the dime of the American taxpayer.

Mr. Chairman, we have spent more than a billion tax dollars on a program with dubious economic benefits. We cannot even be sure that these tax dollars are not simply saving those groups money that they would have spent on overseas marketing anyway.

So who is receiving those tax dollars? The National Potato Research and Promotion Board has received well over $1 million. The Raisin Administrative Committee has received nearly $3 million, and a group called Asparagus USA has received hundreds of thousands of dollars worth of funding. That is a lot of asparagus.

It is also the type of wasteful spending that leads to big deficits and higher taxes. Mr. Chairman, in these difficult budget times, if we cannot cut a program like MAP, I think we are in serious trouble.

While MAP at a cost of a couple hundred million dollars annually might by some be just considered a blip in a $2.7 trillion budget, the cost of these programs add up, and the cumulative effect of programs like MAP is the reason that we have this $8.3 trillion debt.

Mr. Chairman, my amendment is straightforward. It would simply prohibit the Agriculture Department from funding the MAP Program. It is supported by groups like the National Taxpayers Union, Citizens Against Government Waste, and Taxpayers for Common Sense, to name a few. It is a commonsense amendment, Mr. Chairman.

We are spending too much money, and it is time to start cutting wasteful spending program by program and restore some fiscal sanity to this House.

I urge my colleagues to cast a vote for taxpayers and support this amendment.

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

Mr. KINGSTON. Mr. Chairman, I would like to claim the time in opposition.

The CHAIRMAN. The gentleman from Georgia is recognized for 5 minutes.

Mr. KINGSTON. Mr. Chairman, I certainly applaud all of the efforts of Mr. CHABOT for cutting spending and so forth. And yet I find myself on the opposite side with him on this. The reason is that Tom Friedman has written a very famous book right now called, The World is Flat. And the world is flat, and it is flat because we are in a global economy, where a farmer in the Philippines or in Indonesia or in Russia can compete with a farmer from Ohio or Georgia, just as easy as if he was in the same country.

What the MAP program does is it helps sell our goods overseas. Two or three hours ago when we opened up this bill, I said that one of our farmers' big challenges right now is foreign subsidies competing against American ag products. Well, quite often, the World Trade Organization seems to allow foreign farmers to have subsidies but not American farmers.

Mr. Chairman, this is one tool that helps us combat that. I would point out that the ag exports at this point are over $64 billion, the highest level in history. And one reason is this, is because the Market Access Program has shown our farmers, whether you are growing Vidalia onions or peanuts or strawberries, how to sell your goods overseas.

And for every $1 billion in sales overseas, there is about 16,000 domestic jobs that are created. In fiscal year 2005, almost 1 million Americans had jobs that depend on U.S. American agricultural exports. MAP is an integral part of that program. And yet it is not just for farmers alone, here, come get your check. They have to contribute up to 50 percent of the program's cost. And since 1992, the MAP participants have increased their contributions from 30 percent to 166 percent.

I urge my colleagues to oppose the Chabot Amendment.

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

Mr. CHABOT. Mr. Chairman, I reserve the balance of my time.

Mr. KINGSTON. Mr. Chairman, can I ask how much time we have?

The CHAIRMAN. Each side has 2½ minutes remaining.

Mr. KINGSTON. Mr. Chairman, I yield the balance of our time to the distinguished chairman of the Agriculture Committee, the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in opposition to the amendment offered by Mr. CHABOT to limit funding to the Market Access Program. This very important program helps boost U.S. agricultural exports.

U.S. agricultural exports are expected to be $64.5 billion in 2006, resulting in a trade surplus of more than $1 billion. Just a year ago, this trade surplus was significantly higher, but with increased subsidized foreign competition, all U.S. economic sectors have seen a steady increase in trade deficits.

Agriculture is still one of the few sectors of the American economy to enjoy a trade surplus, and it is programs such as MAP that enable this. Exports also provide needed jobs throughout the U.S. economy and generate economic activity in the nonfarm economy.

Nearly every State exports agricultural commodities. Agricultural exports in 2001 generated an estimated 912,000 full-time civilian jobs, including 461,000 jobs in the nonfarm sector. MAP helps the U.S. meet heavily subsidized foreign competition.

Mr. Chairman, the European Union spent more than $3.25 billion in 2003 on agricultural export subsidies, compared to about $30 million by the U.S. The EU and other foreign competitors are moving aggressively in providing other forms of assistance to maintain and expand their share of the world market at the expense of U.S. farmers and ranchers.

In recent years, they have devoted approximately $1.2 billion for market development and related activities. Without U.S. policies and programs to counter such subsidized competition, American farmers and ranchers will be at a substantial disadvantage.

MAP is specifically targeted to help small businesses, farmer cooperatives and trade associations to meet this subsidized foreign competition. It is not a subsidy to big business as some would want you to believe; in fact, it represents a successful public-private partnership.

MAP is administered on a cost-share basis by the U.S. Department of Agriculture with farmers, ranchers and other participants required to contribute up to 50 percent toward the program. In fact, since 1992, for every dollar contributed by Federal funding, MAP participants have increased their contributions from 30 percent to 166 percent.

According to the USDA, every Federal dollar invested has resulted in $16 in additional U.S. agricultural exports.

Mr. Chairman, in closing, I urge my colleagues to vote against this misguided amendment. MAP helps U.S. agricultural exports meet foreign competition, improves U.S. trade, strengthens farm income and protects American jobs.

Mr. CHABOT. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Chairman, I rise in strong support of the Chabot amendment. I know that its passage is very unlikely, but this is the type of thing that a conservative Congress should be doing. In fact, the Citizens Against Government Waste says, facing a massive Federal deficit, there is no reason taxpayers should be underwriting the advertising campaigns of multimillion dollar corporations.

Cutting funding for these programs would save precious taxpayer dollars and provide a dose of common sense to our agricultural programs.

In addition to that, the National Taxpayers Union says, this program is ''an egregious example of Congress's unlimited appetite for special interest funding.'' Mr. CHABOT has already mentioned the $8.3 trillion national debt. What is even worse is that the Congressional Budget Office says we are going to add $350 to $400 billion each of the next 10 or 11 years to that debt.

If we cannot do this, then we cannot call ourselves conservatives.

Mr. CHABOT. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, I would also like to read another portion of the National Taxpayers Union letter. They say that the National Taxpayers Union and its members strongly favor free trade and the private efforts of American businesses that engage in both export and import operations.

However, it is absurd to force overburdened taxpayers to subsidize commodity producers as diverse as the Cherry Marketing Institute and the Mohair Council of America in their strategies to market their products overseas.

In fact, taxpayer subsidized trade is not really free trade at all. The more U.S. taxpayers are forced to support economically dubious programs, such as the MAP, the less credibility our Nation has in adhering to free trade principles. One would think that with the Federal deficits looming far into the future, and government spending out of control, Congress would take swift action to abolish some of the most wasteful and unnecessary Federal programs.

Although MAP is indeed relatively small when compared with other massive bureaucracies found in Washington, the elimination of smaller programs will hopefully present Congress with an opportunity to begin trimming corporate welfare and pork barrel spending from the Federal budget.

Mr. Chairman, again, I just want to emphasize in concluding, we want these organizations to advertise overseas. We want them to be successful. We want them to create jobs, but they need to do it on their money and not on the taxpayer's money.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. CHABOT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CHABOT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT OFFERED BY MR. GORDON

Mr. GORDON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GORDON:

At the end of the bill, before the short title, insert the following:

SEC. 753. None of the funds made available by this Act shall be used in contravention of the Federal buildings performance and reporting requirements of Executive Order 13123, the National Energy Conservation Policy Act, and the Energy Policy Act of 2005.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Tennessee (Mr. GORDON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON. Mr. Chairman, it is my understanding that this amendment is going to be accepted.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. GORDON. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, the gentleman is correct. We would be happy to accept the amendment. If the gentleman would like to submit his remarks for the RECORD, we can vote on this and move on, again with favorable support for the gentleman's amendment.

Mr. GORDON. Mr. Chairman, I understand the message.

Despite the high cost of energy and existing laws enforcing conservation, Federal agencies still do not give energy efficiency a priority and continually fall short of meeting their requirements.

Our estimates are that the Federal Government wasted almost half a billion dollars in the last 2 years by not meeting its requirements—or roughly equivalent to 8,200 barrels of oil every day—a total of 6 million barrels over the last 2 years.

This happens because the laws already on the books are not taken seriously enough. The National Energy Conservation Policy Act (NECPA), last year's Energy Bill (EPACT), and a related Executive Order all clearly state that agencies shall meet aggressive but reasonable energy efficiency goals and standards and to prepare reports to the Department of Energy, the Office of Management and Budget, and the Congress and on the agencies' performance. Yet the Federal Regulations that govern new building construction are 17 years out of date and the reports reach the Congress months or years after the data is available.

The amendment I am offering today would increase the incentive for agencies receiving appropriations under the Agriculture Appropriations bill to comply with the law by tying Federal buildings performance to appropriations.

This amendment simply states that none of the funds made available by this Act shall be used in contravention of Federal buildings performance requirements. Therefore, agencies must adhere to existing law when constructing, leasing or refurbishing any building with money appropriated under this act.

These relatively simple steps in designing new buildings in conformance with current law, measuring building performance, and procurement of energy efficient products will contribute to substantial energy savings in the Federal sector—lessons that have already been learned outside the Federal Government.

Increased energy conservation in the Federal sector means cleaner air, cleaner water, and in a time of soaring energy costs, keeping money in taxpayers pockets.

How can we expect consumers and industry to make sacrifices and commit to energy conservation when the Federal Government fails to make it a priority for itself?

Mr. Chairman, I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. GORDON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CARTER

Mr. CARTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CARTER:

At the end of the bill (before the short title), add the following new section:

SEC. 7____. Not more than $3,600,000 of the funds made available in this Act under section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) may be used for program compliance integrity under section 515 of such Act (7 U.S.C. 1515).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. CARTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CARTER. Mr. Chairman, it is very seldom that we get good news around here, but the purpose of this amendment is the continuation of a program that is a success.

Tarleton State University has put together a data mining program in which they have been examining the operations of the crop insurance program. And they have to date saved this country $450 million in waste, fraud and abuse from the crop insurance program. And it is estimated that they have at least prevented the same.

Mr. Chairman, this is a good program that returns 22 to 1 on its expenditures.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Texas.

Mr. BONILLA. Let me just first compliment the gentleman from Texas for his hard work on this issue. This school should erect a statue in his honor for all of the effort that he has put in this tirelessly for the last few weeks.

The gentleman is correct. This has been a good program in years past, but it was not an authorized program this time around. And we have tried to work with the gentleman to try to figure out a solution to this.

Mr. Chairman, I am telling the gentleman that we would be happy to accept the amendment. I know that it has been an ordeal to get the language just right so we could move forward with this issue. I want to let the gentleman know that we would be happy to continue to work with him on this.

Mr. CARTER. Thank you, Mr. Chairman. I thank the ranking member, also, for working with me on this.

□ 1600

Mr. Chairman, I yield 1 minute to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Chairman, thank you very much. I rise in support of this amendment. As I understand, it is a place holder for the opportunity for us to further discuss and refine the opportunity to continue funding of data mining.

I chair the subcommittee that has responsibility for crop insurance, and this to me is one of the most successful programs in weeding out and finding fraud and abuse. I encourage the conferees. I was glad to hear the gentleman from Texas, Mr. BONILLA's remarks, as we try to find an opportunity to make certain this program continues. As a member of the authorizing committee, I look forward to working with you to see that the necessary authorization occurs. It is an awfully important program and one that we will hold a hearing on in the future in hopes that we can expand this opportunity to other areas of the Department's operations. I appreciate the gentleman yielding.

Mr. CARTER. I thank the chairman for his support and also Mr. GOODLATTE, the chairman of the committee, has expressed his support of this program also. It is the future of looking at how we do government, and I am excited to be able to be going forward on this.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CARTER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ENGEL:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used in contravention of section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. ENGEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, we have worked on this language, and I have corrected some problems we had with it. And we are happy to accept the language if the gentleman will accept our support for this.

Mr. ENGEL. I certainly will, and I will submit my statement for the RECORD.

Let me say that what we are trying to do here is to move America off its addiction to foreign oil by requiring USDA to abide by the law and at least three-quarters of the fleets that they purchase will have to be fuel-flexible cars, and I am delighted that you will go along with this.

We rarely have an opportunity to meet the needs of our farmers while also directly meeting the needs of our national security. But we do today.

President Bush was right to say we are addicted to oil. But now we in Congress need to take action. We need bold action to end this addiction. We need ethanol—not as an additive but as a full fledged alternative.

And though I am loath to use this metaphor during the debate on the Agriculture bill, we have a chicken and the egg problem with ethanol. Should we put more ethanol on the market and hope people buy cars that can use it or have more cars on the market and hope people will turn to ethanol?

I believe we need to get more flexible fuel vehicle on the road. And, I believe we should use the purchasing power of the federal government to pursue this.

Now some may not like the federal government interfering in markets. To this I would respond, this is about national security and that is the federal government's responsibility. And with the war on terror, we must look at all options—not just putting our military overseas but what we can do right here at home.

Some might not like the federal government interfering with consumer's choices. To this I would respond that the U.S. government is the largest consumer of goods and services on the planet. And to meet our responsibility to protect the American people, we have to take this step toward weaning ourselves from foreign oil.

Furthermore, Congress has already spoken on this issue—however the Administration—both Democratic and Republicans Administrations—have failed to comply.

In 1992 the Congress passed the Energy Policy Act and in section 303 of that law, Congress set out targets for the fleet of federal motor vehicles to be alternative fuel vehicles. By 1999, 75 percent of vehicles purchased or leased were supposed to be Alternative Fuel. We aren't even close.

According the GSA's Federal Fleet Report for FY2005 only 26 percent of new vehicles acquired were AFV.

And only 15 percent of the whole existing federal fleet is AFV.

In 2005, the Department of Agriculture had 41,154 cars—and only 3,267 were E–85 capable. In fact, 85 percent of the Ag Department's fleet is still gasoline only. Of the 4,108 vehicles purchased by the Department of Agriculture in FY2005 77 percent were gasoline only.

The number of flex fuel cars on the road today is less than 8 million out of more than 130 million on the road today.

We must do better than that if we are going to get the gas stations to start providing E–85 as an alternative fuel.

Of the 175,000 "fuel stations;" nation wide, only about 700 have E85 available.

And though there are more than 150,000 flex fuel cars in New York there is not one station that sells E85 in New York.

Let's take this first step and use the federal government's purchasing power to make alternative fuels a reality.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ENGEL).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. HEFLEY:

At the end of the bill (before the short title), insert the following:

SEC. ____. Appropriations made in this Act are hereby reduced in the amount of $178,120,000.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. HEFLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

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

Mr. Chairman, I will take the admonition of Mr. BONILLA and Mr. OBEY that we are going to be here way into the night if everybody takes all their time, and so I will not do that. I want the chairman to know I have 8 pages of scintillating argument here; but since I do not think it is going to change your mind anyway, let me just say that this is the amendment that you are familiar with that would cut 1 percent of the discretionary funding in the bill. It amounts to $178 million, which represents one penny off every dollar.

Mr. Chairman, I rise again today to offer an amendment to cut the level of discretionary funding in this appropriations bill by 1 percent. This amount equals $178.12 million dollars which represents only one penny off of every dollar.

As most members are aware, I have offered a series of similar amendments to several appropriations bills. I think it is important to state the affect these amendments would have on the deficit if they would be accepted on all spending bills.

We have to draw a line somewhere. The budget we have for next year is simply too large. We can do something about the deficit right now.

By voting for my amendment you are stating that American tax payers should not have to pay higher taxes in the future because we couldn't control our spending today.

Some of the projects in this FY 07 Agriculture Appropriations bill include over $4 million for Shrimp aquiculture research in 7 states. The USDA even testified in 2005 that this project's objectives of developing a sustainable domestic shrimp farming industry in the United States were met and completed in 1987. If the USDA concluded that the project's objectives were met 18 years before, why has Congress continued to fund this program at this level?

We also fund over $6.4 million for wood utilization and we've paid nearly $86 million on this program since 1985, $2.5 million for cotton research in Texas designed for in part, to expand the demand for cotton research in West Texas, almost $2 million to research red imported fire ants in Mississippi, as well as $878,000 for catfish genome research in Alabama.

These are just a few examples of the funding included in these appropriations bills.

The 07 Agriculture appropriations bill still provides nearly $17.8 billion in official discretionary spending, which represents over a $1 billion increase from the previous year and almost $500 million over the President's request. The authorizing and appropriating committees successfully eliminated a considerable amount of mandatory spending with help from the Deficit Reduction Act, but appropriators still shifted another $650 million from mandatory to discretionary spending which distorts some of the numbers. Last year the discretionary funds in this bill were essentially flat funded, but mandatory spending rose exponentially. We seem to be playing hot potato with these funds by trading off every year.

Our budget should be no different from the taxpayers' budgets at home. When we have less money, we should spend less money. It really is that simple.

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

Mr. BONILLA. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BONILLA. I will be very brief.

The gentleman is sincere in his effort in bringing this amendment forward year after year after year, and the majority of House opposes it year after year after year; and once again we oppose it today.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. BONILLA. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT OFFERED BY MR. LATHAM

Mr. LATHAM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LATHAM:

At the end of the bill (before the short title), insert the following new section:

SEC. 7____. None of the funds appropriated or otherwise made available by this Act shall be used to pay salaries and expenses of personnel who implement or administer section 741 of this Act or 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.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Iowa (Mr. LATHAM) and a Member opposed each will control 5 minutes.

Mr. BONILLA. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. The point of order is reserved.

The Chair recognizes the gentleman from Iowa.

Mr. LATHAM. Mr. Chairman, this is an amendment that has to do with crop insurance. As we all know last year in the ag appropriations bill there was an amendment in that that prohibited funding to do audits of companies that offer the premium reduction program. And that language, which I will read, says: ''This amendment would provide time for an independent analysis of the program and the regulatory resources required by USDA to satisfy the statutory requirements. It would give the authorizing committees time to evaluate the premium discounting program and make proper adjustments in the law before it has expanded.''

Folks, here we are again. We have a prohibition extending another year in this bill as far as funding. And what this does is stop companies from offering a reduced premium on their crop insurance to farmers.

I understand that there are folks who do not like this program. There have been concerns raised about the way it has been implemented, about practices that some companies have maybe used in selling the product.

In the bill last year when we put the prohibition or the limitation of funding in, that was to give USDA and the authorizing committee time to evaluate it. We have written to USDA. They have responded that they cannot find any problems with the program, and that is their position. There were concerns earlier and those concerns have been met.

In the limitation last year, the authorizing committee was asked to make recommendations to change the program if there were problems. That has not happened.

Mr. Chairman, I am a former insurance agent. I used to sell crop insurance. There is no industry that I like or love any more than this industry. And so it is very difficult for me to look at this and be totally objective. But I honestly believe that this Congress has got to look at the benefit of the producers. I will not in any way, shape or form harm the crop insurance industry. That is the last thing that we can do here because this is a way of farmers managing their risk that they have on their farms, and we have got to make sure that they have those policies available for them to cover their losses.

Having said that, the authorizing committee has not given a recommendation. I think that we have to look at what the authorizing committee on the House side and the other body have to say on this. We will have an opportunity in conference to takes this issue on; and if I could engage the chairman, Mr. Chairman, I would offer to at this time withdraw this amendment if, in fact, I could get your commitment that we would, in fact, in a realistic basis address this issue to make sure that we do the right thing for our producers.

Mr. Chairman, I yield to the gentleman.

Mr. BONILLA. I thank the gentleman for yielding. The gentleman knows absolutely we will continue to

try to work with the gentleman. I know we have had some differences on this issue, but no one has worked harder on this issue in the last few weeks and months than the gentleman from Iowa.

I have said to the gentleman privately, and I will now say publicly, that the people in Iowa, not just in the gentleman's district, that the people in the State should canonize the gentleman, Mr. LATHAM, for his hard work on a long list of issues that he has worked on in this subcommittee for many years now.

There are some years as the gentleman knows where he consistently is more successful on a long list of issues that is about twice as long. I am the chairman of the subcommittee, and the gentleman from Iowa usually gets double of his requests in the bill. That is how hard he works, and that is how effective he is. So whether you win or lose on this issue in the end, I would say to the gentleman from Iowa that the people on both sides of this issue should realize that you doing everything possible and we certainly will continue to work with the gentleman from Iowa.

Mr. LATHAM. I thank the gentleman very much. It would be my hope and ambition at this point to bring all the parties together, to finally bring some type of resolution to it, to have a fair and honest discussion with no personal attacks, things like that, that unfortunately we have seen throughout some of this debate on the issue.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AMENDMENT NO. 6 OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 Offered by Mr. BLUMENAUER:

At the end of the bill (before the short title), add the following new section:

SEC. 7____. None of the funds appropriated or otherwise made available by this Act may be used to to pay the salaries and expenses of personnel who make loans available under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) to processors of domestically grown sugarcane at a rate in excess of 17 cents per pound for raw cane sugar or to processors of domestically grown sugar beets at a rate in excess of 21.6 cents per pound for refined beet sugar.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Oregon (Mr. BLUMENAUER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, I yield myself 90 second.

Mr. Chairman, the United States sugar program is one of the most archaic and misguided Federal policies that we have. It artificially raises the prices of sugar. It harms U.S. customers and consumers, and prevents developing nations from competing in the global market place.

One of the deep concerns I have is that people are circulating here with a straight face the assertion that this is a no-cost program. Nothing could be further from the truth. It drives up the price for American consumers each year, upwards of $2 billion a year. It undercuts industries that use sugar as a means of production like the confectionery industry. And it is part of an enormous environmental damage, like the everglades, where we are spending $7.5 billion in clean-up.

In the course of the debate this afternoon, we will have opportunities for people to focus on the need to eliminate this program. This amendment is a small step towards sanity, making a 6 percent reduction in the guaranteed price if it is adopted.

I strongly urge that my colleagues look at the facts surrounding this, look at what is going to be good for the consumer, for the environment, for the taxpayer, and taking a step toward a rational agriculture policy.

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

Mr. GOODLATTE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia is recognized for 10 minutes.

Mr. GOODLATTE. Mr. Chairman, I rise in opposition to the Blumenauer amendment which calls for reductions of the loan rates established in the 2002 farm bill for both refined beet sugar and raw cane sugar.

Mr. Chairman, farmers have crafted their business plans based on the assurances of the 2002 farm bill. Farmers have invested time and money in that crop often with capital borrowed from the bank. It is unfair now to reduce the returns that farmers counted on when planning, financing, and planting that crop.

This debate concerning the sugar program is an important one. However, it is a debate that my committee will conduct at the appropriate time during the authorization of the new farm bill. As chairman of the House Agriculture Committee, I have already held farm bill field hearings this year and will be holding additional farm bill hearings this summer and fall.

During this process, and not when we are on the floor debating an appropriations bill, is the correct time for discussing and making possible changes to U.S. sugar policy.

Mr. Chairman, in my capacity as chairman of the House Agriculture Committee, it is my responsibility to look at all of agriculture and consider what is best for the United States and our farmers and ranchers. The policy that was put in place by the 2002 farm bill must remain intact. I stand by this commitment to farmers and ranchers and urge a ''no'' vote on the Blumenauer-Flake amendment.

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

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Mr. BLUMENAUER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I am here to confess my reading incomprehension. I have listened to many of my conservative friends talk about the wonders of the free market, of the importance of letting the consumers make their best choices, of keeping government out of economic activity, of the virtues of free trade, but then I look at various agricultural programs like this one. Now, it violates every principle of free market economics known to man and two or three not yet discovered.

So I have been forced to conclude that in all of those great free market texts by Ludwig von Mises, Friedrich Hayek and all the others that there is a footnote that says, by the way, none of this applies to agriculture. Now, it may be written in high German, and that may be why I have not been able to discern it, but there is no greater contrast in America today than between the free enterprise rhetoric of so many conservatives and the statist, subsidized, inflationary, protectionist, anti-consumer agricultural policies, and this is one of them.

In particular, I have listened to people, and some of us have said let us protect workers and the environment in trade; let us not have unrestricted free trade; but let us have trade that respects worker rights and environmental rights. And we have been excoriated for our lack of concern for poor countries.

There is no greater obstacle, as it is now clear in the Doha round, to the completion of a comprehensive trade policy than the American agricultural policy, with one exception, European agricultural policy, which is much worse and just as phony.

Sugar is an example. This program is an interference with the legitimate efforts at economic self-help in many foreign nations.

So I appreciate the leadership of the gentleman from Arizona and the gentleman from Oregon. Here is a chance for some of my free-enterprise-professing friends to get honest with themselves, and now maybe we will see some born-again free enterprisers in the agricultural field.

Mr. GOODLATTE. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Minnesota (Mr. PETERSON), ranking member of the Agriculture Committee.

Mr. PETERSON of Minnesota. Mr. Chairman, I thank the gentleman for yielding.

Just a couple of comments here. Whatever you want to say about this, this program does not cost the taxpayers any money. There has been no cost for the last number of years, and I guess you could make the argument

that it maybe has some impact on the prices consumers pay, but I would just like to read to the gentleman on the other side of this what the consumers think about this.

We just did a poll on this, and they were asked, how concerned are you about sugar prices? Thirty-three percent are concerned; 64 percent are not concerned.

They were asked: Still thinking of the sugar price in 2005, the average price is 43 cents. The average price in 1990 was 43 cents. In 1980, it was 43 cents. So what do you think about this? Twenty-seven percent said it was expensive; 69 percent said it is not expensive.

How important do you think it is for the United States to be able to produce food domestically instead of with foreigners? The previous gentleman was talking about the Europeans. Right now, if we got rid of the sugar program, we would end up importing sugar from Europe which has a price 50 percent higher than the price in the United States. So, when asked about that, the consumers, these are consumers, said that 93 percent think it is important we produce it here in the United States; 6 percent think it is not important.

So you vote on the line with the American consumers, and they are not concerned about this. I tell you who is concerned about this is the people that use sugar in their candy bars and other kinds of things, and I will guarantee you we can cut the price of sugar in half or to a quarter what it is now, and I will guarantee you the price of a Hershey bar will not change in the grocery store. We have seen that over the years.

So this is a good program. We are bringing in 1.5 million tons of sugar that we do not need in this country. Mr. POMEROY's and my farmers, in North Dakota and Minnesota, could produce all that sugar right here in the United States, but we bring it in, and we help 41 countries, most of them poor countries.

This is a program that has worked. It has been consistent. It makes sense. It does not cost the taxpayers any money. The consumers in the United States support it, and we should defeat this amendment and continue this program going and have any discussion that we are going to have in the farm bill next year.

Mr. BLUMENAUER. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE), the cosponsor of this amendment.

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding and for his leadership on this issue.

I would like to respond to Mr. FRANK of Massachusetts about whether or not Republicans are free market oriented or not. I would like to respond, but I cannot. I honestly have no response to that. I honestly cannot understand how we, as Republicans, can pretend to be in favor of free market economics and still support this kind of program. I do not know how long we can do it and still say that we are free market oriented.

I think it was said best by former Senator Phil Gramm a while ago when he was asked about farm policy and these types of subsidies. He said our farm policy would make a Russian commissar puke. I do not know how to improve on that. You just look at these programs and say, how can we do this year after year after year?

It is said that this does not cost anything, that this is a no-cost program. Well, the sugar program and its price supports, its import quotas and production allotments is not no-cost.

According to the Organization of Economic Cooperation and Development, monetary transfers to producers from consumers and taxpayers as a result of government policy amounted to over half their gross receipts in 2002–2004. Half of the gross receipts from these sugar producers came from either consumers or taxpayers because of government policy regulating the price.

In the year 2000, a GAO study estimated the cost to consumers in 1998 was $1.9 billion. No cost? It is nearly $2 billion of cost.

It is a benefit to producers of about $1 billion and a net loss to the U.S. economy of $900 million. The sugar program is a classic example of the principle of concentrated benefits and diffuse costs.

Nobody is going come here and lobby to Congress because a candy bar costs a cent more or two cents or five cents more, but sugar producers are sure going to lobby when they reap huge benefits.

Mr. GOODLATTE. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Chairman, this is our annual debate, and this is an appropriations bill, not a farm bill. I think this discussion should occur in the course of the farm bill. We have many sugar producers in Nebraska who bought a sugar processing plant based on the 2002 farm bill. So we think that it is important it be considered at the right time.

Sugar prices in the United States are low by world standards. Grocery shoppers in other developed countries pay 30 percent more for sugar than the U.S.

America already has one of the most open sugar markets in the world, importing sugar from 41 countries whether we need that sugar or not. As the world's second largest sugar importer, the United States is the only major sugar-producing country that is a net importer.

Lastly, I would like to mention this: Ten African Nations, and many others around the world, receive the U.S. premium price, and so the U.S. sugar program benefits many developing countries. This certainly is something that we need to consider.

So I urge defeat of the amendment.

Mr. BLUMENAUER. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Florida (Mr. SHAW), a distinguished senior member of the Ways and Means Committee.

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

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding at this time, and I compliment him for this very good, well-thought-out amendment.

You are hearing a lot of statistics on the floor here, but let me throw some out there that are absolutely correct, and they are backed up by the references that I will make.

The sugar program costs the United States consumers up to $1.9 billion every year, and a recent Department of Commerce report noted that the domestic price of United States wholesale refined sugar over the last 25 years has been two to three times the world price, two to three times the world price.

According to the Bureau of Labor Statistics and the Department of Commerce, American taxpayers are paying over $200,000 per job for every year, every year, to subsidize low-wage, low-skilled growing and harvesting jobs.

This is absolutely nuts. The Department of Commerce estimates that between 1997 and the year 2002, 10,000 confectionary manufacturing jobs were lost due to the high price of sugar right here in the good ole U.S.A.

A responsible sugar policy would result in a net increase in employment in the higher paying sugar manufacturing and confectionary industries and in increased savings to the American taxpayer.

I urge my colleagues to support a responsible sugar policy that benefits U.S. food manufacturers, increases U.S. exports, helps consumers save money at the grocery store, decreases government spending, and creates more jobs for U.S. workers. That's why I'm voting for the Blumenauer-Flake Amendment to H.R. 5384.

Mr. GOODLATTE. Mr. Chairman, may I ask how much time is remaining?

The CHAIRMAN. The gentleman from Virginia (Mr. GOODLATTE) has 4½ minutes remaining. The gentleman from Oregon (Mr. BLUMENAUER) has 3½ minutes remaining.

Mr. GOODLATTE. Mr. Chairman, it is my pleasure to yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, I very much thank my chairman for yielding.

We are at a time when we have the greatest trade imbalance that we have ever had in the history of our country, and the effect of this amendment would be to significantly encroach upon a sugar program that has kept domestic sugar production part of the agricultural production in this country.

It is very much on the bubble. Throw open the doors, there are countries around the world heavily subsidizing their domestic product, providing a global dump price well below fair cost to production, meaning the end of U.S.

production, reliance entirely upon imported sugar.

Now, that has a consequence that goes well beyond trade imbalance because, at that point in time, the pricing of our groceries, turning in part upon the sugar ingredient found in so many of our processed foods, is like the oil we import and burn, out of our control. Volatile pricing of global sugar, volatile pricing of groceries.

What we have with the sugar program is fair pricing, a stable food market, a program that needs to continue.

Mr. BLUMENAUER. Mr. Chairman, I yield myself 30 seconds.

Two very brief points. One is, because of the nature of this lavish subsidy, it has concentrated activity so that 1 percent of the sugar producers get 42 percent of the benefit. A massive amount goes to just two companies in Florida alone.

Second, it is driving jobs overseas. We have three-quarters of 1 million workers who are in sugar-using industries that are at a competitive disadvantage and are moving out of the United States.

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

Mr. GOODLATTE. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I rise in opposition to this Blumenauer amendment.

Nearly every year an anti-sugar farmer amendment is offered to the agriculture appropriations bill, and almost every year, the same misinformation is recklessly spread about sugar farmers. This is an appropriations bill, not a farm bill.

All U.S. commodities covered under the 2002 farm bill receive loans from the Federal Government. Sugar is not receiving special treatment.

Sugar prices for farmers have declined since 1990. Over that same period, the price of candy, cookies, cake, and ice cream have steadily risen by as much as 50 percent. Food companies, not the sugar farmers, are making the big profits.

America already has one of the most open sugar markets in the world, importing sugar from 41 countries whether we need the sugar or not.

In light of this information and in the spirit of fairness, I ask my House colleagues to oppose this amendment.

The only difference is that sugar farmers rarely default on their loans. Sugar farmers pay loans back with interest.

Loan levels for sugar farmers have remained unchanged for 20 years, even though the cost of doing business has steadily risen—inflation since 1985 has been 81 percent.

Sugar prices in the United States are low by world standards. Grocery shoppers in other developed countries pay 30 percent more for sugar than U.S. consumers. and, U.S. retail prices remained steady, at 43 cents per pound, in 2005, despite the devastating hurricanes that ravaged cane country in Louisiana and Florida. Remarkably, 43 cents was the average U.S. retail sugar price as long ago as in 1990, and even in 1980.

Sugar prices for farmers have declined since 1990. Over that same period the price of candy, cookies, cake and ice cream have steadily risen, by as much as 50 percent. Food companies, not sugar farmers, are making the big profits.

America already has one of the most open sugar markets in the world, importing sugar from 41 countries whether we need the sugar or not. As the world's second largest sugar importer, we're the only major sugar-producing country that is a net importer.

146,000 Americans are employed by sugar and depend on strong sugar policy. A vote for the Blumenauer Amendment to H.R. 5384 is a vote against 146,000 hard-working farmers and workers in 19 States.

In light of this information and in the spirit of fairness, I ask my House colleagues to oppose this amendment.

Mr. BLUMENAUER. Mr. Chairman, I yield 1 minute again to the gentleman from Arizona (Mr. FLAKE), my colleague and the cosponsor of this amendment.

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding. Let me just talk about some of the groups outside that are supporting this amendment.

This is the Consumer Federation of America: ''American consumers pay almost $1 billion per year for sugar and products containing sugar than they would if the U.S. market for sugar were fully competitive.''

The National Taxpayers Union: ''Sugar interests like to make the claim that the Federal sugar program is run at no cost to the taxpayer, yet they conveniently ignore the cost of staffing and operating the bureaucracy necessary to run this monstrous program.''

Also, we talked about the cost to the consumer that is borne, about $1 billion dollars a year.

Consumers for World Trade: ''The U.S. sugar program is an outdated entitlement program that props up uncompetitive farmers at the expense of American consumers.''

The sugar program is making it increasingly difficult to have real free trade agreements because it is impacting on the Doha round, and any other round we have on trade negotiations it makes it more difficult because of trade distorting practices like our sugar program.

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The Competitive Enterprise Institute said: ''How can a domestic program that raises a family's cost, harms the environment, and hurts poor farmers in developing countries be justified?''

Mr. GOODLATTE. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Chairman, I thank the gentleman from Virginia.

Mr. Chairman, the only justification for a farm program is to ensure adequate production and processing capacity for our own security. Now, it has been talked about here today about how terrible the sugar program is. The fact is every country does this. To unilaterally disarm our producers makes absolutely no sense in the world trade scheme, and we simply cannot be allowed to be led down this path.

At the point when the rest of the world is willing to give up their subsidies and play on a level playing field, our producers can be just as successful as they are, if not more so. But until that time comes, and it is not likely to show up in my lifetime, we have to ensure adequate production and processing for the American people.

Mr. GOODLATTE. Mr. Chairman, who has the right to close? I just have one speaker remaining.

The CHAIRMAN. The sponsor of the amendment, the gentleman from Oregon, has the right to close.

Mr. GOODLATTE. Mr. Chairman, I will go ahead and close.

This has been a very interesting debate. It is just the wrong place for this debate. This is important agricultural policy that should not be determined based upon a 20-minute debate in the middle of an appropriation bill that funds agricultural programs. This is a debate that needs to wait until the 2007 farm bill.

I hear the arguments. I am very much interested in good policy for agriculture, including addressing some of the concerns that have been raised about the sugar policy. This isn't the place to do it.

So I urge my colleagues to oppose this amendment, and I look forward to addressing this in the writing of a new farm bill.

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

Mr. BLUMENAUER. Mr. Chairman, I want to inquire as to the time remaining. We have 2 minutes left?

The CHAIRMAN. The gentleman from Oregon has 2 minutes remaining.

Mr. BLUMENAUER. I yield 1 minute to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. I thank the gentleman for yielding, and I hope I don't use the whole minute, but just to say that as a Republican who believes in free markets, it is one of the big contradictions for me to constantly see some of my conservative colleagues argue for a Depression program, a program from the Depression era.

This is a program that costs a billion dollars, it distorts the marketplace, and the reason we are debating it here is because we rarely get an opportunity to debate this kind of issue. It needs to be gone.

Mr. BLUMENAUER. Mr. Chairman, one of the problems here is this is not, with all due respect, some sort of major massive pruning. We are talking about a 6 percent reduction on how the American consumer and taxpayer is on the hook. That is not unilaterally disarming. That is not a massive overhaul. We need this modest step.

I look forward to working with the chairman of the Ag Committee, although I hope he is not the chairman of the Ag Committee next session, but in

whatever capacity I look forward to working with him to have that honest debate. The last time it went through the legislative process, the sugar provisions got worse, not better. It was more egregious. There were more things that were added to it to make it work against the consumer and the taxpayer.

Only in Washington, D.C. would this be regarded as no-cost. That survey that has been talked about should have asked consumers: Do they like paying two to three times the world price of sugar? Do they like driving overseas thousands of confectionery jobs, making our trade imbalance worse? Do they like working against the ecological health of the everglades and then spending $7.5 billion of taxpayer money to start cleaning up some of the toxic residue of the sugar industry? And do they want to discriminate against poor countries like Ethiopia, Mozambique, and Mali that could benefit from freer trade in sugar?

I urge support of the Blumenauer-Flake amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BLUMENAUER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

AMENDMENT OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. SLAUGHTER:

At the end of the bill, insert after the last section (preceding the short title) the following section:

SEC. 753. Of the total amount made available in title VI in the first undesignated paragraph under the heading ''FOOD AND DRUG ADMINISTRATION—SALARIES AND EXPENSES'', $1,000,000 is available to the Center for Veterinary Medicine for application review activities to assure the safety of animal drugs with respect to antimicrobial resistance, pursuant to section 512 of the Federal Food, Drug and Cosmetic Act, in addition to all other allocations for such purpose made from such total amount.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from New York (Ms. SLAUGHTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. SLAUGHTER. Mr. Chairman, I shall be very brief.

As a microbiologist as well as a Member of Congress, I have been very concerned for some time about the overuse of antibiotics and the rise of drug-resistant bacteria. So what we are asking today is just a sum of money, $1 million, to be set aside from the FDA budget to begin to study the overuse of antibiotics in animals and using animals basically as incubators to breed the drug-resistant bacteria.

I think it is a matter of top concern. It has been labeled that by the CDC and the World Health Organization, which says it has become a crisis; so I am pleased to put this amendment forward today.

Mr. BONILLA. Mr. Chairman, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from Texas.

MR. BONILLA. Mr. Chairman, we have worked with the gentlewoman on this amendment, and I am happy to accept the amendment and would move it to a vote if the gentlewoman would agree.

Ms. SLAUGHTER. I appreciate that very much, and thank you, sir.

Mr. Chairman, I rise today to address an issue that concerns me not just as a microbiologist, but as a mother and a grandmother as well.

Americans have a right to trust the safety of the food they eat and feed their families.

Today, that safety has been put in jeopardy by a new threat, one that is the unintended result of our own advancements.

The threat comes from antibiotic resistant bacteria.

We take antibiotics for granted in this country. Just over 60 years ago, a pneumonia diagnosis was a death sentence. A case of bacterial meningitis would have been hopeless.

With the introduction of antibiotics, however, we have been able to treat these, and many other, once fatal diseases.

Unfortunately, the Centers for Disease Control and Prevention have reported that the most significant human infections are becoming resistant to the antibiotics commonly used to treat them.

In fact, antibiotic resistance has been labeled a ''top concern'' by the CDC, and the World Health Organization has called the situation a crisis.

Resistant bacterial infections increase health care costs by 4 to 5 billion dollars each year.

Two million Americans acquire a bacterial infection annually during stays at hospitals. Seventy percent of the infections they contract are resistant to the drugs prescribed for treatment.

Salmonella infections, the cause of food poisoning, 1.4 million illnesses, and 500 deaths in America every year are increasingly resistant to the numerous drugs used against them.

And thirty-eight patients in American hospitals die every day as a result of diseases contracted during their stay that no longer respond to antibiotics.

While the overuse and misuse of antibiotics in humans is a factor contributing to this problem, it is not its only cause.

There are currently seven classes of antibiotics used in both animals and humans, including basic drugs like Penicillin.

In fact, 70 percent of all U.S. antibiotics are used by meat producers on their livestock for nontherapeutic purposes.

Unwittingly, we are permitting animals to serve as incubators for resistant bacteria.

And as a result, a parent on a trip to the grocery store could end up bringing home meat contaminated with diseases that will put their family's health at risk and prove difficult to treat.

In 2003, a National Academy of Sciences report stated that if we hope to make headway against this danger, we must reduce overuse of antibiotics not just in humans, but in animals and agriculture as well.

This huge and tremendously important task has fallen largely on the FDA's Center for Veterinary Medicine.

And yet, despite its position on the front lines of this fight, the CVM is ill-equipped to carry out its duties. It needs additional resources to review the drugs currently approved for animal use.

The amendment I am offering here today will give CVM the much needed boost necessary to do its job.

It will make available 1 million dollars from within its budget to make sure we have the drugs we need to treat bacterial infections.

With all of the new challenges modern medicine faces, we cannot allow a resurgence of ailments no longer seen as a source of concern.

Our failure to address this problem will result in a less secure, and less healthy, future for our children and grandchildren.

I urge all of my colleagues to support this common-sense amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. GUTKNECHT

Mr. GUTKNECHT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. GUTKNECHT:

At the end of the bill (before the short title), insert the following new section:

SEC. 7___. (a) LIMITATION ON USE OF FUNDS.—None of the funds appropriated or otherwise made available by this Act shall be used to implement the limitation in section 720 of this Act.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amounts otherwise provided by this Act are revised by reducing the amount made available for ''AGRICULTURAL RESEARCH SERVICE—BUILDINGS AND FACILITIES'' and the amount made available for ''COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—RESEARCH AND EDUCATION ACTIVITIES'' by $65,319,000 and $16,681,000, respectively.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Minnesota (Mr. GUTKNECHT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Chairman, it is a very simple amendment, but I think it is very important and one that an awful lot of groups are paying attention to.

There is a program we have had in the farm bill for a very long time, the Wetland Reserve Program, that has become extremely important on a variety of fronts. It is important to wildlife, it is important to our water quality, it is important to flood control, and I think it is important to most Americans who care about the environment.

It is especially important to those of us in Minnesota. We have 10,000 lakes. We take water very seriously. And the Wetland Reserve Program is something that we want to do everything we can to preserve and keep at its current levels.

Currently, we authorize in the farm bill about 250,000 acres for the Wetland Reserve Program. And I understand how difficult it has been for the subcommittee and the chairman and the staff to squeeze all of the requests into the amount of money that they have been allocated in this appropriation bill, so I have a great deal of empathy for the problems that they have. But I wanted to come to the floor today to offer an amendment to restore to 250,000 acres the overall authorization for the Wetland Reserve Program.

Currently, under this bill that authorization drops to about 144,000 acres. I understand that the committee had to find $82 million. And by passing this amendment we create an $82 million hole in their bill, and I am empathetic to that. So what we have done, working with the Department, we take $65 million from the ARS Facilities area and $16.5 million from the CSREES Research and Education Activities fund.

No one likes to take money from those funds, but as we looked at all the potentials for offsets, those were the best we could find. So, Members, I think this is an important amendment. I think it is one that will be watched by the Ducks Unlimited, the Pheasants Forever, lots of the wildlife groups and sportsmen groups, and it is important as well to the folks who are really concerned about preserving our wetlands and improving our environment.

So this is a very important amendment, and I hope my colleagues will join me in supporting the Gutknecht amendment.

MR. BONILLA. Mr. Chairman, I rise in opposition to the amendment and claim the time in opposition.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BONILLA. Mr. Chairman, I strongly oppose the gentleman's amendment, and I know the gentleman has worked hard to try to perfect the language in this amendment; but as we see it, very clearly the gentleman's amendment scores at zero. So it would, in essence, not have the effect the gentleman is hoping to have on the WRP program, but it will cost $82 million in cuts.

This is for a program that the Inspector General of the Department of Agriculture cited for $159 million in overpayments over 5 years. So I am glad to see that mismanagement does not bother the gentleman from Minnesota, but it certainly bothers me and other Members of this body.

Again, there is a technicality here that we have a problem with, as we have had some professional staff review this language over and over again. So I would ask the gentleman, since his amendment would not accomplish what he is trying to accomplish, if he would withdraw the amendment and perhaps seek a different remedy.

Mr. GUTKNECHT. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Chairman, I would be more than happy to work with the chairman on this. We worked with the professionals who draft these amendments. We told them what we wanted. We were willing to find offsets. We worked with the Department for those offsets. We understand those offsets do cause some heartburn for the Department, but it is my understanding they can work with those offsets.

I would appreciate it if we could at least adopt this amendment, and we will work with you through the conference committee process to perfect that language, if that is necessary. I hope that this body wants to send a clear message that the Wetlands Reserve Program is a high-priority program. And I would work with you on that, but I would like to have this amendment adopted, even if it is not perfect in your eyes.

MR. BONILLA. Reclaiming my time, Mr. Chairman, it is not a matter of my eyes; it is a matter of the professionals that have scrubbed this language; and again, the gentleman would not be accomplishing what he is hoping to accomplish.

I might say as an aside, too, there is an issue related to this. We understand that there may have been some unethical and perhaps even illegal activity by the Department involved directly with this issue, in terms of attempting to lobby Congress on it. And I want to say for the record that we are not done with this issue after we vote on this amendment.

Mr. THOMPSON of Mississippi. Mr. Chairman, I rise in favor of the amendment offered by my colleague from Minnesota.

Whether it is breeding grounds in the north or wintering grounds in the south, the Wetland Reserve Program—WRP—is worthy of strong funding. Besides wildlife habitat restoration, WRP has an impressive record of providing flood protection, improving water quality and conserving water quantity.

Farmer interest in these programs greatly exceeds the availability of funds. For example, in 2005 in my district, there were 240 farmers with unfunded applications totaling 34,000 acres and $49 million. These lands are marginal, high risk lands that are vulnerable both to floods and droughts because of the high content of hydric soils. These marginal lands detract from a farmer's cash flow and tend to experience repeated losses requiring disaster recovery assistance. Furthermore, it has been shown that WRP can reduce expenses in Federal crop insurance and other farm programs.

WRP provides a lump sum easement payment that assists financially distressed farmers. The easement payment may be used to pay off current debts or to meet current operating fund needs. Additionally, WRP may provide farmers with both a temporary alternative source of income through the wetlands restoration contract and a permanent source of income from the recreational and lease hunting income generated by the restored wetland wildlife habitat. The public benefits from both the reduced demand placed on disaster assistance funds from lands that previously experienced repeated losses and from significant long-term conservation benefits obtained from the protection of wildlife habitat, improvement of water quality, increase of flood storage and reduction of soil erosion.

As the ranking member of the Homeland Security Committee, I have seen avian influenza become increasingly more important. Although there has not been a case of a human contracting the disease from a wild bird anywhere in the world, it is feasible. The more we can disperse wild birds and improve their overall health, the less risk we will have, especially in an area that my colleague from Minnesota and I represent, the Mississippi Flyway.

Let's not continue with empty rhetoric of supporting the 2002 farm bill. In 2002 we passed a farm bill consisting of an annual 250,000 acres of land to be enrolled in the WRP. If we are going to say that we support the 2002 farm bill, then we should support this amendment because it does just that and I strongly encourage its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. GUTKNECHT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GUTKNECHT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

MR. BONILLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wonder if my distinguished ranking member, Ms. DELAURO, might engage in a colloquy with me about what remains on the bill. We are a little puzzled, and I include my side on this.

If Members are serious about offering amendments, I wonder where they are, on my side as well as on the minority's side. If we can't get Members here, perhaps we should seek a remedy to move through this bill and finish it.

Ms. DELAURO. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Chairman, I think the gentleman makes a good point. I know we have called those on our side to come down, and I do not know the disposition on your side. It looks to me like we have on our side three amendments, and I was just trying to tally up on your side. There are about five or six; is that correct?

MR. BONILLA. Reclaiming my time, Mr. Chairman, I know the gentlewoman would agree on her side that she is not a babysitter, nor am I. If I had an amendment to offer, I would be in a three-point stance ready to go on something that was of great importance to my constituents.

So I would throw out for thought that perhaps after another 5 minutes passes, if nobody is here, we might look for a unanimous consent to shut it down and move to final passage.

Ms. DELAURO. That is something I would very much like to consider, Mr. Chairman. So let us wait the 5 minutes and see what we have.

MR. BONILLA. We will wait 5 minutes, and if we don't see anyone, then perhaps we can work on a UC, again with a bipartisan shutdown of the bill and move forward.

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SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment by Mr. WEINER of New York.

Amendment No. 17 by Mr. KENNEDY of Minnesota.

Amendment No. 4 by Mr. PAUL of Texas.

Amendment No. 12 by Mr. CHABOT of Ohio.

Amendment No. 8 by Mr. HEFLEY of Colorado.

Amendment No. 6 by Mr. BLUMENAUER of Oregon.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. WEINER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. WEINER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 234, noes 184, not voting 14, as follows:

[Roll No. 182]

AYES—234

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown-Waite, Ginny
Burton (IN)
Camp (MI)
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Chocola
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Harman
Harris
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pelosi
Peterson (MN)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—184

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Bass
Beauprez
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Butterfield
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Cramer
Crenshaw
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Everett
Farr
Flake
Foley
Forbes
Ford
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Granger
Graves
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Hulshof
Hyde
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Pastor
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Pombo
Price (GA)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (TX)
Sodrel
Sullivan
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Turner
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Brown, Corrine
Davis (FL)
Evans
Feeney
Gibbons
Gohmert
Gutierrez
Hunter
Issa
Kennedy (RI)
Larson (CT)
Meek (FL)
Payne
Snyder

□ 1717

Messrs. WALDEN of Oregon, BARTON of Texas, BARROW, BASS, SAM JOHNSON of Texas, WILSON of South Carolina, TURNER, REGULA, KUHL of New York and NEY changed their vote from ''aye'' to ''no.''

Messrs. HINCHEY, ROGERS of Michigan, MURTHA, HOEKSTRA, PETERSON of Minnesota, CHOCOLA, RUSH, KIRK, BERRY, BOSWELL, WELDON of Pennsylvania and SALAZAR changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 17 OFFERED BY MR. KENNEDY OF MINNESOTA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. KENNEDY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 345, noes 76, not voting 11, as follows:

[Roll No. 183]

AYES—345

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bass

Bean
Beauprez
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boehlert
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chabot
Chandler
Chocola
Clyburn
Coble
Cole (OK)
Conyers
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Davis (AL)
Davis (CA)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Duncan
Ehlers
Engel
English (PA)
Etheridge
Everett
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Herseth
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inglis (SC)
Inslee
Israel
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kirk
Kline
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Musgrave
Nadler
Napolitano
Neal (MA)
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Smith (NJ)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (FL)

NOES—76

Abercrombie
Barrett (SC)
Biggert
Blackburn
Blunt
Boehner
Bonilla
Boyd
Capps
Carter
Castle
Clay
Cleaver
Conaway
Cooper
Crowley
Culberson
Cummings
Davis (IL)
Davis (TN)
Delahunt
DeLay
Dreier
Edwards
Emanuel
Emerson
Eshoo
Farr
Flake
Foley
Gibbons
Granger
Grijalva
Hall
Hensarling
Higgins
Hobson
Hulshof
Hyde
Jackson (IL)
Johnson, Sam
Kelly
Kingston
Knollenberg
Kolbe
LaHood
Lewis (CA)
Marchant
McDermott
McMorris
Miller, George
Moran (VA)
Murtha
Myrick
Neugebauer
Nunes
Otter
Radanovich
Reichert
Rush
Ryun (KS)
Schmidt
Shaw
Simpson
Slaughter
Smith (TX)
Sweeney
Tauscher
Taylor (NC)
Thomas
Thornberry
Turner
Weldon (FL)
Wicker
Wynn
Young (AK)

NOT VOTING—11

Brown, Corrine
Davis (FL)
Evans
Hunter
Issa
Kennedy (RI)
Larson (CT)
Meek (FL)
Payne
Pelosi
Snyder

□ 1726

Mr. GEORGE MILLER of California changed his vote from ''aye'' to ''no.''

Mr. CAPUANO changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GIBBONS. Mr. Chairman, I rise today to explain how I would have voted on May 23, 2006 during rollcall votes Nos. 179, 180, 181, 182, and 183 during the second session of the 109th Congress.

Rollcall vote No. 179 was on ordering the previous question.

Rollcall vote No. 180 was on passage of H. Res. 830, providing for consideration of 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.

Rollcall vote No. 181 was on the motion to suspend the rules and pass H.R. 4681, the Palestinian Anti-Terrorism Act of 2006.

Rollcall vote No. 182 was on agreeing to the Weiner amendment to H.R. 5384.

Rollcall vote No. 183 was on agreeing to the Kennedy amendment to H.R. 5384.

I respectfully request that it be entered into the CONGRESSIONAL RECORD that if present, I would have voted ''yes'' on all of these rollcall votes.

Thank you for your time and careful consideration of this important matter.

AMENDMENT OFFERED BY MR. PAUL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. PAUL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 34, noes 389, not voting 9, as follows:

[Roll No. 184]

AYES—34

Abercrombie
Barrett (SC)
Bartlett (MD)
Burton (IN)
Duncan
Flake
Franks (AZ)
Gohmert
Goode
Hayworth
Hefley
Hostettler
Istook
Johnson, Sam
McHenry
McKinney
McMorris
Miller (FL)
Paul
Pearce
Petri
Poe
Price (GA)
Renzi
Royce
Sanders
Sensenbrenner
Shadegg
Sullivan
Tancredo
Tiberi
Udall (NM)
Wilson (NM)
Young (AK)

NOES—389

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
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
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Jackson (IL)

Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—9

Brown, Corrine
Davis (FL)
Evans
Hunter
Issa
Kennedy (RI)
Larson (CT)
Payne
Snyder

□ 1735

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would advise Members that this series of votes will now include a seventh question, the amendment by the gentleman from Minnesota, Mr. GUTKNECHT.

Mr. BOEHNER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GREEN of Wisconsin) having assumed the chair, Mr. RYAN of Wisconsin, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 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, had come to no resolution thereon.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING FURTHER CONSIDERATION OF H.R. 5384, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 5384, pursuant to House Resolution 830, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clause 9 of rule XX.

Mr. Speaker, I further ask unanimous consent that the intervention of these proceedings in the House not affect the continuation of 5-minute voting on the pending series of votes in the Committee of the Whole.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. BOEHNER. Mr. Speaker, just for the Members who may not have heard, a seventh vote in this series was added, the Gutknecht amendment, that must be completed before we can proceed with the bill. So there are seven votes in the ongoing series.

It is the expectation that the 2-minute voting will not begin until a subsequent series of votes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair understands that the ongoing series of votes in the Committee of the Whole will resume as 5-minute votes and that the authority for 2-minute voting will be used only in subsequent series.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 830 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5384.

□ 1739

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5384) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, with Mr. RYAN of Wisconsin in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from Texas (Mr. PAUL) had been disposed of and the bill had been read through page 82, line 14.

Under the order of the House just entered, the current series of votes will continue as 5-minute votes. Any succeeding series of votes may include 2-minute votes after the first in a series.

AMENDMENT NO. 12 OFFERED BY MR. CHABOT OF OHIO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. CHABOT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 79, noes 342, not voting 11, as follows:

[Roll No. 185]

AYES—79

Akin
Andrews
Bachus
Barrett (SC)
Bass
Berkley
Bradley (NH)
Brown (OH)
Burgess
Burton (IN)
Campbell (CA)
Cannon
Cantor
Capuano
Castle
Chabot
Chocola
Clay
Culberson
Davis, Jo Ann
DeGette
Dent
Doggett
Duncan
Ehlers
English (PA)
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Gillmor
Hayworth
Hefley
Hensarling
Hoekstra
Hostettler
Hyde
Inglis (SC)
Istook
Johnson, Sam
Kucinich
Linder
LoBiondo
Mack
Manzullo
Matheson
McHenry
McKinney
Miller, Gary
Moran (VA)
Myrick
Owens
Paul
Pence
Poe
Price (GA)
Ramstad
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Shadegg
Shaw
Shays
Stark
Stearns
Tancredo
Taylor (MS)
Thompson (MS)
Tiberi
Van Hollen
Visclosky
Wamp
Waxman
Wilson (SC)

NOES—342

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Baca
Baird
Baker
Baldwin

Barrow
Bartlett (MD)
Barton (TX)
Bean
Beauprez
Becerra
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Chandler
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Filner
Foley
Forbes
Ford
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Maloney
Marchant
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Brown, Corrine
Davis (FL)
Evans
Green, Gene
Hunter
Issa
Kennedy (RI)
Larson (CT)
Lynch
Payne
Snyder

□ 1747

Mrs. MALONEY changed her vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 99, noes 322, not voting 11, as follows:

[Roll No. 186]

AYES—99

Akin
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Campbell (CA)
Cannon
Castle
Chabot
Chocola
Coble
Cooper
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, M.
Duncan
Everett
Feeney
Flake
Ford
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Gohmert
Gutknecht
Harris
Hart
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Inglis (SC)
Jackson-Lee (TX)
Jenkins
Johnson, Sam
Jones (NC)
Keller
King (IA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Matheson
McCotter
McHenry
Mica
Miller (FL)
Miller, Gary
Myrick
Norwood
Otter
Paul
Pence
Petri
Pitts
Price (GA)
Radanovich
Ramstad
Rogers (MI)
Rohrabacher
Rothman
Royce
Rush
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Stearns
Sullivan
Tancredo
Tanner
Taylor (MS)
Terry
Tiberi
Westmoreland
Wilson (SC)
Young (FL)

NOES—322

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brown (OH)
Brown-Waite, Ginny
Butterfield
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hyde
Inslee
Israel
Jackson (IL)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney
Marchant
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh

Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—11

Brown, Corrine
Davis (FL)
Evans
Hunter
Issa
Istook
Kennedy (RI)
Larson (CT)
McHugh
Payne
Snyder

□ 1755

Mr. NORWOOD changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. BLUMENAUER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 135, noes 281, not voting 16, as follows:

[Roll No. 187]

AYES—135

Allen
Andrews
Bean
Berkley
Berman
Biggert
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Boehlert
Bono
Boucher
Bradley (NH)
Brown-Waite, Ginny
Campbell (CA)
Capps
Capuano
Castle
Chabot
Chocola
Cooper
Davis (IL)
Davis (KY)
Davis, Tom
Deal (GA)
DeGette
DeLay
Dent
Doggett
Doyle
Drake
Duncan
Ehlers
Emanuel
English (PA)
Eshoo
Ferguson
Fitzpatrick (PA)
Flake
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gibbons
Gingrey
Gohmert
Gordon
Green (WI)
Gutierrez
Hart
Hayworth
Hefley
Hensarling
Hoekstra
Holt
Hostettler
Inglis (SC)
Israel
Jackson (IL)
Johnson (CT)
Johnson, Sam
Kanjorski
Keller
Kelly
Kind
Kingston
Kirk
Kolbe
Kuhl (NY)
Langevin
Lee
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Manzullo
Markey
Matheson
McKinney
McNulty
Meehan
Meeks (NY)
Miller, George
Moore (WI)
Moran (VA)
Neal (MA)
Northup
Owens
Pallone
Pascrell
Paul
Pence
Peterson (PA)
Petri
Platts
Price (GA)
Pryce (OH)
Ramstad
Rogers (KY)
Rohrabacher
Royce
Rush
Ryan (WI)
Sanchez, Loretta
Schakowsky
Schiff
Schwartz (PA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shuster
Smith (NJ)
Smith (WA)
Souder
Stark
Stearns
Sweeney
Tancredo
Tauscher
Tiberi
Tierney
Udall (NM)
Van Hollen
Wamp
Waters
Watson
Waxman
Weiner
Westmoreland
Young (FL)

NOES—281

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Beauprez
Becerra
Berry
Bishop (GA)
Bishop (UT)
Blunt
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (TN)
Davis, Jo Ann
DeFazio
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Dreier
Edwards
Emerson
Engel
Etheridge
Everett
Farr
Fattah
Feeney
Filner
Foley
Ford
Fortenberry
Foxx
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Honda
Hooley
Hulshof
Hyde
Inslee
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kennedy (MN)
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kline
Knollenberg
Kucinich
LaHood
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pastor
Pearce
Pelosi
Peterson (MN)
Pickering
Pitts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sherman
Sherwood
Shimkus
Simpson
Skelton
Slaughter
Smith (TX)
Sodrel
Solis
Spratt
Strickland
Stupak
Sullivan
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Towns
Turner
Udall (CO)
Upton
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Watt
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—16

Bass
Brown, Corrine
Davis (CA)
Davis (FL)
Evans
Hoyer
Hunter
Issa
Kennedy (RI)
Larson (CT)
McHenry
Millender-McDonald
Payne
Radanovich
Simmons
Snyder

□ 1802

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 13 OFFERED BY MR. GUTKNECHT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. GUTKNECHT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 185, noes 235, not voting 12, as follows:

[Roll No. 188]

AYES—185

Akin
Andrews
Baca
Bachus
Baldwin
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bishop (NY)
Boehner
Bono
Bradley (NH)
Brady (PA)
Brown (OH)
Brown-Waite, Ginny
Butterfield
Camp (MI)
Campbell (CA)
Capps
Cardin
Carnahan
Carson
Case
Castle
Chabot
Chandler
Clay
Clyburn
Costello
Cummings
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeGette
Delahunt
DeLauro
Doggett
Doyle
Ehlers
Emanuel
English (PA)
Eshoo
Fattah
Ferguson
Fitzpatrick (PA)
Ford
Fortenberry
Fossella
Frank (MA)
Franks (AZ)
Gerlach
Gibbons
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Holden
Holt
Honda
Inglis (SC)
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kelly
Kennedy (MN)
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Kucinich
Kuhl (NY)
Langevin
Leach
Lee
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lynch
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCrery
McGovern
McKinney
Meehan
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Paul
Pelosi
Peterson (MN)
Petri
Platts
Porter
Price (GA)
Price (NC)
Pryce (OH)
Ramstad
Reyes
Rohrabacher
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Sabo
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shays
Sherman
Slaughter
Smith (NJ)

Smith (WA)
Solis
Souder
Stearns
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tiberi
Upton
Van Hollen
Visclosky
Wasserman Schultz
Weldon (PA)
Weller
Westmoreland
Wexler
Woolsey
Wynn

NOES—235

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Capuano
Cardoza
Carter
Chocola
Cleaver
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Davis (AL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
Engel
Etheridge
Everett
Farr
Feeney
Filner
Flake
Foley
Forbes
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Istook
Jindal
Johnson, Sam
Kaptur
Kildee
Knollenberg
Kolbe
LaHood
Lantos
Larsen (WA)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
McCaul (TX)
McCotter
McDermott
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Neugebauer
Ney
Northup
Norwood
Nunes
Otter
Pastor
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Pombo
Pomeroy
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Ryan (OH)
Ryun (KS)
Salazar
Sánchez, Linda T.
Saxton
Schmidt
Serrano
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Sodrel
Spratt
Stark
Strickland
Sullivan
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—12

Brown, Corrine
Culberson
Davis (FL)
Evans
Hunter
Issa
Keller
Kennedy (RI)
Larson (CT)
Oxley
Payne
Snyder

□ 1811

Mr. ALEXANDER changed his vote from ''aye'' to ''no.''

Ms. ZOE LOFGREN of California, Mr. GUTIERREZ, Ms. WASSERMAN SCHULTZ and Mr. NEAL of Massachusetts changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. REICHERT

Mr. REICHERT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. REICHERT:

At the end of the bill (before the short title), insert the following new section:

SEC. 7____. None of the funds appropriated or otherwise made available by this Act shall be used to apply part 1124 of title 7, Code of Federal Regulations, to any producer-handler that produces less than 9,000,000 pounds of milk per month.

Mr. BONILLA. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Washington (Mr. REICHERT) and a Member opposed each will control 5 minutes.

The chair recognizes the gentleman from Washington.

Mr. REICHERT. Mr. Chairman, in April of 2006, the U.S. Department of Agriculture issued a proposal 2 years in the making. The rule requires the Pacific Northwest and other producer-handler operations that produce more than 3 million pounds of milk per month to participate in the milk pool.

To process milk, they must buy from the pool at a set price. This helps ensure dairies small and large are paid the same price for their milk.

But do-it-all operations like Smith Brothers Farms in Kent, Washington, called producer-handlers, have been exempt from the regulations since the Depression. These producer-handlers are dairies that produce milk and process it into final product themselves. The thinking at the time was they were too small to influence prices and could not survive without the exemption.

Smith Brothers is one of only three dairies left in the Pacific Northwest that raise and milk the cows, as well as pasteurize and bottle the milk. The new regulations would devastate their business. The rule change was meant to target a much larger producer-handler that was producing 28 million pounds of milk per month, and this small, family-owned business got caught in the crossfire.

The big change happened when a producer-handler decided to get big. It made big investments and went after the big box stores, and because it had freedom to set its own prices, it took away business from the pool dairies.

This large milk distributor that I just indicated is producing 28 million pounds of milk per month and has 13,000 cows. In comparison, Smith Brothers Farms in Kent, Washington, produces only 6.5 million pounds of milk per month and has only 3,000 cows.

This order, if allowed to stand, would have a devastating effect on dairies like Smith Brothers and would require them to go out of business, sell off parts of their dairy operation, and/or pay $100,000 a month to a pooled penalty or settlement fund which would subsidize their dairy operators. This order would limit competition and ultimately drive milk prices up in the Pacific Northwest.

Mr. Chairman, my amendment states that these USDA regulations should only apply to very large producers, those that produce 9 million pounds of milk per month or more. A 9 million pound hard cap would mean that if a producer-distributor exceeds 9 million pounds of Class 1 route distribution, they cease to be eligible for producer-handler status and become a regulated plant.

Mr. Chairman, I realize that this amendment will not be made in order. However, I hope that we can continue to work on this issue in order to protect small dairy farms that provide a unique and valuable product to our customers.

Mr. Chairman, I ask unanimous consent to respectfully withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

□ 1815

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds appropriated in this Act may be used to deny compensation to eligible individuals filing claims to be satisfied out of the settlement fund approved by the court April 14, 1999 in Pigford v Glickman, 185 F.R.D. 82 (D.D.C. 1999).

Mr. BONILLA. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume, and I want to thank the ranking member, Ms. DELAURO, and the chairman, Mr. BONILLA.

Frankly, under ordinary circumstances, in regular order, Mr. Chairman, it would be appropriate to argue this amendment and to seek to overrule or to defend, if you will, the point of order. But I am offering this amendment to, in essence, give light to an unending problem to an aspect of the agricultural industry here in the United States.

Mr. Chairman, this is an issue that has been worked on by many Members of Congress. However, unlike as in the words ''silence is golden,'' the absence of silence of debate on this question is not golden and has really hurt African-American farmers, black farmers. They have been working a number of years to secure the enforcement of a settlement that was rendered some years ago, in 1999, under the Glickman administration, when Mr. Glickman was the Secretary of Agriculture when President Clinton was in office.

This is a civil rights case stemming from years and years of being denied farm loans, with documented information regarding the many regions where black farmers were. Black farmers were, in essence, sort of the legacy of slavery to the extent that many of them gained their land through that period. Many of them farmed the land and were great contributors to American society in general, but certainly to the farm industry of America. When they began to ask for farm loans, as other farmers did, interestingly enough, the Department of Agriculture systematically and on racial grounds denied them loans, therefore causing a lot of foreclosures and the unnecessary losing by African Americans of their farmlands.

I am grateful to past administrations, and even to those in this administration, who understand the plight of these farmers. Without the loans, many farmers faced foreclosures, as I said, and lost their farms. In 1920, African Americans owned one in seven farms. Today, it is one in 100, and I might argue it is even less than that. A large number of African Americans did not then and many do not today even know that the lawsuit exists.

So the issue before us is the question of extending the statute of limitations so that no farmer is denied. And the language of my amendment says that no funds shall be utilized to deny any eligible farmers for this particular consent decree that comes under the Pigford v. Glickman consent order.

I want you to know, Mr. Chairman, that this was a class action and that it was agreed to by the U.S. Department of Agriculture. That is an important point. We have been trying to work on legislation that would waive or extend the statute of limitations, but it is important in the context of the agriculture appropriations bill to let it be known that there are farmers who weren't given the monies to survive and, therefore, are in need of the serious look of the Appropriations Committee to continue to press the Department of Agriculture to make good on the consent order that they agreed to.

The discrimination in the USDA was so common during the period of 1980 to 1986 that the Glickman case determined that anyone bringing a claim with a valid showing should receive compensation. In fact, any nonwhite American farmer should receive compensation because the discrimination was so pervasive.

So, in essence, this opportunity is to make a plea to the United States Congress not to forget these farmers and to take the language of the Glickman Department of Agriculture, which is in essence this Department of Agriculture, who found such blatant discrimination, such broad-based discrimination that the definition was anyone, anyone who could make their case was eligible, and my language speaks to any eligible person.

We have a barrier of the statute of limitations and we have a barrier of no one listening. We have a barrier of no one shining light on this plight and a barrier, if you will, of not recognizing that America's small farmers, which African Americans are, are the backbone of our farming industry and really are the backbone of the importance of the farming community here in the United States.

We are trying to help family farmers. We are insisting on family farmers surviving. We want to encourage them by the growth of the ethanol production and, therefore, we should try to encourage these African American farmers who were just randomly denied loans, without any criteria for the denial, just on the basis of race, to be able to make good on this important legislation and this consent decree.

In essence, Mr. Chairman, this amendment is to say to my colleagues that ''none of the funds appropriated in this act may be used to deny compensation to eligible individuals filing claims to be satisfied out of the settlement fund approved by the court April 14, 1999.''

I look forward to yielding to the distinguished gentleman on the point of order.

The Acting CHAIRMAN (Mr. KUHL of New York). Does the gentleman continue to reserve his point of order?

Mr. BONILLA. Mr. Chairman, I reserve the point of order and claim time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BONILLA. The gentlewoman's time has expired, I realize, but just this comment that she is correct, that this is an issue that needs to be addressed by the Congress, and I would encourage Members to address these concerns.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I would be happy to yield briefly.

Ms. JACKSON-LEE of Texas. I thank you. I thank you for acknowledging that, Mr. Chairman, and I thank the ranking member for acknowledging this important issue, and I look forward to working with you in this body.

Mr. Chairman, I ask unanimous consent to withdraw this amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARRETT of New Jersey:

Page 82, after line 14, insert the following:

SEC. 753. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Mr. Chairman, I will not use my entire 5 minutes.

This is an amendment on an appropriations bill that we have seen in some other ones that have passed previously, and it goes to the issue of how we have addressed over the last couple of days spending.

Regardless of which side of the aisle that you may come from, I think Members from both sides of the aisle will agree with one thing, and that is that our deficits are too high. When we are spending our taxpayers' dollars, we must be ever vigilant to be sure we are spending them wisely. Again, this amendment is a commonsense limitation on those hard-earned tax dollars.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of New Jersey. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, the gentleman presents a good amendment, and we will be happy to offer support for him if the gentleman can submit his remarks and move the amendment to a vote.

Mr. GARRETT of New Jersey. Reclaiming my time, I thank the chairman for his comments, and I will then conclude my remarks simply by saying that this is an issue that has already been addressed in the Senate, somewhat extensively, pointing out the egregious examples in the past where extraordinary numbers of Federal employees have gone on international conferences.

So what the amendment simply does, at the end of the day, is put a finite number on that. In this bill it limits it down to 50 conferees to attend any international conference. We believe that is a reasonable number. We believe that any agency will be able to

live within those numbers, and again I appreciate the chairman's acceptance of this amendment.

While those on each side of the aisle may differ on how we got there, I think that most Members of this body agree that our deficit is far too high.

That is why the amendment I am offering is a commonsense approach to help limit spending and abuse of all of our constituent's hard-earned tax dollars.

My amendment will limit the number of Federal employees that are sent to international conferences funded under this bill to 50. The amendment also limits that dollar amount that can be spent to $8.2 million, which is the level spent in FY01. We have seen about a 25 percent increase between then and FY05, far too great an increase while we are operating with such high deficits.

Recently there has been a trend by our government to send a far excessive amount of staff to these international conferences, costing taxpayers millions of extra dollars.

While like all of my colleagues, I understand the importance of staff, I am simply seeking to make sure that only essential staff are utilized during these expensive foreign conferences.

While one more staffer here, and one more staffer there doesn't sound like much, it could mean one more shift a worker in my district has to work instead of being home with his family.

Due to my limited time I won't bore the floor with all the egregious examples. But I will note that unfortunately these conferences are a pattern of excess government.

This amendment has passed in various appropriations bills and is an excellent way to show this body's commitment to fiscal responsibility. I urge all of my colleagues' support.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WEINER:

At the end of the bill (before the short title), add the following new section:

SEC. 7____. Using funds that would otherwise be paid during fiscal year 2007 as direct payments and counter-cyclical payments with regard to cotton and rice production, the Secretary of Agriculture shall make grants to the several States in an amount, for each State, equal to at least 0.75 percent of such funds, to be distributed to active agricultural producers in the State in a manner approved by the Secretary.

Mr. BONILLA. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. The point of order is reserved.

Pursuant to the order of the House of today, the gentleman from New York (Mr. WEINER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

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

There is some irony in the chairman of the committee raising a point of order against this bill, because the purpose of this amendment is to point out how badly out of order one part of our budget is.

What my amendment does is it requires that each and every State in the Union get a minimum amount of agriculture programs for cotton and rice, whether they have cotton or rice or not. New York, for example, has no cotton production and has no rice production. This amendment would guarantee that New York gets a minimum amount; .75 percent, of the budget for cotton and rice should go to New York. It guarantees that all States, and there are about 25 or 30 of them that have no cotton or rice subsidies, get a minimum guarantee of cotton and rice funding.

Now, why would I offer such a thing? Why would you propose such an absurd notion, that any program designed for a specific constituency, those that make cotton and rice, would get a minimum guarantee? Well, that is exactly the question those of us in high-threat urban areas ask about homeland security funding all the time. Yet, believe it or not, a minimum amount, .75 percent, of homeland security funds go to every single State in the Union.

What is the result? The result is the number one per capita recipient of homeland security funds isn't New York, it is not Washington, DC, it is not California or Orlando, where Disney World is. It is Wyoming. Wyoming, in fact, gets $18.33 per capita while New York gets only $2.60 because there is a minimum guarantee that every State get a certain amount of homeland security funds.

So I have often said to my colleagues, wouldn't it be ridiculous to do that if this was any other program? Well, let's see. I am offering an amendment here that would do just that, and I hope what it does is it serves to get my colleagues thinking a little bit about how government programs should be allocated.

I think all of us would agree that there is an appropriate place for agriculture programs. I would hope all of us agree that in a post-9/11 world there is an appropriate role for the Federal Government in distributing aid for homeland security. But certainly we should be able to agree that just as it makes sense for cotton farmers to get cotton subsidies, those in the greatest threat of a homeland security attack should get the greatest portion of those funds.

Having a minimum guarantee, as there is in the present law, of .75 percent for every single State for homeland security funds, creates the most distorting effect. Vermont gets $15.28 for homeland security for each and every man, woman and child in Vermont, while California and New York get in the low $2 range. It simply makes no sense.

So I would encourage my colleagues to think in terms of the farm program when we come up and talk about the homeland security program. I would encourage you to think about the idea that Mr. BONILLA and Ms. DELAURO worked so hard to make sure the people that need the aid get the aid, and we should do that type of thing when we are considering homeland security funds.

It is out of order to say every State should get a minimum guarantee of agriculture programs, but it is equally out of order to make that assertion about homeland security funds. So I would say to my good friends in agriculture States, I am a person from New York. What I know from agriculture, notwithstanding the little I know about pests, is I know that the agriculture community produces a breadbasket of food second to none, and we need to do what we can to make sure that our programs here in Washington support them.

We formed a coalition throughout time, frankly, between rural areas and urban areas around our needs. We used to, in the 1980s and early 1990s, when it came to transportation funding, you would vote for that though it might not benefit you directly, and we would vote for agriculture funding. But never, never did we say in these programs there should be an absolute minimum guarantee for a program, particularly one like the Department of Homeland Security, which goes according to risk.

So I would urge my colleagues to vote ''yes'' on the Weiner amendment. Let us have a minimum guarantee, and maybe if we have every program by a minimum guarantee, we will realize it is absurd to have that formula for any program.

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

□ 1830

POINT OF ORDER

Mr. BONILLA. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: ''An amendment to a general appropriations bill shall not be in order if changing existing law.'' The amendment imposes additional duties. I ask for a ruling from the Chair.

The Acting CHAIRMAN (Mr. KUHL of New York). Does any other Member wish to be heard on the point of order?

Mr. WEINER. Mr. Speaker, I agree that we are legislating on an appropriation bill, and I agree it is out of order to oppose or pass the notion that every State should have a minimum guarantee. It is exactly that ruling and exactly that language from the chairman that I would ask you to keep in mind when we consider other legislation.

Minimum guarantees are not the way we legislate around here. We legislate based on need; and, frankly, it is clear that we are not allocating homeland security resources. And just the way

this will be ruled out of order, I hope you keep that in mind when we consider those measures as well.

The Acting CHAIRMAN. Does any other Member wish to be heard on the point of order?

Hearing none, the Chair finds that this amendment includes language imparting direction. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained. The amendment is not in order.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARRETT of New Jersey:

Page 82, after line 14, insert the following:

SEC. 853. None of the funds provided under the heading ''TITLE IV—DOMESTIC FOOD PROGRAMS--FOOD STAMP PROGRAM'' shall be expended in contravention of section 213a of the Immigration and Nationality Act (8 U.S.C. 1183a).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

I rise again this afternoon for what I believe is a commonsense and important amendment to the legislation before us; commonsense simply because at the end of the day all the amendment does is to say we should be enforcing the current law.

As it stands right now, 8 U.S.A., section 1183, states that an affidavit must be filed by a sponsor of an incoming alien to the country. That affidavit is a legally binding guarantee on the part of the sponsor that the immigrant that they are sponsoring will not become a ''public charge.'' What I am citing here is nothing new. This public charge requirement goes all the way back to immigration policy of the 1880s.

So what this amendment does today is simply restate that in strong terms saying that no funds appropriated under this act, under the Food Stamp Program, will be spent in noncompliance of current Federal law. The reason we do this is to reinforce the fact that the laws on the books should be enforced.

And, secondly, it addresses another point as well. Some people might argue that there is not enough money in the Food Stamp Program for all of the needs that are out there, and we can debate that from one side to the other. But if you honestly believe that there isn't enough money out there for the entire Food Stamp Program, I think we all agree from both sides of the aisle that the money in the program should be going to the people that it was intended for in compliance with the statute and in compliance with current law.

So on that, I will conclude by saying we are asking nothing more than the Food Stamp Program currently in existence today comply with the laws set forth.

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

Mr. BONILLA. Mr. Chairman, I would like claim time in opposition, even though I am not opposed.

The Acting CHAIRMAN. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. BONILLA. Mr. Chairman, it is my understanding that this amendment that the gentleman from New Jersey has worked very hard on tells the Department to comply with existing law, and at this point we have no objection to the amendment and would move the vote.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Ms. DELAURO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT OFFERED BY MR. BACA

Mr. BACA. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BACA:

Page 82, after line 14, insert the following:

SEC. 753. None of the funds appropriated by this Act may be expended to reimburse a State agency for expenses under section 16(a) of the Food Stamp Act of 1977 if the State agency has implemented operational changes in the food stamp program designed to increase the total percentage of applications submitted by mail, by telephone, and on-line to more than 20 percent of the total applications submitted in that State unless the State agency can certify, and it is further certified by the Secretary of Agriculture, that persons with disabilities will retain equal access to the food stamp program, that such persons will receive fair service, and that the State agency's plan would comply with applicable civil rights laws, including the American's with Disabilities Act and section 504 of the Rehabilitation Act.

Mr. BONILLA. Mr. Chairman, I rise to reserve a point of order against the amendment.

The Acting CHAIRMAN. The gentleman's point of order is reserved.

Pursuant to the order of the House of today, the gentleman from California (Mr. BACA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

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

We must stop throwing away good money after bad policy. Some States are taking misguided steps in administering the Food Stamp Program and other public benefits. Moving 20 to 50 percent of all cases online or to remote calling centers makes little sense, creating problems for those most in need.

The fact is, disabled, undereducated and minority food stamp participants are losing their food stamp benefit because of these cost-cutting privatization initiatives.

What is happening in Texas is a waste of Federal funds. The Texas State comptroller called for an investigation of the new public benefit system. The Texas State comptroller said that the Accenture contract appears to be a perfect storm of wasting tax dollars, reducing access to services, and profiteering at the expense of taxpayers.

The new eligibility system is a disaster. More than 300,000 children have left the CHIP program. This has been blamed on the contractor's loss of applications, payments that were not credited to the proper accounts, and families who have been improperly denied benefits.

Mr. Chairman, we cannot allow other States to be misguided down the road. If the Baca-Doggett-Green amendment would have been in order, we would have forced States to certify that changes to the application process are not hurting sensitive communities under existing civil rights and disabilities law.

People on food stamps and other public benefits need our help to ensure that new program structures, privatization and other changes do not harm them and do not take away food from the table. That is the purpose of this amendment.

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, a massive experiment on poor people in Texas has been a true disaster. Mr. BACA seeks to ensure that all Americans are protected from the same thing happening to them.

Apparently, there were some people, who thought that Accenture could do just as good a job in responding to food stamp inquiries as it did dodging its fair share of taxes by moving off to Bermuda. They were wrong.

Even our Republican comptroller, as Mr. BACA has noted, says we have had a storm, ''a perfect storm of wasted tax dollars.'' Many members of our Texas delegation this very week have written to the Governor saying that we believe ''assisting families with nutrition and health care is not an expense, it is an investment in our community,'' and noting that face-to-face assistance by our public employees cannot be substituted by a machine, with turning poor people over to the Internet or a phone call in a distant city instead of a human being.

Moreover, our Texas State locations have ''well-trained eligibility employees.'' Those are the employees that our

Texas Governor proposed to dismiss. We need to keep them there, and this amendment would help accomplish that.

Mr. BACA. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Mr. Chairman, I rise to speak on behalf of some of our most vulnerable Americans who are being denied access to needed food stamps because of States eliminating face-to-face interviews.

Mr. Chairman, I speak on behalf of children, the elderly, disabled, and those with limited literacy. I regret that they are not here to speak for themselves because if they were here to speak for themselves, they would tell you about the 20-minute phone waits. They would tell you about the phone calls that have been abandoned because they had to wait too long, 44 percent per the USDA.

They would tell you about the inability to use the phone because they cannot speak, the inability to use the phone because they cannot hear. They would tell you about the lack of computer access and the lack of computer literacy.

This amendment ensures a user-friendly system for some of our most vulnerable Americans. I speak for them. I stand with them. I cast my vote for them.

Mr. BACA. Mr. Chairman, I ask unanimous consent to withdraw my amendment given that this amendment would be subject to a point of order, and hope that Chairman BONILLA and Ranking Member DELAURO will work to increase congressional oversight on this issue.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Ms. DELAURO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, on the immediately preceding amendment that was just withdrawn, this is an issue I have followed closely for a long time, and I have questioned USDA officials about this. I offered a motion to instruct conferees on the 2006 conference report on this issue. There is no question that this ill-considered plan must comply with all of our civil rights laws.

I applaud the gentleman for his effort. I would also like to tell Members about what a mess the Texas effort to privatize not only the Food Stamp Program but other critical social services is in.

Just last week, Texas announced that the work by the company awarded the $899 million privatization contract, Accenture, was so bad it was putting the privatization effort on, what was described in the press, and I quote, ''indefinite hold.''

Texas also announced it was going to give 1,000 State employees that it had planned to lay off bonuses of $1,800 so they would stay to help fix the mess created by Accenture. Accenture's mismanagement of the State's CHIP program was so bad that 28,000 children were scheduled to lose their coverage in May, on top of an already large drop in enrollment since privatization occurred. The State had to intervene to keep the children enrolled.

As part of the 2006 conference report, USDA is required to send the committee quarterly reports on the Texas situation. The second and most recent report from the USDA, like the first, is very blunt in its assessment of the problems they see with what Texas has done with respect to the food stamp portion of this.

The report says: ''The following concerns give pause to expansion without substantial improvements in system functionality to support a more ambitious implementation agenda.''

Among the concerns: Long wait times for calls; high abandonment rates by callers; vendor performance is questionable as evidenced by the high percentage of cases that are returned to the vendor because of missing information and errors; case file documentation needs to be substantially improved to support program access and integrity; vendor performance on handling calls shows problems with the staffing and training resulting in information to the extent that it is unclear whether applicants will know how to apply.

The simple truth is that this effort is a disaster and it threatens the right of Texans to get the benefits to which they are entitled.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill, before the short title, insert the following:

SEC. ____. None of the funds made available by this Act may be used to fund dairy education in Iowa.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. BONILLA. Mr. Chairman, before the gentleman begins, I ask unanimous consent that the amendment be read, and the reason I am doing this is because we are not sure which amendment we are addressing and in what order.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read the amendment.

The Acting CHAIRMAN. The gentleman from Arizona is recognized for 5 minutes.

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

Before addressing this particular earmark, let me make a few general comments about what we are going to do today.

Today we will engage in a debate that has been a long time in coming. I plan to offer several amendments to this bill to block funding for a series of Member earmarks that are contained in the committee report that accompanies the bill.

Let me point out that the House has already voted in the lobby reform bill a few weeks ago to require that Members attach their names to their earmarks; yet this committee report has come to the floor with more than 400 earmarks and not one name. They are not required to do so until the bill passes both Chambers, but it would be nice to have the names attached.

Let me state from the outset I am under no illusion that I can block funding for any of these earmarks we will discuss. I am well acquainted with the process of log rolling where one Member agrees to support another Member's earmarks if that Member will agree to do the same. I suspect that log rolling will prevail here today.

But it is about time that we provide a little window into the process. Is it the Federal Government's responsibility to recruit dairy farmers from other regions to move to northeast Iowa, as one of the earmarks we will discuss today purports to do?

Is the need so great this year to fund the National Grape and Wine Initiative that we should add $100,000 in debt owed by future generations?

Since our responsibility as Members of Congress is to prioritize limited resources, do we really want to tell taxpayers that we believe that spending $180,000 on hydroponic tomato production is more pressing than other issues?

I expect that a few of the amendments I will offer today will be successfully blocked because of a point of order. The reason: because we have no documentation that a Federal agency that will fund the project knows anything about the project that is to be funded.

□ 1845

To successfully challenge the earmark requires an assumption that the agency is familiar with the project. Otherwise, we might be legislating on an appropriation bill, a violation of our rules. The incentive, therefore, for Members looking to protect their earmarks, is to be either vague or silent about the project's goals and its oversight.

Let us think about that for a minute. How are we supposed to exercise oversight for these earmarked projects? Who is to be held accountable? Not the government agency. By upholding the point of order, we are stipulating that the agency might as well not even know that the project exists.

In the end, since rank-and-file Members can't even challenge those earmarks without being subject to a point of order and the agencies don't know

anything about them and since we don't even know who requested the earmark in the first place, the only individuals who have any oversight function are selected members of the Appropriations Committee or their staff.

Mr. Chairman, it does not speak well for us as legislators when the first and last documentation of these earmarks is found in Members' press releases. I would like to think that we can do better than that. I think that all of us were elected to this august body with higher aspirations than to grovel for crumbs that might fall from appropriators' tables.

We need to reform the process. We need to get back to the process of authorization, appropriation and oversight. That is what this branch of government is supposed to do. We diminish ourselves at our office when we stray from that course.

This particular earmark or this particular amendment seeks to strike funding for an earmark to provide $229,000 to retain and grow the business of existing dairies and recruit dairy farmers from other regions to northeast Iowa. What business is it of the Federal Government to recruit dairy farmers to move from other regions to northeast Iowa?

This work is to be carried out primarily at the Northeast Iowa Community College Dairy Center, and it is funded through the Cooperative State Research, Education and Extension Services Extension Activities. The agricultural appropriation bill for fiscal year 2007 includes more than $750 million for extension activities, which is more than $5 million last year and $26 million over the President's request. I should point out, funding for this program was not included in the President's request.

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

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

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

This Congress was the first one in a generation last year to cut discretionary spending. The gentleman's amendment also does not do one thing to reduce spending in the bill.

Yes, it would remove language for the particular project that the gentleman is referencing, but then that money would be reverted back to the Federal agency, to whatever office disseminates this money, and then it would be left to some career bureaucrat to make the decision. Now, there are a lot of professionals that work at that level, but I for the life of me could not understand why we would leave all of those decisions up to the Federal agencies.

Let me also say that this bill, aside from the discretionary spending we cut last year as fiscal conservatives, we cut this bill almost $100 million from last year, and the ''earmarks'' that are being referenced in this debate only make up 2 percent of this bill. So for all the grandiose statements that are being made here about being a champion of fiscal conservatism, big deal.

Mr. Chairman, I yield 2 minutes to my distinguished colleague from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Chairman, I think it is fascinating the way this amendment reads. None of the funds made available in this act may be used to fund dairy education in Iowa. Now, I don't know whether that means, apparently, it is okay to educate people about dairy in Wisconsin and Minnesota and Arizona; I think we should. I don't know what you have necessarily against dairymen in Iowa.

Mr. Chairman, the funds contained in the bill for the northeast Iowa dairy education project are extremely important to Iowa's dairy industry because they help foster and enhance the development of new dairy-producing operations and mostly among young dairy farmers.

Throughout the northeast region in my district, I hear about the continuing success of this program and how the program has made meaningful differences to the small dairy producers in this part of the State. If one is a small dairy producer, of which there are many in the State, continuing education is very important. The education project aids the retention and growth of existing dairy farms and responds to challenges to dairy farmers.

This project is also important to necessary research, and it is coordinated with Iowa State University, also the National Animal Disease Center; it coordinates with this project. And it really is something that goes to not only diseases but state-of-the-art production and environmental management techniques. I should also note that the funding for this project leverages $9 million, or has in the past, $9 million of non-Federal funding. So it is not like the people, the farmers up there, the producers themselves, have not put their dollars in with this project.

It is extremely important, and I would certainly ask people to vote against this amendment.

Mr. FLAKE. Mr. Chairman, I yield myself the balance of my time.

The only reason we limit it to dairy education in Iowa is to ensure that our amendment was made in order. Believe me, if there were dairy education for Arizona, I would strike that as well. We simply shouldn't have programs like this.

Let me just say, according to the Iowa State Dairy Association, the Iowa State dairy industry contributes more than $1.5 billion to the economy and provides more than 26,000 jobs. I would submit that spending $229,000 isn't going to do much to change that trend one way or another. It is simply something we shouldn't do.

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

I would only briefly say again that a vote to support this amendment does not a single thing to cut spending in this bill and would just turn over all the decision-making process to a government agency. The Constitution calls for the House of Representatives to decide how funds are allocated, and I am a great believer in that. I urge all Members to vote ''no.''

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill, before the short title, insert the following:

SEC. ____. None of the funds made available by this Act may be used to fund the Fruit and Vegetable Market Analysis, Arizona and Missouri grant.

Mr. BONILLA. Mr. Chairman, again just for clarification, I would ask unanimous consent that the amendment be read so we understand which amendment is before us.

The Acting CHAIRMAN. Without objection, the Clerk will read the amendment.

There was no objection.

The Clerk read the amendment.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

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

The committee has provided $350,000 for providing analysis of the impacts of trade, environmental, monetary, and other policies on the Nation's fruit and vegetable industry to stakeholders. This research is to be carried out by Arizona State University and the University of Missouri. I should note that Arizona State University has a campus in my district.

The original goal of the research was to respond in a timely manner to requests for policy-relevant information from congressional Members and their staffs on a wide variety of topics that impact the fruit and vegetable industry and consumers. The project also develops 10-year baseline projections on production, prices, consumption and trade for the fruit and vegetable sector. The funding is through the Cooperative

State Research, Education and Extension Service's Special Research grants, which are congressionally directed and noncompetitive research earmarks awarded to universities. Again, these are noncompetitive research earmarks awarded to universities.

The agriculture appropriations for fiscal year 2007 includes more than $100 million in these earmarks, many that have persisted for years and can only be terminated by Congress.

The Fruit and Vegetable Market Analysis has been receiving Federal funds since 2002 and has received more than $1.3 million in appropriations. This earmark, again, was not included in the President's request and this project has no formal evaluation. There is no expected completion date with this analysis, and it is expected to be ongoing.

Here is another example: There are so few opportunities for oversight here. When you contact the Federal agencies, it is difficult to even determine if they know that these projects exist. Who is supposed to be providing oversight here? In Congress, we are not, certainly. I mean, a lot of these programs, some of the earmarks that we will discuss today were expected to be 2-year programs. They have gone on for over a decade. When do we say, enough is enough? Where is the oversight? If the Federal agency is not providing the oversight, if they do not even know of the program, and Congress is not providing the oversight, how do we know that we are getting our bang for the buck?

These are pork barrel projects. We should not be funding them.

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

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

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

Once again, the gentleman who is proposing this amendment somehow thinks that this is going to save money in the bill.

Let me point out also, in addition to the remarks I made earlier about cutting discretionary spending and cutting this bill back this year, there have also been cuts in this bill where funding for the Member priorities are down $35 million or 8 percent from last year. So the effort to deal with fiscal conservatism is ongoing and continues from last year when we started cutting discretionary spending. We also terminate eight Federal programs for a savings of more than $4 million.

So anyone who thinks that we are not concerned about fiscal conservatism can look at the facts and figures before them. And we understand that the media likes to talk about Member priorities, but I would suggest that anyone who is truly serious and is not looking for recognition would work on entitlement reform, which is where the vast majority of our government funds go to, and that would really make a big mark on cutting back on spending, not amendments such as this one that do not cut one penny out of this bill. And I hope our colleagues and the constituents that are watching this are not somehow fooled into thinking that this amendment cuts one penny out of this bill.

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

Mr. FLAKE. Mr. Chairman, I yield myself 2 minutes.

It strikes me as odd that the Appropriations Committee claims that this is money that is going to be spent anyway. We have no control. This is money, if we knock it out of here, it will just be spent elsewhere.

What are we here for? Are we potted plants, just here to watch money go out the door?

We are here to prioritize. We are here to say, this ought to be funded, that should not be funded.

Last Friday, we had a great discussion about the Military Quality of Life bill, where there was funding in there that was put in emergency category. Surely the Appropriations Committee or the House as a whole can say this $500 million that we are doing in earmarks here in the agriculture bill perhaps could go to Military Quality of Life. Why can we not do that?

This notion that we have no control and we cannot move money from one account to another is simply absurd. We can. We are Members of Congress. That is what we are here to do, to prioritize. So I completely reject the notion that we cannot do this.

Also, on the subject of earmarks versus entitlements, I think my colleague in the Senate said it well: Earmarks are the gateway drug to spending addiction. Once you get earmarks, then it is much easier to get other spending as well. A lot of the entitlement programs that we have expanded, the prescription drug benefit, for example, was made possible because of so many earmarks on other bills.

Earmarks are a problem. It does add up to real money. I believe the transportation bill last year was some $27 billion in earmarks. That is not chump change. And I think that Americans all over are concerned about this and rightly so.

Also, when you have a process here where there are no names attached to the earmarks, we do not know how to find out about these programs.

□ 1900

We simply don't know. We contact the Federal agencies. Half the time they don't know about the programs. Where are we to provide oversight? That is one of our responsibilities, and we are not doing it here.

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

Mr. Chairman, Members come to the floor and offer amendments that have either substantive increases or decreases to appropriations bills. I use as an example a sincere Member from the State of Colorado, comes here every year with an amendment to cut spending that has a true impact on the bill. Whether he succeeds or not, there are votes held on that and honest debate is held.

But, again, when amendments are presented in this form, there is no savings. Anyone who suggests that there is a savings in writing amendments like this is a fool, because they are not cutting a single penny from the appropriations bill.

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

Mr. FLAKE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in this 30 seconds, let me explain that the Appropriations Committee, all they have to do is tell the Budget Committee we would like a lower 302(b) allocation. The Budget Committee, believe me, will be glad to do that.

I am offering 11 amendments today. The FY 07 agriculture appropriations bill has more than 450 amendments; 450. That is nearly identical to the 10-year average, according to CRS.

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

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

Mr. BONILLA. Mr. Chairman, I ask unanimous consent that all amendments remaining, with the exception of the last one, be read, just so we know which one we are dealing with, because we have a stack of papers we are looking at.

The Acting CHAIRMAN. That can be addressed ad hoc.

Without objection, the Clerk will read the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill, before the short title, insert the following:

SEC. ____. None of the funds made available by this Act may be used to fund the Food Marketing Policy Center, Connecticut grant.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

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

Mr. Chairman, this amendment for the Food Marketing Policy Center is a Connecticut earmark. The committee has provided $579,000 for a center that analyzes strategies and public policies

that impact the marketing of food as well as food safety marketing.

I would ask again, what business is it of the Federal Government, with far higher priorities, to fund an earmark like this? I would say again to those who say, well, if you strike funding for this, the funding will simply go to the agencies and they will spend it on their own, we can instruct the Budget Committee, again, to say please lower the allocations. Let's spend less on earmarks and spend more on body armor or something else. We have the power to make those priorities, yet we are not.

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

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BONILLA. Mr. Chairman, to begin the position of those opposed, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in strong opposition to the gentleman's amendment and want to say a few words about the work done at the University of Connecticut's Food Marketing Policy Center. It is hardly frivolous.

The policy center has an established track record as a research resource for policymakers across the world. It conducts research on a variety of food and agricultural marketing, safety related policy matters, information that contributes to the work that we do to improve our food production, marketing, and safety systems.

Let me give you a couple of examples how it has helped us here in the Congress and impacted consumers:

In 2003, the Food Marketing Policy Center research on fluid milk pricing in the Northeast and Pacific Northwest uncovered gouging by supermarket chains. After the demise of the Northeast Dairy Compact, farm prices had plummeted, but retail prices in New England only had declined marginally. The center estimated that milk at $3 per gallon retail in New England supermarkets was $1 above its supply cost for nearly 2 years, hurting farmers as much as consumers. Their research is helping us determine new approaches to fluid milk channel pricing.

Another example: other research done at the center just last year includes work done on food access for low-income consumers, the impact of foot and mouth disease and new approaches to animal health and biosecurity. On the latter point, the center has worked to outline the regulatory inconsistencies between the U.S. and other countries and the impact on the export markets for U.S. beef.

Particularly as we in the subcommittee work to ensure our food supply is safe in the face of an increasing number of new threats and market realities, we understand the need for the best research possible. That is what we get from this center and what we get in return for a very small investment from the USDA via the CSREES program, an investment, I would remind my colleagues, that leverages additional support from academic and industry sources. It is, in fact, a public-private partnership.

I believe we in the Congress have an obligation to hold up our end of the bargain and fund the center. Farmers rely on it, consumers rely on it, public agencies, State legislatures, and even us, even some here in the Congress.

So let's support the center. Let's support getting the best agricultural research that is possible.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume to ask the gentlewoman if she would engage in a colloquy on this.

May I ask how long this program has been in existence?

Ms. DELAURO. Mr. Chairman, if the gentleman will yield, yes, you may ask that question, and if you can give me a second, I will get that information.

Mr. FLAKE. Approximately is fine.

Ms. DELAURO. Just over the last 3 years.

Mr. FLAKE. Has there been a marked improvement in the way we have studied these issues? Didn't we get along just fine before this program existed?

Ms. DELAURO. I just laid out for you the specific incidents. I don't make them up. You can go back and you can check them. But I laid out for you several areas in which the research and the effort has been extremely important and helpful to farmers, to consumers, and to those of us here.

Mr. FLAKE. Mr. Chairman, reclaiming my time, should we not have similar programs for other industries, perhaps have other earmarks to help us analyze the cost of computers?

Ms. DELAURO. Mr. Chairman, if the gentleman will yield further, let me just say to you, that is not the issue at hand here. We are discussing this program. You have concerns about it. I will just say I appreciate your asking questions. I tried to answer the questions, and I think that I have provided, and given a lot more time, I could provide further information about all that this center is doing and how in fact it meets its mission in terms of assisting consumers and farmers and the general public.

Mr. FLAKE. Mr. Chairman, reclaiming my time, I thank the gentlewoman. It makes the point why we have over the past decade increased the number of earmarks by, I believe it is, 872 percent. That is not something as a Republican that I am proud of at all. We had just under 15,000 earmarks in all appropriation bills last year. Who knows where it will go, unless we get a handle on this process.

It simply is wrong for Members of Congress to be able to take an amount of money and designate it for one particular group with no real oversight. As I mentioned, too few of these earmarks can even be challenged like we are challenging these today because you might be ruled out of order because the Federal agency has no record or no idea what the earmark is actually doing. We have a process that is out of control.

Let me mention, as well, we haven't mentioned the other side of earmarks. We have one of our former Members in jail right now for basically selling earmarks. Jack Abramoff reportedly referred to the Appropriations Committee as an ''earmark favor factory.'' Those are his words, not mine.

We have a process that is out of control, nearly 15,000 earmarks. When you have that many, with very little oversight, it is ripe for abuse; and we simply have to change the direction we are going. That is the larger point.

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

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I come from the State of Joe McCarthy, and he was famous for his use of innuendo. I don't appreciate it when I hear innuendo on this floor from any source.

Let me start this way: my opinion of earmarks is pretty clear. When I was chairman of the Appropriations Committee, for instance, we had no earmarks in the Labor-Health-Education bill. I think the number of earmarks has gotten grotesquely out of hand. I think it is beyond the ability of our staff to police. On that, I agree with the gentleman. But I don't think that we need to drag in a reference to an obscene player in the game like Mr. Abramoff in discussing a specific earmark such as we were discussing 5 minutes ago.

If one is serious about providing oversight on earmarks, then they would not have voted for the budget resolution to begin with, if they were serious about fiscal responsibility, I should say.

If they were serious about fiscal responsibility, they would not pick and choose a few random earmarks to go after on the floor. They would have insisted that this House have systematic reform of earmarks so that, for instance, we go after the big targets, the authorizing committee. The committee that provides highway authorization, for instance.

The mother of all earmarks was the ''bridge to nowhere.'' That wasn't in an appropriation bill. That was in the authorization bill, and that authorization bill last year, the highway bill, had seven times as many earmarks as the relevant appropriation bill, seven times the amount.

If people were serious about going after earmarks, they would go after authorization earmarks. If they were serious about earmarks, they would go after tax bills. The 1981 tax bill was replete with special transition rules for corporations, and every time I would talk to a big businessman who would complain to me about the deficits that Ronald Reagan was building up, I

would say, ''Well, why don't you raise hell about what they are doing in the tax bill?''

''Oh, we can't, because we have got a special transition rule in there and we don't want the committee to take it away,'' they would say.

If you take a look the 1986 tax bill, the same problem. If you take a look at the most recent tax bills, laced with special privileges. And the fact is that those special privileges aren't just 1-year affairs, as a lot of appropriations earmarks are. They continue giving again and again and again, as the TV commercial goes.

So I would say if the gentleman has legitimate objections to specific earmarks, by all means, it is his right to raise that on the floor. But I think if the gentleman wants to be taken seriously on this effort in the House, then he needs to support a systematic and systemic approach, which will reduce the number of earmarks to a number which this House has the capacity to handle.

I don't think that we particularly add to the effort if we just pick and choose on the basis of, say, funny names. I recall once, for instance, when a Senator from will my own State, Bill Proxmire, made fun of an earmark for a research project because it was research on Polish pigs, and everybody laughed about Polish pigs. But the fact is, out of that study came a new blood pressure medicine, which has been used by millions of Americans for years.

□ 1915

So I would suggest there is a constructive way and a not so constructive way to go after earmarks. I would prefer we follow a constructive road.

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

Mr. Chairman, I would agree with the gentleman from Wisconsin on the point about trying to associate Members with activities that are well known throughout this town and throughout this country that were inappropriate.

But, unfortunately, when Members come and lack truth and substance and real meat in their debates, they often times resort to try to take a debate to that level. Anyone who opposes a person on an issue or an amendment in this body, to have them associated with someone who has really done themselves wrong and done the country wrong is really bad form and, in the view of I believe the overwhelming majority of the Members of this House, really uncalled for.

So if there are Members here who want to conduct their debates at that level, it is unfortunate, and we cannot stop them. But, again, I hope that we would conduct this debate at a substantive level. And with that, I would again oppose the amendment strongly.

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

Mr. FLAKE. Mr. Chairman, may I inquire as to how much time there is remaining?

The Acting CHAIRMAN. There is 1 minute remaining.

Mr. FLAKE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, at no time have I tried to associate anyone here with the actions of the former Member. At no time have I done so. And I apologies if that inference was gained.

But we have a process here that is bad, that there are too few controls. That particular Member was able to get his earmarks through the entire process without being challenged, without one person being able to stand up and say, you know, are those earmarks going for the right purpose, or are they going off for some other purpose?

That is what this earmark battle is about. And I agree with virtually every word said by the gentleman from Wisconsin, and I want to work with him on systemic reform. We got some of that in the lobby reform bill that we passed a few weeks ago. We need far more of it. We need far more than just transparency.

Mr. Chairman, you have got to have accountability as well. This is one part. Being able to challenge earmarks. No Member ought to assume that they can get a project for their district and not ever be challenged on it, to explain what it is about. That is what this debate is about.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will read the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill, before the short title, insert the following:

SEC. ____. None of the funds made available by this Act may be used to fund research and education activities for greenhouse nurseries in Ohio.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

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

Mr. Chairman, this earmark is a greenhouse nurseries earmark, $726,000 for greenhouse nurseries in Ohio, an increase of $5,000 over last year. This was described as intended to develop marketing plans to showcase this industry that has branded itself as the Maumee Valley Growers.

Mr. Chairman, let me just make the point again. I do not know what else to do here. I have been screaming for 5 years that earmarks are out of control. Yet in that same 5 years, we have doubled, probably quadrupled the number of earmarks that this body has in the appropriations bills every year. I do not know what else will work, what other avenue do rank-and-file Members who are not on the Appropriations Committee have to point out the absurdity of funding some of these items, only to be told, well, do not take this opportunity, challenge it another way.

I would like to see, where? Where do we have the opportunity? Why should we not have the opportunity to stand in this body and challenge the earmarks that Members get? Why should any Member have the opportunity to earmark a certain amount of money for his or her district, or for a particular company or non-profit organization or group of individuals, without being challenged on it?

Where is that right or so-called right that we have to do so? I simply do not see it. And I have looked, believe me, for years for opportunities to say, we are out of control. The gentleman from Wisconsin mentioned, I thank him for doing it. He says we are out of control. There is no way we can police the number of earmarks. There is no way that we can actually have real oversight here.

But if I cannot stand up and challenge these earmarks, what am I to do? What are other rank-and-file Members to do? Where is the forum if not here on the floor of the House?

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

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BONILLA. Mr. Chairman, once again, it appears that the author of the amendment is seeking to acknowledge some frustration and to quote one of his lines here, I do not know what else to do. Again, I would offer advice to not just this Member but any Member that was seriously concerned about further fiscal responsibility again to emphasize this bill is almost $100 million below last year's bill.

We have cut the number of Member projects in it. We cut discretionary spending again last year. So those of us who are truly trying to make a difference are making a difference. Is it enough? Of course not. But if Members are actually looking for honest roadmaps to success in this area, again, the area of entitlements needs to be addressed.

So I would suggest that any Member who really wants to tackle fiscal responsibility in this area go for it. That would matter. Dealing with a budget process before we get to this point, that would matter. Offering amendments that are substantive again, but that would actually have an effect on spending, whether it goes up or down, that would matter. So, again, to address the frustrations that are being expressed here, those are three clear roads to further fiscal responsibility that I would suggest to any Member who might ask.

But, again, to offer amendments that have nothing to do with cutting a dime out of this bill is useless. And I can understand why the feeling of desperation might occur.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank the gentleman very much for yielding me time.

Mr. Chairman, as a member of this subcommittee for many years, I would like to point out that everyone of the projects that is included in this bill is carefully monitored and with the proposals being reviewed on campuses before they are submitted to the U.S. Department of Agriculture for funding. Then the U.S. Department of Agriculture reviews each project to be sure that the projects are ones of scientific merit, and research contracts are effectively negotiated between the USDA and the recipient.

And the subcommittee monitors each one of the projects with detailed questions at every hearing. This is the most recent hearing manual with each of the amendments that the gentleman is offering about. There is careful review. There are quarterly reports. There is documentation that is required for every single project.

So I do not quite agree with what the gentleman has said, because it is a contract negotiation and because there is careful review and a lot of projects do not get funded. The gentleman mentioned something about 400 projects. Well, we have 435 Members of this institution.

And we do have a responsibility to the country. There are projects in Arizona. There are projects in Ohio. And we cannot fund everything that we are asked, but we do the best job that we can, and we try and make and build a better country.

So the specifics, the gentleman had a question about I think the greenhouse nurseries projects in Ohio. And I can assure the gentleman that the unsubsidized family farmers of Ohio in this particular industry are competing in a global market. And the work that is being done by several land grant universities, including Ohio State University, Michigan State University, Indiana State University, are trying to help an endangered industry compete against subsidized Canadian production where power in that nation is made available at much cheaper rates.

The power costs of operating these kinds of greenhouses is enormous in the current marketplace. I only wish that our region of the country had what the gentleman has, and that is the Bureau of Land Reclamation, and your subsidized water projects in the west that have literally pulled much of our vegetable production from nonirrigated facilities to the irrigated west.

I wish we had the kind of subsidies the gentleman's region has benefited from. Perhaps because the gentleman lives in a suburb, he does not appreciate what it takes to produce food in our country with the kind of competition that we face.

Now I read in the gentleman's biography that he grew up on a ranch. I sure would like to know if your family benefited from any of those Bureau of Land Management subsidies or any of those Arizona water projects. Maybe the gentleman gets his water from the rain. I do not know. But, you know, other parts of America need to compete, too, and they are not subsidized.

So we hope that our industry will be able to survive. But I would defend any of the projects that have gone through this careful review through the U.S. Department of Agriculture along with many of our land grant institutions.

Mr. Chairman, I would ask the gentleman to take a look in the mirror and to his own State.

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

Mr. Chairman, I would simply point out that one of the amendments I offered is actually to cut funding that goes to my State. I would simply point out again, last year there were more than 10,000 earmarks worth $29 billion. I would say, again, to the average American, that may not seem like much to us, but it seems like a lot to them. It is a lot to all of us.

And as mentioned before, earmarks are the gateway drug to spending addiction. When we get earmarks, it is much easier to vote for other things as well. The gentleman asked why we do not attack some of the other spending and look to entitlement spending.

Twenty-five Republicans voted against the prescription drug benefit. We have worked to limit that program to where we can afford it. We added more unfunded liabilities to Medicare than exist in all of Social Security with that single bill. We voted against it.

We offered alternative legislation. We tried to rally our colleagues to vote against it. What else are we supposed to do there? Here, with these earmarks, what other forum do we have to say, let us cut back somewhere, somewhere. On the road to 10,000 earmarks, cannot we just say, we have gone too far? Can we change this process?

If we are funding, I would submit, greenhouse nursery earmarks, $726,000, we have not scrubbed this bug well enough. And the notion, again, that if we do not spend this money here, it will just get spent elsewhere demeans us as legislators, because it is our duty to actually police how this money is spent. And if it is not going to be spent here, then, again, let's go to the Budget Committee and say, we do not need this big of an allocation.

Let's put it to the war effort. Put it to pay down the debt, somewhere else. But this process, it ought to be authorization, appropriation, oversight. And somehow we have neglected the first two, authorization and oversight. And all we do is appropriate. And then these earmarks, very few of them actually have any oversight, these special research grants, there is some kind of reporting there. But in most of the earmarks, there are not.

As I mentioned, most of the agencies do not even know that these are being funded, or do not even know what the program is, they simply fund them. They do not have the opportunity to exercise oversight there. And we do not certainly exercise the oversight here.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will read the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill, before the short title, insert the following:

SEC. ____. None of the funds made available by this Act may be used to fund aquaculture in Ohio.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

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

Mr. Chairman, the goal of this project, the aquaculture in Ohio earmark, is to foster the development of a statewide aquaculture industry in Ohio.

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Again, I have to ask the threshold question here: Where is the Federal nexus? Why are we taking taxpayer funds from someone in Maine and putting it here in aquaculture in Ohio? How do we make that leap that it is our responsibility as legislators to do that?

Again, we can save this money. This money does not have to be spent. All we have to do is say change our allocation. Give less money. We can take some $400 million we are spending in Member earmarks and pay down the debt, fund the war effort, anything else but these earmarks, I would submit.

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

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho (Mr. SIMPSON) to begin the debate for those opposed.

Mr. SIMPSON. Mr. Chairman, while I do not want to respond to this specific project, I do want to respond to what

the gentleman from Arizona talked about just a little bit ago. He mentioned 10,000 earmarks and $29 billion last year. And he seeks to reduce the spending because somehow I guess the implication is that that $29 billion is wasteful spending. What that is is $29 billion that Congress has directed how it is going to be spent and not the administration.

When the administration proposes a budget, it is a recommendation that comes to Congress. It is full of earmarks. Administration earmarks. Earmarks that they believe how the money should be spent. Congress in their budget process, in their hearing process, in the Appropriations Committee make certain determinations. Some of them, in fact, most of them are that the administration's requests are appropriate. Sometimes we disagree with them. We say spending ought to be done somewhere else. We have different priorities. Those are called earmarks. I call them congressionally directed spending.

To tell you the truth, I wish we congressionally directed all of the spending. Remember, the President just makes recommendations. It is this Congress's responsibility to determine where the spending is going to go and to tell an administration or an agency that some of this money, a very, very small percentage of it is going to be spent in certain projects that we think are important, at least a majority here do, I think is our role. And to suggest that all $29 billion or 10,000 earmarks, whatever the amount was, is wasteful spending is to mislead the American people.

Are there some wasteful things in there? Sure. But if you think giving the money just to the administration to determine how it ought to be spent rather than Congress directing it, all of the sudden it is going to be spent appropriately, then I want to know why there are 10,000 trailers sitting in Hope, Arkansas.

The administration can waste money just like Congress can. Sure, there is some spending in there that we would all say is inappropriate, but that is our job to get after it.

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

I thank the gentleman for making those points. They are good ones. We have failed in our oversight function. But I would submit it is very difficult to criticize the Department of Defense for not buying sufficient body armor, for example, when we have instructed them with an earmark to spend more than a million dollars on a museum in New York with a congressional earmark, with a Member earmark. So we demean our role in oversight of the Federal agencies when we have instructed and stipulated that spending be on aquaculture in Ohio.

It is very difficult to, with a straight face, tell the agencies you are misspending the taxpayers money when we are doing this. So we have a process that is a great process. This was set up right in this country. Authorization, appropriations, oversight. If we do not like the way the President is submitting his budgets or his recommendations, then in authorizing bills, let's say don't do that; these are the only programs that we are going to authorize.

The trailers that ended up in Arkansas, I could not agree more. That was our mistake for giving $12 billion up front to FEMA. We should have said, let's have smaller trounces. Come every week and justify what you have done. Some of us recommended doing that. But it was not accepted, and we ended up with trailers in fields that are still in Arkansas. So we have a process. We need to follow it. We need to get back to it. That is what we are recommending here.

Some people point out that earmarks have been around as long as Congress has, and I suppose that is true to some extent. But everyone knows, over the last decade in particular, we have simply gone hog wild with earmarks. We simply have to get this process under control.

As the gentleman from Wisconsin pointed out again, we simply do not have enough staff to police this. We are out of control and if not to stand up here and challenge earmarks, I am at my wits' end. I do not know what else to do. I am frustrated. I am frustrated. I think a lot of us are. I know the taxpayers are. So that is why we are going through this process today.

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

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the distinguished, hardworking gentlewoman from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. Mr. Chairman, I rise today in opposition to this amendment. Aquaculture is becoming a burgeoning industry in my State. Ohio aquaculture has grown 17 percent in the last year alone.

Ohio State University, Ohio's land grant university, has been conducting this vital research in my district to most importantly help Ohio's tobacco farmers transition to new crops, and that is important that we find ways for Ohio's tobacco farmers to transition to new crops or otherwise those farmers will find themselves unable to continue to be farmers in Ohio.

This funding is not just important to my district. It is essential to the aquacultural research in all of Ohio through a state-wide aquacultural extension program. This funding is well spent, and it produces real dividends for Ohio farmers. A few years ago I got to witness one of the farms that actually participated in this research, a tobacco farmer that now raises shrimp and is making money off raising shrimp in Ohio.

I am a conservative and a fiscal conservative, and I do not like to spend people's money, but I do understand the importance of this kind of economic research for Ohio's farmers and Ohio's folks.

Mr. BONILLA. Mr. Chairman, I yield the balance of my time to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding me time. I would like to join my dear colleague from Ohio (Mrs. SCHMIDT) in saying that aquaculture is a growing business in Ohio. We want to keep all of our communities competitive.

I would say to the gentleman from Arizona, Ohio is really a shrimp in this. Arizona has a $4.2 million aquaculture designation in this bill. So we are really a shrimp compared to Arizona with your subsidized water and your Bureau of Land Reclamation incentives for your folks out there.

But I can tell you, when I was born we had 146 million people in this country. Today we have 300 million. The oceans are half depleted in fish. And the Great Lakes are in great competition with Canada. We have to put caps on what our commercial fishermen can fish. And this project has resulted in a 30 percent increase in juvenile perch, one of the most desired fish in the region. So we need more fish. The oceans are not providing. We have to do our job here. Life is important. Being competitive in the international aquaculture environment is important. And the gentleman's own State, though it costs more to do it there because you have all those irrigation costs, we are trying to do it using fresh water. I think this is a wonderful investment by the American people in their own self-interest.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will read the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill, before the short title, insert the following:

SEC. ____. None of the funds made available by this Act may be used to fund the Hydroponic Tomato Production, Ohio grant.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

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

I thank the Chair for his and this body's indulgence.

This is a hydroponic tomato production earmark that we are challenging here. Again, let me make the broader point, what business is it of the Federal Government to pick winners and losers in the economy, to decide that

we ought to be promoting hydroponic tomato production earmarks instead of promoting the cherry tomato or grape tomato or others out there that any Member could get an earmark for? Why is it this is important and the others are not?

We as legislators have to decide how we are going to husband the Nation's resources. I would submit that when we have 10,000 earmarks a year or more and when we are growing it at a rate of 872 percent over the last 10 years, at some point, I do not know where that point is, maybe it is with hydroponic tomatoes, some point we have got to take a stand and say enough is enough. We simply cannot continue spending money like this.

Again, let me just point out the notion that we cannot cut spending, that this money if it is not going to be spent here it will just be spent somewhere else by the administration is false. We can spend less. We can cut our own spending. We can cut our own allocations and say we simply do not need to spend this much money.

Again, we are not potted plants here. We are legislators. We are here to make these decisions. I would submit that when we are spending $180,000 on hydroponic tomatoes that something has gone awry and we have lost our focus. That is what this debate is about.

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

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BONILLA. Mr. Chairman, historically when Members target projects in this body, everybody understands the game. When you talk about tomatoes and aquaculture and programs that have names that do not immediately jump out to people with a true purpose, the press releases go out, the media circles when you walk out of the House Chamber, and there you have your name in the paper as a great slayer of funding programs.

But again, the hard work when you talk about fiscal conservatism as we have again last year cutting spending, trimming this bill down almost $100 million, cutting back on the Member requests, all of those things, that is the work that is done in the trenches day in and day out.

So, again, we all realize in this body what makes a headline. So if you make fun of the tomato and you make fun of the research project that is in a particular State, more power to you. But I think for the most part we are going to find that the Members of this body understand that again there is not a single dime that is going to be cut out of this amendment. True reform comes from the kind of work in the trenches that I have been suggesting, entitlement reform, budget reform, those are the processes that really matter. Or again, in the end, amendments that actually make a difference in terms of spending or cutting the budget.

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

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

Mr. Chairman, in response I would simply say I reject the premise that we cannot cut spending. This notion again that we will not save anybody by getting rid of earmarks. It is valid. This isn't a debate in a vacuum that really does not matter. If we reform the way we do earmarks, we will save significant money. I do not know about you, but $29 billion seems like a lot to me, $29 billion last year in appropriation earmarks. That is a lot of money. It adds up. A billion here and a billion there, soon enough you have got real money.

So this notion that we cannot save and we are just throwing out a couple of names here, I would like to bring all 450 Member earmarks to the floor that were in this bill. Simply we do not have the time and we do not have the patience and I understand that. But how else can we highlight this? What other forum do we have? Believe me, if it is there we have used it. We have got to start somewhere. I think we have got to make a stand.

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

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

Mr. Chairman, I would say to the gentleman who is offering this amendment directly, it is not that we cannot cut spending, because we have. The issue here is that he cannot cut spending with any of the amendments that he is proposing. So, again, I do not know how much more clearly I could say that or any other Member of this body.

Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I would just like to put on the record that the State of Ohio used to be one of the leading tomato-growing States in the Nation until subsidized western water, and we lost our industry to the West.

Now, Arizona is one of the most irrigated States in the country. You are draining water that is never going to come back. And yet I look at our part of the country that has to fight for such a small part of the market right now. I would just ask the gentleman, I would love to look at the type of subsidies that attend to your agriculture in Arizona from major government agencies that do not come to Ohio farmers.

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We are trying to maintain a very small market share. Hydroponic production is one of the ways in which we are successfully doing it, but I would just beg for the gentleman to take a look at what has really happened to the movement of agriculture. One State in the Union now produces over half the fruits and vegetables in the country, most of it irrigated. Ohioans have a right to compete in this market.

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

To the gentlewoman's points, we do in Arizona get subsidies. We should not, particularly with cotton. Cotton is very water intensive. We receive subsidies in cotton in many ways, particularly through the farm bill. I would ask you, please join me in opposing the farm bill next year. We will have an extension of the farm bill perhaps this year. Please join me in opposing it for subsidizing far too much as well.

We are spending too much money. It is not just in earmarks here, but it is other areas as well, but if we say we are not going to cut it in earmarks or other ways, where do we cut it? That is why our budget is simply growing and growing.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I just want to say this may be the first year America imports more food than she exports. This is not just a problem inside the borders of the United States. We have to keep our agriculture alive in this country, and it is becoming more and more difficult every year because of what is happening in the global economy and subsidies that are out there in other countries. Thank you for yielding.

Mr. FLAKE. Mr. Chairman, reclaiming my time, I thank the gentlewoman for that point.

We do have a problem entering into free trade agreements because we subsidize our agriculture so much. It is complicating the Doha round right now. We are limiting the markets that we can sell into because of our own subsidies.

The country of New Zealand a few years ago thought they could never get away from agriculture subsidies. They just up and said one day, we are not going to do it anymore; we cannot afford to anymore. People predicted that their agriculture would drop considerably. It has not. They have thrived. If we simply trust in the market here and let the market take over, we would be far better off.

But in this point, again, I would make the point, we can save money here. Earmarks are costing us a whale of a lot of money, not just because of the money in the earmarks themselves, but in the amount of funding that they leverage elsewhere because when you have an earmark in an appropriations bill, you had better not vote against that appropriations bill or you might see your earmark vanish. So it is not just the money in the earmarks, it is the money that is leveraged.

The CHAIRMAN. The gentleman's time has expired.

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

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was not going to say anything on this point until the gentleman made his last remark about people taking earmarks away if they do not vote for a bill.

I do not recall a single Member of the majority party helping me when, 2 years ago, I urged Democrats to vote against the Labor, Health and Education bill because it was grossly insufficient to meet our education and health care and science needs. I well recall when the Republican Appropriations Subcommittee chairman announced to his entire caucus that, because not a single Democrat voted for that inadequate Labor bill, that no Democrat was going to get a project.

I am proud of the fact that Democrats stuck against that bill anyway because we saw our duty as requiring us to oppose that bill because it put cuts for millionaires ahead of increasing the Pell Grant for kids trying to go to college. They put tax cuts for millionaires ahead of funding health professions training. They put tax cuts for millionaires ahead of worker protection programs.

So I would simply say, I welcome the gentleman's finally saying tonight that it is improper for earmarks to be used as internal blackmail. I just wish he had spoken up when we actually faced that issue 2 years ago.

Mr. FLAKE. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, the bill that you mention is a perfect example. We do not need earmarks like this. We knocked all the earmarks out. We survived just fine. Members survived just fine. They were reelected. They came back. That was the only Labor-HHS bill I have ever voted for because it did not have earmarks. We finally got it right. We ought to continue it.

Mr. OBEY. Mr. Chairman, well, with all due respect, the issue before us tonight is not what happened to past appropriations bills. The issue is whether or not, since the gentleman has chosen to take on these particular earmarks, the issue is whether or not the earmark in question merits support or not.

I recognize the gentleman is trying to do what Otto Passman when he ran the Foreign Aid Committee, which is to offer amendments for illustrative purposes, but the fact is, tonight the House is not going to be making judgments on whether there should or should not be earmarks. The House, under procedures tonight, is simply being asked to make a judgment about whether a specific earmark is meritorious or not, and I would hope that that is the basis upon which they would cast their votes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Without objection, the Clerk will read the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill, before the short title, insert the following:

SEC. ____. None of the funds made available by this Act may be used to fund the Wood Utilization grant.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, the committee has provided $6,371,000 to provide science that addresses problems with harvesting, transportation, manufacturing and marketing of economical forest products. For all the talk about, we are cutting too much timber and we are doing too much of this, to provide this kind of subsidy for research on how to do it just seems to me out of line.

Let me just point out, some of these earmarks we have been talking about have been just a few hundred thousand dollars, not that that is small money, but this one is $6 million. If we looked since 1985, this program is the wood utilization program that received Federal funds in excess of $86 million. So it goes on and on and on.

This earmark was not included in the President's request. The United States is the world's largest producer of lumber and wood products used in residential construction and in commercial wood products such as furniture and containers. The United States is also the leader in the pulp and paper business, producing about 34 percent of the world's pulp and 29 percent of the world's output in paper and paper board.

The forest products industries is a strong contributor to the Nation's economy, employing close to 1.3 million people in all regions of the country, ranking among the top 10 manufacturing industries in 46 States. Why in the world do we need to be spending over $6 million a year to talk about wood utilization? Again, let me repeat: The United States is the leader in pulp and paper business, producing 34 percent of the world's pulp, 29 percent of the world's output in paper and paper board, employs more than 1.3 million in all regions of the country, among the top 10 manufacturing industries in 46 States. Yet, we need a program that one of its goals is funding also goes towards educating graduate students to be knowledgeable in wood as a renewable resource?

Now, we have been doing this program since 1985. I think wood has been around a lot longer than that. I think people know what a valuable resource it is. I do not think we need to be spending $6 million more in taxpayer money again this year to educate graduate students in wood as a renewable research.

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

Mr. KINGSTON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Georgia is recognized for 5 minutes.

Mr. KINGSTON. Mr. Chairman, I yield 3 minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, I thank the gentleman for yielding.

Let me first say, the gentleman from Arizona has every right to do exactly what he is doing. I believe he is sincere in his efforts, and he is right, we are not potted plants. We are elected representatives. The funny thing about democracy is a majority has a tendency to rule, and if the gentleman offers something and a majority vote against him, then they have obviously supported what he does not. That is the way the process works.

I do not ask for congressionally directed spending that I cannot justify. In fact, not all of the congressionally directed spending that I have requested is for projects in my district. Some of them are in other districts for things that I think are important. One of them is the wood utilization program. In fact, I post all of the congressionally directed spending that I have had part in obtaining on my Web site. I want my constituents to be able to see it, and I tell them if they think there is anything in there that is wasteful, that we should not be spending on, to call me and talk to me and let me know.

In fact, I entered in the RECORD earlier today on this bill all of the projects that I had had any part in directing the congressional spending on so the people could see them, and I have put in the justification for them that I felt.

The gentleman said that the Labor-HHS bill last year was the only one we got right, and I would only ask, you know, by putting no congressionally directed spending in there, who knows their districts better, who knows the needs of their constituents better, bureaucrats in Washington, D.C., or the people they elect to Congress? To suggest the only reason we put them in there is to gain the votes of a majority of this place to pass a bill, is wrong. To suggest that every congressionally directed spending earmark, as you would say, is wasteful, is wrong.

Now, with the wood utilization program, I want to show you a list, and I will not enter it into the journal because it would take up too much paper, these are the saw mills that have closed since 1998. You can go through here: Alabama; geez, California's had

so many, It is something like 98; Georgia, 18; Idaho, 17; Arizona, 17; Louisiana, 24; Oregon 218. These are the saw mills that have closed since 1998 because we have stopped using and cutting timber.

Because of the Healthy Forest Initiative and because of fire suppression in the past, we have got a lot of stands that are small diameter timber. The days of cutting the old-growth, large trees are pretty much gone. We have to learn how to use small diameter timber, and that is what a lot of how this program is for, is how do we effectively use small diameter timber?

The research that is being done in these programs at I guess 11 different State universities that receive this funding are to help the industry develop products that are used today with the small diameter timber, and there are wood byproducts that occur.

To me, that is an appropriate use of congressional spending, and so I support it and I justify it, and we will see if the majority agrees with you or me.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will repeat again, I think that congressional earmarking has gotten way out of hand, but having said that, I want to challenge the idea that somehow every project that is funded by an agency downtown is pure, and every project selected for funding by a Member of Congress is impure.

I want to give you one example. A few years ago, when Mitch Daniels was still head of OMB, he put out his so-called pork list, and leading the list in an attempt to embarrass me was an attack on a wind sled which I had gotten for Ashland and Bayfield in my district on the shores of Lake Superior.

□ 2000

That water is cold; 40 degrees in the summertime. And the OMB decided that they were going to try to trumpet this project and being an illegitimate use of taxpayer funds, so they described what was wrong with it in their OMB booklet.

There was only one problem. They had the wrong wind sled, they had the wrong model, and they described it as being a pleasure craft. In fact, here is why I got the money for the wind sled in that budget: because the local sheriff called me and told me that he had seen a young boy drown in Lake Superior who went through the ice, and the old device which they had to try to rescue the boy simply did not work. So this boy's parents stood on the shore watching their son drown just 30 or 40 feet away and they could not reach him and neither could anybody else.

So the sheriff asked me if I could please get enough funds to help them provide a decent rescue vehicle for that area, and I got the wind sled, and I am proud I did. And I think that I knew a whole lot more about the facts than the head of OMB sitting on high in his office who was simply trying to skewer a Congressman from the other party, not having the foggiest idea of why we got it or what it was for.

Now, I certainly don't defend every earmark. I have attacked a number of them in my years in this Congress. But if you are going to go after an earmark, it would be useful if you knew enough about it to judge whether or not it is a decent use of taxpayers' money or not. And I can tell you that most of the attacks I have heard on this floor over the past 15 or 20 years have not measured up in terms of knowing what they were talking about.

So I just wanted to tell that little story to illustrate that I agree with the gentleman from Idaho that all of the wisdom in government is not deposited in the agencies. And I would point out that in many instances what you have in an agency is some political appointee sitting down there deciding on project after project after project who is going to get the money, and it is not on the merits; it is on the basis of who has a connection and who has an angle. The only difference is, their process is a whole lot more invisible than the process is up on the Hill.

We ought to have improvements in the process. And if we are in the majority and if I am chairman of the Appropriations Committee, I guarantee you there is going to be a lot more discipline than there is today. But having said that, I do not think it is fair to simply pick out these projects and then move to a generalization that somehow the executive branch is always more qualified to decide what ought to happen in each congressional district.

If we aren't qualified to know at least as much about that as the anonymous bureaucrats downtown, then we indeed don't belong here.

Mr. FLAKE. Mr. Chairman, I yield 1 minute of my time to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I appreciate the gentleman's courtesy, since we are on opposite sides in this debate this evening. But I wanted to follow on something Mr. OBEY said, because I used to work for a former President in the United States and I understand quite a bit about the way OMB operates.

One of the most shocking things I learned as a White House staff member was that you might have somebody in front of you who was the OMB examiner on agriculture this year, and then next year they switch that person to defense or switch them out to another agency, and you find out they do not know the details about anything.

I was shocked that the defense examiners at OMB have nowhere near the experience that the Members of this institution do, and this is really where historical memory and where experience in detail rests.

So I would agree with the gentleman from Wisconsin, we need a lot more sunlight over there on the executive side. We have total sunlight over here. And I have a totally different impression of the OMB as a former White House staff member than I ever did before, when I used to hold them in very high esteem until I realized they did not know the details of many programs. They just shifted them around, and they did not have the kinds of commitment and depth of knowledge that Members of Congress do.

Mr. KINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I thank the gentleman for yielding.

I believe the gentleman from Arizona is really looking for savings in all the wrong places. To take just one example, the Medicare Advisory Commission has pointed out there is $50 billion, with a B, $50 billion in overpayments to Medicare Advantage, HMOs, and PPOs that could easily be drawn back. So that $50 billion is one place to look.

But these funds for scientific research are critically important, and I wanted to describe at the University of Maine the wood utilization project that has been going on there for some significant period of time. It has had a significant effect in the spinoffs of businesses, because the wood composite program, the research that has been done there, married to fiberglass technology and other forms of plastics that I don't understand, has led to a variety of new projects.

I really disagree with the gentleman from Arizona. The public sector and the private sector in this country are intertwined, for good or ill sometimes. But this is a case where we are generating economic development that is very important. I would go beyond that and say with this particular project at the University of Maine, you haven't yet heard about all they are doing, but they are basically making products for the Coast Guard and for the Army that will materially strengthen the ability of our military at home and around the globe.

They have developed a lightweight bridge that is easily transported because it is using these composite materials. And you haven't heard the concept yet of up-armored tents, but that is the next product line. It is going to make our tents in Iraq much safer than they ever have been from IEDs or incoming mortars.

I think it is wrong to all too quickly decide that these research projects, like the one we are discussing today, don't have economic spinoffs or, in this case, security spinoffs that are fundamentally important to this country.

With that, I urge the defeat of the amendment.

Mr. FLAKE. Mr. Chairman, I want to just say to the gentleman from Idaho that I appreciate working with him in this process to reform the earmark process. His insights as a member of the Appropriation Committee have been valuable, and he has agreed that it is a good thing to have Members' names attached to these earmarks.

When people wonder why we are seeking this process now and how we

are to provide oversight, I can tell you that with 450 earmarks in this bill, not one name was attached. That is why it has been a great process here today to see some of the authors, the sponsors of the earmarks come to the floor; otherwise, we wouldn't have known, unless you can find it in a press release somewhere, that they sponsored this legislation.

We are looking for sunlight here. We would like to provide oversight, but it is difficult when we don't even know. We got the report last week. How are we supposed to scrub this?

Let me also say that the executive branch doesn't always spend it wisely. All you have to do is drive through the fields of Arkansas and see those trailers and realize they bungle it often. What I am saying is that we diminish our credibility as those conducting oversight when we insert stipulations like this, when we say you have got to spend money on the Punxsutawney Weather Museum in Pennsylvania, or we have to spend $6 million on wood utilization that we have been doing for almost 20 years and we never seem to get out of.

We diminish our role as the conductors of oversight when we so trivialize this process and ignore the authorization and the oversight function.

Mr. Chairman, I yield back.

The CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Without objection, the Clerk will read the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill, before the short title, insert the following:

SEC. ____. None of the funds made available by this Act may be used to fund the National Grape and Wine Initiative.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

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

Again, this is another example of the Federal Government funding a program that can and is funded by the private sector. I should note here the vision of the initiative says: ''By 2020, the American grape and wine industry will triple its economic impact and become the undisputed world leader in consumer value and sustainability. The target is an economic impact of $150 billion within 16 years. This is based on a conservative estimate of current annual impact of approximately $50 billion a year.''

I would submit that if an industry out there has a $50 billion-a-year impact on the economy, $50 billion, then the Congress need not spend $250,000 for strategic research and a plan to enhance the grape industry's competitiveness and contribution to the U.S. economy.

I can tell you what the contribution is to the U.S. economy. We have been told. It is about $50 billion a year. Yet here we are spending $250,000 for strategic research to enhance the grape industry's competitiveness and contribution.

Again, if we are going to get control on spending, we have to start somewhere. I would submit this is a great place to start.

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

Mr. KINGSTON. Mr. Chairman, I claim the time in opposition, and I yield 2 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Chairman, I thank the gentleman for yielding, and I rise in opposition to this amendment and in support of this initiative.

The grape industry is very, very important to the country, as the gentleman noted; but this program is also very important to the grape industry and to the consumers across this country. Grapes are the sixth largest crop in the United States and the largest specialty crop in the United States.

In the past, wine, wine grapes, raisins, table grapes, and the grape juice industry have all competed for Federal funds. This is funding that does work in regard to pest control and in research for health issues that are important to the American people. Because of this competition factor in the past, oftentimes those funds were spent in ways that were duplicative and were uncoordinated. That is not healthy for the taxpayers, for the industry, or for the American people.

With this initiative, all of those aforementioned industries have come together to ensure that the funding would be coordinated and it would be focused. It would be focused to work to benefit not only all of these industries but all of the American people. Again, this is in research for health care, for health issues, and for pest control.

An example: at UC Davis, some of the work they have been doing under this program has led to some incredibly good developments in combating diabetes. If this amendment were accepted, that program would go away and all of this work would be lost. We shouldn't reduce the funding in this program, and we should all vote against the gentleman's amendment.

Mr. FLAKE. Mr. Chairman, I would simply make the point again: a $50 billion industry I think probably has the means at its disposal to fund this kind of research that we are talking about and could perhaps fill the void.

A $50 billion industry could fill the void of $250,000 that is given back to the taxpayers or spent in another area. If you can find a definition of corporate welfare in the dictionary, this would probably be it. A $50 billion industry, and yet we are giving them $250,000 to have research carried out to enhance the industry's competitiveness and contribution to the U.S. economy.

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

Mr. KINGSTON. Mr. Chairman, I want to say this, and I appreciate what the gentleman from Arizona is doing, because I think that we all need to be accountable for anything that is in the bill or anything we vote on. One of my gripes with the other body is that they keep things in committee, and it is an incumbent protection system.

□ 2015

So I think having the opportunity to come down here and debate and fight for what we believe is important.

I want to point out, last year, our budget passed in the final version out of conference committee 212–214. That is a two-vote margin. So if you put more spending in the budget, it probably would not have passed. If you put less spending in the budget, it probably would not have passed also. It truly was a balance between those who wanted to spend more and those who wanted to spend less. And there are a lot who want to spend less.

However, politics is the reality of the possible or the passable. What you have sometimes is budgets that are hard to justify. I remember Mr. OBEY telling a good story about something called the soldier fly. Down in the area I represent, there is a lot of agriculture. There are a lot of chicken growers, and chicken growers have chickens in hen houses. But, unfortunately, or fortunately, in a lot of rural areas, it has turned urban. And what do chickens have? Chickens have flies. They have blue flies. People build houses, and then the first thing they do is complain about the flies coming from the chicken houses. And the farmers were there first, but it does not matter.

Well, enter the soldier fly. The soldier fly comes in, Mr. Chairman, like a big hero and eats the blue flies; solves the problems for the farmer, solves the problem for the homeowners in rural areas. And this is a big economic issue, getting rid of the flies in chicken houses.

Well, we want to know, what can you do to foster more soldier flies? And so you study soldier flies. It is a nontoxic way to take care of pollution, but of course, it is great fodder for Reader's Digest to say they are studying the mating habits of soldier flies, which is not necessarily true.

But having the opportunity to come out here, and it was not an earmark, but to come out here and have an opportunity to debate things is good. I think it is a healthy exercise. But I want to say this as a committee member: When things are in the budget, and this budget, as you know, is down 8 percent from last year and that Member priorities are down $35 million, you

are under budget. And what somebody in California agriculture or somebody from Ohio agriculture supports may be different from what people in, say, Georgia support. But the overall goal is within the budget.

This year we have only passed a budget on the House side by a mere I believe 7 or 6 votes. So we are all walking that balance.

But I want to say I urge a ''no'' vote on this amendment, but I do like this process. I also want to say on behalf of the Appropriations Committee members, we do favor earmark reform. But we also believe when you have things like the Bridge to Nowhere that don't come from an appropriation bill, you have to open up the process to all of the other committees as well.

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

Mr. FLAKE. Mr. Chairman, I yield myself the balance of my time.

I want to thank Members for their indulgence. I know it is not easy to sit through so many amendments in a row. I appreciated this process, for one actually to see and hear people defend their earmark on the floor. That is something which has been missing. As I mentioned, you see 415 projects in the report; no description really of them, and no Members' name attached. You could not call them and ask, what is this about? So the only way you can do that is come to the floor and do what we just did.

I would submit that we need to do a lot more of it, and we need to get back to authorization, appropriation and oversight. Let me say again, when we are spending money like this, then we seem to have money to throw around, and I would submit that the average taxpayer in California or Oregon or Arizona or anywhere would look at this and say, why are we taking my hard-earned money and spending it to give $250,000 to the grape and wine industry that means about $50 billion to the U.S. economy? That is not a prudent use of taxpayer resources.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by Mr. GARRETT of New Jersey.

Amendment by Mr. FLAKE of Arizona regarding dairy education.

Amendment by Mr. FLAKE of Arizona regarding hydroponic tomato production.

Amendment by Mr. FLAKE of Arizona regarding grape and wine initiative.

Pursuant to the order of the House of today, the Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 266, noes 153, not voting 13, as follows:

[Roll No. 189]

AYES—266

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Cramer
Crenshaw
Cubin
Culberson
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Dent
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Etheridge
Everett
Feeney
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hyde
Inglis (SC)
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—153

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (IL)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
Eshoo
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kaptur
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Larsen (WA)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller, George
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Porter
Rangel
Reyes
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Solis
Stark
Strickland
Stupak
Tauscher
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—13

Brown, Corrine
Brown-Waite, Ginny
Davis (FL)
DeLay
Evans
Hunter
Issa
Jefferson
Kennedy (RI)
Larson (CT)
Payne
Snyder
Taylor (NC)

□ 2046

Ms. ROYBAL-ALLARD and Messrs. BRADY of Pennsylvania, MEEK of

Florida, FATTAH and GUTIERREZ changed their vote from ''aye'' to ''no.''

Mrs. DAVIS of California and Ms. HOOLEY and Messrs. LAHOOD, COOPER, KIND, GERLACH, POMEROY and LYNCH changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, on rollcall No. 189 my card did not register for the second time. I voted "aye" but it did not register.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding dairy education on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 92, noes 325, not voting 15, as follows:

[Roll No. 190]

AYES—92

Akin
Andrews
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Bilirakis
Blackburn
Blumenauer
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Buyer
Campbell (CA)
Castle
Chabot
Chocola
Coble
Cooper
Cubin
Davis, Jo Ann
Davis, Tom
Deal (GA)
Doggett
Duncan
Ehlers
Eshoo
Everett
Feeney
Ferguson
Flake
Ford
Fossella
Frank (MA)
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Green (WI)
Gutknecht
Harris
Hayworth
Hefley
Hensarling
Holt
Inglis (SC)
Jindal
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kline
Lewis (KY)
Lofgren, Zoe
Mack
Marchant
Matheson
McHenry
Meehan
Miller (FL)
Miller, Gary
Myrick
Norwood
Otter
Owens
Pallone
Paul
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Ramstad
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Shaw
Smith (WA)
Stearns
Sullivan
Tancredo
Tiberi
Udall (CO)
Van Hollen
Westmoreland
Whitfield

NOES—325

Abercrombie
Aderholt
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Edwards
Emanuel
Emerson
Engel
English (PA)
Etheridge
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Foxx
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Oxley
Pascrell
Pastor
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (NM)
Upton
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Ackerman
Brown, Corrine
Cantor
Davis (FL)
Evans
Higgins
Hunter
Issa
Jefferson
Kennedy (RI)
Larson (CT)
McMorris
Payne
Snyder
Taylor (NC)

□ 2050

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding hydroponic tomato production on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 90, noes 328, not voting 14, as follows:

[Roll No. 191]

AYES—90

Akin
Barrett (SC)
Bartlett (MD)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Campbell (CA)
Chabot
Chocola
Coble
Cooper
Cubin
Davis, Jo Ann
Davis, Tom
Deal (GA)
Doggett
Duncan
Ehlers
Eshoo
Everett
Feeney
Ferguson
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Gerlach
Gibbons
Gohmert
Green (WI)
Gutknecht
Harris
Hayworth
Hefley
Hensarling
Inglis (SC)
Jindal
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kline
Lewis (KY)
Lofgren, Zoe
Lungren, Daniel E.
Mack
Maloney
Matheson
McHenry
Miller (FL)
Miller, Gary
Myrick
Norwood
Otter
Paul
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Ramstad
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Smith (WA)
Stearns
Sullivan
Tancredo
Taylor (MS)
Terry
Tiberi
Velázquez
Westmoreland
Whitfield

NOES—328

Abercrombie
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Barton (TX)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Burgess
Butterfield
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson

Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Edwards
Emanuel
Emerson
Engel
English (PA)
Etheridge
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lynch
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Ackerman
Brown, Corrine
Davis (FL)
Evans
Gingrey
Hunter
Issa
Jefferson
Kennedy (RI)
Larson (CT)
McMorris
Payne
Snyder
Taylor (NC)

□ 2054

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding grape and wine initiative on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 87, noes 328, not voting 17, as follows:

[Roll No. 192]

AYES—87

Akin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Bradley (NH)
Brown-Waite, Ginny
Buyer
Campbell (CA)
Castle
Chabot
Chocola
Coble
Cooper
Cubin
Davis, Jo Ann
Davis, Tom
Deal (GA)
Duncan
Ehlers
Everett
Feeney
Ferguson
Flake
Fossella
Frank (MA)
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Green (WI)
Gutknecht
Harris
Hayworth
Hefley
Hensarling
Inglis (SC)
Istook
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kline
Lewis (KY)
Mack
Marchant
Matheson
McHenry
McMorris
Miller (FL)
Myrick
Norwood
Obey
Otter
Paul
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Ramstad
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Shays
Smith (WA)
Sodrel
Stearns
Sullivan
Tancredo
Tiberi
Westmoreland
Whitfield

NOES—328

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Foxx
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pombo
Pomeroy
Porter
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Brown, Corrine
Davis (FL)
Evans
Fattah
Hunter
Issa
Jefferson
Kennedy (RI)
Larson (CT)
Neal (MA)
Payne
Pickering
Rush
Snyder
Taylor (NC)
Van Hollen
Waters

□ 2058

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. VAN HOLLEN. Mr. Chairman, on rollcall No. 192, I was unavoidably detained. Had I been present, I would have voted "yes."

The CHAIRMAN. The Clerk will read the last three lines.

The Clerk read as follows:

This Act may be cited as the ''Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2007''.

□ 2100

Mr. BONILLA. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BASS) having assumed the chair, Mr. RYAN of Wisconsin, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 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, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Pursuant to House Resolution 830, the previous question is ordered.

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that the amendment by the gentleman from New York (Mr. ENGEL) be considered to have been adopted in the Committee of the Whole with the modifications I have placed at the desk.

The SPEAKER pro tempore. The Clerk will report the modification.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC.—. None of the funds made available in this Act may be used in contravention of section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212).

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

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 378, nays 46, not voting 8, as follows:

[Roll No. 193]

YEAS—378

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Beauprez
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
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)
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—46

Baldwin
Bass
Bean
Biggert
Blackburn
Blumenauer
Bradley (NH)
Capuano
Conyers
DeFazio
Delahunt
Doggett
Doyle
Feeney
Ferguson
Flake
Fossella
Frank (MA)
Franks (AZ)
Gibbons
Green (WI)
Hayworth
Hefley
Hensarling
Kanjorski
Kind
Lee
Markey
Matheson
Meehan
Miller, George
Moran (VA)
Oberstar
Obey
Owens
Paul
Petri
Price (GA)
Rohrabacher
Ryan (WI)
Sensenbrenner
Shadegg
Shays
Stark
Stearns
Tancredo

NOT VOTING—8

Brown, Corrine
Davis (FL)
Evans
Jefferson
Kennedy (RI)
Larson (CT)
Payne
Snyder

□ 2117

So 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. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the RECORD and regret that I could not be present today, Tuesday, May 23, 2006 to vote on rollcall vote Nos. 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, and 193 due to a family medical emergency.

Had I been present, I would have voted:

''No'' on rollcall vote No. 179 on calling the previous question on H. Res. 830—the rule providing for consideration of H.R. 5384—Department of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for fiscal year 2007; ''no'' on rollcall vote No. 180 on passage of H. Res. 830—the rule providing for consideration of H.R. 5384—Department of Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for fiscal year 2007; ''yea'' on rollcall vote No. 181 on suspending the rules and agreeing to H.R. 4681—the Palestinian Anti-Terrorism of 2006; ''yea'' on rollcall vote No. 182 on an amendment to H.R. 5384 to increase funding for Animal and Plant

Health Inspection Service by $23 million to fight invasive species; ''yea'' on rollcall vote No. 183 on an amendment to H.R. 5384 to increase funding for Animal and Plant Health Inspection Service by $500,000 to fight Bovine Tuberculosis; ''no'' on rollcall vote No. 184 on an amendment to H.R. 5384 to prohibit funds from being used to implement the National Animal Identification System; ''no'' on rollcall vote No. 185 on an amendment to H.R. 5384 to prohibit funds from being used to implement the Market Access Program, an agricultural export program; ''no'' on rollcall vote No. 186 on an amendment to H.R. 5384 to reduce funding in the bill by 1 percent; ''no'' on rollcall vote No. 187 on an amendment to H.R. 5384 to reduce funding for the Sugar Loan Program by 6 percent; ''no'' on rollcall vote No. 188 on an amendment to H.R. 5384 to reduce funding for the Agriculture Research Services building and facilities account by $65.3 million and the Cooperative State Research, Education, and Extension Services by $16.7 million; ''no'' on rollcall vote No. 189 on an amendment to H.R. 5384 to prohibit the use of funds for expenditures in contravention of the Immigration and Nationality Act; ''no'' on rollcall vote No. 190 on an amendment to H.R. 5384 to strike $229,000 in funding for dairy education in Iowa; ''no'' on rollcall vote No. 191 on an amendment to H.R. 5384 to strike $180,000 in funding for hydroponic tomato production in Ohio; ''no'' on rollcall vote No. 192 on an amendment to H.R. 5384 to strike $100,000 in funding for the National Grape and Wine Initiative in California; ''yea'' on rollcall vote No. 193 on final passage of H.R. 5384—Department of Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for fiscal year 2007.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5384, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 5384, the Clerk be authorized to make technical corrections and conforming changes to the bill.

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

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate disagrees to the amendments of the House of Representatives to the bill (S. 2349) ''An Act to provide greater transparency in the legislative process,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LOTT, Mr. STEVENS, Mr. MCCONNELL, Mr. DODD, and Mr. INOUYE, to be the conferees on the part of the Senate.

PROVIDING FOR CONSIDERATION OF H.R. 5427, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2007

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 109–479) on the resolution (H. Res. 832) providing for consideration of the bill (H.R. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the House Calendar and ordered to be printed.

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 832 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 832

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except for section 102. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The question is, Will the House now consider the resolution?

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

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

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

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 832 is an open rule providing 1 hour of general debate 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 H.R. 5427, The Energy and Water Development Appropriations Act of 2007. Under the rules of the House, the bill shall be read for amendment by paragraph.

House Resolution 832 waives points of order against provisions of 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 preprinted their amendments in the CONGRESSIONAL RECORD and provides one motion to recommit with or without instructions.

The House Rules Committee reported by voice vote an open rule for consideration of H.R. 5427, The Energy and Water Development Appropriations Act of 2007. The underlying bill provides over $30 billion to the Corps of Engineers, the Department of Energy, the Department of the Interior's Bureau of Reclamation and several independent agencies.

The underlying bill provides nearly $5 billion to support vigorous civil works programs that focus limited resources on completing high-priority projects. The Department of Energy constitutes the bulk of the bill with funding of over $24.3 billion. Included in the Department of Energy's budget is over $4 billion for the American Competitiveness Initiative to strengthen basic research by increasing funding for the Department of Energy's Office of Science.

The bill also supports the Advanced Energy Initiative by increasing money for a variety of clean energy technologies including biomass, hydrogen, solar, wind, and clean coal.

Mr. Speaker, this bill also includes funding important many projects in my central Washington district. After getting the Bureau of Reclamation engaged in funding solutions for the depletion of the Odessa Subaquifer 2 years ago, I am pleased that this bill continues the effort to ensure the Federal Government keeps its commitment to the Columbia Basin farmers at risk of losing their water supply.

For the fifth straight year, I am pleased that the funds are provided to keep the study of additional water storage in the Yakima River Basin moving forward towards completion. 2007 is a critical year for this study and this gives the Bureau the funds needed to keep it on schedule to get the study done by 2008.

Having authored the law that created the study, I am dedicated to ensuring it stays on course. No storage has been built in this Yakima River Basin since

the mid-1930s. And after several serious droughts in the last 5 years, it is vital that this study provide answers on more storage.

Over $24 million is provided for 2007 to ensure 1,000 Federal lab scientists and workers continue their important work at the Pacific Northwest National Lab. The funds are needed to transition the lab personnel into new lab buildings. Some lab buildings dating back to the mid-1940s are slated for demolition and cleanup due to radioactive contamination of the structures, soil and ground water. With coordination and planning, this transition can possibly be accomplished in a manner that could save the taxpayers over $100 million.

Within the Department of Energy, the Office of Environmental Management is responsible for the cleanup at the Nation's nuclear sites. The largest and most contaminated of these sites is Hanford in my district. This bill provides needed Hanford cleanup funds for the River Corridor Closure project, the K Basins and other projects managed by the Richland Operations Office. An increase of $20 million is provided for ground water contamination cleanup and technology development.

At Hanford's Office of River Protection, $20 million is restored to the tank farm budget for the bulk vit demonstration project. This funding is necessary for DOE to confirm alternative treatments for millions of gallons of hazardous and radioactive tank waste.

Mr. Speaker, the largest component of Hanford's budget is the waste treatment plant. This project is critical to the Federal Government's obligation to uphold its legal cleanup commitments to the State of Washington. For well over a year this project has been undergoing extensive review by the Department of Energy, the Army Corps of Engineers, and GAO.

In addition, an independent group of the Nation's best and brightest nuclear and construction experts have been looking into the project's technical issues and estimates of the projects costs and schedule. These reviews are providing both recommendations and validations that will assist the Department of Energy in setting a path forward for this project.

It is my hope, Mr. Speaker, and expectation that DOE will provide a detailed plan for the waste treatment plant before Congress writes a final conference report on the energy and water appropriations act for this year. A final path forward from DOE is critical for making decisions on this project for next year and for the future.

Mr. Speaker, I cannot stress enough the importance of Congress getting this information from DOE in a timely manner.

I also want to thank the subcommittee chairman and the ranking member for the time and attention they have dedicated to the waste treatment facility, specifically into preparing a bill that enjoyed strong bipartisan support in the subcommittee and full Appropriations Committee.

Mr. Speaker, House Resolution 832 is an open rule that gives all Members a chance to express their views on how our Nation should be prioritizing its spending. I urge my colleagues to support the rule and the underlying bill.

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

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Washington for yielding me this time. I yield myself such time as I may consume.

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

Ms. MATSUI. Mr. Speaker, today we consider the rule governing debate for the energy and water appropriations bill. The issues of energy and water are always important, but this year these issues are front and center of our national dialogue.

Over the past 9 months, the American people have seen the direct impact of water infrastructure on their day-to-day lives, from Hurricane Katrina's devastation of New Orleans and the gulf coast to the worst flooding the New England States have experienced in 70 years, and just this week NOAA announced the upcoming hurricane season will bring an increase in strong storms reaching land, category 3 and above.

In our communities, in our States, and every region of our country we are seeing the importance of flood protection. But we are also witnessing the growing strain on our already fragile water infrastructure. Yet even with this added pressure, our Nation's civil works programs do not see a corresponding increase in funding. These projects provide critical protections and we need to make investing in them a priority.

On repeated occasions you have heard me discuss the critical need to improve flood protection in my hometown of Sacramento.

□ 2130

In terms of lives and property, I recognize what is at stake. Sacramento has the dubious distinction of being the most at-risk river city in the Nation. I certainly understand the heightened concern that arrives with each rainfall. This year, our region has experienced an especially wet winter and wet spring. Each year we delay making these necessary investments is one more year of wondering what Mother Nature will bring.

Members of the committee attempted to make the most with its limited resources. They did improve on the President's budget. However, as Appropriations Committee Ranking Member OBEY and Energy and Water Subcommittee Ranking Member Visclosky rightly pointed out, we still need an additional $250 million to protect vulnerable areas from flooding.

With these funds, the Army Corps of Engineers could speed up construction on a number of flood protection projects across the country. Additionally, they would be able to provide some support to the operation and maintenance of completed projects, as well as restore the Corps' research and development program.

As a Nation, we are at a crossroads. We can continue in a defensive position, responding to Mother Nature's whims as in New Orleans and recent storms in the northeast, or we can take the offensive, working to strengthen and reinforce our Nation's water infrastructure.

In my view, we must seek out opportunities like this to be proactive and not reactive, as Congress is beginning to do in science and investing in renewable energy sources.

I was pleased that the committee increased funding from last year's level for the Department of Energy's Office of Science. This will fund basic energy research, nuclear physics, as well as biological and environmental sciences. A 15 percent increase is a good start, but if we truly want to reverse the trend of the past few years, we need to make a greater investment in science and research and development.

I was home in Sacramento this past weekend and everyone was talking about rising gas and energy prices. The net effect for working families is perhaps a shorter vacation and perhaps not eating out at a restaurant. Escalating energy prices threaten not only the quality of life and pocketbook of every American but the very stability of our national economy.

We must do more as a Nation to develop energy alternatives. I believe that America must modernize its energy policy to decrease this Nation's dependence on foreign sources of oil and preserve the environment. To accomplish this, Congress must develop a strategic and forward-looking energy plan that places a high priority on new research into renewable fuels and greater energy efficiency.

Unfortunately, the programs this bill cut are the exact programs necessary to develop a national renewable energy portfolio for the 21st century. There are drastic reductions in funding for wind, solar and geothermal programs, some of the programs that must be grown if we are ever going to curb our reliance on oil. I am concerned that we are missing an opportunity to expand our energy alternatives.

As much as this Energy and Water Appropriations bill is about funding current needs, it is also about investing in the future. While I think the committee tried to the best of their abilities to do this, in the end, the tight funding constraints limited their ability to strike the necessary balance.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Utah (Mr. BISHOP), my colleague on the Rules Committee.

Mr. BISHOP of Utah. Mr. Speaker, I rise this evening in support of the rule for the Energy and Water Appropriations Act.

I wish to commend Chairman HOBSON and the subcommittee for crafting in a very bipartisan way an excellent bill. This bill does contain funding for water and resource-related projects in my district and my State, and I think that it is very wise of them, but it also deals with one specific issue I wish to address this evening.

Chairman HOBSON has recognized in this bill the importance of having a very strong nuclear power program in the United States. As Americans continue to face the increasing costs of energy, nuclear power is an important part of our overall energy policy. Chairman HOBSON has craftily connected the concept of interim storage with reprocessing of fuel rods, recognizing that spent fuel rods really are not spent at all. The overwhelming majority of the rod is still fuel that is available, and through reprocessing of the spent fuel rods, we can not only create greater energy, but we will significantly reduce the problem of a waste stream.

During last year's debate, I engaged Chairman HOBSON on the floor in a colloquy on this issue. He said at that time: ''I do not see any reason for the Secretary to consider making a private site, or a site on tribal land, into a DOE site for interim storage. My intent is for the Secretary to evaluate storage options at existing DOE sites.''

I appreciate very much that his subcommittee has taken these words to heart and has crafted in this bill a process which ensures that the interim storage of nuclear waste will be done in conjunction with willing partners.

Specifically in this bill, there are some additional criteria for interim storage in the report language. It talks about the department, and it says they will ''explore consolidation of spent fuel within States with high volumes of spent fuel. The Department should conduct a voluntary, competitive process to select interim storage sites.''

The key word here obviously is the word ''voluntary.'' Chairman HOBSON added this important phrase and clearly understands that it is far wiser and better to voluntarily work with States than to try to impose mandates on States. That not only protects the rights and positions of States in our Federal State, but it is clearly a wiser policy of choice.

This bill reinforces the statements and the commitments that the chairman has made on this issue, this year, last year and repeatedly in other venues, and I appreciate him doing that. State and local officials in my State, military in my State, environmental groups and citizens in my State are encouraged with these particular words.

Once again, I would like to express my appreciation to Chairman HOBSON and the entire subcommittee, both sides of the aisle, for protecting what I consider to be in an important way the citizens of my State and ensuring that State and local interests are paramount in this particular process. I think you have done a fine job, and I am proud to speak in favor of this particular bill and especially the rule which will put it before us.

Ms. MATSUI. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. VISCLOSKY).

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

Mr. VISCLOSKY. Mr. Speaker, I appreciate the gentlewoman yielding and her kind remarks and also at the outset would congratulate the gentleman from Washington for his leadership and dogged determination to follow through on very complicated issues relative to Hanford, not only on behalf of the constituents he represents in his district or the State of Washington, but to make sure that we in a timely fashion have a solution to a national problem, and I do respect the gentleman's leadership.

Mr. Speaker, the Energy and Water bill that will be before us tomorrow is an excellent bill, and Mr. HOBSON and the members of the subcommittee have done an exceptional job on it. I will be strongly supporting the bill. However, I rise now because it simply does not do enough, given the restricted allocation that the subcommittee had to deal with.

That is why I am asking my colleagues to defeat the previous question on the rule so that I may offer an amendment to the Energy and Water Development Appropriation bill. Last week, in the full Appropriations Committee, Mr. OBEY proposed an alternative set of 302(b) allocations that include $1 billion more for the Energy and Water bill. My amendment would propose that the same increase to this bill be given and show how the Democratic Members of the House would allocate the additional spending.

Over 25 years ago, during the Carter administration, the country faced a major energy crisis. The Congress responded aggressively. Today, I believe our response is a faint shadow of what had been done previously. Today, our spending levels for research and development and demonstration for fossil fuels, renewable energy sources and conservation are about one-quarter of what they were then. The amendment would provide an additional $750 million across these areas.

Some examples of this increased investment in energy innovation are:

A doubling of funding for biofuels and biorefineries so that researchers can pursue the full range of biomass technologies and develop new ones;

Provide the Clean Coal Program with enough funding so that they can issue the next major solicitation of innovative proposals for making better use of this abundant domestic energy source;

To restore funding for petroleum, natural gas and geothermal technology programs for which the administration and the bill provide virtually no funds;

Increase support for developing the full range of conservation technologies;

Weatherization for an additional 30,000 homes in the year 2007, next year, providing immediate energy savings;

The establishment of a DARPA-like program in DOE for advanced energy research projects to stimulate innovation that can change the paradigms for how we obtain and use energy, much as DARPA investments in networking help create the Internet.

Relative to our water infrastructure, Hurricane Katrina was a wake-up call, and while we are providing much funding for this stricken area, flood protection is needed in many other areas of our country. The amendment would also provide $250 million more to accelerate needed improvements to flood control measures around the country. It would also increase operation and maintenance funding for two regions and partially restore the cuts to the R and D program for the Army Corps of Engineers.

Our country needs this $1 billion increase to this year's investments to ensure our future safety and prosperity. Given that there will be additional needs in the future, I would not borrow the money for these investments from our children and grandchildren. So they must be paid for now, and to do that, the amendment would provide that those making in excess of $1 million in 2007 give up 2.42 percent of the tax cuts provided to them since 2000. I think the country will miss these investments in our common good more than the most prosperous among us will miss two-tenths of their ample income.

Mr. Speaker, I had hoped that my proposal would have been made in order under the rule. I ask my colleagues to defeat the previous question so that this amendment can be debated and voted upon by the full House.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I, first of all, want to thank the ranking member for his kind words, and I also want to thank him and the chairman of the subcommittee a little broader because they have taken a great deal of interest in the Hanford project. Both of them have been out there at least once in the past several years, and other Members of the subcommittee have visited that, and I want to bring that to the House's attention because the one common denominator I hear when people go out and visit the Hanford site is, I had no idea it was that huge and that complex. I think that understanding helps us move forward.

But I do want to reiterate and I do hope the Department of Energy does come forward with their path before we finally get the final conference report. I think that it is important.

Having said that, on the Rules Committee, we did not make the gentleman's amendment in order because it

calls for raising taxes, and that is a province of the Ways and Means Committee, and obviously, they do want to keep that jurisdiction. We did not provide the waiver, and therefore, that amendment was not made in order.

I also mention, too, the amendment was offered during the markup in the full Appropriations Committee, and it was defeated by the Appropriations Committee.

So I appreciate the gentleman's remarks, but I just wanted to make those observations.

Mr. Speaker, I reserve my time.

Ms. MATSUI. Mr. Speaker, I would just like to make some comments also that I appreciate Chairman HOBSON and Ranking Member VISCLOSKY for working with me on my project in Sacramento. That is much appreciated.

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, let me say that I think in general, within the spectacularly inadequate allocation provided the subcommittee, that Mr. HOBSON and Mr. VISCLOSKY have done a very credible job on this bill, and I especially appreciate the way Mr. HOBSON has approached this bill on a bipartisan basis.

Having said that, I would hope that Members would vote against the previous question on the rule. As Mr. VISCLOSKY pointed out, for the 25 years since Jimmy Carter left office, this country has been in a listless drift as far as energy policy is concerned. Energy conservation, energy research programs, have been funded at woefully low levels in comparison to where they were during the high point of Jimmy Carter's presidency.

The problem is that, after Carter left office, his successors, especially Mr. Reagan and Mr. Bush, systematically shrank those budgets in real terms, and so today, we are paying the price in terms of scarce energy and high energy prices.

We have some choices to make. The Congress has already determined this year, the majority party has, that it is important this year to provide $40 billion in supersized tax cuts to people who make over $1 million a year.

□ 2145

In contrast, Mr. VISCLOSKY would offer an amendment which would scale back the size of those tax cuts by 2½ percent and use that money instead to make greater investments totaling $1 billion more than the bill contains for flood control projects and especially for energy conservation and energy development programs.

If we had done that over the past 25 years, if we had simply kept up with what Jimmy Carter had asked us to do while he was President, we would be in a far more secure place as a Nation tonight and we would have a far more stable pricing system for energy, and we would be much further along the way toward protecting Mother Earth from the ravages of global warming.

So I would hope that the House would vote against the previous question so that we would have an opportunity to resurrect the Visclosky amendment. I do believe that it is important to ask the question: What is more valuable to the country's future, stronger levees in our communities, stronger flood control projects, an energy policy that puts us ahead of the curve rather than at the mercy of OPEC, or an even easier Easy Street for the most well-off people in this society?

I think the choice is obvious.

Mr. HASTINGS of Washington. Mr. Speaker, I advise my friend from California I have no more requests for time, so I will reserve my time.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, I thank the gentlewoman, and I rise to oppose this rule, and I must express my very deep concern with the underlying bill.

Despite the very best efforts of many of my colleagues, this bill remains a broken promise on the most critical issues that we confront, specifically renewable energy. The gentleman from Indiana is absolutely correct, we need to do much more than we are doing in this bill on renewable energy.

Let me tell you why this is so critical, Mr. Speaker. This year, the Department of Defense will spend $10 billion on its basic energy bill. Of that $10 billion, $4.7 billion will buy one thing: fuel for the Air Force planes. That $4.7 billion is about what we are going to spend for the National Cancer Institute.

We need renewable energies, Mr. Speaker, not just for our environment, not just to bring gas prices down, but as a matter of national security. What could be more dysfunctional than having to borrow money from China in order to buy oil from our Persian Gulf adversaries in order to fuel airplanes to protect us from China and our Persian Gulf adversaries?

On renewable energies, this bill, as it is currently drafted, falls short. Last July, we passed an energy bill, and many of us printed press releases patting ourselves on the back for this sweeping new investment in renewable energy. Those press releases promised $3.3 billion would be spent on renewable energies this year alone, $3.3 billion authorized for research, development, and deployment of renewable energy. But when it comes time to actually sign the check, the check doesn't say $3.3 billion, it says $1.3 billion. That is $2 billion short.

This is like No Child Left Behind all over again. You promise to pay high, you actually pay low. In this case, it is not Leave No Child Behind; pit is Leave No Barrel of Oil Behind.

Mr. Speaker, I understand that the argument can be made, and I respect the argument, that many renewable technologies did receive increases over last year. Many specific accounts for renewable energy, research and development did receive increases over last year's levels. But only in Washington can a $2 billion shortfall be called an increase.

Try that logic with your utility company. When the bill comes, try saying I know I was going to pay $100, $150, but what I really meant to say was, I am giving you $15. No utility company would let you get away with it, and the Congress shouldn't allow that to be gotten away with.

The bottom line, Mr. Speaker, is the bottom line. And if we are truly serious about ending our dependence on foreign oil and strengthening our military, we would not be shortchanging this bill. I hope that the gentleman's efforts prevail. I hope that this Congress will have an opportunity to put our money where our mouths are when it comes to renewable energy, not just as an environmental issue, not just to get gas prices down, but to make sure our military has the capabilities to defeat our enemies around the world.

Mr. HASTINGS of Washington. Mr. Speaker, I continue to reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I am prepared to close.

Mr. Speaker, I will be calling for a ''no'' vote on the previous question. If the previous question is defeated, I will amend the rule so that we can consider the Visclosky amendment that was rejected in the Rules Committee tonight on a straight party-line vote.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous material immediately prior to the vote.

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

There was no objection.

Ms. MATSUI. Mr. Speaker, the Visclosky amendment would provide $250 million for a number of ongoing flood projects that are not funded in the bill. It also adds $750 million for research into alternative sources of energy, such as coal, ethanol, and biodiesel, that would reduce or eliminate our dependence on foreign oil. The spending increase in the Visclosky amendment is offset by reducing by 2.4 percent the tax cut received by people earning more than $1 million a year.

Mr. Speaker, this amendment deals with two urgent national priorities. It puts our money where our mouth is when we say our country needs to diversify our energy supply, increase energy efficiency, and reduce our addiction to foreign oil. With the hurricane season approaching, it puts more resources into the major flood control projects that would protect our property and our lives.

Mr. Speaker, it is important for Members to know that a ''no'' vote will not prevent us from considering the energy and water appropriation bill under an open rule. But a ''no'' vote will allow Members to vote on the Visclosky amendment.

Vote ''no'' on the previous question.

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

Mr. HASTINGS of Washington. Mr. Speaker, I would urge my colleagues to vote ''yes'' on the previous question and ''yes'' on the resolution.

This is a fair rule. It is an open rule and allows Members to come down to the floor and prioritize and reprioritize the spending under the jurisdiction of the Energy and Water Subcommittee.

The material previously referred to by Ms. MATSUI is as follows:

PREVIOUS QUESTION FOR H. RES.____, RULE FOR H.R. 5427 THE ENERGY & WATER APPROPRIATIONS FOR FY 2007

At the end of the resolution, add the following new sections:

SEC. 2. Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order without intervention of any point of order and before any other amendment if offered by Representative Visclosky of Indiana or a designee. The amendment is not subject to amendment except for pro forma amendments or to a demand for a division of the question in the committee of the whole or in the House.

SEC. 3. The amendment referred to in section 2 is as follows:

AMENDMENT TO ENERGY AND WATER APPROPRIATIONS BILL, 2007 OFFERED BY MR. VISCLOSKY OF INDIANA

Page 2, line 20, strike ''$128,000,000'' and insert ''$132,000,000''.

Page 3, line 12, strike ''$1,947,171,000'' and insert ''$2,175,171,000''.

Page 6, line 10, strike ''$2,195,471,000'' and insert ''$2,213,471,000''.

Page 6, line 14, strike ''$297,043,000'' and insert ''$306,043,000''.

Page 7, line 3, strike ''$141,113,000'' and insert ''$150,113,000''.

Page 21, line 5, strike ''$2,025,527,000'' and insert ''$2,525,527,000''.

Page 21, line 6, before the period, insert the following: '', of which not less than $150,000,000 shall be for funding new advanced energy research''.

Page 22, line 1, strike ''$558,204,000'' and insert ''$808,204,000''.

Page 22, line 2, strike ''$54,000,000'' and insert ''$80,000,000''.

Page 22, line 13, strike ''$36,400,000'' and insert ''$200,400,000''.

At the end of title V, insert the following:

SEC. ____. In the case of taxpayers with income in excess of $1,000,000, for the calendar year beginning in 2007, the amount of tax reduction resulting from enactment of Public Law 107–16, Public Law 108–27 and Public Law 108–311 shall be reduced by 2.42 percent.

Mr. HASTINGS of Washington. Mr. Speaker, I urge my colleagues to vote for the previous question, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. MATSUI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

REPUBLICAN TAX CUT MONOPOLY

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

Mr. BROWN of Ohio. Mr. Speaker, the Republican-controlled Congress recently passed a tax bill which President Bush signed saying, ''With this bill, we are sending the American people a clear message about our policy.''

I couldn't agree more. This bill makes America's tax policy into a cruel game of Monopoly designed to make winners of the super-rich and losers of America's working middle class.

Under their tax scheme, working middle-class families get the chance card and don't fair so well under the Republican bill. They get about $20. Not enough to fill their gas tanks. But trust fund millionaires with an average income of more than $5 million draw the community chest card. They get $82,000. Enough for a brand new limousine.

The President was right: the Republican tax bill does send a clear message about their policy: millionaires win, working middle-class families lose, and America needs new leadership.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. JINDAL). 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 California (Mr. HUNTER) is recognized for 5 minutes.

(Mr. HUNTER 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.)

WHY WE ARE THERE

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. WOOLSEY. Mr. Speaker, the Secretary of State was on the talk show circuit this past weekend and said something extraordinary about the reason we invaded Iraq. These are Secretary Rice's words: ''I understand that Americans see violence on their screens. They continue to see Americans killed. But I would ask that people remember why we are there.''

Secretary Rice continued: ''We are there because having overthrown a brutal dictator who was a destabilizing force in the Middle East, we are trying to help the Iraqis create a stable foundation for democracy and a stable foundation for peace.''

I would have liked to have seen Ms. Rice and the rest of the Bush national security team come before the Congress, the American people, and the world community with this argument in late 2002 and early 2003. My guess is they would have gotten roughly 25 votes in this body to authorize the President to go to war. Actually, they didn't get mine, or two-thirds of the Democrats; but they got enough votes to go to war.

But, of course, the Republicans were too smart for that. To make their case for war, they needed something that would scare the pants off everyone in this Congress and in this country. So we heard a lot of tall tales about aluminum tubes, uranium from Niger, and reconstituted nuclear weapons. Secretary Rice herself engaged in the ultimate fear mongering when she said, ''We don't want the smoking gun to be a mushroom cloud.''

When it came time to close the sale, they sent Ms. Rice's predecessor, Colin Powell, to the U.N., not to talk about how cruel Saddam Hussein had been to his own people, but to specifically outline the case, the phony case as its turned out, that Saddam Hussein had weapons of mass destruction and posed a direct threat to our national security.

Dictators are undoubtedly bad and democracy is undoubtedly good, but can we afford to spend $300 billion and march 2,500 Americans off to their deaths every time we spot a bad, undemocratic regime? Taken to its logical extreme, this policy would commit us to military occupations in every corner of the globe, something that, to say the least, we don't have the resources or the appetite to do.

Isn't there a better way to spread freedom? Of course there is.

We can and must have a robust democracy-promotion agenda that invests in the hopes of oppressed people, one that lifts their spirits instead of tearing down their countries.

The SMART Security plan that I have proposed includes an ambitious investment in democracy-building, the kind that would establish rule of law, civil society, a free press and independent judiciaries around the world.

Unfortunately, as I have discussed here many times over, the Bush administration is scaling back funding for exactly these kinds of efforts. Step number one is to bring our troops home. Now, for sure, right now. No permanent military bases, no designs on profiting from Iraqi oil.

Let us work with the global community to establish a multilateral security force that can keep Iraq stable in the short term. Let us lead the way in the U.N. toward establishing an international peace commission that can

begin the post-war reconciliation process.

Let us focus on putting Iraq back together again, changing our role from that of military occupier to reconstruction partner.

First and foremost, we must end the war. Our brave soldiers have served bravely and sacrificed plenty. It is time to return them home to their families, and it is time for the United States to truly devote itself to the spread of democracy worldwide through peaceful partnerships and not military conquest.

□ 2200

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

(Mr. OSBORNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CONGRESS MUST PAVE THE ROAD TO ENERGY INDEPENDENCE

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, Memorial Day weekend marks the beginning of the summer driving season, the time of year when high gas prices will most harm families struggling to stretch family budgets already at the breaking point.

More than 31 million Americans will take to the Nation's highways this weekend for long trips. Each of those miles will cost consumers dearly at the pump because of misguided energy policies.

The simple fact is that the White House and the Republican Congress knew before they passed it that America's dependence on foreign oil would increase under the Bush energy bill. But there is hope. On Saturday, I joined my colleague, Senate Democratic leader HARRY REID, in Cleveland to announce our plan for a better, brighter future.

Our plan invests in ethanol and other biofuels grown in the Midwest, not drilled for in the Middle East. It requires increased production of flexible fuel vehicles capable of burning an 85 percent ethanol blend called E–85. It requires increased investment to make E–85 more available in America's service station. It creates incentives to encourage early adoption of these commonsense technologies that are ready to be put into production today.

Our plan also expands the tax credits for consumers who buy especially efficient hybrid cars, and it cracks down on gasoline price manipulation.

It makes it crystal clear to Big Oil that manipulation, either direct price gouging or withholding supply to drive prices up, is against Federal law. Not slap-on-the-hands kind of antiprice gouging legislation, but serious penalties and fines that will make the oil industry pay attention.

It also redirects Federal support to help rebuild the energy industries of the future. Rather than subsidize Big Oil, we should be helping farmer-owned biofuels, innovative hybrid, and fuel efficiency component manufacturers, and other emerging energy industries to grow, the kinds of jobs perfect for Ohioans who know so much about manufacturing and Ohio farmers who have contributed so much to our State.

This is about energy in my State, and it is about jobs in Ohio. With our natural resources and real leadership on energy policy, Ohio can become the Silicon Valley of alternative energy. Our plan is to invest in research.

In the 1940s, the Manhattan Project brought the Nation's best scientific minds together to develop the means to end a global catastrophe. In the 1960s the Apollo Project brought the Nation's best minds together to help our country reach a bold new goal.

Our plan creates a new advanced research project agency for energy, a mission-driven task force based on those successes, to help us build an energy future that is both economically and ecologically sustainable.

Those are not the only things we should do to protect consumers. We should also create public gasoline reserves to discourage supply manipulation by Big Oil and provide a cushion for consumers. We know whenever there is an interruption in supply from a hurricane, from a disturbance in the Middle East, or from a refinery fire, we know that the oil companies take advantage by spiking the price even higher than the supply interruption would suggest.

I suggested this idea to create public gasoline reserves 3 years ago. Senator DURBIN has a similar idea pending in the Senate for the last year or so. The Consumer Federation of America and the AAA have both testified that a gas reserve system would help consumers.

The White House is actually talking about the idea now. Talk is cheap, gas is not; but the White House could be on board and help move this proposal. This is a pocketbook issue for America's working middle class.

At our event in Cleveland, Senator REID and I were joined by two mothers from northeast Ohio who know firsthand how hard it is to keep up with these gas prices.

Reverend Lois Annich, a Presbyterian minister, called it ''a social injustice of the highest order'' that families were struggling to pay higher gas bills while Big Oil was posting record profits: $8 billion last quarter for ExxonMobil while its CEO earned $18,000 an hour, while Ohio minimum wage earners who buy that gasoline are making $10,000 a year.

And Jennifer Tucker, a working mother of two, explained how rising gas prices were making her family's economic future less secure by making her nursing education harder to afford.

Lois and Jennifer, millions of Americans just like them, know what I know: that it is well past time that this Congress and this Bush White House start putting the interests of the American people ahead of the interests of Big Oil.

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 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.)

H.R. 5351 AND DISASTER PREPAREDNESS

Mr. ETHERIDGE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from California.

The SPEAKER pro tempore. Without objection, the gentleman from North Carolina is recognized for 5 minutes.

There was no objection.

Mr. ETHERIDGE. Mr. Speaker, this evening I rise on the floor to speak for a few minutes in support of H.R. 5351, the National Emergency Management Reform and Enhancement Act, and to address the need for reform of the Federal Emergency Management Agency. This legislation represents a significant victory for democratic principles of effective Federal action for the American people.

Hurricane season starts in a little over a week, and just yesterday scientists at NOAA told us to expect another several months of dangerous storms. The devastation wrought by Hurricane Katrina and Hurricane Rita on our fellow citizens on the gulf coast serves as a wake-up call that the Federal Emergency Management Agency was badly broken.

Unfortunately, the inept response of many FEMA officials and the administration to this national disaster illustrated the degradation of an agency that once was a showplace of government responsiveness, efficiency, and professionalism.

My State of North Carolina has been no stranger to hurricanes and natural

disasters over the years, and FEMA personnel performed admirably as our State struggled to recover from Hurricane Fran in 1996 and Hurricane Floyd in 1999, as well as other floods, tornadoes, and ice storms. Fran featured devastating winds and Floyd produced a 500-year flood in northeastern North Carolina. Fortunately, then-FEMA director James Lee Witt was a professional with marching orders from the White House to do whatever was needed to save life and property. FEMA in the 1990s delivered vital services the American people have a right to expect. Unfortunately, that model of success was replaced by the current administration with the failed approach of cronyism and incompetence. Congress must now step in and provide leadership to fix a broken system.

However, unlike some of my colleagues in this body, my solution to fixing FEMA is not to strip it out of the Department of Homeland Security. This action will not only result in an ill-conceived division of duties, resources and responsibilities, but also increase bureaucracy, interagency turf wars and red tape.

I don't need to tell you, but the American people will not stand for more red tape and bureaucracy. The last thing they want to see after a disaster are Federal government officials trading business cards instead of assisting the victims of the storm. My Democratic colleagues and I have worked for months on the Homeland Security Committee to reform FEMA and to restore its standing as a quality government organization.

I am pleased that our Republican colleagues have joined together and the Homeland Security Committee passed a bill on a unanimous bipartisan vote.

H.R. 5351 addresses many of the problems and deficiencies that prevented FEMA from providing efficient and effective support of State and local officials after a disaster, whether they be natural or man-made. This legislation creates a stronger autonomous mission-oriented FEMA within the framework of the Department of Homeland Security. It restores control of the accepted emergency management cycle of preparedness, response, recovery and mitigation to the agency.

It requires that the director of FEMA be a recognized emergency management professional who would serve as the day-to-day principal adviser to the President of the United States for emergency management matters. The legislation would elevate the director to the President's cabinet during times of crisis so no one could obstruct the speedy delivery of relief, personnel and resources to devastated areas in this country and around the world.

H.R. 5351 reinvigorates FEMA's regional offices and staffs them with emergency management professionals with both experience and a familiarity with the people, geography, and threats to our States and municipalities.

Importantly, this bill gives FEMA budgetary independence and prevents the Secretary of Homeland Security from siphoning money away from disaster and terrorism prevention and preparedness for other agency initiatives.

Mr. Speaker, I urge my colleagues to join me as a cosponsor of this bipartisan, commonsense legislation; and I urge the leadership to schedule for a vote this legislation as soon as possible. Our Nation and its people will not stand for another botched response from this Federal Government, nor should they. This administration should be held accountable for its many mistakes, and this bill would allow FEMA to fulfill its mission as a primary Federal responder and support agency in times of disaster.

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

(Mr. BILIRAKIS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

BECOMING AMERICA THE DEPENDENT

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to claim my time.

The SPEAKER pro tempore. Without objection, the gentlewoman from Ohio is recognized for 5 minutes.

There was no objection.

Ms. KAPTUR. Mr. Speaker, America, which should value our birthright of independence, is all too quickly becoming America the dependent.

We are dangerously dependent, for example, on foreign oil for our energy needs. Indeed, we import nearly 75 percent of it; a third of our trade deficit is due to this oil dependency. We could become energy independent here at home with energy sources here that we would invent and create and refine, and what a job-rich America that would create.

America is becoming more and more dependent upon imports from foreign manufacturers than we are exports from our country in all fields: in appliances, in clothing, even food. This year America may become for the first time in its history a net food importer.

The balance of payments which had been the pride of our country, more exports than imports, has been reduced to red ink. The monthly trade deficit for March was just in 1 month over $62 billion, and we are still on another record annual trade deficit pace.

In fact, our monthly trade deficit figure is so huge it equals the entire annual budget of our Department of Veterans Affairs. Veterans fought to make us free from foreign tyranny, but the new tyranny is taking a different form.

At the end of March, our overall publicly held debt was a staggering $4.6 trillion, not counting promises that the government has made to pay for retirement programs and health benefits that are due to the American people in the amount of over $8.4 trillion. Now, would you believe that nearly half, 43 percent of this debt, overall debt, of that amount, $2 trillion is now held by foreigners.

We have already heard that it took 200 years for our Nation to accumulate $1 trillion of debt. But would you believe we are now at the point where $1 trillion of our public debt is held by Japan, China and Hong Kong? As this chart illustrates, Japan is the largest holder of our debt, followed by Europe, followed by China and Hong Kong, which are rising very quickly.

In fact, would you believe that between October of 2003 and March of this year, China alone more than doubled its holdings of our public debt from $151 billion to $321 billion. The United States government, our taxpayers this year will pay more than $200 billion in interest on publicly-held debt with nearly $100 billion going to foreign holders of our debt. That's right. We are going to pay interest to foreign holders of U.S. debt, almost five times as much as we appropriate on an annual basis for the entire U.S. Department of Energy. Imagine if we invested those dollars in ourselves. We will pay interest to foreign holders of U.S. debt nearly three times as much as we spend in a year on the Department of Housing and Urban Development to build this country from coast-to-coast.

We will pay interest to foreign holders of U.S. debt nearly twice as much as we appropriate for the entire Department of Labor. We have just had more miners killed in Kentucky, God rest their souls, because they didn't have oxygen equipment that would last them long enough that would outlast the monoxide until the rescue workers could get there.

Yet we can pay this kind of money to foreign holders of our debt. We will pay about as much interest to foreign holders of U.S. debt as we will appropriate for fighting the war in Iraq. Wow. Think about it. What do we do about it?

Without a doubt, first thing we should do is clean up our fiscal house, and that starts with balancing our budgets and digging out of this red ink. We cannot expect to continue in this fashion and remain the leader of the free world. Our currency is being devalued. We see the skittishness in the stock market, and interest rates are going up at the same time as gas prices are going up. This is very clear.

There are certain rules of economics that never fail you. We are either going to have a currency devaluation, or we are going to have inflation go out of control. But the point is, more and

more, we are going in hock to foreign interests. We need to ask, how do we take our country back? At a minimum, how do we owe the money to ourselves rather than other Nations? In prior generations, when we were faced with a problem like this, we didn't turn to foreign bankers; we turned to the American people. We did it through balancing our budget, and we did it through savings bond sales. There used to be a time when savings bonds could be purchased easily at any local bank or even in smaller denominations at our U.S. Postal Service.

It was a way the average American, who is as patriotic as anybody in this world, could invest in their own country. They could buy bonds in very small denominations, and they knew their investment was secure and that they were investing in America, not someplace else.

But in recent years, the Federal Reserve and our Treasury have gotten lazy. They are selling these denominations in big, big numbers, thousands of dollars apiece, and they like to do it through just a few cushy dealers on Wall Street. They love dealing with the big bond houses to get fees for every bond they sell. It is a very undemocratic bond system.

In fact, the Federal Reserve loves to reward their friends on Wall Street instead of strengthening our Nation down to the average citizen and their ability to own a piece of the republic. I would like to restore that spirit of independence to our country, and this method, tried and true, of savings bond purchases helped us through military wars and economic depressions.

Savings bonds can be called upon again, in a new war, to maintain America's economic independence and take it back from foreign investors who are owning larger pieces of us every day. Independence, independence, independence. Reduce America's ownership by foreign interests.

□ 2215

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ILLEGAL IMMIGRATION AND BORDER STATES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. CARTER) is recognized for half the time before midnight as the designee of the majority leader.

Mr. CARTER. Mr. Speaker, I appreciate being recognized and the ability to have the chance to address the House this night on the issue we all know is the most critical issue our Nation faces today, that is the security of the American borders and the sovereignty of our Nation.

I rise because I am from Texas, and I grew up crossing the Mexican border with our neighbors from Mexico all of my life. I have even been several times to the great international celebration in Nuevo Laredo for George Washington's birthday, a time in which thousands and thousands of Texans joined their neighbors in Mexico for a great fiesta. I consider Mexico, my entire life, I have considered them my friend and our neighbor to the south. I actually went to school in Mexico. I am very familiar with the country, and I have a warm regard for the people of Mexico.

However, the world we live in today is not the world I grew up in. I have had the occasion in the last 6 months to visit Nuevo Laredo with Congressman CUELLAR on two occasions. I have been down there with Congressional delegations that have visited the border to talk about the incursions into the United States by literally hundreds of thousands and millions of people coming out of Mexico across our southern borders from San Diego to Brownsville.

But the world I know is Texas, and I am going to talk about the Texas border that I am familiar with. I want to tell you that I sat out in a pickup truck on the side of the Rio Grande in a mesquite thicket in the dark with one lone border patrolman and his electronic equipment, which was a camera that scanned 2.5 miles in either direction, a stretch of the river, right in the city limits or on the edge of the city limits of Laredo, Texas.

I got to sit out there on that lonely job with that young man for a pretty good while and talk to him about what he has experienced. He says what every rancher and farmer and homeowner that lives on the border of Texas today repeats: This is not the same bunch of people that used to come across our border.

They are coming in waves, and they are doing damage and breaking into homes, and they are stealing things. Whereas they used to come by a pepper's house with their hat in their hands and the rancher wife would put dinner out on the back porch for them, today they break into the house; they have no regard for private property. They have no regard for anything that is going on in Texas. They just think it is their right to come into Texas, and they are acting that way.

This young man told me, he said, I asked him, I said, how many people? The first time I visited was in the wintertime. I said, how many people will come across? He said, well, it is winter. Maybe a couple of hundred tonight. But in the summer, maybe a couple of thousand in my sector that I will turn back on some given nights.

This is a number that way surpasses anything we have ever experienced in our State, and all the other States along the border are experiencing this problem.

But, you know, I have been thinking about this, and this is not a problem that just started last week. I firmly believe that we enhanced the problem of the Mexican border, especially our southern border, with the amnesty bill that we passed in 1986. We gave a message, and in that message, it was clear: Come on in, boys, you are welcome, and in they came.

Their thoughts were, I can go, most of them came for jobs. But I used to be able to say, when I was a young man and a teenager, the people who came over here are coming to work. I am telling you, you can't say that today. You can't say that every person that crosses that border comes to work. That border patrolman told me a tale that will chill your soul. In the El Paso sector in December, they stopped 15 illegal immigrants, all of whom claimed to be from Mexico, all of whom voluntarily agreed to return.

So they fingerprinted them and processed them and took them back to Mexico. They ran those fingerprints through, I think it is NCI or whatever it is that they use with the Border Patrol, and about five of those finger prints had previously been recorded by the United States Government. Those prints came from a cave in Afghanistan. Now those were not people coming across our border from Mexico to get a job. But they were blending in with those who were.

We live in the world of 9/11. We live in a time when an enemy has launched and successfully accomplished the worst attack on the United States in the history of the United States. We have people we don't know coming across our border.

We are doing a lot of talk about enforcement. We are doing a lot of talk about writing new laws. We go, oh, my gosh, let us rush out, and we have got to come up and figure out how we get a work program. We have got to come up with citizenship for these people. We have got to know what to do with these people. Sure, these are problems that we have to address sometime, and I am sure soon.

But my concern is, we are not analyzing this problem the way the problems should be analyzed. The legislation we are hearing that is coming this way from the Senate, and my way of thinking, is a totally improper way to analyze a problem of the United States.

I spent almost 21 years as a district judge in Texas. I had many, many, times, where I had a multiple-issue case that I had to choose. But a jury would use the same analysis to try to figure out a solution to a problem. So I will use that example. But the same example could be used for a surgeon in an emergency room.

You have a problem, and you look at that problem, and you say, well, this problem has multiple issues we have to deal with. We have evidence to cover these issues. We need to examine those issues, that evidence closely and come up with a solution to these problems.

But first where is the ongoing harm? Where is the bleeding? You have got to

stop the damage that is there right now today before you move on to the damage that may be coming down the road or to work on other issues to determine the solution. I would say the bleeding is at the border. We have got to stop the bleeding.

The surgeon that is at the emergency room when they are bringing someone, if there is arterial blood flowing, he is not worried about a CAT scan or an X-ray or whether this man might have cancer or diabetes. He wants to stop the bleeding.

If we don't go and address the issues on the border as the House bill has done to stop the bleeding, if we don't do that, we are analyzing this problem wrong.

You know, we could stand around in this House, and we can talk about whose fault is it. You know, hindsight is 2020, but the truth is, the fault lies across the board, and we ought to step up and say so.

From 1986 until the present, we have had both Republican and Democratic administrations. We can all point the finger and say, you did it. But as you point that finger, point it back to you. The fact is, we have not met our duty to the American people.

But now we see a crisis. Ask any American, where is the crisis in immigration, and something like 90 percent of them will say, at the border. Before we deal with anything, we have got to stop the flow. That is why the House bill is so very important that we go forward on it.

You know, we took an oath in this House. The President of the United States took an oath. That oath was that we would, to the best of our ability, perform the duties of the office to which we had been elected and preserve, protect and defend the Constitution of the United States. We took an oath to do our job. Those people we hire to work for us assist us in doing that job.

□ 2230

Mr. Speaker, I am very concerned that as we rush to judgment on the issue of immigration, that we start talking about amnesty and we start talking about creating a program where people who have broken the laws of the United States are going to be given special privileges that even people who are born here don't get. There are things now being proposed in the Senate bill as to collecting back Social Security, having the Davis-Bacon Act apply to all of your wages, and unbelievable things where even every American doesn't have those benefits. Talk to my teachers back in Texas about some of their missing Social Security benefits they have been trying to get for, Lord, it has got to be 50 years. And yet we are looking at this and putting patches on it, and the patches are getting worse and the tire is going flatter.

Mr. Speaker, the executive and those on both sides of the aisle have failed. When we wrote the law in 1986, we had laws that pertained to crossing our borders and we didn't enforce them. We had laws that pertained to employers and we didn't enforce them, and the Congress failed in its duty to do that also.

I would argue the worst offender of all are the bureaucrats. But all that is beside us now. We cannot continue on with a system that doesn't work at the border, where some nights 16,000 people come across that border.

I went out and pulled up some of the old law books just to find a few things, because you hear people say well, they are not really breaking any laws. Shame on you. Somebody wants to make this a felony. I don't think anybody has ever looked to see what it is. It is a civil, not a criminal file for the first crossing. But it continues on. Illegal entry carries a punishment of fine and imprisonment of up to 6 months. Harboring undocumented aliens carries a fine and imprisonment of up to 5 years. Alien smuggling carries a fine and imprisonment up to 10 years. Those are felonies, 5 and 10 year sentences, in my opinion.

A crime that causes a serious bodily injury to any person, the penalty is a fine and a sentence of up to 20 years in prison. Reentry into the United States is a felony charge punishable with fines and/or imprisonment for 2 or more years. If reentry is after a previous non-aggravated felony, it is up to 10 years. If it is after an aggravated felony, it is up to 20 years.

Now, I would like to know, are we enforcing those laws? I used to sit in the courtroom and do a jail call every Monday morning. I would call the jail and we would bring people over and find out who was in jail. Inevitably, once, twice, three times a month, we would have anywhere from two to 20 illegal aliens in the jail. Inevitably.

We would call INS and tell them, we got some of your people here. You need to pick them up. They would say if they are there on Thursday, we will get them. They would all bond out on Tuesday and be gone.

Now, is the Immigration and Naturalization Service doing the duty that our laws gave them to do? No. We have failed to enforce the laws that are on the books today. So we are not in a panic to create laws to prevent these people from coming in here. We have laws we are not enforcing. Now the tide has become overwhelming for law enforcement. This overwhelming of us is what we are talking about. This is where the bleeding is. This is where the bleeding has got to be stopped.

The bill that we passed through this House, I would like to add things to it, were I given the opportunity. Hopefully there will be more resources for our Border Patrol, resources on the border, electronic surveillance, unmanned drones and all of the other things that technology provides for us today, to help us stop this invasion.

I use the term ''invasion,'' and I don't take that hesitantly. While I was there, I saw a film of what now we are being told were drug dealers coming across the border in what looked like to everybody there Mexican military uniforms, carrying satchels of drugs with automatic weapons and vehicles. Now, it has not been resolved as to exactly who those people are, but, you know, if it looks like the Mexican army, I wonder if it is? I think we ought to know that. I think we ought to have an answer to that.

Most of Europe went to war over an invasion in 1939 and it ended up being World War II. I am concerned about the invasion across our southern border. I am concerned we are not enforcing the laws.

I am convinced that the solution to this problem is to do our job, and if we do our job and enforce the laws that are in place and make a conscientious effort to study the best possible solution for every one of the multiple problems that exist in this immigration and border security issue, let's stop the bleeding at the border and then let's put the good minds in this House on both sides of the aisle to work in cooperating to come up with real lasting solutions, and not forgetting that we have laws we can enforce now as we come up with solutions for these other things.

That is basically the way I view this thing.

I want to yield to the gentleman from California (Mr. ROHRABACHER), who also would like to address this House on this important issue.

Mr. ROHRABACHER. I thank you very much, and associate myself with your remarks. I think what is really important at this point is that every American understands that the massive influx of illegal immigrants into our country has not been an accident. It is, instead, the result of an intentional strategy on the part of America's political elite.

Yes, the laws are not being enforced, just as you said. That is an intentional decision by someone that those laws are not enforced. The business community wants cheap labor. The movers and shakers of the liberal left, consistent with their Tammany Hall traditions want more political pawns who are dependent on government programs. They got what they wanted. Bear Stearns estimates that are there are between 15 and 20 million illegals now in our country.

By the way, one area I might disagree a little bit with my friend, although it is really not a disagreement, it is just not the border. Of the 15 to 20 million illegals, 4 to 5 million of them are visa overstayers, people who have come into our country on a visa and just overstayed their visa and melded right into the population. Many, many are from Mainland China, for example. And the decision of not having a visa system in which we check to see if anybody returns once they have come to the United States has been a conscious decision. We are not going to correct this problem.

Well, my own subcommittee held a hearing on that, and it was demonstrable that over the last two decades we have had a huge influx of people just overstaying their visa and becoming illegally part of our country.

The downside of all of this, 15 to 20 million illegals in our country, is becoming increasingly evident. In education we hear about overcrowding and the declining quality of our schools. The States are spending $7.4 billion annually to provide K through 12 education to people who aren't supposed to be here in the first place.

Without school age illegal immigrants or the children of illegal immigrants, school enrollment would not have risen at all during the past decade. So when you hear about overcrowding or the decline of our education, that is where it starts. Our limited education dollars are being expended not for our children's benefit, but for children of foreigners who have come here illegally. That is a crime against America's youth. Our children are being denied a quality education because of our cowardice or incompetence to deal with this issue.

Similarly, our health care system is under siege. Illegal aliens account for 43 percent of those without health insurance in our country. At least $9 billion then of our scarce health care dollars are being spent on foreigners who have come here illegally.

Yes, business gets their cheap labor. The rest of us end up with closed hospital emergency rooms and skyrocketing health insurance costs, which can be traced, among other things, to the care that is given to illegal aliens, which is then simply added on to our bill and sent to our insurance companies.

The effect on our criminal justice system has been no less catastrophic. Almost 30 percent of Federal prisoners are now foreign born. That is one out of every three Federal prisoners. In California, for example, about one out of every four persons in our prisons are illegal. The estimated cost, of course, of incarcerating an illegal for a year is $22,517 per year.

And that is only a small price that the American people are paying. Think of the other price, the price of the theft and property damage that is traced to these criminal aliens. And who can put a price tag on the violent attacks, the murders, the rapes, perpetrated by these foreign marauders?

And less easily recognized, millions of American families are being robbed of a higher quality of life and a higher standard of living as wages are bid down by hordes of job seekers who are not even supposed to be here in our country. A study by Harvard University professor George Boris shows immigration accounts for the entire decline of real wages that has affected so many of our countrymen in the past two decades. Competition from the growing number of illegal immigrant laborers in the past 20 years means American workers are earning, get this, an average of $1,700 less every year than they would have otherwise been earning.

Now, who gets hurt? Well, unemployment among Americans with less than a high school education is at 14 percent. Fourteen percent of those Americans who don't have a high school education are out of work, with no hope. And who is taking their jobs?

Many of our citizens find they have a decline in pay in terms of real dollars. And who are these people who are mainly finding that their pay level is going down? It is the people on the bottom end of the scale. The less fortunate Americans we are trying to help are the ones who are being hurt the most by illegal immigrants.

So whether we are talking about education, health care, food stamps, housing assistance, school breakfast and lunch programs, all of which were intended for struggling Americans, all of these are being drained to one extent or another by people who have come here illegally, and in many cases these people have paid little or nothing into the system.

It is estimated that the average illegal alien uses $2,700 or more in government services more than he pays in taxes. That is coming right out of the hide of America's least fortunate citizens. This is a crime perpetrated by America's elite on America's least fortunate people. It is a betrayal of our fellow Americans for whom these programs were intended.

Now, we keep hearing we need these illegals. We need people coming in to do jobs that Americans won't do. Well, that is so much baloney. Americans will do these jobs. If Americans are paid a decent wage, Americans will do the jobs.

I was on a TV show recently where a woman said she couldn't find an American woman to help take care of her children. This was a very wealthy person who ended up hiring an illegal Mexican woman. Yes, she hired her probably at about $50. She wouldn't hire the American woman down the road who would be glad to work for her for $20 an hour while her own kids are going to school, thus paying her $100 a day.

Who was worse off? The worse off person is the American woman who would have loved to have worked for that job. Yes, the illegal got a little money, 50 bucks. Who is really better off? The rich lady who got that illegal at half the price she would have had to pay an American. This goes right down the line to so many other jobs.

We say now there are a lot of jobs, for example, in hotels. Yes, hotels, they say they need illegals to change the sheets in the hotel rooms. There are lots of American women who would love so help us with child care and help with changing the sheets in the motel room if we would pay them a decent wage. But we have hordes of illegals coming into this country bidding down those prices so those American women stay at home and have no job at all. Who is being hurt? Regular Americans are being hurt by this.

The open-borders crowd are now throwing their weight behind the current Senate bill. Wake up America. This is the same gang that brought this crisis upon us, and the Senate bill will make the situation worse.

□ 2245

Even the bill before us from the United States Senate is not an anti-illegal immigration bill. It is a pro-immigration, a pro-illegal immigration bill, because that will be the impact.

The core provisions of the Senate bill around which everything else orbits is the so-called guest worker program, and the legalization status of those 15 to 20 million illegals who are now in our country. The Senate bill changes the status of these millions of intruders from illegal to legal.

The President does not want to call that amnesty. I call that amnesty, and there is no other definition I know for it. You are changing the status from illegal to legal of people who have come here in violation of our law.

Whatever you call it, if you legalize the status of those who skipped the line and came here in violation of our country's law, we are telling hundreds of millions of foreigners who are waiting to come to this country legally, they are waiting in line overseas, we are telling them they are a bunch of saps.

We will start a stampede towards America, just like what happened the last time we legalized the status of people who were here illegally back in 1986. No matter what is done to strengthen the border, any benefit from strengthening the border will be overwhelmed by the dramatically increased pull which is a result of legalizing the status of these millions of illegals who are in our country.

Now, the rest of the Senate bill. What does it include? It guarantees instate tuition for illegals. Your kid has to pay full tuition if he crosses a border of a State line. These illegals do not. Now that is a way not to give anybody incentive to come here to our country.

And agricultural guest workers under this bill cannot be fired by their employers except for what the bill calls ''just cause''. However, American agricultural workers can be fired for any reason. Oh, well, that is going to keep them away from our country, isn't it?

The Senate bill will make illegal aliens eligible for Social Security. Get that, America. Wake up, America. The Senate has voted to give illegal immigrants Social Security. Hundreds of millions of desperate people living in poverty throughout the world who have no pension system available to them now know that the United States Senate has voted to make them part of America's pension system if they can just get here.

This is beyond absurd. This is bizarre. This is horrible. We are including people who have come here illegally in America's pension system and expecting that not to attract tens of millions of other desperate people from around the world. And, of course, Social Security is not just a pension system for people. It is also a survivor's benefit program.

So when an illegal works here and then dies, we will take care of his or her children until they are 18 years old. The potential for corruption and the gaming of such a system boggles the mind. I can assure you right now, if this is put in place as the Senate has voted to do, we will be taking care and there will be payments from our Social Security system to millions of kids in China, and in Mexico, as people go back and their coroners claim they have died and their dependents are waiting for their check to be delivered.

And of course all of this is happening at a time when we are trying to keep Social Security solvent. Oh, yes, the Senate bill, of course, gives all employers amnesty too. So now employers are not going to worry about enforcing the law. Who cares if Americans are being denied the jobs? Who cares? Because actually employers now can hire people and these employers are now no longer held accountable for the illegals that they have hired.

And what is the final result? The insult, of course, is the Senate bill is providing money for those organizations that are helping illegals adjust their status. We are actually paying them to help fight our Government and our efforts to clear up the illegal immigration situation by sending illegals home.

There are a number of other provisions in the bill that should alarm small business. For example, this bill, the Senate bill, requires us to pay illegals the prevailing wage. And then, of course, we are setting up an entire bureaucracy to determine what that prevailing wage is for various different professions.

No, this will massively increase the bureaucratic power over our people and our country, and the private sector already. Illegal immigration has had a horrible, horrible impact on our way of life. Kids in my neighborhood do not cut the lawn any more. I used to cut the lawn. That is what I did for pocket change when I was a kid. Kids do not do that any more. Kids do not wash the cars any more.

No. What we have done is our values have changed because illegals have come in and changed our way of life. And we are told we have to bring them in because, for example, the fruit and the vegetables will rot in the fields without illegals.

Well, if we pay our American people they will do the job. And if they do not, we can be creative enough. For example, let us use prisoners to pick fruit, and pay them so that when they get out of prison, they will have $10,000 or $20,000 in their pocket and they will have contributed money to their own incarceration, or for restitution to their victims.

We can come through this without importing millions and millions of people from foreign countries to come here and do this kind of work. We can. We can run the United States of America without a massive flow of illegals or a massive new flow of immigrants into our country.

Now, I support legal immigration. I think legal immigrants, legal immigrants deserve every right as every American citizen. We have the most generous legal immigration system in the world. We permit more legal immigration into America than any other country in the world.

The Senate wants to up that by so much, that if the Senate bill passed, we are talking about 100 million to 200 million more immigrants coming into our country over the next 20 years. Read that correctly.

If you put illegal immigration on top of that, we are talking about hundreds of millions, perhaps 300 million people coming into the United States of America. Wake up, America. We are losing our country. We cannot permit this massive flow of illegals to continue.

And we cannot just dramatically increase the number of legal immigrants coming into our country, which would then overwhelm our ability to assimilate them. We can be proud of legal immigration. We should keep it at the level it has been at.

But, no, we have people who are not watching out for the interests of the American people. That is what we need to talk about right now as we close this presentation. The American people need to pay attention. This vote that is coming up on the Senate bill versus the House bill, which is based on enforcement and trying to stop illegal immigration, the Senate bill is a pro-illegal immigration bill. The American people need to look very closely who is watching out for their interests and who is against them.

Who is on their side and who is on the side of foreigners who wish to come here? Again, these people who want to came here are wonderful people. Even the illegal immigrants who come here are wonderful people. 95 percent of them are wonderful people.

Our job is not to take care of every wonderful person in the world, providing them a pension, providing them health care, providing their children with education. Our job is to watch out for the American people.

We accept no apologies for that. We should have no apologies that we put the American people's interests first. But that is not what has been happening. There has been some very powerful special interests, as I say, in business who want cheap labor, and on the left wing and liberal left wing of the Democratic Party who want political pawns out of illegals who come here and other people who immigrate here who are dependent on Government programs.

The American people have the power in their hands to control the destiny of this country. They must pay attention if we are to succeed in thwarting this threat to our freedom and to our prosperity. Wake up, America. It is time to hold accountable your elected representatives. Study the issues. See who is supporting this program in the Senate to give away our Social Security, and destroy that system. See who is supporting actual border enforcement and changing our visa laws so they can be enforced and protecting us from an overwhelming flow of illegals into our country, which lowers wages and threatens our way of life.

Hold those elected officials accountable, and kick them out of office if they are not representing your interests. They are supposed to be working for you. And with that I yield back.

Mr. CARTER. Mr. Speaker, can I ask how much time we have left?

The SPEAKER pro tempore (Mr. KUHL of New York). Roughly 15 minutes.

Mr. CARTER. Mr. Speaker, at this time I yield to Mr. GINGREY.

Mr. GINGREY. Mr. Speaker, it is a pleasure to join both of my colleagues, the gentleman from Texas, Judge CARTER, who is managing the hour with the gentleman from California that you just heard from, Mr. Speaker, my colleague, Representative ROHRABACHER, who very passionately explained what the issue is.

You know, and again, I think as I represent the 640,000 or so constituents of the 11th District of Georgia, West Georgia, great, great people. And when I go home, and I am sure Representatives CARTER and ROHRABACHER are hearing the same thing from their constituents, they say and I agree, that this is a country of law abiding people.

And we have to have respect for the rule of law. I was real interested, Mr. Speaker, this weekend on one of the Sunday morning news shows, one of our colleagues, in fact, indeed one of my colleagues from Georgia, Representative NORWOOD, who is such a great spokesperson on this issue was debating one of the Senators who happened also to be from the Southeast, in regard to the Senate bill versus the Sensenbrenner, very sensible, as the name would have it, the legislation that we passed in the House before the first of the year that emphasizes border security and border security first.

And that is what my colleagues were speaking about before me, that there is all of this talk about, you know, what to do with 11 or 12 million people who are in this country illegally, and what to do about the fact that there are certain sectors of our economy that are dependent on a lot of foreign workers.

Unfortunately, a lot of those foreign workers are among the 11 or 12 million that are here illegally. So maybe we need a temporary worker program. I

agree with my colleague who just spoke that if the pay and benefit package and health care and these things that go with those jobs were a decent wage, I think in some instances, Mr. Speaker, they are, but in some instances, maybe far too many, they are not.

If they were, then there are plenty of legal aliens, legal immigrants, United States citizens who are out of work today who would take those jobs. Now, everybody says, well, golly, we have this low unemployment rate of 4.5 percent. Well, that is 4.5 percent of people without jobs. Until it gets to zero percent, I cannot really see where we necessarily need a temporary worker program.

But what I was saying about that program, Mr. Speaker, that television news show this past Sunday morning, we are talking about the rule of law. The Senator incredulously said, well, the law is okay as long as it is a ''just law''. You know, that is just shocking to me. I do not know what the Senator's occupation is or profession, I know there is a lot of lawyers over there in the other body. But our laws are our laws. If they are not just laws, we have a way in this chamber and that chamber to change those laws, because after all we are the ones that make them.

If they are not just laws, then we change them, and we do it in the right way. We do not just ignore it, if we do not like the law. There are lots of laws that I do not like. But by golly I abide by them, whether I am on this Hill, inside the Beltway, or back home in Georgia. And that is the way my constituents feel, and that is the way my colleagues who are sharing this hour with me feel.

I am dead set with them on securing our borders first and foremost. The President spoke to the Nation the other night, Mr. Speaker, talked about putting some National Guard troops, 6,000 I think he said on a temporary basis, to sort of back up the Border Patrol. We have got what 10,000 or 12,000 U.S. Border Patrol agents on the southern border.

I think we need more. I think my colleague, Mr. NORWOOD, on Sunday morning said maybe we need 30,000. But at least we need 18,000 or 20,000. And we are going to get there. And we are going to, according to the House version of immigration reform to secure the border, we are going to build facilities and have more bed space so that we can retain these illegal immigrants that are referred to as OTM, that acronym that stands for Other Than Mexicans, that we have been catching and releasing in that catch-and-release program.

□ 2300

I think the whole point here is history: if you do not pay attention to it, you are going to repeat it; and you are going to make the same mistakes over and over again if you do not learn from the past. We can go back; my colleagues have probably already done that in the earlier part of the aisle. I may have missed part of that discussion, but that Bracero program that we had from 1942 to the 60s, dismal failure. That was a temporary worker program. Dismal failure. And then our great communicator and one of my very favorite all-time Presidents, Ronald Reagan, in the Immigration Reform Act of 1986, an amnesty, really pretty much a blanket amnesty for 3 million people.

Now, that would probably have been okay 19 years ago if we had secured our borders, but we didn't. There was no border security that went along with that as a companion. And we estimate and, Mr. Speaker, do not take my word for it, this is a CRS report that I am reading in front of me dated May 15, 2006. That is pretty darn recent, I think. It is talking about the fact that there probably are today 11 to 12 million illegal aliens in this country. If you do the math, that is about 500,000 a year that are coming through that border which is nothing but a sieve, and that hemorrhaging continues. And if we grant any kind of amnesty program today and we do not secure that border, you do the math. In 20 years from now, we will be talking about 35 or 40 million illegal immigrants, illegal aliens in this country.

My colleagues talked about the stress that that puts on public education, on our health care system. The fact that we do not know really that these, hopefully the majority are law abiding. I think they are, but in this day and time after 9/11 and with the threat of a global terrorism, how do you know who is coming in this country? Are they all coming to work? Absolutely not. Some are members of gangs. Some are involved in drug trade. So it is absolutely imperative.

I commend Chairman SENSENBRENNER, Mr. Speaker, and I commend my House colleagues. I commend the Speaker, the majority leader, this Republican majority in this body, this House of Representatives for doing what we did. In fact, the first bill we passed was the REAL ID Act and that was in complete and total lockstep response to what the 9/11 Commission asked us to do in regard to driver's licenses and this abuse of the claim of asylum, to be able to in an expedited fashion to get rid of someone who was allowed to come in this country and then was involved in terrorist activity. So these things are so important.

I just thank my colleague, my good friend, classmate from Texas, Mr. CARTER, for letting me come and just share a little bit of time with him because we are compassionate. Everybody talks about the President and his great compassion. I do not doubt that. I think he does have great compassion. But I think if he wants to insist on granting an amnesty program that even comes close to what is happening in 1986, he is dead wrong on this issue.

I want to work with employers and I think in the House bill we do that. We are going to provide a biometric tamper-proof identification card so when we get this combined program done, and we do not have to do it all in the next 2 weeks, and I think if we can get the Senate to agree as my great colleague and Senator from Georgia, JOHNNY ISAKSON said, let's get the border secured first. We can do the rest of this stuff, which is in my opinion sort of cosmetic surgery, once you stop the hemorrhaging.

If we go back and look at a temporary worker program and what to do with the 11 million that are here illegally, I personally think, yes, they should pay back taxes, pay a fine, pass a criminal background check and then be notified that they have got about a year to make arrangements to go back home, to go to the border and then get in one of three lines.

One line would be to stay home, decide that they want to stay in their country of origin. The second line would be the temporary worker program. We could even give those who have been in this country for more than 5 years working and passing all those litmus tests, good people, we could put them in the front of the temporary worker line; or if they wanted to come back in this country as permanent legal residents and get on a track to citizenship, then they could get in that line.

Maybe it is too simple. Maybe I am a simple kind of guy. That is the way I see it.

I want to thank the judge for taking the time tonight and giving me a chance to share my thoughts with my colleagues.

Mr. CARTER. Reclaiming my time, I want to thank my colleague for joining us here tonight. He is always a very calming influence when he addresses the House, and I am always fascinated to listen to him speak.

This is my whole premise that I was talking about, Mr. Speaker, is that it is time that we take a deep breath and address one of the biggest issues that this House has had to deal with in a long time and an issue that actually can be, as has been explained here tonight, a nation-changing issue.

I personally have a great, as I started out saying, have a great compassion for our neighbors to the south. And I welcome good, honest legal citizens of this country as does everyone. And no one in this House is talking about the Trail of Tears massive deportation to the border. We have issues that have to be addressed. But the problem, the hemorrhaging, the bleeding is at the border today. That is where we have got to go and get this slowed down and get it ready. And then you know I would like to hear quite honestly from my colleagues on the other side of the aisle. We have never really.

The Democrats' plan for immigration does not seem to be out there today. I would like to hear their solution to the

problem. I would like for both sides of the aisle to sit down and say, let's work this thing out intelligently. And I will give you just one example, a couple examples not being addressed. One right now, there is a tremendous backlog on background investigations of people who are coming and have come into this country illegally to get their visas extended. They have to have a background check or to get into this country with a background check. That thing could take anywhere from 18 months and the backlog just once they start processing it, it can take up to 18 months or longer.

Right now in my part of Texas, our San Antonio office is working on the years 1998, 1999 and 2000. We are going to take that system in its present condition and dump 15 million-plus people into that system for background checks? Or do they get to miss that part that the legal immigrants have to take?

Health exams have to be done for everyone that comes in the United States. What are we going to do to examine the health of 15 million people in this country to make sure that there are not communicable diseases in this country? This is an issue that is part of our law. It is required by law. If we are going to process them, that needs to be here.

Then a question I do not hear anybody addressing is what do we do to the people who do not join our program? We love America and we think everybody comes here to be an American citizen. But I can tell you from personal conversations with people who have come here, I have worked building fences side by side with folks that, I never asked them, but since they did not speak any English and they told me they were from Mexico, I kind of figured they were illegal aliens. I can tell you, they didn't come here to be American citizens. They came here to work. And their families were back in Mexico, and they really wanted to go back there. And they sent 80 percent of their paycheck home because they were able to live on social services over here so they can afford to do that.

Now, what about the guy who says, well, that is great, but I do not want to pay back taxes and I do not want to pay a $200 fine, and I do not want to get a health check, and I do not want to get a background check; I will just stay in the shadows. Are we addressing that issue? Are there going to be consequences to those people who continue to stay in the shadows? If you care about the people that come in here, do we want anybody in this country starting their life on American soil under the cloud of criminal behavior?

But we know that 15 million people crossed our borders and broke the law. I did not say felony. I did not give a classification. I said broke the law. We have laws in this country, and it was broken. Let's be intelligent. Let's be smart. Let's seal the borders, put our resources there and then study this program and get a system that we can administer and we can work and we can pay for.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. KUHL of New York). Under the Speaker's announced policy of January 4, 2005, the gentleman from Ohio (Mr. RYAN) is recognized until midnight as the designee of the minority leader.

Mr. RYAN of Ohio. Mr. Speaker, once again we are coming to the floor of the House of Representatives representing the 30-something Working Group. My co-chair will be here shortly, Congressman KENDRICK MEEK from Florida. And we want to thank our minority leader, Ms. PELOSI, and Mr. HOYER and Mr. CLYBURN, Mr. JOHN LARSON, our vice chair of our caucus, for allowing us the opportunity to come down here and speak not only on behalf of our caucus but on behalf of what we feel to be the opinion of many of those folks out in the country that are facing some of the challenges that have come from the legislation, that has come out of this Chamber, and has in many ways burdened them and their families because of the lack of leadership, quite frankly, Mr. Speaker, that has been coming out of this Chamber and out of 1600 Pennsylvania Avenue.

Www.HouseDemocrats.gov/30-Something for those Members and loyal fans who would want to drop us an e-mail about their opinion of what we are saying here, an opinion of what is going on in the government.

I would like to start off today talking a little bit about unfairness and lack of investment in the future of the United States of America. This is a chart that is the Republican tax plan, an overview. And this overview will show you who is benefiting most from the tax cuts that the Republican majority has passed over and over and over again; and how this tax cut has disproportionately favored those people who make more than a million dollars a year.

Now, I think it is important, Mr. Speaker, for all of us to understand at this juncture that we do not have any money to give back in the form of tax cuts. We are borrowing $500 billion a year from the Chinese Government, from the Japanese government, from the OPEC countries, and borrowing that money and giving it back to the wealthiest people in our country in the form of tax cuts for millionaires, $16 billion in corporate welfare for the energy companies, primarily the oil companies.

So when you go to the gas pump, Mr. Speaker, and you ask yourself why is gas so high and the oil company profits so high and then you actually think about public tax dollars going to subsidize the oil industry, that really gets your goat. So not only are your gas taxes high, your gas prices are high, but the public tax dollars that you send down here instead of going into education, instead of going into health care, instead of going into broadband service for all of the citizens in the country, instead of going to clinics, instead of going into all of these art programs and sports programs across the country, Mr. Speaker, the American tax dollar is going to subsidize the most profitable industry in the entire country. $16 billion is going from the pockets of hardworking Americans all over the country to the oil companies.

□ 2315

It is that simple, Mr. Speaker. It is that simple, and what we want to talk about tonight is how a Democratic majority in this House will begin to reform and transform these horrendous decisions that have been made and get our country going in a direction that is going to benefit all.

We will ask, as Democrats, everyone to contribute and we will ask and demand that everyone benefits from those basic contributions. We are going to challenge this country to move forward in a direction that is going to benefit everybody, and the days of we are going to take the public tax dollars and we are going to give them to this special interest group that is in the oil industry and we are going to let them move forward, those days are going to be over as of January 3, 2007.

We need a government, we need a Congress, we need an executive branch that is dynamic, that is mobile, that is agile, that can move in the context of an information economy. As businesses are going down the road, government is holding them back because we are not investing in our workers. We are not investing in education. We are not investing in making sure people are healthy.

To just illustrate how terrible the decisions have been, when you look at all the problems in our country, when you look at college tuition costs doubling, when you look at health care costs going up by 10, 15, 20 percent a year, when you look at the lack of investment into K–12 and the unfunded mandates from No Child Left Behind, when you look at all this and then you have the backdrop of what the Republican Congress is doing night in and night out in the United States Congress, this chart is the Republican tax plan.

Now, I know my friend Mr. MEEK, we are probably two of the more conservative Democrat Members. I am the most conservative Democrat Member in the Ohio delegation. Now, we would love to go to all of our constituents and say you all get a tax cut; this is going to be great. It would be good for us politically to be able to say that. Look what the Republicans are doing.

This big yellow bar here is what a millionaire got in the 2006 tax reconciliation bill. They will get $42,000 back. A millionaire will get $42,000 back. If you make $500,000, you will get $4,500 back. If you make $200,000, you will get $1,395 back, and then if you make $100,000 you will get $400 back. If you make $40,000, you will get $17 back.

Is this not disproportionate? If those people who say, Mr. Speaker, well, the millionaire pays more in tax, we do not have the money to give these people to begin with. We are borrowing the $42,000 from China to give the millionaire a tax break. We do not have money to give anybody, let alone the wealthiest people in the country, give them $42,000 back. We are borrowing the money, Mr. Speaker. We are borrowing money from China to give a millionaire $42,000 back.

Now, if you think that is good public policy, then you need to make sure that you vote for your Republican Member of Congress because this policy will continue. Guess what, in 10 years your kids are going to have a big bill that is going to come in the mail to them that they are going to have to pay the taxes, the debt, the deficit, the bill to the Chinese Government, to the Japanese government, to the OPEC countries, that the money went to pay a millionaire $42,000 back.

Those people who think that this money, the $42,000 that a millionaire gets back, is going to somehow get invested back into the American economy, they have not been around for the last 15 or 20 years because this millionaire is taking their $42,000, Mr. Speaker, and they are putting that in an international fund that is going to yield good returns. They are going to invest that money in a stock that is going to invest in a business in China, in Asia. That is what is going to happen. Where is the benefit to the American people?

All we are saying is that we need to begin to invest in the common good. Everybody contributes, everybody benefits.

I would love to go tell this person, and I do not know many people like this made more than $1 million last year. I am from Youngstown, Ohio. Niles, Ohio and Akron, Ohio, is the district I represent. I would think that we would have the courage to ask this person to please pay their fair share, that they are getting a tax cut of $42,000 and we have got to borrow it from China, do you still want it? We are giving $16 billion to the oil companies. Please, someone in leadership in the United States Government, in the Republican party who controls the House, the Senate and the White House, somebody in the Republican party call in Lee Raymond, call in one of these CEOs from one of the oil companies and just say to them, we do not have $16 billion to give you in corporate welfare, I am sorry. I know we may have had a deal before the election, but you know what, I am sorry, and we do not have that money now for you, and we have to invest that money in the broadband access for everyone in the country; we have got to invest that money into reducing the costs of college education; we have got to invest that money into increasing the health and welfare of the general public; we have got to fund No Child Left Behind; we need more engineers and scientists; we need 3 million health care workers in the next decade or so. We need 1 million nurses in the next decade or so.

I would be happy to yield to my friend Mr. MEEK.

Mr. MEEK of Florida. Mr. Speaker, it has just been truly a pleasure watching you share not only with the Members, Mr. Speaker, but also with the American people, and we wonder how we got to where we are now. I am just wondering how did we got to where we are now?

Mr. Speaker, I think we have gotten there because of this rubber stamp that is here. It is not just a rubber stamp. It is the Republican Congress rubber stamp, and it is very, very unfortunate that the people that are paying the price for this rubber stamp are the American people at the gas pump. This is graduation time. A lot of parents are going to see their children walk across the stage, but guess what, college assistance and affordable loans will not be there for those children because we are willing to give $42,000, $43,000 in tax breaks to millionaires.

The Republican Congress says they gave tax cuts for the American people. Yes, they are American people, too, but I am not talking about the middle class. The middle class family does not consider themselves millionaires.

I am holding this rubber stamp because this is what got us here. Mr. RYAN talks about paying for that. Let us put that rubber stamp over here.

How we are paying for it is we are making history in all the wrong places: 224 years, $1.01 trillion borrowed, Mr. Speaker, over 224-year, 42 Presidents combined, $1.01 trillion. The Republican Congress and President Bush, he could not do it without the Republican Congress, has been able to borrow $1.05 trillion over just 4 years. 224 years versus 4 years, even though we are at war, even though we have little health care for Americans, if any, and Mr. Speaker, we have given out tax breaks to the oil companies.

Mr. RYAN of Ohio. So you are saying that that money that we are borrowing could pay for tax cuts.

Mr. MEEK of Florida. And the special giveaways and special interests.

Let me just quickly, I just want to make the point here. Oil companies, look at the subsidies and look at the profits. They have reaped $113 billion in record breaking profits in 2005; 2004, $84 billion; 2003, $59 billion; 2002, $34 billion. It is coincidental, Mr. Speaker, that after the meeting at the White House with the oil companies, that was uncovered, after they denied all of this, that they were a part of the working group, that the profit level went up.

Now, I am not just a Member with a conspiracy theory, but just the other day in the Democratic Caucus, we had a gentleman that came to speak to us about alternative fuel sources. The question was asked, well, is not the oil companies, I mean, they have commercials going on talking about how they are investing in alternative fuels. This is an actual shot of a pump at an ExxonMobil station. Here you have regular, you have special and then you have super plus.

But this is the interesting part, Mr. Speaker, because this is the ethanol part here that says E–85 which is an alternative fuel. Guess what is happening here. This sign here, and I hope that, Mr. Speaker, the Members can see it. You cannot use your Mobil credit card.

So basically what they are saying is that you can use your credit card for the gas because we want to keep you on this stuff, but if you get a vehicle with alternative fuels, even though you are a customer of ours, you cannot use our card for that fuel. Now, I guarantee you I can walk into the little food mart here at that ExxonMobil and buy a case of sodas if I wanted to with my ExxonMobil card. Someone who is a smoker can buy eight packs of cigarettes.

Mr. RYAN of Ohio. Sunflower seeds.

Mr. MEEK of Florida. Sunflower seeds, what have you, but we cannot buy alternative fuels.

Now, meanwhile, back at the ranch, I see the ExxonMobil CEO on The Today Show, and he is saying, oh, we believe in innovation and alternative fuels, but that is not what it is saying at the pump, Mr. Speaker.

So I think that when we start looking at what is wrong with the Republican majority and what we are willing to do, if the American people sees fit to put Democrats in control of this House, that we will fight the big oil companies. We will make sure that there is no price gouging. It will not be a question of having to appoint a group to go out and look at this issue. They will no longer have the kind of open access special interests has had in this House and that is a fact. That is not fiction; that is fact.

So I think it is important when you start looking at all the money that is being borrowed to fund the millionaire tax break, all the money that is being borrowed to make sure that special interests get their tax cut and their subsidies and all these things, meanwhile the American people are paying for it.

I am not going to pull this stuff off the chart tonight, but these are the countries that are owning a part of the American apple pie due to the fact they want to have the great American giveaway.

Mr. RYAN of Ohio. Mr. Speaker, I just want to make one point as you were talking about the oil companies. They have really become, and I do not say this in a derogatory way, they have become dinosaurs, and the Republican majority has just consistently reaffirmed their prehistoric nature because we are in a new economy. We are in a knowledge-based economy. We are in an economy that can figure out how to not use fossil fuels, how to figure out how to use different things. They run the gamut.

Let us invest in those things and figure out a way that we are not so dependent on the CEOs who are making $400 million, God bless them, retirement package of $2 million tax break, God bless you, but not at the expense of everyone else.

The dinosaur approach no longer works. We cannot have a government that just consistently lives in an age that no longer exists.

Mr. Speaker, I yield to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), my friend.

Ms. WASSERMAN SCHULTZ. I thank the gentleman for yielding.

I have been listening to both of you banter back and forth about gas prices, and what I hear in both of your voices is your desire to get to the core of what we obviously are all baffled about which is why. I mean, why over the last 15 to 20 years has there not been an effort, and let us say in the last dozen years, has there not been an effort to make a real commitment to fix this, to head this off at the pass, to make sure that our constituents are not consistently having to pay, for the foreseeable future, if not forever, more than $3 a gallon for gas?

I guess because I am the newest among the three of us I have reached the conclusion that obviously the Republicans do not have the joints that they need on the side of their neck because their heads do not appear to go this way. They only go this way, like this bobblehead elephant. Apparently, they only know how to say yes, Mr. Speaker; yes, Mr. President; yes, CEO of oil companies; I am happy to do your bidding in whatever it is that you like.

□ 2330

Their necks, unlike ours, don't appear to go horizontal, or side to side. Because if they did, then their voting record would reflect ours and the values of the American people a lot more closely, and they would not have voted in favor of the energy bill they put forward last summer, when they held the vote open for 40 straight minutes to ensure they could twist enough arms to get the bill to pass and give away the subsidies and the oil leasing rights that we own as a United States Government. And instead of collecting the royalties from the oil companies, we gave them away and allowed them to drill essentially for free, or to drastically reduce the rate.

That action and the lack of a commitment to funding alternative energy research and the cozy relationship that the Bush administration has with the Saudis and with the OPEC leaders, that is what has caused us to be in the mess that we are in. And you don't see any commitment on the part of the Republican leadership here to make any significant change.

The only place you see an effort to make a significant change and take this country in a new direction on oil prices and gas prices is through the Democratic agenda, the innovation agenda, where we pledged, when we rolled out our innovation agenda under Leader PELOSI's leadership, to become energy independent within 10 years. And that is possible through the use of ethanol.

I just saw the gentleman who made that presentation to our caucus on CNN the other night for a solid hour, and he literally outlined how it was possible for us to begin to make a commitment in agriculture through corn, which we are already doing in the Midwest, in your area, Mr. RYAN, but also it could be done in my area with sugar cane, in Louisiana and in the mid northwest with sugar beets. I mean, it is possible for us to really make an effort to invest in ethanol.

Brazil did it. Brazil is now completely independent of foreign oil. They manufacture vehicles that run on ethanol. They have hybrid and ethanol-only automobiles. That is something that is entirely possible in this country within 10 years. Unfortunately, the heads of the Members on this side of the aisle only go one way.

Mr. RYAN of Ohio. And the distinction is quite clear. We want to do broadband access to every household, we want to be energy independent in a decade, we want to fund research and development, and we want to have a tax credit for venture capitalists to come in and pump money into those industries. The Republican majority wants to give the oil companies $16 billion. It is that simple.

Put us in charge and we will have an energy independent Nation in 10 years, period. Let's get the country going in that direction, Mr. MEEK. And like Ms. WASSERMAN SCHULTZ said, we can use sugar cane, we can use ethanol, we can use biodiesel, and we can use wind. We can use all these things. And nuclear. We could piece this thing together, but there's got to be a commitment to say why do we have all our eggs in one basket right now.

And then you look at the problems in the Middle East and all the rest that we have.

Ms. WASSERMAN SCHULTZ. And I actually should have mentioned something else. You are a Midwesterner, but we have coastlines in both of our districts in Florida, and obviously the United States is surrounded by coastline. What was the answer to our long-term and short-term energy needs that the Republicans put forward the other day? I mean, fortunately, we pieced together enough Members to defeat it, but that was to bring oil drilling and natural gas drilling within three miles of the coast of this country.

And it is understandable that a lot of our Midwestern colleagues voted to do that, because they are desperate to make sure that something happens and there is some movement on this. But had our Republican colleagues had a little foresight, had they actually had any interest in not, for lack of a better term, no, I won't use that expression, had they had any interest in not continuing to give significant assistance to the oil industry, then they would have not needed to make that short-term, shortsighted last-ditch effort solution to prevent minivan moms like me from having to pay $55 in filling up their gas tanks, which is what I just did the other day when I was driving my kids around.

Mr. RYAN of Ohio. The American people expect us to come here and come up with solutions; to be creative and figure out how do we fix the problem, not to subsidize with the public tax money the very problem that we are having. We are making the problem worse.

Not only are we giving the oil companies more money, but we could have cut a deal with them. We could say to the oil companies, you are in on it. Make money off it. Hire people, do ethanol. You are in. Make money. Make lots of money. But don't do it at the expense that we are having now, the expense of the American people.

I think when you look at our agenda, when you take a real look, and this isn't about, Mr. Speaker, being on Fox News or MSNBC and two people screaming at each other about who is this and who is that. It is not about that. These are real solutions. And anybody who is watching this debate or this discussion here, this is about what we have in store for the American people. These are our plans: broadband for every household, energy independence in the next 10 years.

Go to our Web site, www.housedemocrats.gov/30something. Go to our Web site, see these charts, and look at us. We want to open this government up. Look at our plan. Examine it; you will like it. It is futuristic. It is about what the country is going to look like in 10 years.

I yield to my friend.

Mr. MEEK of Florida. Mr. RYAN and Ms. WASSERMAN SCHULTZ, it is just not natural to think that the oil industry, the CEOs, the board members of the oil industry will say, well, we want to do the right thing. Matter of fact, we are going to take money out of our pockets and profits and we are going to put it on the table and we are going to make America energy independent.

It goes against financial logic for them. Their stockholders now are making more money than they have ever made in the history of the country. When they have their shareholder meetings, Mr. Speaker, they do not go there and say, boy, people are paying a lot of money at the pump. What should we do? What should we do? No. We are making more money than we have ever made in our lives, and we are being subsidized by the Republican majority in Congress. What can we do to keep the Republican majority in control of the Congress so we can continue getting what we are getting? That is what is happening.

What has to happen on behalf of the American people, they have to have a Congress that is willing to say, you

know, that is not going to happen any more. We are going to make sure we work very hard so we can start stroking away from this kind of business here. Folks are talking out of both sides of their mouths saying that, oh, we believe in innovation and in alternative fuels, yet at the same time denying their customers the right to use their credit card to buy ethanol.

This is on a pump. This is on the pump. This is on the pump. This is not something that some environmental group ran out and put a sticker on a pump. You can pull up to an ExxonMobil station now and see that on the pump. That is very unfortunate, Mr. Speaker. It is not natural for that to happen.

It is not natural for the Republican majority to say, well, Mr. President, we don't agree with your tax policy because its wrong that we are borrowing money from foreign nations and we are selling America way. It is not natural. It is not natural for the Republican majority to say we have to have oversight. We have to make sure that we have no more Hurricane Katrinas.

Yes, there were some committees that met and found out the obvious, that things went wrong. But there were no solutions that came out of the report of the partisan committee here in the House.

It is not natural for the Republican majority to stand up to companies that are raking in record profits off the backs of the American people. This is well documented. And, Mr. Speaker, I am not even going to beg the Republican majority to do the right thing at this point, because history doesn't reflect that they are willing to be bipartisan in a way that will benefit all Americans, with making sure we work in a bipartisan way.

One thing our leadership has said and one thing we have embraced here in the 30-something Group is that when the American people see fit, hopefully in November, if they are willing to have a Democratic Congress to stand up to this White House and to stand up to the special interests here in Washington, D.C., then we will have bipartisanship. Because bipartisanship can only happen when the leadership allows it. I am saying the leadership in charge allows bipartisanship.

Mr. Speaker, well documented. There are conference committees when we pass a bill in the House and the Senate that comes together and the Democratic members are not even welcome to the conference committee to sit and talk about the ideas and exchange with the Senate so we can send a positive package to the President of the United States. That is not happening.

Ms. WASSERMAN SCHULTZ. Will the gentleman yield?

Mr. MEEK of Florida. Ms. WASSERMAN SCHULTZ, as I close, and then I am going to be quiet, because I just want to make this last little point.

It is unfortunate that it is not natural for the Republican majority to do the right thing. I don't care if you are a Republican or an Independent or a Democrat, or you are thinking about voting and you are 17½ years old and you can register and vote in November, you have to have a problem. Or 17 and about to vote in November, because you have to be 18. You have to have a problem the way the Republican majority has put this country in a bad posture for the future and the present.

If I don't say anything else tonight, I just want to make sure that the Members understand what they are doing to the country. Not to Democrats. We are all in this. When we go to the pumps, they don't have a price for Democrats and a price for Republicans and a price for Independents. We are all paying the same price. We are all paying the same price at the pump.

So when folks pass policy and say, oh, well, we got what we wanted. It is not about carrying the Republican leadership on your shoulder saying we beat the Democrats on this one. No, you beat the American people, and the American people have had enough of it.

We are here to make it abundantly clear, and we are carrying a message on behalf of all our colleagues on this side of the aisle, and hopefully a few Republicans on that sides of the aisle, that we are willing to lead on behalf of the American people and not K Street, not the special interests, not somebody's cousin that happened to get a lobbying job that came here to get the right policy here, like they did in the White House on these oil companies.

Am I upset? You're doggone right I am upset. So I just want to make sure that we are clear on that, crystal; that everyone understands and we break this down so that the average Joe and Sue and Sally can understand what we are talking about here.

Ms. WASSERMAN SCHULTZ. You know, what we always try to do here on the 30-something time is to help people understand that we are not just offering our own opinions. And I think it would be helpful to illuminate for folks and for the Members, Mr. Speaker, just exactly what has gone down here in this Chamber and the opportunities that the Republicans have literally just cast aside.

Let us take a walk down the energy memory lane in the last several months, just since I have been here. Ninety-eight percent of House Republicans voted to let the oil companies keep their exorbitant profits. This was the week of April 28. The vote was on April 27, excuse me. And what they did was, the House Republicans rejected a Democratic effort to accept Senate provisions in the tax bill that would have removed $5 billion worth of subsidies and tax loopholes for large oil companies.

In other words, they would have removed the subsidies and tax loopholes worth $5 billion to oil companies, but House Republicans refused to do that. Ninety-eight percent of them voted to do that. Again, I don't think your rubber stamp is big enough, Mr. MEEK.

Let's talk about price gouging. It is really interesting. Before I came here, I was at home for a little while and I was watching CNN and saw a Senate colleague, to stay within the House rules, commenting at a hearing on oil prices. This was a Senate Republican, and he was using very tough talk and grilling the oil companies that were before him. Essentially, the announcer, the commentator on CNN, was talking about how this particular individual had previously never been in favor of legislation and had voted against every opportunity to rein in the oil industry and to try to bring some sanity to the direction that we are moving in terms of our energy policy.

But literally I watched him say it, he said to the oil industry representative that the American people were getting a little bit cranky and tired of this, and that he was getting ready to do something serious. What, I don't know, but if we have reached the point where even someone who has never voted to regulate the oil and gas industry is considering doing that, then you know that the American people have reached their breaking point.

Because in terms of price gouging, it has been a totally different story. The Republican leadership in either 57chamber has never supported adopting price gouging legislation.

□ 2345

In September 2005, Democrats proposed legislation to establish a Federal ban, this was a Democratic proposal, a Federal ban on price gouging for oil, gasoline and other petroleum products during national emergencies; provide civil and criminal penalties for price gouging; ban market manipulation; and require greater transparency in oil and gasoline markets.

This was supported by a majority in the Senate, but it was blocked by Republicans in the House. And that vote took place on November 17, 2005.

So there has never been an interest. In fact, there has been a specific interest in continuing to prop up the oil company profits. We have third-party validator after third-party validator that back this up, so this is not the DEBBIE, TIM and KENDRICK show where we are spewing our opinions. There are facts to back up the things we are saying. We are hopeful that the American people understand who is for true energy independence and moving this country in the right direction and who is just kidding.

Mr. RYAN of Ohio. I thank the gentlewoman because not only did you have third-party validators, I think we have some of the most important third-party validators to what we are saying here.

The next five posters are strong, conservative Republicans with credentials in the conservative community well beyond anything we will ever have.

This is Pat Toomey, former Member of Congress, president of Club for Growth. He says in the Philadelphia Inquirer on May 8: Republicans have

abandoned the principles of limited government and fiscal discipline. He went on to say: There is a very high level of frustration and disappointment among rank-and-file Republicans when they see a Republican-controlled Congress engaging in an obscene level of wasteful spending.

This next quote is from a guy who gave birth to the Republican revolution in 1994. He said, at the end of March, a congressional watchdog agency recently smuggled a truck carrying nuclear material into the country to test security; he said: Why isn't the President pounding on the table? Why isn't he sending in 16 reform bills?

Mr. Gingrich went on to cite a series of blunders under Republican rule, from failures in the aftermath of Hurricane Katrina to mismanagement of the war in Iraq. He said the government has squandered billions of dollars in Iraq. That is from Newt Gingrich, former Speaker, conservative Republican.

He went on to say in the same article: They are seen, the Republicans, and as my good friend from Florida loves to point out, the man who gave birth to the Republican revolution, is now calling the Republican majority they; they are seen by the country as being in charge of a government that cannot function.

This is not the Democratic Party saying this; these are conservative Republicans who had some ideals that see this Republican Congress unable to govern the country.

Pick an issue. The war, down.

Pick an issue. The prescription drug bill, not working.

Pick an issue. Hurricane Katrina, FEMA, not working.

Education costs, through the roof.

You are in charge. You are in charge of the House and the Senate and the White House.

Pick an issue. Pick an issue in this country, oil prices, gas prices, energy costs, health care costs.

Pick an issue. Unable to govern. Unable to govern. And it is not my opinion; it is not your opinion. This is their people saying they do not know how to govern.

We want an opportunity. Then we find out, Tuesday, 26.5 million veterans' information is stolen. You cannot consistently run down government and then expect it to work.

Mr. MEEK of Florida. You know why it is breaking down, because special interests have been allowed to infiltrate the U.S. House of Representatives. The K Street Project until denounced a few months ago was alive and well in the U.S. House of Representatives.

Mr. Speaker, you know it. I know it. The majority and minority know it. Articles were written, you have to be a part of the K Street Project or you are out of it. There was one Member of this House who said if they are not on the list as being a part of the K Street Project that is contributing to make sure that Republicans stay in the majority here in the House, and that also means if they did not hire staffers or ex-staffers that Republican leadership Members asked them to hire, they were not going to have access.

I am going to read this Washington Post article, Wednesday, November 16, 2005, front page: White House documents show executives from big oils companies met with the Vice President's energy task force in 2001.

Well, let us look at the chart. What happened in 2002 after they met? Wow, $34 billion in profits.

''Something long expected by environmentalists but denied as recent as last week by industry officials testifying before Congress. A document obtained this week by The Washington Post,'' and that was November 2005, ''shows that officials from ExxonMobil, Phillips, Shell Oil and BP, Inc., met in the White House complex with Cheney's aides who were developing national energy policies, parts of which became law and parts of which are still being debated.''

The bottom line is it is just not natural for the Republican majority to be part of my revolution. Their revolution is making sure that the special interests get what they want, not the revolution of accountability or any Contract for America that they came up with.

So they got in majority, and they lost touch with the rhetoric that they were sharing with the American people, and look at what happened.

The facts, after the meeting in the White House complex was documented, not the fact that the White House came forward and said, we had a meeting; no, we had to do some insight and investigation. And guess what? The American spirit broke through, and somebody said, yes, there was a meeting, I was there. Not me, but the person who reported that. There was $34 billion in profits after the meeting. Let us look at the profits here. I think that was a pretty good meeting on behalf of the special interests.

That is why Mr. Toomey is saying what he is saying. That is why Mr. Gingrich is saying what he is saying, and that is the reason why the average American person is saying, I am not voting party; I am voting for my family. I am not voting because somebody said, you are a Republican and this is what you have to do. I am not a registered Republican, but I guarantee you those people who delivered the Republican majority in this House voted for the things that they were promised some 12–14 years ago, not what is going on right now here in this House.

If they want a change, they have an opportunity to do it, and we want to make sure that everyone knows they have the power, and not to believe the rhetoric of the 30-second ad about why you need to elect me because the facts are not there on the majority's behalf, the Republican majority's behalf, that they are going to deliver for the average American worker, the average American senior citizen, the average American child that is trying to get an education. Because when they walk across that stage this week and next week, they are going to pay more than ever for their education, and it comes by way of the cuts in the budget to make sure that oil companies and millionaires get their tax breaks, and make sure that individuals who are carrying out bad policy as it relates to not having a strategy in Iraq continue to carry on that bad policy, and no one can wave an Independent or Republican or Democratic flag and say what is happening right now is good in Congress.

What we have to do is change the majority in this House to a Democratic majority because we have the will and the desire to lead, and I believe the American people know. And I believe the Republican majority knows it. I think it is going to happen, and it is going to happen because of what they have not done and what we are willing to do.

Mr. Speaker, I yield to Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. I actually think you are being presumptuous because you touched a nerve when you said you think the Republicans lost touch along the way at some point. That presumes that they were ever in touch because when we listen to remarks on the floor of this House where commentary is made that, for example, people who make $40,000 a year do not pay taxes, when you know you pay upwards of $50 to fill up a gas tank, you scratch your head and wonder, who pumps their gas?

When you cannot determine whether they know what the cost of groceries are, are they shopping for food? Who is talking to them in their districts? Are they driven around in limousines? Because all of the indicators, their desire to maintain tax cuts for the wealthiest among us, all of the indicators are there that they really are that out of touch.

I mean, just to have it stated on the floor of this House that people who make $40,000 do not pay taxes, that is just unbelievable. But then just take the tax cut bill, the rubber-stamp Republican Congress, literally and the walk down memory lane that we have been going through turned the projected $5.6 trillion record surplus into a record deficit of $3.2 trillion. The President has quadrupled our debt held by China. The tax bill that was signed, Americans making $20,000 annually get $2 and Americans making $40,000 get $16.

Mr. RYAN of Ohio. Can you imagine somebody getting a $2 tax break?

Ms. WASSERMAN SCHULTZ. When I ask people in my district in town hall meetings to raise their hand and show me how many have benefited and got money in their pocket from the tax cut legislation, out of several hundred, I get two maybe three hands; that is preposterous.

Here is the kicker: Americans making more than a million dollars a year get a thousand times what people making $40,000 get. They get $42,000. We have a graphic that we can show that means that they can buy a Hummer. That is essentially, they are basically being given the equivalent of a Hummer.

Let me just conclude by adding on to what Mr. Gingrich has said because he also said some things very recently. On May 14, on Meet the Press, Mr. Gingrich said: I think we have to confront the fact that on a variety of fronts, we are not getting the performance we want. The people in charge have an obligation to deliver. When you learn that maybe as much as $16 billion of the $18 billion that we sent to Baghdad for economic purposes was not spent effectively, you know something has to change. When you look at Katrina and you realize that we, the United States Government, paid $1.75 to a general contractor who paid 75 cents to a contractor who paid 35 cents to a subcontractor, who paid 10 cents to put the blue tarp on what was temporary roofing, then you know something has to change.

The leader from the 1994 Republican revolution says something has to change. Change is not going from Republican to Republican. It is going from Republican to Democrat so we can take this country in the direction that we really should be going, and so that the next generation of Americans are going to have an America that they can grow up and believe in.

Mr. RYAN of Ohio. We have positions that are right down the middle. We have positions about investing that money instead of giving $42,000 in tax breaks; making sure that everybody has access to broadband; making sure people are healthy; and No Child Left Behind is funded; and balancing the budget by putting paygo rules on that won't allow us to spend money that we do not have, that we do not either cut from a program or raise revenue somewhere.

As we are wrapping up here. I had an opportunity to go to the Kennedy Library. Mr. MURTHA received the Profiles in Courage Award for his stance on the war and coming out against the war. I ran into Ted Sorenson, who was President Kennedy's top adviser and speech writer. He said, when he was with President Kennedy, they never submitted a budget to Congress that was more than $10 billion off. They would maybe have some, but never more than $10 billion.

And when President Bush says this Congress has to rein in spending, he hasn't vetoed one spending bill, so don't give us this, and we are supposed to believe you. Let us put our faith back in the American people here, www.housedemocrats.gov/30something.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. JONES of Ohio (at the request of Ms. PELOSI) for May 22 on account of business in the district.

Mr. SNYDER (at the request of Ms. PELOSI) for today and the balance of the week.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

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

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

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

Mr. SODREL, for 5 minutes, May 24.

Mr. ROHRABACHER, for 5 minutes, May 24.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1736. An act to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies.

ADJOURNMENT

Mr. MEEK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until today, Wednesday, May 24, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

7608. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; New Stuyahok, AK [Docket No. FAA-2005-22535; Airspace Docket No. 05-AAL-24] received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7609. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Jet Route J-158; ID [Docket No. FAA-2003-22496; Airspace Docket No. 04-ANM-26] (RIN: 2120-AA66) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7610. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification to Class E Airspace; Del Rio, TX [Docket No. FAA-2005-23009; Airspace Docket No. 2005-ASW-18] received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7611. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Hillsboro, TX [Docket No. FAA-2005-22998; Airspace Docket No. 2005-ASW-19] received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7612. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Arctic Village, AK [Docket No. FAA-2005-22021; Airspace Docket No. 04-AAL-06] received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7613. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Tok Junction, AK [Docket No. FAA-2005-22537; Airspace Docket No. 05-AAL-29] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7614. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Nondalton, AK [Docket No. FAA-2005-22536; Airspace Docket No. 05-AAL-25] received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7615. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Area Navigation Routes; Southwestern and South Central United States [Docket No. FAA-2005-21381; Airspace Docket No. 05-ASW-2] (RIN: 2120-AA66) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7616. A letter from the Program Anlayst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Front Range Airport, Denver, CO [Docket FAA-2005-20248; Airspace Docket 05-AWP-13] received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7617. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace, Modification of Class E; Rogers, AR [Docket No. FAA-2004-19599; Airspace Docket No. 2004-ASW-12] received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7618. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Area Navigation Routes; Southwestern and South Central United States [Docket No. FAA-2005-21381; Airspace Docket No. 05-ASW-2] (RIN: 2120-AA66) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7619. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Prohibited Area P-50; Kings Bay, GA [Docket No. FAA-2003-15976; Airspace

Docket No. 03-AWA-5] (RIN: 2120-AA66) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7620. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class C Airspace and Revocation of Class D Airspace, Orlando Sanford International Airport, FL; and Modification of the Orlando International Airport Class B Airspace Area, FL [Docket No. FAA-2005-20700; Airpsace Docket No. 04-AWA-8] (RIN: 2120-AA66) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7621. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of the Minneapolis Class B Airspace Area; MN [Docket No. FAA-2003-15471; Airspace Docket No. 03-AWA-6] (RIN: 2120-AA66) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 832. Resolution providing for consideration of the bill (H.R. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes (Rept. 109–479). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. REYNOLDS (for himself, Mr. ENGLISH of Pennsylvania, Mr. JONES of North Carolina, Mr. DANIEL E. LUNGREN of California, Mr. DOOLITTLE, Mr. EHLERS, Mr. SOUDER, Ms. GINNY BROWN-WAITE of Florida, Mr. BISHOP of Utah, Mr. RAMSTAD, Mr. KUHL of New York, Mr. FILNER, Mr. MCCOTTER, Mr. BROWN of South Carolina, Mrs. MYRICK, Mr. HALL, Mr. MILLER of Florida, Mr. JEFFERSON, Mr. FOSSELLA, Ms. FOXX, Ms. CARSON, and Mr. DUNCAN):

H.R. 5452. A bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHIMKUS (for himself, Mr. BOUCHER, Mr. AKIN, Mr. COSTELLO, Mrs. CUBIN, Mr. RAHALL, Mr. HUNTER, Mr. SKELTON, Mr. ENGLISH of Pennsylvania, and Mr. POMEROY):

H.R. 5453. A bill to amend the Internal Revenue Code of 1986 to extend the excise tax credits for certain liquid fuel derived from coal; to the Committee on Ways and Means.

By Mr. SENSENBRENNER:

H.R. 5454. A bill to authorize salary adjustments for Justices and judges of the United States for fiscal year 2007; to the Committee on the Judiciary.

By Mr. SALAZAR:

H.R. 5455. A bill to require the Secretary of Veterans Affairs to provide free credit monitoring and credit reports for veterans and others affected by the theft of veterans' personal data, to ensure that such persons are appropriately notified of such thefts, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BURTON of Indiana:

H.R. 5456. A bill to respond to the crisis of illegal immigration in the United States; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOOLITTLE:

H.R. 5457. A bill to supersede certain judicial orders interfering with the implementation of amendments to section 235 of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. AL GREEN of Texas (for himself, Mr. GORDON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON-LEE of Texas, and Ms. MATSUI):

H.R. 5458. A bill to provide for the National Science Foundation to make grants for the establishment of summer science and mathematics camps for middle school and high school students; to the Committee on Science.

By Mrs. JONES of Ohio:

H.R. 5459. A bill to authorize funds for the United States Marshals Service's Fugitive Safe Surrender Program; to the Committee on the Judiciary.

By Mr. KOLBE:

H.R. 5460. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study of the Sierra Vista Subwatershed in the State of Arizona; to the Committee on Resources.

By Mr. MELANCON (for himself, Mr. BAKER, Mr. MCCRERY, Mr. ALEXANDER, Mr. BOUSTANY, Mr. JINDAL, and Mr. JEFFERSON):

H.R. 5461. A bill to authorize the Secretary of the Army to carry out water resources projects and activities for the coastal area of Louisiana, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. MUSGRAVE:

H.R. 5462. A bill to suspend the Federal highway fuels taxes, to authorize the leasing, development, production, and transportation of oil and gas in and from the Coastal Plain of Alaska, and for other purposes; to the Committee on Ways and Means, 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. MUSGRAVE:

H.R. 5463. A bill to amend the Internal Revenue Code of 1986 to repeal the increase in the age of minor children whose unearned income is taxed as if parent's income; to the Committee on Ways and Means.

By Mr. HINOJOSA:

H. Con. Res. 413. Concurrent resolution expressing appreciation for the life and service of Lloyd Bentsen and expressing sympathy to his family; to the Committee on House Administration.

By Mr. CLAY (for himself and Mr. COSTELLO):

H. Con. Res. 414. Concurrent resolution recognizing and honoring the life achievements of Katherine Dunham for being one of the world's most respected dancers, a teacher, mentor, choreographer, author, actress, and humanitarian; to the Committee on Education and the Workforce.

By Mr. HINCHEY (for himself, Mrs. BONO, Mrs. CAPPS, and Mr. HAYWORTH):

H. Res. 833. A resolution expressing the sense of the House of Representatives with regard to the importance of National Women's Health Week, which promotes awareness of diseases that affect women and which encourages women to take preventive measures to ensure good health; to the Committee on Energy and Commerce.

By Ms. NORTON:

H. Res. 834. A resolution congratulating Kim Burke-Ables for her exceptional dedication to the students of Benjamin Banneker Academic High School in Washington, D.C. and her excellence as a teacher resulting in her selection as the 2006 District of Columbia Teacher of the Year, in recognition of her work; to the Committee on Government Reform.

ADDITIONAL SPONSORS

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

H.R. 65: Mr. OSBORNE, Mr. DENT, and Mr. MARSHALL.
H.R. 198: Mr. WAXMAN.
H.R. 297: Ms. ESHOO and Mr. DAVIS of Illinois.
H.R. 303: Mr. SAXTON.
H.R. 354: Mr. FITZPATRICK of Pennsylvania.
H.R. 558: Mr. RUPPERSBERGER.
H.R. 697: Mr. BROWN of Ohio.
H.R. 791: Ms. SLAUGHTER.
H.R. 808: Mr. ENGEL and Mr. DINGELL.
H.R. 819: Mr. KENNEDY of Minnesota.
H.R. 1217: Mr. STUPAK.
H.R. 1431: Ms. MOORE of Wisconsin.
H.R. 1494: Mr. KLINE.
H.R. 1518: Mr. KILDEE.
H.R. 1558: Mr. RYAN of Wisconsin.
H.R. 1582: Mr. HAYWORTH.
H.R. 1594: Ms. HERSETH.
H.R. 1619: Mr. FARR.
H.R. 1816: Mr. GOODE.
H.R. 1872: Mrs. NORTHUP.
H.R. 2178: Ms. MCCOLLUM of Minnesota, Mr. DEFAZIO, Mr. REYES, and Mr. SERRANO.
H.R. 2199: Mr. ALLEN.
H.R. 2350: Mr. PETERSON of Pennsylvania.
H.R. 2390: Mrs. JO ANN DAVIS of Virginia.
H.R. 2861: Mr. HAYWORTH.
H.R. 3022: Mr. MCNULTY, Mr. JEFFERSON, Mr. MILLER of North Carolina, and Mr. CHANDLER.
H.R. 3034: Mr. CONYERS, Ms. BORDALLO, Mr. RYAN of Ohio, and Mr. TOWNS.
H.R. 3061: Mrs. NORTHUP.
H.R. 3082: Mr. EDWARDS.
H.R. 3263: Mr. SHAYS.
H.R. 3427: Mr. ROTHMAN and Ms. MCKINNEY.
H.R. 3478: Mr. GIBBONS and Ms. JACKSON-LEE of Texas.
H.R. 3492: Mr. PASCRELL.
H.R. 3588: Mr. HAYWORTH and Mr. KUHL of New York.
H.R. 3762: Ms. DEGETTE.
H.R. 3781: Mr. BLUMENAUER.
H.R. 3852: Mr. UDALL of Colorado.
H.R. 3964: Mr. ACKERMAN.
H.R. 4008: Mr. PORTER.
H.R. 4025: Mrs. JO ANN DAVIS of Virginia.
H.R. 4033: Mr. WYNN, Mr. HOLDEN, Mr. ACKERMAN, Mr. LARSEN of Washington, Mr. WELDON of Pennsylvania, Mr. RAHALL, Mr. KENNEDY of Minnesota, Mr. OLVER, and Mr. MEEHAN.
H.R. 4052: Mr. WAXMAN.
H.R. 4098: Mr. BROWN of Ohio and Mrs. MALONEY.
H.R. 4197: Mr. LANTOS.
H.R. 4232: Mr. TOWNS.
H.R. 4259: Ms. JACKSON-LEE of Texas.

H.R. 4318: Mr. WILSON of South Carolina.
H.R. 4341: Mr. BROWN of South Carolina, Ms. GRANGER, and Mr. BURGESS.
H.R. 4350: Ms. LEE.
H.R. 4381: Mr. ALEXANDER, Ms. HARRIS, Mr. MARIO DIAZ-BALART of Florida, and Mr. MILLER of Florida.
H.R. 4423: Mr. AL GREEN of Texas and Mr. CHABOT.
H.R. 4435: Ms. JACKSON-LEE of Texas.
H.R. 4450: Mrs. KELLY.
H.R. 4469: Mr. COSTA.
H.R. 4495: Mr. CONAWAY.
H.R. 4517: Mr. MARCHANT.
H.R. 4560: Mr. UPTON.
H.R. 4562: Ms. SCHWARTZ of Pennsylvania, Mr. MATHESON, Mr. VAN HOLLEN, Mr. KIRK, Mr. BISHOP of New York, Mr. SAXTON, and Mr. SCHWARZ of Michigan.
H.R. 4573: Mr. MCHUGH.
H.R. 4597: Mr. GONZALEZ and Mr. CARTER.
H.R. 4672: Mr. SHERWOOD.
H.R. 4695: Ms. KILPATRICK of Michigan.
H.R. 4734: Mr. BACA, Mr. BECERRA, Mr. ETHERIDGE, Mr. GONZALEZ, Mr. HINOJOSA, Mr. ORTIZ, Mr. OWENS, and Ms. SOLIS.
H.R. 4747: Mr. SULLIVAN, Mr. LANGEVIN, Mr. REYES, Mr. MORAN of Virginia, Mr. SPRATT, Mr. SKELTON, Mr. BISHOP of Georgia, and Ms. WATERS.
H.R. 4751: Ms. MILLENDER-MCDONALD.
H.R. 4824: Mr. KIND and Mr. GORDON.
H.R. 4825: Mrs. LOWEY, Mr. ENGEL, and Ms. SCHAKOWSKY.
H.R. 4843: Mrs. JO ANN DAVIS of Virginia.
H.R. 4894: Mr. MARCHANT, Mr. CASTLE, Mr. NORWOOD, Mr. EHLERS, and Mr. SCHWARZ of Michigan.
H.R. 4927: Mr. ROTHMAN and Mr. MARSHALL.
H.R. 4949: Mr. CONYERS.
H.R. 5005: Mr. GARRETT of New Jersey.
H.R. 5013: Mr. DAVIS of Tennessee, Mr. GOODE, and Mr. BLUNT.
H.R. 5017: Ms. MCCOLLUM of Minnesota, Mr. GONZALEZ, and Ms. JACKSON-LEE of Texas.
H.R. 5022: Mr. YOUNG of Alaska, Mr. FARR, and Ms. MATSUI.
H.R. 5039: Mr. PEARCE.
H.R. 5058: Mr. BISHOP of Georgia.
H.R. 5100: Mr. RYAN of Wisconsin and Mr. KUHL of New York.
H.R. 5102: Mr. KUCINICH.
H.R. 5106: Ms. MCCOLLUM of Minnesota.
H.R. 5113: Mr. HOLT, Ms. MCKINNEY, Ms. MOORE of Wisconsin, and Mr. PALLONE.
H.R. 5121: Ms. CARSON, Mr. MICA, Ms. MATSUI, Mr. PLATTS, Mr. CLEAVER, Mr. SIMMONS, Mr. CASE, and Mr. BACHUS.
H.R. 5129: Mr. SENSENBRENNER.
H.R. 5139: Ms. MATSUI.
H.R. 5140: Ms. MCKINNEY and Mr. BISHOP of Georgia.
H.R. 5159: Mr. WEXLER.
H.R. 5201: Mr. WEINER, Mr. CARDIN, Mr. RUPPERSBERGER, Mrs. MYRICK, Mr. DAVIS of Illinois, Mr. OXLEY, and Mr. WICKER.
H.R. 5204: Mr. GRIJALVA, Mr. RYAN of Ohio, Ms. SCHAKOWSKY, and Mr. COSTELLO.
H.R. 5209: Ms. MCKINNEY.
H.R. 5230: Mr. OTTER.
H.R. 5255: Mr. ALEXANDER and Mr. KENNEDY of Minnesota.
H.R. 5262: Mr. FEENEY, Mrs. NORTHUP, Mrs. DRAKE, Mr. COLE of Oklahoma, Mr. SHADEGG, Mr. GILLMOR, Mr. BARTLETT of Maryland, Ms. HART, Mr. MANZULLO, Mr. GARRETT of New Jersey, Mr. SHERWOOD, Mr. SHAW, Mr. RENZI, Mr. FOLEY, Mrs. JOHNSON of Connecticut, and Mr. MCCRERY.
H.R. 5280: Mr. EHLERS.
H.R. 5290: Mr. GONZALEZ.
H.R. 5312: Ms. LINDA T. SÁNCHEZ of California and Mr. KIND.
H.R. 5319: Mr. KLINE, Mr. FOSSELLA, and Mr. MARCHANT.
H.R. 5336: Mr. KINGSTON and Mr. BISHOP of Georgia.
H.R. 5337: Mr. CAMP of Michigan, Mr. CLAY, Mr. FORD, Mr. MEEKS of New York, Mr. MOORE of Kansas, Ms. ROS-LEHTINEN, Mr. SCOTT of Georgia, Mr. SESSIONS, Mr. STEARNS, and Mr. WAMP.
H.R. 5353: Mrs. EMERSON.
H.R. 5362: Ms. MCCOLLUM of Minnesota.
H.R. 5364: Ms. MCCOLLUM of Minnesota.
H.R. 5371: Ms. DEGETTE, Mrs. LOWEY, Mr. BISHOP of New York, Ms. WATSON, Ms. LEE, and Mr. MORAN of Virginia.
H.R. 5388: Ms. PELOSI, Mr. PAYNE, and Mr. UDALL of Colorado.
H.R. 5397: Mr. BISHOP of Georgia.
H.R. 5403: Mr. THOMAS, and Mr. CRAMER.
H.R. 5420: Mr. MARSHALL, and Mr. HINCHEY.
H.R. 5432: Mr. ROGERS of Kentucky, Ms. JACKSON-LEE of Texas, and Mrs. NORTHUP.
H.R. 5442: Mr. TIBERI, Mr. FORTUÑO, and Mr. BARTLETT of Maryland.
H.R. 5444: Mr. SCHWARZ of Michigan.
H.J. Res. 58: Mr. PEARCE, Mr. SCOTT of Georgia, Mr. FORTUÑO, Mr. BOSWELL, Mrs. DRAKE, Mr. CLEAVER, and Mr. COBLE.
H.J. Res. 73: Mr. NEAL of Massachusetts.
H. Con. Res. 42: Mr. CONAWAY.
H. Con. Res. 106: Mr. NEAL of Massachusetts.
H. Con. Res. 338: Mrs. NAPOLITANO, Mr. CHANDLER, and Mr. FERGUSON.
H. Con. Res. 343: Mr. CROWLEY.
H. Con. Res. 348: Mr. PAYNE, and Ms. JACKSON-LEE of Texas.
H. Con. Res. 401: Mr. PAYNE, Mrs. MYRICK, Mr. HIGGINS, Mr. ABERCROMBIE, Mr. BACA, Mr. BRADY of Pennsylvania, Mr. ENGEL, Mr. HOLDEN, Mr. KUCINICH, Ms. MILLENDER-MCDONALD, Mr. MURTHA, Ms. WATERS, Mr. CAPUANO, Mr. MORAN of Virginia, Mr. LEACH, and Mr. OLVER.
H. Con. Res. 407: Mr. DENT, Ms. HART, Mr. SHUSTER, Mr. SHERWOOD, Mr. GERLACH, Mr. ENGLISH of Pennsylvania, Mr. PITTS, Mr. PETERSON of Pennsylvania, Mr. WELDON of Pennsylvania, Mr. HOLDEN, and Mr. PLATTS.
H. Con. Res. 408: Mrs. DRAKE, Ms. ROS-LEHTINEN, Mr. MCNULTY, Ms. HARRIS, Mr. MACK, Mr. SMITH of New Jersey, Mr. WELLER, Mr. PITTS, Mr. KING of New York, and Mr. BRADLEY of New Hampshire.
H. Con. Res. 412: Mr. SHERMAN, Ms. WASSERMAN SCHULTZ, Mr. LANTOS, Mr. BACHUS, Mr. KINGSTON, Mr. NORWOOD, Mrs. MCCARTHY, and Mr. MCNULTY.
H. Res. 222: Mr. MCNULTY.
H. Res. 295: Mr. PASCRELL.
H. Res. 498: Mr. COLE of Oklahoma.
H. Res. 690: Mr. MANZULLO, Mr. BOOZMAN, and Mr. INGLIS of South Carolina.
H. Res. 723: Mr. FITZPATRICK of Pennsylvania.
H. Res. 745: Mr. HOLDEN and Mr. FILNER.
H. Res. 759: Mrs. JO ANN DAVIS of Virginia, Ms. MCCOLLUM of Minnesota, Ms. SCHAKOWSKY, and Mr. BECERRA.
H. Res. 777: Mr. DAVIS of Florida, Ms. KILPATRICK of Michigan, Mr. FATTAH, Mr. BERMAN, and Mr. FEENEY.
H. Res. 786: Mr. MILLER of Florida, Mr. GARRETT of New Jersey, Mrs. JO ANN DAVIS of Virginia, and Mr. GIBBONS.
H. Res. 790: Mr. WEXLER.
H. Res. 793: Ms. GINNY BROWN-WAITE of Florida, Mr. BARRETT of South Carolina, Mrs. MYRICK, and Mr. DUNCAN.
H. Res. 794: Mr. WU, Ms. HARRIS, Mr. ABERCROMBIE, Mr. ROTHMAN, Mrs. NAPOLITANO, Mr. ENGLISH of Pennsylvania, Ms. PELOSI, Mrs. KELLY, Mr. BISHOP of Georgia, Mr. SOUDER, Mr. MCGOVERN, Mrs. JO ANN DAVIS of Virginia, and Mr. TANCREDO.
H. Res. 799: Mr. CROWLEY, Mr. LEACH, Mrs. JO ANN DAVIS of Virginia, Mr. ANDREWS, and Mr. BROWN of Ohio.
H. Res. 800: Mr. FOLEY, Mr. POMEROY, Mr. REICHERT, and Mr. CONAWAY.
H. Res. 801: Mr. JEFFERSON, Mr. MCCOTTER, and Mr. CROWLEY.
H. Res. 828: Mr. HYDE, Mr. MCCOTTER, Mr. BURTON of Indiana, Mr. SMITH of New Jersey, and Ms. ROS-LEHTINEN.

AMENDMENTS

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

H.R. 5384

OFFERED BY: MR. GERLACH

AMENDMENT NO. 19: At the end of the bill (before the short title), insert the following new section:

SEC. 7___. (a) LIMITATION ON USE OF FUNDS.—None of the funds appropriated or otherwise made available by this Act shall be used to implement the limitation in section 728 of this Act to carry out or administer a program authorized by section 2503 of Public Law 107–171 in excess of $73,500,000.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amounts otherwise provided by this Act are revised by reducing the amount made available for ''COMMON COMPUTING ENVIRONMENT'' by $23,500,000, to be derived from rural development-related activities, Natural Resource Conservation Service-related activities, and Farm Service Agency-related activities in the amount of $1,531,238, $4,938,488, and $17,030,071, respectively.

H.R. 5384

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 20: At the end of the bill (before the short title), add the following new section:

SEC. ____. (a) SHORT TITLE.—This section may be cited as the ''Livestock Identification and Marketing Opportunities Act''.

(b) FINDINGS.—Congress finds the following:

(1) For purposes of animal health investigation and surveillance, there needs to be an identification system that can trace animals from the time of first movement of the animal from its original premise to the time of slaughter of the animal in less than 48 hours.

(2) The beef industry estimates that the United States cattle industry lost approximately $3,000,000,000 in export value on beef, beef variety meats, hides, and tallow during the 12 months after a December 2003 diagnosis in the United States of bovine spongiform encephalopathy. A livestock identification system may have prevented some of this loss.

(3) In order to be as efficient as possible, the livestock identification system needs to be automated and electronic with participants using compatible technologies.

(4) The livestock identification system needs to be flexible enough to adapt to changes in technology and to the demands of the industry and the markets.

(5) The best technology available should be used for the livestock identification system while still allowing for registration into the system for livestock owners who are economically disadvantaged.

(6) Confidentiality of information on animal movements, sales, and ownership is necessary to ensure that livestock owners have the confidence to comply with and fully participate in the livestock identification system.

(7) Besides animal disease surveillance, the livestock identification system should provide a commercial information exchange infrastructure that would allow for enhanced marketing opportunities.

(c) LIVESTOCK IDENTIFICATION BOARD.—

(1) ESTABLISHMENT.—There is established a board to be known as the ''Livestock Identification Board''.

(2) DUTIES.—The duties of the Board shall be to—

(A) establish and maintain an electronic livestock identification system that—

(i) is capable of tracing all livestock in the United States from the time of first movement of the livestock from its original

premise to the time of slaughter of such livestock in less than 48 hours;

(ii) tracks all relevant information about the livestock, including—

(I) the livestock identification number or the group or lot identification number for the livestock, as applicable;

(II) the date the livestock identification number or the group or lot identification number was assigned;

(III) the premise identification number;

(IV) the species of the livestock;

(V) the date of birth of the livestock, to the extent possible;

(VI) the sex of the livestock;

(VII) any other information the Board considers appropriate for animal disease surveillance; and

(VIII) any other information that the person who owns or controls the livestock voluntarily submits to the Board;

(B) maintain information obtained through the livestock identification system in a centralized data system; and

(C) determine the official identification technology to be used to track animals under the livestock identification system.

(3) POWERS.—The Board may—

(A) prescribe and collect fees to recover the costs of the livestock identification system; and

(B) establish and maintain a grant program to assist persons with fulfilling the requirements of the livestock identification system.

(4) MEMBERSHIP.—

(A) VOTING MEMBERS.—The Board shall be composed of 7 voting members appointed by the Secretary of Agriculture, in consultation with the Chair and ranking minority member of the relevant congressional committees, of whom—

(i) 1 member shall be a representative of cattle owners;

(ii) 1 member shall be a representative of swine owners;

(iii) 1 member shall be a representative of sheep and goat owners;

(iv) 1 member shall be a representative of poultry owners;

(v) 1 member shall be a representative of livestock auction market operators;

(vi) 1 member shall be a representative of meat processors; and

(vii) 1 member shall be a person actively engaged in the livestock industry.

(B) NON-VOTING MEMBERS.—The Board shall include 2 non-voting members appointed by the Secretary, in consultation with the Chair and ranking minority member of the relevant congressional committees, of whom—

(i) 1 member shall be a representative of the Department of Agriculture; and

(ii) 1 member shall be a representative of State or tribal veterinarians or State or tribal agriculture agencies.

(C) TERMS.—

(i) IN GENERAL.—Each member shall be appointed for a term of 3 years, except as provided by clauses (ii) and (iii).

(ii) TERMS OF INITIAL APPOINTEES.—As designated by the Secretary at the time of appointment, of the voting members first appointed—

(I) the members appointed under clauses (ii), (iv), and (v) of subparagraph (A) shall be appointed for a term of 2 years; and

(II) the members appointed under subparagraphs (iii) and (vii) of subparagraph (A) shall be appointed for a term of 1 year.

(iii) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(D) CHAIRPERSON.—The Chairperson of the Board shall be elected by its members.

(E) APPOINTMENT.—The Secretary shall appoint all members of the Board not later than 45 days after the date of the enactment of this section.

(5) MEETINGS.—

(A) INITIAL MEETING.—Not later than 60 days after the date of the enactment of this section, the Board shall hold its initial meeting.

(B) SUBSEQUENT MEETINGS.—The Board shall meet at the call of the Chairperson.

(6) QUORUM.—4 voting members of the Board shall constitute a quorum.

(7) PAY.—Members of the Board shall serve without compensation.

(8) TRAVEL EXPENSES.—Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(9) STAFF.—The Board may appoint and fix the pay of personnel as the Board considers appropriate.

(10) CONTRACTS.—The Board may contract with or compensate any persons for goods or services.

(11) RULES AND REGULATIONS.—The Board may issue such rules and regulations as may be necessary to carry out this section.

(12) IMPLEMENTATION.—

(A) IN GENERAL.—The Board shall implement the livestock identification system established pursuant to this section not later than December 31, 2008.

(B) REPORT.—Not later than one year after the date of the enactment of this section, and quarterly thereafter until December 31, 2010, the Board shall submit to the Secretary of Agriculture and the relevant congressional committees a report on the status of the implementation of the livestock identification system, including—

(i) for each species subject to the system, the number of animals or groups of animals tracked by the system; and

(ii) the percentage of each animal species subject to the livestock identification system that are tracked by the system, which shall be determined by dividing the number submitted under clause (i) for a species by the total number of animals of such species in the United States.

(d) PREMISE IDENTIFICATIONS.—Not later than nine months after the date of the enactment of this section, the Secretary of Agriculture shall establish a premise identification system for all premises in the United States. The premise identification data shall be made available to the Board and shall include—

(1) a premise identification number;

(2) the name of the entity that owns or controls the premise;

(3) contact information for the premise, including a person, address, and phone number;

(4) the type of operation at the premise; and

(5) the date the premise number was assigned.

(e) ENFORCEMENT; FIRST ENTRY INTO COMMERCE.—Subject to subsection (f)(2), the Secretary of Agriculture shall verify that each animal, or group of animals, where applicable, subject to the livestock identification system established pursuant to subsection (c) is properly identified upon first entry of the animal into commerce. Any animal or group of animals that the Secretary determines is not properly identified shall be identified using the official identification technology before entering commerce.

(f) VOLUNTARY PARTICIPATION FOR OTHER ANIMAL SPECIES.—

(1) IN GENERAL.—The owner of an animal or group of animals, where applicable, that is not subject to the livestock identification system established pursuant to subsection (c) may voluntarily subject such animal or group of animals to tracking by such livestock identification system.

(2) ENFORCEMENT EXEMPTION.—The voluntary tracking of such animal or group of animals shall not make the animal or group of animals subject to the enforcement actions of the Secretary under subsection (e).

(g) RELEASE OF LIVESTOCK IDENTIFICATION NUMBERING INFORMATION.—

(1) FREEDOM OF INFORMATION ACT.—Information obtained through the livestock identification system established pursuant to subsection (c) or the premise identification system established pursuant to subsection (d) is exempt from disclosure under section 552 of title 5, United States Code.

(2) CHARACTER OF LIVESTOCK IDENTIFICATION SYSTEM INFORMATION.—Except as provided in paragraphs (3) and (4), information obtained through the livestock identification system or the premise identification system—

(A) may not be released;

(B) shall not be considered information in the public domain; and

(C) shall be considered commercial information that is privileged and confidential.

(3) LIMITED RELEASE OF INFORMATION AUTHORIZED.—Notwithstanding paragraph (2), the Board may release information obtained through the livestock identification system or the premise identification system (other than information voluntarily submitted pursuant to subsection (c)(2)(A)(ii)(VIII)) regarding particular livestock if—

(A) a disease or pest poses a significant threat to the livestock that the information involves;

(B) the release of the information is related to actions the Board may take under this section; and

(C) the person obtaining the information needs the information for reasons consistent with the public health and public safety purposes of the livestock identification system, as determined by the Secretary of Agriculture.

(4) LIMITED RELEASE OF INFORMATION REQUIRED.—

(A) IN GENERAL.—Notwithstanding paragraph (2), the Board shall promptly release information obtained through the livestock identification system or the premise identification system (other than information voluntarily submitted pursuant to subsection (c)(2)(A)(ii)(VIII)) regarding particular livestock—

(i) to the person who owns or controls the livestock, if the person requests such information;

(ii) to the Secretary of Agriculture for the purpose of animal disease surveillance;

(iii) to a State or tribal veterinarian or a State or tribal agriculture agency for the purpose of animal disease surveillance;

(iv) to the Attorney General for the purpose of investigation or prosecution of a criminal act;

(v) to the Secretary of Homeland Security for the purpose of national security;

(vi) to the Secretary of Health and Human Services for the purpose of protection of public health; and

(vii) to the government of a foreign country, if release of the information is necessary to trace livestock threatened by disease or pest, as determined by the Secretary.

(B) INFORMATION VOLUNTARILY SUBMITTED.—Notwithstanding paragraph (2), on the request of a person who owns or controls

livestock, the Board shall release information voluntarily submitted to the Board pursuant to subsection (c)(2)(A)(ii)(VIII) regarding such livestock to such person or to another person.

(5) CONFLICT OF LAW.—If the information disclosure limitations or requirements of this subsection conflict with information disclosure limitations or requirements of a State law and such conflict involves interstate or international commerce, this subsection shall take precedence over the State law.

(h) REPORT ON IMPACT OF LIVESTOCK IDENTIFICATION SYSTEM.—Not later than 180 days after the date of the enactment of this section, the Secretary of Agriculture shall submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on a livestock identification system, including—

(1) the lessons learned and the effectiveness of the animal identification system pilot programs funded in fiscal year 2005;

(2) an analysis of the economic impact of a livestock identification system on the livestock industry; and

(3) the expected cost of implementing a livestock identification system.

(i) CONFORMING AMENDMENTS.—Subsection (f) of section 282 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638a) is amended—

(1) by striking ''CERTIFICATION OF ORIGIN.—'' and all that follows through ''To certify the country of origin'' and inserting ''CERTIFICATION OF ORIGIN; EXISTING CERTIFICATION PROGRAMS.—To certify the country of origin''; and

(2) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively.

(j) DEFINITIONS.—In this section:

(1) The term ''Board'' means the Livestock Identification Board established under subsection (c)(1).

(2) The term ''livestock'' means cattle, swine, sheep, goats, and poultry.

(3) The term ''premise'' means a location that holds, manages, or boards animals.

(4) The term ''relevant congressional committees'' means the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(5) The term ''Secretary'' means the Secretary of Agriculture.

(k) AUTHORIZATION OF APPROPRIATONS.—There is authorized to be appropriated to carry out this section $33,000,000 for each of fiscal years 2007 through 2009.

H.R. 5384

OFFERED BY: MR. RUSH

AMENDMENT NO. 21: At the end of the bill (before the short title), insert the following new section:

SEC. 7____. It is the sense of Congress that the Secretary of Agriculture should conduct a study to evaluate the impact of the lack of readily available fresh fruits and vegetables in economically underserved areas on persons residing in such areas.

H.R. 5427

OFFERED BY: MR. DEAL OF GEORGIA

AMENDMENT NO. 1: Page 14, strike lines 12 through 17.

H.R. 5427

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 2: Page 47, after line 2, insert the following new section:

SEC. 503. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1 percent.

H.R. 5427

OFFERED BY: MR. BROWN OF OHIO

AMENDMENT NO. 3: At the end of the bill (preceding the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to enter into a no-bid contract with a company based outside the United States for the purpose of nuclear weapons screening of cargo shipping containers.

H.R. 5427

OFFERED BY: MR. BARTON OF TEXAS

AMENDMENT NO. 4: Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act from the Nuclear Waste Fund may be used to carry out the Global Nuclear Energy Partnership program.

H.R. 5427

OFFERED BY: MR. BISHOP OF NEW YORK

AMENDMENT NO. 5: At the end of the bill, before the short title, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used by the Federal Energy Regulatory Commission to review applications for floating storage and regasification units in areas designated under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330) as an estuary of national significance.

H.R. 5427

OFFERED BY: MR. PALLONE

AMENDMENT NO. 6: Page 6, line 14, after ''Mid Atlantic'', insert ''(including $6,000,000 of such $143,250,000 for the NY/NJ Harbor drift removal program)''.

H.R. 5441

OFFERED BY: MR. BROWN OF OHIO

AMENDMENT NO. 1: In the item relating to ''DEPARTMENTAL MANAGEMENT AND OPERATIONS—Office of the Secretary and Executive Management'', after the first dollar amount, insert ''(increased by $500,000) (reduced by $500,000)''.

H.R. 5441

OFFERED BY: MR. DOOLITTLE

AMENDMENT NO. 2: Page 62, after line 17, insert the following:

SEC. 537. None of the funds made available by this Act may be used to carry out expedited removal of aliens under section 235 of the Immigration and Nationality Act unless inadmissible citizens and nationals of El Salvador are subject to the expedited removal procedures set forth in such section to the same extent as other inadmissible aliens.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, TUESDAY, MAY 23, 2006 No. 65

Senate

The Senate met at 9:45 a.m. and was called to order by the Honorable JOHN CORNYN, a Senator from the State of Texas.

PRAYER

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

Let us pray.

Almighty Creator, the source of blessings, thank You for blessing us with the opportunity to work with a diverse group of people from different racial and religious backgrounds. Thank You for the strength and courage to face this new day.

Help our Senators to produce legislation to guide America on a proper course. Clear their minds and speak to their hearts so that they will succeed in their worthwhile endeavors.

Strengthen us all to tackle life's challenges as You unite us to achieve Your will. Bless us with the forbearance to forgive and work even with our enemies. Hear our prayer and guide us to Your salvation. We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN CORNYN 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 23, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN CORNYN, a Senator from the State of Texas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. CORNYN assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The distinguished Senator from Pennsylvania is recognized.

SCHEDULE

Mr. SPECTER. Mr. President, this morning we will resume debate on the pending amendment related to the orange card visa program offered by Senator FEINSTEIN. We have an agreement of 60 minutes of debate prior to the vote. Senators should be on notice that a vote will occur sometime between 10:45 and 11 o'clock this morning. We expect additional votes throughout the day and perhaps into the evening.

Last night, the majority leader filed cloture. The order now provides that all first-degree amendments must be filed by 2:30 today in order to qualify under rule XXII. Senators should also be reminded that the Senate will take its customary Tuesday recess from 12:30 until 2:15 for the party caucus meetings.

IMMIGRATION

Mr. SPECTER. Mr. President, last week and up to our vote yesterday has been, I think, a very productive week for the Senate. We had 17 rollcall votes: 11 by Republicans, 6 by Democrats. We had 8 voice votes evenly divided: 4 by Democrats, and 4 by Republicans. We moved through some very contentious issues. I think the debate was of a high caliber.

I thank the Democratic leader, who is on the floor of the Senate, for his cooperation, and I thank all Senators for their cooperation and I am looking forward to similar activity. I think we are poised to complete action on this bill this week as contemplated.

We have maintained a delicate perhaps even tenuous coalition in support of the bill reported by the Judiciary Committee as we have worked through the underlying contentious issue as to how to handle 11 million undocumented immigrants with a view not to creating a fugitive class of Americans, remembering our roots as a nation, that we are a nation of immigrants, and recognizing the contribution which the undocumented immigrants, although here illegally, the contribution which they make to our economy.

We have faced a significant resistance to the bill on the ground that it constitutes amnesty. As I have contended before, it is not amnesty. We can't repeat that too often to remind people that amnesty is when you forgive transgression or forgive a wrong or forgive a crime. The undocumented immigrants will have to pay a fine. They will have to pay back taxes. They will have to go through criminal background checks. They will have to learn English. They will have to hold a job for a protracted period of time. And the reality is that they will earn their citizenship.

We have worked through some difficult amendments. Some could have gone either way without destroying the delicate coalition, and others would have perhaps been killer amendments which would have fractured the bill, which has not happened.

For those who are opposed to the bill or want to limit immigrants, the Bingaman amendment reduced the number of future guest workers from 350,000 to 200,000.

We had a very spirited and contentious debate on an amendment by Senators CORNYN and KYL which would have precluded H–2C guest workers to self-petition. Then Senator KENNEDY

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

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came back with a modification which opened up self-petitions which, in my view, is indispensable if we are not to put the immigrants at the mercy of the employer and provide the background for unfair treatment by employers to hang the sword of Damocles over the heads of the undocumented immigrants.

We had a very spirited debate on what to do about English, whether it is the national language or the common and unifying language or how to categorize it.

In my view, there was not a great deal of difference between the amendments offered by Senator INHOFE and Senator SALAZAR. We do know that we are looking for English to be a unifying factor. There is in the law today a series of procedures where other languages are printed for balance in a variety of contexts, but I think ultimately we will work that through on a satisfactory basis.

There was an amendment by Senator KYL to strike the provisions that the green card by H–2C workers would be a path to citizenship. That was a very important amendment not to adopt but to keep that path open consistent with the remainder of the bill.

The amendment to allow undocumented immigrants to receive credit for Social Security even though those payments were made during the time of illegal status, I think, was decided properly, although a close vote, 50 to 49. So that survived.

Yesterday, we rejected the amendment offered by Senator CHAMBLISS on a very complicated matter as to how we deal with the prevailing wage or adverse effect, and I think we are moving forward.

The amendment by the distinguished Senator from California is now on the floor. There is a great deal to recommend in favor of it, in a sense, because it would open up more generously the path to citizenship. But I believe if it were to be adopted it would fracture the very tenuous and delicate coalition which we have on this bill.

I compliment the Senator from California for her work on this bill. She has been a major contributor in the Judiciary Committee generally, and she brought forward the agriculture provisions which have been adopted. She is an effective fighter and, as always, the presenter of important and constructive ideas.

I am constrained to oppose the amendment because I think if we were to allow everybody who has been in this country since January 1, we will destroy the coalition, and we have made a distinction for those here longer than 5 years from those here 2 to 5 years on a principle basis—that those who are here longer and who have roots ought to be accorded greater consideration. We have drawn a line on January 7, 2004, because that was the date the President made a speech on immigration and people who came to the United States in illegal status after that date were on notice, you might say, maybe constructive notice, if they didn't know about it exactly, but they were on notice that they would not be accorded the same status as those who have been here earlier. We have used that as a cutoff date.

My view is that we are working on legislation which is of great importance to our country. We face a real test as to whether we will retain our principle of a welcoming nation to immigrants who earned their status to become citizens.

I think we have worked through the Judiciary Committee where we had a very difficult markup, and one marathon session to meet the timetable established by the majority leader.

The bill has been vigorously debated on both sides. I think there has been some concession of significance from the votes to those who are opposed to having an expansive view of guest workers and an expansive view according to immigrant status to move toward citizenship.

We have a great deal more work to do. I am confident, or optimistic or perhaps even hopeful that we will pass this bill in the Senate, and then we will look forward to the conference with the House of Representatives which has evidenced a very different view. But we have worked through with the House, with Chairman SENSENBRENNER, difficult issues on the PATRIOT Act and other matters, and our bicameral system has worked for America. We will move ahead to forge legislation which is principled but recognizing that there are different points of view, and accommodating as many views as we can. Where there is a basic disagreement, we vote to express the will of the body.

I have spoken a little longer than usual, but I wanted to summarize where we are on the bill.

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:

Feinstein-Harkin amendment No. 4087, to modify the conditions under which aliens who are unlawfully present in the United States are granted legal status.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of debate for up to 60 minutes on amendment No. 4087, with the Senator from California, Mrs. FEINSTEIN, in control of 30 minutes, the Senator from Pennsylvania, Mr. SPECTER, in control of 20 minutes, and the Senator from Massachusetts, Mr. KENNEDY, in control of 10 minutes.

The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the President. I also want to thank the chairman of the committee. He has been a very good chairman. I want him to know that the only reason I offer this amendment is because when we read the bill language of Hagel-Martinez, which has not been voted on by this body, I believe it to be unworkable. I believe it will create another class of illegal immigrants in this country. I believe it is impossible to carry out the deportation requirements of the Hagel-Martinez amendment.

AMENDMENT NO. 4087, AS MODIFIED

I send an amendment to the desk, as modified, on behalf of Senators HARKIN, KENNEDY, REID, KERRY, and myself. This is a modification of my earlier amendment.

The ACTING PRESIDENT pro tempore. Without objection, the amendment is so modified.

(The amendment, No. 4087, as modified, is 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 permanent residence, 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) The employment requirements in clause (i) shall not apply to an alien who is 65 years or older on the date of enactment of this Act.

''(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 under this section, or provide an immigrant visa to—

''(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 (2) (relating to criminals).

''(B) Paragraph (3) (relating to security and related grounds).

''(C) 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.

''(c) TREATMENT OF APPLICANTS.—

''(1) IN GENERAL.—An alien who establishes the requirements under subsection (a)(1)(B) for including a spouse or child of such alien—

''(A) shall be granted employment authorization upon the filing of an application fee of $1,000 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 for adjustment of status to lawful permanent residence under this section (except for an alien under 18 years of age) shall pay a fine equal to $1,000.

''(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.''.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to have printed in the RECORD a list of organizations across the country that support this amendment.

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

ACORN
Acercamiento 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.
Cabrini Immigrant Services, New York City
Center for Community Change
The Center for Justice, Peace and the Environment
Center for Economic Progress
Center for Social Advocacy
Central American Resource Center/CARECEN—L.A.
Centro Campesino Inc.
Church World Service Immigration and Refugee Program
Coalition for Asian American Children and Families (CACF)
Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)
Coalition for New South Carolinians
Committee for Social Justice in Colombia
Community Wellness Partnership of Pomona
Day without an Immigrant Coalition
Dignity Through Dialogue and Education
Dolores Mission Church, Los Angeles
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
Fann Ayisyen Nan Miyami/Haitian Women of Miami, Inc.
The Farmworker Association of Florida Inc.
Farmworkers Association of Florida

Filipno American Human Services, Inc. (FAHSI)
Florida Immigrant Advocacy Center
Florida Immigrant Coalition
Friends and Neighbors of Immigrants
Fuerza Latina
Fundacion Salvadoreña de la Florida
The Gamaliel Foundation
Georgia Association of Latino Elected Officials (GALEO)
Guatemalan Unity Information Agency
Haiti Women of Miami
HIAS and Council Migration Service of Philadelphia
Heartland Alliance
Hebrew Immigrant Aid Society (HIAS)
Hispanic American Association
Hispanic Coalition Corp.
Hispanic Directors Association of New Jersey
Hispanic Federation
Hispanic National Bar Association
Hispanic Women's Organization of Arkansas
Holy Redeemer Lutheran Church, San Jose, CA
Idaho Community Action Network
Illinois Coalition for Immigration and Refugee Rights
Immigration Equality
Immigrant Legal Resource Center
Interfaith Coalition for Immigrant Rights, California
Interfaith Coalition for Worker Justice of South Central Wisconsin (ICWJ)
The Interfaith Council for Religion, Race, Economic and Social Justice, San Jose, CA
Intl. Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, Miami
International Immigrants Foundation
International Institute of Rhode Island
International Social Work Organization-University of Maryland School of Social Work
Institute of the Sisters of Mercy of the Americas
Irish American Unity Conference
Irish Apostolate USA
Irish Immigration Center
Irish Immigration Pastoral Center, San Francisco
Irish Lobby for Immigration Reform
ISAIAH, Twin Cities and St. Cloud Regions, MN
Kentucky Coalition for Comprehensive Immigration Reform (KCCIR)
Korean American Resource and Cultural Center, Chicago, IL
Korean Resource Center, Los Angeles, CA
JUNTOS
Jesuit Conference
Jewish Council For Public Affairs
Joseph Law Firm, PC
LULAC
Labor Council for Latin American Advancement, LCLAA
Lahore Foundation, Inc.
Latin American Immigrants Federation Corp.
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
Lutheran Immigration and Refugee Service (LIRS)
Lutheran Office of Governmental Ministry in New Jersey
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
Migrant Legal Action Program
Minnesota Advocates for Human Rights
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 Association of Latino Elected and Appointed Officials (NALEO) Educational Fund
National Capital Immigration Coalition (NCIC)
National Council of Jewish Women
National Council of La Raza
National Employment Law Project
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
Neighborhood House at The Paul & Sheila Wellstone Center for Community Building
Neighbors Helping Neighbors
NETWORK—A National Catholic Social Justice Lobby
New York Immigration Coalition
Northwest Federation of Community Organizations
ONE Lowell, Lowell, MA
Office for Social Justice, Catholic Archdiocese of St. Paul/Minneapolis
Organization of Chinese Americans (OCA)
Pennsylvania ACORN
Pennsylvania Immigration and Citizenship Coalition (PICC)
People For the American Way (PFAW)
Pilsen Neighbors Community Council
Pineros y Campesinos Unidos del Noroeste (PCUN)
Presbyterian Church (USA), Washington Office
Project HOPE
Project for Pride in Living
Proyecto Pastoral at Dolores Mission
Rockland Immigration Coalition
Rural Coalition/Coalicion Rural
S & G Enterprises
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
Spanish Community of Wallingford, Inc.
Tennessee Immigrant & Refugee Rights Coalition (TIRRC)
UJA-Federation of New York
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 Church of Christ, Justice and Witness Ministries
United Farm Workers, Miami
United Food and Commercial Workers
United Methodist Church, General Board of Church and Society
United Methodist Hispanic Ministries of North Alabama
Virginia Justice Center for Farm and Immigrant Workers
Washington Citizen Action
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, let me state why I think the Hagel-Martinez compromise is not workable. The Hagel-Martinez compromise essentially creates three tiers of people in this country in undocumented or illegal status. The first is 6.7 million who have been here more than 5 years; the second is 1.6 million who have been here less than 2 years; and the third is 2.8 million who have been here from 2 to 5 years. People here less than 2 years are subject to immediate deportation. Someone has to find them, go into their workplace or their homes, pick them up, and deport them. Then one has to consider the likelihood that in about 3 days, which is often the case in California, they will come back to their families and their job.

The second is the 2.8 million who must leave, touch back, get in a guest worker program or some other visa program, come back, be in this country, and then, after a period of time, get an employer to sponsor them for a green card or leave. They have a kind of mandatory departure. The guest worker program they would be eligible for is the H–2C program, which we reduced in size from 325,000 to 200,000 in an earlier amendment. The cap of the program is removed for them. Therefore, what is created for this group is a 3 million-person guest worker program, but they cannot earn a path to legalization unless they have an employer who will petition for them. They are limited in the time they can stay in the country, and they must return.

My sense, based on the reality of the largest immigration State in the Union, is that these two tiers in Hagel-Martinez simply will not work. We will have large-scale fraud. The people here slightly less than 2 years will present fraudulent documents to show they have been here for at least 2 years. That is what happens now. There is a wide market in fraudulent documents for the undocumented. And those here less than 5 years will shortly realize that when they have to go back they face a precarious situation of whether they can come back legally. If they can't come back legally, I hazard a guess they will come back and find a way to come back illegally. That is a major problem.

What we have tried to do is create a program, based on McCain-Kennedy, and to an extent on Hagel-Martinez, saying let's be realistic, let's understand what the situation is, that there is no way it is good to create another illegal class of up to 4.4 million people. It does not make sense to spend the time trying to seek out people living clandestinely.

It is much better to create the process for earned legalization which has some meaning and substance, and tests that individuals must pass. So we have created a three-step test for something we would call an orange card. That orange card is like this chart. I picked a

color that had no political connotation. This is a biometric card. It has the personal identifiers. It has the photo. It has the fingerprints. It has a number. Once someone has the orange card, that number, essentially, places them in a line. The line would begin with those people here the longest. They have the lowest numbers. Therefore, when the current green card line of 3.3 million people is expunged—estimated to take 6 to 11 years—the people here the longest in the undocumented status are the first to receive their green card.

In the meantime, this would be the identifier. It is biometric. It enables an individual to move in and out of the country, and the individual reports electronically every year with their work history. They will pay a $50 processing fee. They will pay a total $2,000 fine by the time they reach green card status. They will show they are trying to learn English. They will present their work history. To me, it makes better sense because it is able to be managed.

The Hagel-Martinez amendment is not able to be managed electronically. Therefore, we have 4.4 million people, plus the remainder of the 10 to 12 million people that you have to handle. It is extraordinarily complicated and difficult to do that.

The system was created with good intentions, but I don't believe it is workable. I believe it is subject to fraud. I believe the most difficult part of it is the guest worker part for those who have been here 2 to 5 years. Under Hagel-Martinez, if you are here for 4 years and 9 months, you are 3 months shy of earning legalization. These 3 months cost you the ability to get on a clear path to legalization. With those stakes and no formal documentation that proves when you cross the border, it is only logical to assume that people are going to try to falsify dates in order to qualify for the higher tier. This becomes the bureaucratic nightmare.

Then there is the problem for the 2- to 5-year person, of returning to their own country, getting into a legal program and coming back. I pointed out this makes the guest worker program 3 million people because the 200,000 cap is waived, and therefore the 2.8 million come into that program. That is way too many guest workers for any one time.

Then there is the mandatory departure part of the guest worker program, which essentially says an individual, once in the country, can only be here for 6 years and then must return to their own country unless an employer will sponsor them for a green card. This in itself might appear to be a good thing, but I want to spend a minute on it. You are dependent on your employer for your legal status after that point. This is a huge burden for an employer to bear. It also means that for some employers that may not be good employers, they have a method to exploit an individual by threatening that, unless they do certain things, they will not recommend them for the earned legalization program and for their green card.

We know exploitation does happen. I believe the best step is clearly to put forward a process for everyone in this country, a process that allows you to electronically submit your data, fingerprints, photo, and work history. That is then verified. You then come in. If the verification of your criminal history is adequate, if you pay the fine, and if you are willing to sign up for the orange card, then you receive it. Therefore, you have your biometric identifier, and you can be tracked, if necessary. You are free to leave the country and come back. It is a much sounder path to legalization.

I hope this will be the program that eventually is accepted.

I now yield time to the Senator from Iowa, my distinguished colleague, Mr. HARKIN. I believe he has asked for 5 minutes, or such time as he may consume.

Mr. HARKIN. Up to 10 minutes.

Mrs. FEINSTEIN. I yield up to 10 minutes to the Senator from Iowa.

Mr. HARKIN. I commend and compliment my distinguished colleague from California for presenting this amendment.

I wonder if I might engage in a little colloquy with the author of this amendment. I am proud to join her as a cosponsor because this is the way we have to go.

I was interested in the pie chart that showed the 4.4 million, if I added it correctly, the people here less than 2 years and those here 2 years to 5 years. All of those people have to leave the country?

Mrs. FEINSTEIN. Correct.

Mr. HARKIN. Under Hagel-Martinez?

Mrs. FEINSTEIN. Correct.

Mr. HARKIN. Some will leave and can't come back and some will petition to come back?

Mrs. FEINSTEIN. That is correct.

Mr. HARKIN. I ask my friend, how are they going to deal with families? Many of these people who have been here 2 to 5 years, maybe some less than 2 years, may have gotten married, maybe they brought their spouse along with them, and there are children. I have come across some myself. What will happen to these children who have been born here who are American citizens?

Mrs. FEINSTEIN. That is exactly the point. It is a theoretical plan.

For those who live in big immigration States, who live this problem daily, who see the people and their families—many have bought homes, pay taxes, their children are born here and go to school here—it creates a dynamic which puts the Federal Government again in the place of having to find and deport 1.6 million people; and then if the 2.8 million don't follow the mandatory departure section of the program, they are subject to deportation.

Mr. HARKIN. If I could pursue that a minute longer, again, contemplating the breakup of families, I ask my friend from California, wouldn't that also then make it even more difficult, harder or less likely that these people would come forward. If they know their families may be split up or they might have to leave their children behind and in the care of someone else, why would they come forward?

Mrs. FEINSTEIN. The Senator is exactly right. The dynamic to add to that is, you create a work differential because these people will continue to be clandestine, embedded in the cultures of our country, and find ways to work, and employers, as they have in the past, will hire them. Then we will be faced with carrying out a program that has never worked and that is employer-sanctioned.

Mr. HARKIN. I thank my colleague from California for offering this amendment.

Quite frankly, the amendment offered by Senator FEINSTEIN is the only way I see that we can get out of the mess we are in, so to speak, with all of the undocumented people here, in a way that is pro-family, pro-worker, pro-American, pro-national security.

The amendment offered by the Senator from California meets all of those requirements. It will cost a heck of a lot less, just in terms of dollars.

While I respect the efforts by Senators HAGEL and MARTINEZ and others to craft some sort of compromise, the fact is the Hagel-Martinez bill will be difficult, costly to implement, will tend to separate families and will not be in the best interests of our country.

Quite frankly, as the Senator from California just pointed out, we do not even know if it is workable. How are you going to find these people? As the Senator so aptly pointed out, people who have been here just shy of 2 years, by a month, aren't they going to find some documentation, forging rent receipts, and things like that, to make it seem as though they have been here at least 2 years? And those who have been here 3 to 5 years, won't the same thing happen there also?

The Hagel-Martinez compromise is totally unworkable. By contrast, the approach taken by Senator FEINSTEIN to create a new kind of an orange card—because this is a unique group of people—this orange card is realistic, and it is enforceable, and it is fair. It would require undocumented immigrants, as the Senator said, to register immediately with the Department of Homeland Security. Once they have passed a criminal and national security background check, they could apply for an orange card.

As the Senator said, they would have to pay a $2,000 fine, any back taxes owed, learn English and American civics, and pass extensive criminal and security background checks. Then, after working for at least 6 years, orange card holders could apply for legal permanent residence, but, again, as the

Senator pointed out, they would have to get in back of all the green card holders who are existent right now. So, again, this is a tough approach, but it is workable. It will work. It is fair. And, as I said, it will cost a lot less money and a lot less manpower to implement.

I think, as the Senator from California said, we just have to deal with reality, what is real. Twelve million undocumented immigrants, many who have lived here for many years, have children, family members who are U.S. citizens. They are working. They are contributing to society. They may be undocumented. They may be living in the shadows. But, make no mistake about it, they are de facto members of the American economy and the American society. They are integrated into the fabric of our national life. They are filling jobs that in many cases would otherwise go unfilled.

In essence, they are a part of our American family. And they are not going away. In fact, we would face huge problems if they did. Just last week, I say to my friend from California, a delegation from the Marshalltown, IA, Chamber of Commerce was in town. Several of them pointed out that immigrants play an indispensable role in the Marshalltown economy. As one put it: If you rounded up and kicked out all the immigrants, our city's economy would come to a screeching halt.

I say to my friend from California, I was in Denison, IA, on Friday. There is a Job Corps center there. It is a small-town community in western Iowa. They have a couple meatpacking plants there. So we have a lot of Latinos who come in from Mexico, El Salvador, Honduras, Guatemala, places like that. The mayor took me aside and he said: I want to talk to you about immigration. I didn't know which side he was coming from. He said: I just wanted to let you know how important it is to Denison that you resolve this in a fair and equitable manner. He said: We have people here who have bought homes that were abandoned. People have left town because the town was kind of dying out. They bought these homes. They fixed them up.

Then he told me something very interesting. He said: A lot of Latinos have taken over small businesses on Main Street. They are operating these small businesses that were going out of business. He said: If you want an answer to Wal-Mart, here is your answer to Wal-Mart. He said: They are actually running businesses on Main Street in Denison. He said: I know for a fact that many of them are undocumented aliens. He said: We cannot afford to lose them.

So it is not just in the big cities, I say to my friend—Los Angeles and San Francisco—but in the small towns and small communities of rural Iowa that would be drastically affected by the Hagel-Martinez so-called compromise.

Most of these new immigrants have found work, but they have not found freedom. This spring, at United Trinity Methodist Church in Des Moines, IA, I met with a group of new immigrants, and I asked how many of them were undocumented. I looked around. They didn't know whether to raise their hand, and finally they decided, OK, they would. I would say probably a third of them were undocumented. They are living in the shadows. They live in fear. Many pay taxes. They make Social Security payments, but they receive nothing in return.

They want to become loyal, contributing American citizens, to pursue the American dream. But, instead, they are living an American nightmare of anxiety and exclusion and exploitation. One young girl there was 18 years old, just graduating from high school, who wants to go on to college. They have no money. Her folks work. They have a modest income. We know what college tuitions are like. She came here as a 3-year-old when her folks fled the strife in El Salvador. She is now 18. She is undocumented. She has no papers. She cannot get any loans to go to college. She cannot get any college aid or anything else to help her through. She just wants to be a good American citizen. What about her? What are we going to do about people like that?

So it is time to find a constructive and positive way to bring these people out of the shadows and into the sunshine. The Feinstein amendment does it. It establishes a legal framework, where people can learn English. They have to learn English. They have to pass security background checks, pay the fines and penalties, and can earn the right to eventually become U.S. citizens.

The ACTING PRESIDENT pro tempore. The Senator has used 10 minutes.

Mrs. FEINSTEIN. Mr. President, I yield 2 additional minutes to the Senator.

Mr. HARKIN. I thank my friend from California.

Again, the orange card program will increase participation by decreasing fear. More people will come forward because fewer families will be separated. They will become full participants. It is pro-family, pro-work, pro-American, pro-national security.

Let me close by saying one personal thing. My mother came to this country as an immigrant. I have the documentation when she came to this country. Was she legal? Well, I don't know. She came on a boat with a lot of other people—steerage class. They landed in Boston. They could not get into New York because of a storm. They landed in Boston. She had $7 in her pocket and a one-way train ticket to Des Moines, IA. Yet she became a fully contributing member of our American community. Later on she became a citizen.

So when I see our new immigrants, and I look into their face, I see the face of my mother. Why do we have an immigration problem in America? Because people want to come here. They want to work. They love America. They love our freedoms. They love our society and the opportunities that it presents.

This is not the time to go to some convoluted thing such as the Hagel-Martinez amendment, which is going to make the mess even messier. It is going to make it even worse. Let's clear it up once and for all, in a fair and equitable manner. And the only way to do that, I submit, is with the Feinstein amendment.

I thank the Senator from California for coming up with this amendment. I am proud to be her cosponsor.

Mrs. FEINSTEIN. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 6½ minutes remaining.

Mrs. FEINSTEIN. Mr. President, I would like to reserve the remainder of my time. But I would like to also thank the Senator from Iowa. I think he showed, particularly speaking from the heartland of our country—a much smaller State than California—how much a local economy depends on this workforce. I think that is really important to understand.

I remember speaking—and I would like the Senator to know this—with Doris Meissner. She was the head of the U.S. Immigration and Naturalization Service, and I think a very good commissioner. She said: Whatever you do, make it simple. Make it enforceable. That is the key where we go astray with this because you cannot enforce it, basically. Good luck finding all of these people subject to immediate deportation. It is impossible. You cannot deport 1.6 million people. And then to expect the other 2.8 million are going to go home and touchback within 3 years is an unrealistic expectation.

So I hope somehow people will actually read the bill and understand the devil is in details of the language as to whether it can be carried out. I think the Senator from Iowa said it very eloquently, and I thank him for that.

I reserve the remainder of my time.

Mr. President, I ask unanimous consent that the time begin to run on the other side.

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

Mrs. FEINSTEIN. Mr. President, may I be clear as to what I just asked unanimous consent for: that the Presiding Officer allows the time against the amendment to run, and I reserve the remainder of my time.

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

Mrs. FEINSTEIN. I thank the Chair. I appreciate it.

Mrs. BOXER. Mr. President, currently, 10 to 12 million workers are in this country illegally living in the shadows. Of those, approximately 24 percent or 2.5 to 3 million undocumented immigrants are living in California.

Many of these people are longtime residents, hard workers, and with

American-born children. They are the parents of children in your school. They are members of your community whom you know and respect.

Any comprehensive immigration reform bill must address the plight of undocumented workers currently in the country. Unfortunately, the current provision in the bill is not rational and could leave millions of individuals without relief and forced to hide.

Under the three-tier process created by the Hagel-Martinez compromise, undocumented immigrants here less than 2 years are subject to deportation, and those here from 2 to 5 years must return to their country and seek reentry under a guest/worker program.

It is estimated that these tiers would apply to nearly 5 million people—that means approximately a million residents of California would either face voluntary departure or deportation.

Families would be broken apart and industries disrupted as workers are forced to leave or go into hiding. California cannot afford and most of its residents do not support the convoluted Hagel-Martinez approach.

That is why I was pleased that my colleague, Senator FEINSTEIN, has proposed a much more practical and humane approach in her orange card program.

Under the program, all undocumented immigrants who are in the United Stats as of January 1, 2006, would be eligible to get on a path to legality. They would be required to pass criminal and national security background checks, demonstrate an understanding of English and U.S. history and Government, have paid their back taxes and pay a $2,000 fine.

Moreover, orange card holders would have a continuing obligation to work, pay their taxes, and not to engage in criminal activity.

The Feinstein orange card program establishes a realistic approach to dealing with the 10 to 12 million undocumented workers currently in the country. In conjunction with her AgJOBS amendment, Senator FEINSTEIN has addressed two of the most important aspects of the comprehensive immigration reform bill.

I urge my colleagues to vote for the Feinstein amendment. It is a workable solution to a difficult problem.

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I want to speak briefly on the overall bill and the progress we are making to date. And then I want to address, briefly, the Feinstein amendment.

I have great regard for the Senator from California. She is one of the top authorities in the Senate on immigration. She has dealt with this topic for many years, and in a very practical way she has dealt with it, and in a very knowledgeable way she has dealt with it.

We are making great progress on getting a comprehensive, bipartisan immigration bill through the U.S. Senate. Everybody is not going to agree with this bill at the end of the day, but it has been a delight to see the body work and to see us go on amendments—a Republican amendment might pass or fail, a Democrat amendment might pass or fail. We are really legislating and building a coalition, and I think building a vote total that, at the end of the day, will pass a strong bill. I think that is to the credit of the country, and I think it is to the credit of the body.

I oppose the Feinstein amendment, even though I have great respect for my colleague from California and her knowledge and ability and the practical impact of this on her State. I have opposition to it because I think it slows us down and possibly really disrupts us from being able to get a comprehensive bill through the body. We have worked to craft a delicate compromise that—it is my hope—could pass substantially in cloture, get well over 60 votes on final passage.

A key part of that coalition and building has been the Hagel-Martinez compromise, that makes the distinctions between if you have been here more than 5 years or if you have been here less than 2 years. That has been something where a number of people have said: OK, it is difficult to work in practice, but it makes some sense to me. It also makes some sense on the amount of roots you have put into this country. It makes some sense to me about if you have just come in the last 2 years and you are just trying to jump in over the line as things change.

If you break that compromise, I think you break the momentum in passing the bill, and I would not doubt that you break the ability for us to pass the bill. I think the Senator from California has some real issues that she raises. I think they are important issues she raises. I think there are key things for us to consider. But at the end of the day, I think it causes the bill to fail, and I do not think that is a useful thing for us to do—having invested the quantity of time we have in this bill, having the importance of this bill, and having it as the No. 1 topic across the country—for us now to adopt an amendment that I believe has the clear possibility of failing the whole bill and pulling the whole bill under.

For those reasons, with high regard for the Senator from California and her work, and with real recognition of the practicality of the issues she is dealing with, I oppose the Feinstein amendment. I hope that my colleagues will oppose it, and we can move forward toward closing the debate with a strong vote on final passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I would like to speak for 5 minutes in opposition to the Feinstein amendment.

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

Mr. MARTINEZ. Following on the remarks of the Senator from Kansas, I have to agree with an awful lot of what he said. We came to this bill in a situation where it was a good concept. It had some obvious, positive qualities to it, but it was also a bill that was not gaining the favor of the vast majority of the Members of the Senate. In order for it to be successful, we had to tweak it. We had to find a way in which we could thread the needle, strike a balance, a way in which we could somehow bring more people to the table in understanding what it is that we were trying to do.

We came together and found a way of doing so by simply not treating everyone who was here the same. We talk about a group of 11 million people in our country illegally today. It was apparent that all of those people were not in the same situation. Some have been here for a number of years, well established, sometimes owning a home, certainly having a steady job, children who were probably by now United States citizens, having been born here. For the sake of family unity, we felt it was important to treat people who had been here a longer period of time differently than more recent arrivals.

Senator HAGEL and I came up with a concept of having a 5-year dividing line where those who have been here more than 5 years would be treated one way and those who had been here less would be treated a slightly different way. The requirement was that those who had been here less than 5 years would be divided in two different ways—those who have been here less than 5 years who might have come here with the expectation that there would be some immigration bill. The date was selected around the time the President first spoke on this issue of comprehensive reform. We settled on the idea that those who had been here 2 years or less would not be able to benefit from this bill, but that those who had been here between 2 and 5 years should be given an opportunity. We would require that they reenter the country, that they would have a legal entry into the country, but understanding that all the other categories or steps that were appropriate for those who had been here 5 years they would also have to meet before obtaining a path to regularization, to being here legally, and then, ultimately, to live the American dream to its fullest extent by becoming citizens of this country.

Not every immigrant who crossed the southern border intended to become an American. We could not treat everyone the same. People who have been here 10, 15 years certainly have a very different situation than those who have been here 3 years. A lot of times single men will come to work for a period of time, having no intention of being here for an extended visit.

At the end of the day, what we have to understand is that we are now at the crossroads where this bill is about to be completed. This bill is moving along in a very positive way with support from both sides of the aisle, which

makes an even stronger statement. As we move forward to do that, this amendment will take us a step back. This would bring us back to a time when we didn't have consensus, to a time when we were not all pulling in the same direction, and to a time when we didn't have what we have demonstrated, the support of as many as 66 Members of this body to defeat some of these amendments that would have taken the bill in a different direction, that would have taken us from comprehensive reform to something different.

So for those folks who have been here 2 to 5 years, we want to give them a path to regularizing themselves in this country. But also we have to understand that their situation is different than those who have been here for a long time.

I appreciate the effort of the Senator from California to do what I know in her heart she believes is fair. I do understand the difficulties. I don't want to be Pollyannish about it. This is a very difficult concept to implement. When the time comes, we must try. We are putting a lot of employment enforcement into this bill which will make it possible for this to be worked out. Without any idea that this is going to be easy to do, I do believe that there is a practical reason. It was a way for us to reach a resolution of how to deal with this country's population of illegal immigrants, which is a group of people the size of those people who live in the State of Pennsylvania.

I believe with ample protections to all, understanding the difficulties that may come about in the implementation, that we have to go forward and move ahead with the concept that has brought this body together, the concept that had the favor of the President. The President, when he spoke on this a week ago, clearly stated that, in fact, he favored the idea of creating a difference between the groups of people as they have arrived in this country and the length of time they have been here.

I urge Members of the Senate not to support the current amendment but to stick with the concept that has worked so far, the concept that has pulled us together. I believe if we do that, we will be very close to final resolution of this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to add the names of Senators DURBIN and OBAMA as cosponsors of my amendment.

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

Mrs. FEINSTEIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mrs. FEINSTEIN. My understanding is Senator KENNEDY has 10 minutes. Would the Senator like to use that time now?

Mr. KENNEDY. That would be fine.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator from California for her amendment. It does, for the reasons she has outlined and that I will address briefly, seem to be a constructive and positive way to go. It effectively moves us back to what was originally the legislation that Senator MCCAIN and I introduced. I was enthusiastically in support of it because it achieves what we are trying to do in terms of earned legalization. In terms of simplicity and legality for those people who are here, that is the preferable way to go.

Since that time, as the Senate has worked its will, the Martinez-Hagel amendment has come in and, as has been outlined, establishes a tier system. It recognizes that those who are here for over 5 years will be able to have the earned legalization which many of us support—strong bipartisan support. Those who are here for just 2 years will be deported, and those from 2 to 5 will have to return and follow a different pathway in terms of earning citizenship. That is administratively more complicated and difficult and puts additional burdens on Homeland Security.

One of the basic concepts behind the legislation was to try to move people out of the shadows. This is going to move us back into creating a situation where a number of people will be back in the shadows. It does move us in a direction that I would not have hoped we would move. But frankly, this is the legislative process. The legislative process has brought us to where we are today. The underlying legislation is a good product and an important product which will mean a significant and important change in the opening of opportunity for people who are here, who want to work hard and pay a fine, pay their back taxes, play by the rules and become a part of the American dream.

I am enthusiastic for the underlying legislation which includes the Hagel-Martinez amendment. I will say that the Feinstein amendment is basically, in fact, what Senator MCCAIN and I had originally hoped for. It is difficult for someone like myself to argue against it. It makes sense. But as legislative proceedings go, at least as far as I am concerned, you are sort of stuck with where you are in terms of the process.

I thank the Senator from California for again raising an issue which is a matter of enormous importance. And her reasons are excellent, as she outlined in her comments. I am sympathetic to that. If the Senator's amendment is not successful, we still have a very strong bipartisan document which will deserve to move ahead in this process.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, how much time remains under my control?

The PRESIDING OFFICER. The Senator has 9 minutes.

Mr. SPECTER. I yield 4 minutes to the Senator from Texas, Mr. CORNYN.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I rise to oppose the pending amendment. It is interesting how causes line up. I find myself critical of the Hagel-Martinez compromise. I also find myself in agreement with the diagnosis of the Senator from California that the tiered method of trying to divide up the undocumented population will result in rampant fraud, just as it did in the post-1986 amnesty. But while I agree with her on the diagnosis, I don't agree with her prescription. The prescription, the alleged cure for the diagnosis, is that basically we throw up our hands and say that we cannot enforce the law. We can't secure our borders. We can't verify eligibility to work at the work site. We can't sanction employers who cheat. So we have to let anyone and everyone who has come to the United States, either in violation of the law or legally and overstayed, get basically the best gift that America can confer, and that is legal permanent residency and American citizenship and to jump in line ahead of those who have waited patiently outside the country and revisit the mistakes of 1986 when amnesty was tried.

I have two articles from the New York Times, one dated June 18, 1989 and one dated November 12, 1989. I ask unanimous consent that these be printed in the RECORD at the conclusion of my remarks.

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

(See exhibits 1 and 2.)

Mr. CORNYN. The June 18 article says:

> The most sweeping effort to halt illegal immigration in American history, the 1986 overhaul of immigration law, may have cut the flow of illegal aliens less than expected and may have actually encouraged unlawful entry in several ways.

It quotes a professor Wayne Cornelius, director of the Center for U.S.-Mexican Studies at the University of California in San Diego:

> We found no evidence that the 1986 immigration law has shut off the flow of new undocumented migrants.

The article, dated November 12, 1989, includes a quote from the junior Senator from New York, who was then serving in the House of Representatives. It says:

> Representative Charles E. Schumer, a Brooklyn Democrat who was an author of this Special Agricultural Worker provision, said that in retrospect the program seemed ''too open'' and susceptible of fraud. But he argued that the budget decisions had made the battle to combat fraud more difficult.

In other words, alluding to the fact that notwithstanding the policy decisions made by Congress in 1986, that, in fact, it was the failure to actually finance and implement the policy for work site verification and employer

sanctions that contributed to the ineffectiveness of the 1986 amnesty.

I hope we will learn from the mistakes of the past and are not condemned to relive them with this bill. But I do agree with my colleagues, Senator KENNEDY, Senator SPECTER, the chairman of the Judiciary Committee, Senator MARTINEZ and others, that while the Senator from California is absolutely correct in her diagnosis, this sets us up for a repeat of massive fraud. The prescription she recommends is not well advised.

I yield the floor.

EXHIBIT 1

[From the New York Times, June 18, 1989]

1986 AMNESTY LAW IS SEEN AS FAILING TO SLOW ALIEN TIDE

(By Roberto Suro)

HOUSTON, June 17.—The most sweeping effort to halt illegal immigration in American history, the 1986 overhaul of immigration law, may have cut the flow of illegal aliens less than expected and may have actually encouraged unlawful entry in several ways.

Two years after it began to take effect, experts around the country are starting to draw conclusions about the law's effect. As thousands of people continue to enter the country illegally every day, the first arguments are being entered in a debate over whether the legislation has achieved its goals, and whether it ever will.

Some in Congress seek more effective enforcement of the law; others want to focus on the poverty and turmoil in the third world that force people out of their homelands. Meanwhile, the Immigration and Naturalization Service has proclaimed the law a clear success, and the Bush Administration has yet to put its own stamp on immigration policy.

''We have found no evidence that the 1986 immigration law has shut off the flow of new undocumented migrants,'' said Wayne Cornelius, director of the Center for U.S.-Mexican Studies at the University of California at San Diego.

A DECADE OF STUDY

The Immigration Reform and Control Act of 1986, whose measures began to take effect in May 1987, was the first nationwide response to a wave of illegal immigration that began in the mid-1960's and created a resident population of illegal aliens variously estimated between 6 million and 12 million people.

After a decade of study and argument in Washington, the 1986 law emerged as a mixture of humanitarian and restrictive measures. Unlike the two previous efforts to counter similar waves of illegal immigration in the 1930's and 1950's, there was no resort to mass deportations. The law offered legal status to illegal aliens who had lived in the United States continuously since Jan. 1, 1982, and it imposed penalties on employers who knowingly hired illegal aliens. It also allowed migrant workers to enter the United States during harvest season.

''The legislation bought time for everyone and made the problem more manageable for a while,'' said Leonel J. Castillo, who was Commissioner of Immigration and Naturalization during the Carter Administration and is now president of Houston International University. ''It seems, however, that time has passed more quickly than expected, and so it is important to see where we stand, because I think we will be dealing with the issue again soon.''

TORRENTS OF PEOPLE

According to indicators used by the immigration service to estimate traffic across the southern border, this year there will be 1.7 million to 2.5 million crossings. The most recent statistics signal that the flow may have increased in April and May.

Separate surveys of illegal aliens conducted by researchers based in Mexico, Texas and California all found that immigration by first-time travelers, as against those who had previously been to the United States, has been on the rise for at least a year. Experts also agree that the flow had dropped off through most of 1987. As a result, immigration experts say they have identified a ''wait and see'' response to the law among potential immigrants that may be producing a new wave of illegal immigration.

Doris Meissner, an expert on immigration for the Carnegie Endowment, a Washington research organization, said, ''There is evidence that many potential immigrants waited for a while to see how the law worked and have since begun moving again. If so, we should see the flow across the border accelerating any day.''

A MAGNET OF SORTS

The 1986 law allowed 3.1 million previously illegal aliens to obtain legal status here. Recent studies show that many thousands of people crossed the border surreptitiously to take advantage of the program, some of them with falsified documents and personal histories. The mass of newly legalized immigrants is also acting as a magnet for illegal aliens who want to come to the United States to join friends and relatives.

A plan to strengthen the Border Patrol was never fully carried out, and experts reach widely differing verdicts on the effectiveness of the sanctions against employers who hire illegal aliens.

Representative Charles E. Schumer, the New York Democrat who was instrumental in shaping the law's final compromises, said, ''The legislation has had some effect but not close to what it should have been.'' He complained that the Reagan Administration favored passage of the law but never gave the immigration service the resources to enforce it. ''So far, the law really has not been given a fair test,'' he said.

The current debate over immigration policy is likely to affect not only future law but also foreign policy. After hearings last month on the law's effect, Representative Bruce A. Morrison, a Connecticut Democrat who is chairman of the House Judiciary Committee's Subcommittee on Immigration, Refugees and International Law, said, ''Looking at what's happened the past few years it is increasingly obvious that most of the reasons for illegal immigration are in the countries people are leaving, and that unless those conditions change we may be able to reduce the flow somewhat, but no enforcement scheme will stop the tide.''

A LONELY ASSERTION

At those hearings Alan C. Nelson, Commissioner of the I.N.S., argued that a steady decline in the number of people apprehended trying to cross the border ''continues to demonstrate that the law is working and employer sanctions are having the intended effect of reducing illegal immigration.''

But the immigration service is now virtually alone in asserting that the sanctions have substantially cut the flow of illegal immigrants. Mr. Nelson has said repeatedly that the number of people apprehended on the border has dropped at a rate of 40 percent a year since the law went into effect. But many scholars dispute Mr. Nelson's statistics. Some researchers believe sanctions on employers have cut the flow, but not by 40 percent, and other experts argue the sanctions have had no effect at all.

The effects of the law are illustrated in the experiences of two recent illegal immigrants.

A 30-year-old woman from El Salvador said that in February 1988 she left home to live illegally in Texas in part because ''my cousin got papers under the amnesty, and so she was able to help me with money and a place to stay and generally in getting around.'' But as a result of the law, she said, ''there is no way to get a good job, because they always ask for your papers.''

The woman, a secretary in El Salvador, cleans houses in Houston, and although she would like better work here, she said she had no desire to return to the poverty and political violence of her homeland. ''Yes,'' she said, ''it is more difficult to get here and earn money now, but people still do it.'' Like other illegal aliens interviewed, she asked not to be identified.

A FAMILY ASUNDER

In the case of another woman from El Salvador, the law had contradictory effects. She arrived here in 1981, qualifying for the amnesty, but her five children, now 10 to 18 years old, arrived too late to be legalized. ''It is a great worry for me,'' she said, ''because my two oldest have graduated from American high school. Their home is with me here, but they cannot get real jobs. What is their future?'' According to the immigration service, 3.5 million to 4 million illegal aliens live in the United States on an established basis, as against 6.5 million to 7 million before passage of the 1986 law.

The drop is accounted for by the number of applicants for the amnesty programs. In effect, the amnesty divided illegal immigrants into those who were suddenly legalized and those who were not, but it did not physically separate these people.

The immigration service expects that a vast majority of amnesty applicants will receive permanent status as legal residents. If they then become citizens after a five-year waiting period, they will be able to get legal status for their spouses and children.

THE MEN WERE FIRST

In the meantime, however, the law has created a new and growing category of illegal alien: the relatives of amnesty applicants. Noting that nearly 70 percent of the amnesty applicants are men, Nestor Rodriguez, a sociologist at the University of Houston, said: ''Usually, the men were the first to migrate, and so more of them qualified for the amnesty. Many woman and children who followed along later did not qualify, and certainly the men who were here alone and got papers are now bringing in their families illegally.''

The effect of the amnesty on illegal immigration goes beyond relatives, however.

''Illegal immigrants have a long history of following well-established routes,'' said Mr. Castillo, ''and the amnesty program gave those routes a little more solidity. Now, instead of relying on other illegals, a new arrival is likely to know people here who are legal and can offer help with all kinds of things. It's my guess that it will take a generation to break those ties.''

Mr. Cornelius of the University of California at San Diego conducted extensive surveys of three rural Mexican communities and has concluded, ''There has been no significant return flow of illegals who suddenly found themselves jobless in the United States.'' In the short term at least, he said, the 1986 law ''may have kept more Mexicans in the United States than it has kept out'' because it granted some kind of amnesty to about 3.1 million people.

Although immigration experts agree that the prohibition on hiring undocumented workers has made it more difficult for illegal aliens to find work here, they differ widely on how much the sanctions on employers have reduced the flow across the border.

ARREST RATES ARE DEBATED

Much of the debate over the rate of illegal immigration centers on statistics for the apprehension of aliens along the Southern border because the immigration service uses these figures to support its assertion that the sanctions have been effective.

Almost all experts dismiss the immigration service view that proof of decreased flow lies in the 40 percent drop in apprehensions each year since 1986. The agency's critics say the number of Border Patrol agents assigned to watch the border also decreased markedly in that time, and so fewer apprehensions were inevitable.

Also, it is argued that since 1986 the agents remaining on the border have spent more time tracking down drug smugglers, another reason why a decline in apprehension would not necessarily mean there was a drop in the flow of illegal aliens. Yet other researchers insist that a substantial part of the decline in apprehensions is explained by the fact that most of the 3.1 million amnesty applicants can move across the border as they have for years but do it legally.

Chart of breakdown of legalization applicants and agricultural workers by gender, type of work, age, and state they applied in.

EXHIBIT 2

[From the New York Times, Nov. 12, 1989]

MIGRANTS' FALSE CLAIMS: FRAUD ON A HUGE SCALE

(By Roberto Suro)

HOUSTON, Nov. 11, 1989.—In one of the most extensive immigration frauds ever perpetrated against the United States Government, thousands of people who falsified amnesty applications will begin to acquire permanent resident status next month under the 1986 immigration law.

More than 1.3 million illegal aliens applied to become legal immigrants under a one-time amnesty for farm workers. The program was expected to accommodate only 250,000 aliens when Congress enacted it as a politically critical part of a sweeping package of changes in immigration law.

Now a variety of estimates by Federal officials and immigration experts place the number of fraudulent applications at somewhere between 250,000 and 650,000.

The Immigration and Naturalization Service has identified 398,000 cases of possible fraud in the program, but the agency admits that it lacks both the manpower and the money to prosecute individual applicants. The agency is to begin issuing permanent resident status to amnesty applicants on Dec. 1, and officials said they were approving 94 percent of the applicants over all.

Evidence of vast abuse of the farm worker amnesty program has already led to important changes in the way immigration policies are conceived in Congress. For example, recent legislation to aid immigration by refugees from the Soviet Union was modified specifically to avoid the uncontrolled influx that has occurred under the agricultural amnesty program.

Supporters of the farm worker amnesty argue that it accomplished its principal aim of insuring the nation a cheap, reliable and legal supply of farm workers and that it made an inadvertent but important contribution in legitimizing a large part of the nation's illegal alien population.

Critics point to cases like that of Larry and Sharon Marval of Newark. Last year they pleaded guilty to immigration fraud charges after immigration service investigators alleged that the Marvals were part of an operation that helped about 1,000 aliens acquire amnesty with falsified documents showing they had all worked on a mere 30 acres of farmland.

The amnesty for farm workers was a last-minute addition to the Immigration Reform and Control Act of 1986, which sought to halt illegal immigration with a two-part strategy. Under a general amnesty, illegal aliens who could prove they had lived in the United States since before Jan. 1, 1982, were given the chance to leave their underground existence and begin a process leading to permanent resident status. And to stem further illegal immigration, the employment of illegal aliens was made a crime.

The agricultural amnesty program was adopted at the insistence of politically powerful fruit and vegetable growers in California and Texas who wanted to protect their labor force. In several respects, the provisions for the program were much less strict than the general amnesty program, which drew 1.7 million applicants. Instead of having to document nearly five years of continuous residence, most agricultural worker applicants had to show only that they had done 90 days of farm work between May 1, 1985, and May 1, 1986.

Representative Charles E. Schumer, a Brooklyn Democrat who was an author of this Special Agricultural Worker provision, said that in retrospect the program seemed ''too open'' and susceptible to fraud. But he argued that budget decisions had made the battle to combat fraud more difficult.

''There has not been enough diligence in tracking down the fraud,'' he said, ''because funding for the I.N.S. has been cut by the White House in each of the last three budgets, even though everyone agreed when the bill passed that greater I.N.S. manpower was essential to make it work.''

Congress rarely raises the immigration service budget above Administration requests.

Aside from its budget problems, the immigration service has repeatedly come under fire this year in Congress and in an audit by the Justice Department for what was termed mismanagement and administrative inefficiency.

John F. Shaw, Assistant Immigration Commissioner, agreed that ''manpower restrictions'' at the agency were a major factor in the fraud in the agricultural amnesty program. He said much of the fraud ''shot through a window of opportunity'' when the agency was frantically trying to deal with many new burdens of the 1986 immigration law.

Mr. Shaw said law-enforcement efforts had been limited to the people who sold false documents to applicants for the farm worker amnesty. The immigration service has made 844 arrests and won 413 convictions in cases alleging fraud in the amnesty program. The people involved ranged from notaries public to field crew leaders. ''It was a cottage industry,'' Mr. Shaw said.

The immigration service can revoke legal status if it finds the applicant committed fraud, but even this effort is limited. Only applications that appear linked to a fraud conspiracy are held for review, as when an unusually large number of applicants assert that they have worked in same place. Some 398,000 aliens have fallen into this category since the application period ended last Nov. 30, but it is likely that many of them will get resident status.

Mr. Shaw said the fraud conspiracies often involved farms that actually did employ some migrant labor. So it is frequently impossible to separate legitimate from illicit claims.

Given the limited law-enforcement effort, no precise count of fraud in the agricultural amnesty program is possible. But some rough estimates are possible based on information from the aliens themselves. An extensive survey conducted in three rural Mexican communities by the Center for U.S.-Mexican Studies at the University of California in San Diego found that only 72 percent of those who identified themselves as applicants for farm worker amnesty had work histories that qualified them for the program. A similar survey conducted by Mexican researchers in Jalisco in central Mexico found that only 59 percent qualified.

But fraud alone does not explain why the program produced more than five times the applicants Congress expected. Frank D. Bean, co-director of the Program for Research on Immigration Policy at the Urban Institute in Washington, said the miscalculation in the Special Agricultural Worker program reflected longstanding difficulties in tracking the number of temporary illegal migrants from Mexico.

''It is at least plausible that a very large percentage of the S.A.W. applicants had done agricultural work in the U.S. even if they did not meet the specific time requirements of the amnesty,'' Mr. Bean said.

Mr. Shaw of the immigration service, and other critics of the law, believe there were more fundamental flaws. ''It was a weak program and it was poorly articulated in the law,'' he said.

Unlike almost all other immigration programs, which put the burden of proof applicant, the farm amnesty put the burden on the Government. Consequently, aliens with even the most rudimentary documentation cannot be rejected unless the Government can prove their claims are false.

Stephen Rosenbaum, staff attorney for California Rural Legal Assistance, a nonprofit service organization for farm workers, argued that there was no other way to structure an immigration program for an occupation ''that does not produce a paper trail.'' He noted that farm workers are paid in cash and neither the employers nor the workers keep detailed records.

''You can argue the wisdom of a farm worker amnesty, but if you have one, you have to recognize the immense logistical problems involved in producing evidence,'' he said.

The immigration service at first tried to apply the stringent practices common to other immigration programs, like rejecting applicants with little explanation when their documents were suspect. But three lawsuits brought in Florida, Texas and California over the last two years forced the agency to follow the broader standards mandated by Congress.

The burden-of-proof issue arose again earlier this year when the House of Representatives approved legislation that would have made any person who could prove Soviet citizenship eligible for political refugee status.

A legislator with a powerful role on immigration policy, Senator Alan K. Simpson, Republican of Wyoming, eliminated the provision because of concerns raised by the farm worker amnesty program, an aide said. Mr. Simpson, who is on the Senate Judiciary Subcommittee on Immigration and Refugee Affairs, substituted a series of specific circumstances that had to be met for a Soviet citizen to be considered a refugee, like denial of a particular job because of religious beliefs.

Immigration experts believe that the agricultural amnesty program will probably color policy debates over other categories of aliens whose qualifications will be difficult to document, like the anti-Sandinista rebels of Nicaragua.

''One certain product'' of the agricultural amnesty program, Representative Schumer said, ''is that in developing immigration policies in the future, Congress will be much more wary of the potential for fraud and will do more to stop it.''

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4½ minutes.

Mrs. FEINSTEIN. Mr. President, I would like to make a couple of comments.

I very much appreciate my service and Senator CORNYN's service on the same committee and have great respect for him and also for Senator MARTINEZ who has introduced the Hagel-Martinez plan with the best of motives. Senator CORNYN said we shouldn't throw up our hands. I am not throwing up my hands. I want strong borders. I voted for a fence. I believe we should put National Guard on the borders. We provide 12,500 additional Border Patrol, 2,500 border inspectors, over $1 billion of equipment for the border. We should have our border enforced. We should get the help of Mexico to enforce it.

Secondly, with this plan, there is no jumping in line ahead of anyone waiting legally for a green card.

The line begins for the orange card recipients, if such should ever be, when that line is expunged. What we do is recognize the reality, learn from the streets, understand what happens, and then try to build a comprehensive solution to deal with the real world—border control, increase practical numbers of visas, as well as providing a path for earned legalization for those people who are here now.

That path has several hurdles. It will weed out those who should not receive an orange card from those who should. It is an electronic process. It is doable, and it is practical. It recognizes that if you leave 4.4 million undocumented immigrants subject to deportation, whether it is this year or 4 years down the pike, you create another illegal pool of workers in this country, which I think destroys the comprehensive approach.

Therefore, I just want to say that this orange card has specific requirements that have to be met over a 6-year period of work, of learning to speak English, of paying a fine, of paying taxes, of work history. That has to be met on an annual basis, submitting work history receipts on an annual basis. The program financially takes care of itself with the fines and fees. I believe it is a practical, humane way to go which can, in fact, with the other components of the bill, create a comprehensive solution to immigration reform which has a chance to stop illegal immigration into our country.

I am concerned that should Hagel-Martinez become the law, we are back where we started with a huge group of people subject to deportation at one point or another. We know that creates the underground labor pool, which then creates the incentive for an addition to that underground labor pool. I believe the orange card proposal we have before the Senate now does not do that. But the devil is in the details of all of this. We will see.

How much time do I have remaining?

The PRESIDING OFFICER. Less than 1 minute 50 seconds.

Mr. KENNEDY. Mr. President, I yield whatever time I have to the Senator from California.

Mrs. FEINSTEIN. Mr. President, I would like to say one other thing. A lot of people come to me in desperate circumstances for private bills. I have tried to meet some of the families. What I have seen in these families is truly amazing. I have seen a legacy of work over a period of time that is amazing for any human being. I have actually seen families whose children are valedictorians of their high school class. I have seen them hide, but they pay their taxes, and they own a home. Some are even supervisors of companies.

If you look around America, the meatpacking industry, the chicken-processing industry, virtually all of the manufacturing and production, you will see these people as a dominant part of that workforce. I look at the great bread basket that is California, the largest agricultural State in the Union, and I know at least 600,000 of our workforce are undocumented and illegal. I know they come here because of the absence of any hope or opportunity or ability to make a decent living where they were living before.

I think this whole dialog we are having puts an enormous obligation on Mexico to begin to understand the needs of their people and do something to help them become economically more upwardly mobile because this is certainly the main problem that leads to the cross-border immigration that is illegal into our country. So we have tried to solve this with a comprehensive bill. I think it makes sense. It says to everybody that you have to earn this legalization. You have to get out there and work for at least 6 more years. You have to report in, but you have a card which identifies that you are in an adjusted status, you are not subject to deportation. You can raise your children. You can volunteer for community activities. You can become a constructive member of society. I believe that is worth a lot.

Enabling people to live to their fullest is worth a lot. I hazard a guess that there is not one person who is going to go home because of what we do in a bill. They are going to stay, they are going to continue, but the lifestyle is going to be clandestine, and they are never going to be able to reach their full potential. This amendment allows them to do so. I urge the Senate to vote yes.

I yield the floor and the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, it is with reluctance that I oppose the amendment offered by the Senator from California because if this amendment were to be adopted, I believe the very delicate and fragile coalition we have for this bill would fail. We are going to be looking for a cloture vote tomorrow, and if we were to go back to before the tenuous agreement that has been worked out to date with the three subdivisions—those here 5 years or more, those here 2 to 5 years, and those here less than 2 years—I think our efforts at cloture would fail and the prospects for failure of the bill would be very high.

We have structured the bill on a matter of principle, that those who are here the longest have the most roots and deserve the most consideration. The top tier was those who have been here 5 years or more. Selecting the date of January 7, 2004, as a cutoff date was done because that was the date of the President's speech on immigration reform. And anybody who came to the United States was on notice that they would be treated differently.

Under ideal circumstances, if we didn't have a tenuous coalition and we didn't have a conference prospectively with the House, I would be very sympathetic and inclined to support what the Senator from California has done. The reality is that it is going to be very difficult to find people who are here and not turn them into a fugitive class. The theory is that those people will not be able to find jobs and that they will, therefore, return.

But this legislation is on the edge of the ledge as it is. To keep the coalition intact—and I think that was the thrust of what Senator KENNEDY had to say, if I understood him, and I think others in the coalition are of the same mind—it is with reluctance that I oppose what the Senator from California has said. As a nation of immigrants, it would be nice to include everybody on the path to citizenship, but we face a lot of opposition, realistically, on the charge of amnesty, which I have dealt with on the floor. The bill is not amnesty; it is earned citizenship.

How much time do I have?

The PRESIDING OFFICER. Two minutes.

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

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Under the previous order, all time having expired, the question is on agreeing to amendment No. 4087, as modified.

Mrs. FEINSTEIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) was necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 61, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—37

Akaka	Feinstein	Menendez
Bayh	Harkin	Mikulski
Biden	Inouye	Murray
Bingaman	Jeffords	Obama
Boxer	Johnson	Reed
Cantwell	Kennedy	Reid
Chafee	Kerry	Salazar
Clinton	Kohl	Sarbanes
Conrad	Landrieu	Schumer
Dayton	Lautenberg	Stabenow
Dodd	Leahy	Wyden
Durbin	Levin	
Feingold	Lieberman	

NAYS—61

Alexander	DeWine	Murkowski
Allard	Dole	Nelson (FL)
Allen	Domenici	Nelson (NE)
Baucus	Dorgan	Pryor
Bennett	Ensign	Roberts
Bond	Frist	Santorum
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Smith
Burr	Hagel	Snowe
Byrd	Hatch	Specter
Carper	Hutchison	Stevens
Chambliss	Inhofe	Sununu
Coburn	Isakson	Talent
Cochran	Kyl	Thomas
Coleman	Lincoln	Thune
Collins	Lott	Vitter
Cornyn	Lugar	Voinovich
Craig	Martinez	Warner
Crapo	McCain	
DeMint	McConnell	

NOT VOTING—2

Enzi	Rockefeller

The amendment (No. 4087), as modified was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

I move to lay that motion on the table.

Mr. SPECTER. The motion to lay on the table was agreed to.

DEATH OF SENATOR LLOYD BENTSEN

Mr. REID. Mr. President, I was just notified a few minutes ago that Lloyd Bentsen died. For those of us who have had the pleasure of serving with Lloyd Bentsen, this is a sad day. There was no one who better represented the Senate than Lloyd Bentsen. He looked like a Senator, he carried himself so well, and he acted like a Senator. He legislated like a Senator. He died at age 85. He was sick for a number of years. He was a person who had a great political record. He served in the House of Representatives for three terms, and he served in the Senate—he could have served as long as he wanted—and became Secretary of the Treasury during the Clinton administration. He, of course, ran for Vice President and he ran for President.

For me personally, he was such a guiding light. I can remember when I was elected to the Senate, and I was trying to get on the Appropriations Committee. I met in his hideaway.

This speaks about the way Lloyd Bentsen conducted his life. I was telling him why it would be good for me. I had been through a tough race. It was the most noted race in the cycle at that time. I was talking to him a lot about why it was important for me to get on the Appropriations Committee. He ended the discussion very quickly.

He said: It doesn't matter if it is good for you. I believe it is good for the Senate.

That was how he conducted his life. He was someone we all looked to. As a new Senator, I could talk to him with reverence. I can remember visiting with him when he was Secretary of Treasury. He told me how much he missed the Senate and how lonely it was down there and how he missed the collegiality of the Senate.

The State of Texas has had great Senators, but no Senator has ever been a better Senator than Lloyd Bentsen.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

Mr. REID. Mr. President, with the consent of the majority leader, I ask unanimous consent that the time for the recess begin now, 12 minutes early.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. Mr. President, there will be no objection. We are making real progress and have begun discussing how we will handle the rest of the day and tomorrow as well. There is no objection.

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

Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:19 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from Texas is recognized.

(The remarks of Mrs. HUTCHISON are printed in today's RECORD under "Morning Business.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006—Continued

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senator from Rhode Island be given 10 minutes to speak on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise to discuss S. 2611, the immigration bill we are debating this week. It has been a difficult debate with several difficult votes, but I believe this is one of the most important pieces of legislation we will address this year.

The status of immigrants in this country, including legal aliens, guest workers, and illegal aliens, has a profound impact on our economy, our labor force, and the quality of life of all of the Nation's residents. Clearly, our immigration system in terms of both its punitive measures and its benefits offered is in need of overhaul. The bill before us is not perfect, but it is a realistic approach to dealing with an issue that is important to so many Americans.

Rather than measures that sound good but are ineffective, this legislation is truly comprehensive immigration reform. It includes tough enforcement provisions directed at those who seek to come here illegally in the future and those who would hire illegal aliens. It contains provisions for guest workers that balance the needs of employers and the average American worker, and it offers a path to legalization to those who entered this country illegally but who have since been working hard and obeying the rules.

One of the most important sections of this bill relates to enforcement. Clearly, the continuous flow of illegal immigrants across our southern border in particular in search of higher paying jobs in the United States strains our Nation's labor market and resources such as hospitals and schools and law enforcement.

I note that while illegal immigration has been a significant problem since the 1980s, the problems have only worsened in the past 6 years. The 9/11 Commission gave the Bush administration a grade of C-minus on border security. The administration has simply lost control of the border. In the past decade, between 700,000 and 800,000 illegal immigrants have arrived in this country annually. Over 70 percent of these individuals are from Mexico or South America or from Central America. During the same period from 1995 to 2005, the number of Border Patrol agents increased from 4,876 to 11,106.

However, while the number of border agents increased dramatically during the Bush administration, the number of apprehensions at the border declined 31 percent from the last 4 years of the Clinton administration. In addition, approximately one-half of the 11 million illegal aliens in this country live in the 46 nonborder States, yet the average apprehension rate during the

Bush administration is 25,901 individuals per year in interior States away from the border.

But apprehending individuals illegally crossing the border only partially solves the problem. The reason so many try to enter this country is the search for jobs. We must work to cut off the supply of jobs by making it too costly for employers to hire illegals. Again, this administration has performed poorly in this area. In fiscal year 2004, the last year in which data is available, the Justice Department only obtained 46 convictions for employer violations of illegal immigrant employment laws. Audits of employers suspected of utilizing labor have dropped from a peak of 8,000 per year under President Clinton to less than 2,200 in fiscal year 2003 under President Bush. The number of cases resulting in fines has declined from a peak of 900 under President Clinton to a total of 124 in fiscal year 2003. I would therefore say that the first step to improve enforcement would be to actually enforce the laws that are already on the books.

In addition, I believe the bill adds many useful enforcement measures. I would like to highlight a few that I feel are most significant.

I am particularly pleased with the focus on technology. This bill requires the Department of Homeland Security to create a virtual fence along the borders using unmanned aerial vehicles, cameras, sensors, tethered aerostat radars, and other surveillance equipment. This bill also requires the Department of Homeland Security to work with other agencies such as the Department of Defense and the Federal Aviation Administration to develop plans for sharing assets and implementing surveillance strategies.

In addition, this bill includes provisions which replace and extend existing fencing along the U.S.-Mexican border. While I realize that building additional fences may be an attractive option, ultimately I believe this approach would be expensive and ineffective. History has proven that fences simply drive the illegal immigration flow to cross by land through more inhospitable terrain, increasing the number of deaths, or to enter by boat through our largely unprotected ports and shores.

For example, once a triple fence was built in the San Diego area, apprehensions dropped dramatically, but they increased 342 percent during the same period in Tuscon, away from the fence. In addition, during that period, it is estimated that 1,954 people died attempting to cross the Sonoran Desert to reach Tucson.

I also believe that wall is a symbol of distrust which can only weaken our relations, particularly with Mexico. It is a country we need to cooperate with to reduce the flow of illegal aliens.

For these reasons, last week I voted against the Sessions amendment to add 370 more miles of triple-layer fencing and 500 miles of vehicle barriers along our southern border. I believe the funding could be spent in more effective ways using new technologies.

This bill also improves enforcement of employers who might unlawfully hire illegal aliens. First, it reduces the number of documents that can be used to prove legal status. It also increases verification and recordkeeping requirements. Most importantly, it establishes an electronic employment verification system.

Under this program, employers must electronically verify new hires' employment authorization within 3 days through the Social Security Administration and the Department of Homeland Security databases. All employers will have to participate in the system within the next 5 years. The bill also provides for punitive measures for employers who do not participate. Such a system will help standardize enforcement, making it more certain that employers hiring illegals will be found out and therefore providing a deterrent effect.

I believe the measure I have discussed, along with others in the bill, will help control the stream of illegal aliens entering this country.

As we all are aware, one of the most controversial aspects of this bill is that it provides a path to legalization for approximately 11 million illegal immigrants living in this country. I believe that while this is a difficult decision, it is a necessary one.

Logic and history dictate that these individuals will certainly not return to their native countries voluntarily. In addition, it is not possible to apprehend and return all of them involuntarily. If apprehensions continue at the present rate and new illegal immigration ceases, it would still take 228 years for this country to be free of illegal immigrants.

In the meantime, a significant segment of our population is living in the shadows and in constant fear of being caught working for low wages, often in terrible conditions, without health care, without a way to redress any crimes against them. So many being forced to live this way lowers the standard of living for all of us—by decreasing job opportunities, lowering wages and the standards of working conditions for the American workforce, and burdening our hospitals and law enforcement agencies. It is not just a problem for the illegal population, it is a problem for all of us. And it is time we address it. This bill does address it, and I believe in a fair way. It is not what opponents have called amnesty. These people are not illegal one day and enjoying the rights and benefits of legal residency the next without any sacrifice or work on their part. I would like to take a moment to put these provisions I am about to discuss in a historical context.

For the vast majority of our Nation's history, there were few, if any, requirements for immigrants entering this country. The first restrictive immigration laws, other than those racially based, were not passed until the late 1880s and did not substantially change for several decades, including during the height of European immigration in the early 1900s. These laws excluded convicts, polygamists, prostitutes, persons suffering from loathsome or contagious diseases, and persons liable to become public charges. The 1917 literacy requirement required individuals to be able to write out 40 words in some language, not necessarily English.

These requirements, I would say, were not particularly strenuous. The INS, once established in 1891, actually ran its own schools and supplied textbooks to help immigrants learn English and civics. There was no requirement to work or have marketable skills. For the most part, if you arrived and were relatively healthy, you were admitted. So by these standards, the requirements for earned adjustment are much more significant.

First, in order to receive the most benefits from this bill, an individual must prove he or she has already lived in this country for 5 years—time to become a part of the community and, it should be noted, the residency requirement since 1802. These individuals will also have to prove they worked 3 of the past 5 years and then must work continuously for the next 6 years. They must pay all unpaid back income taxes. They must demonstrate an understanding of the English language and an understanding of the history and government of this country. They must submit to fingerprinting and background checks and meet the health and security requirements of every other alien entering the country. Also, they are placed at the ''back of the line'' of applications for adjustment, and, as we all know, that wait is several years. They also have to pay a $2,000 fine as well as other processing fees.

Those who have been in this country since January 7, 2004, and have been employed since that time may apply for status called deferred mandatory departure which would allow them to remain in this country for an additional 3 years.

During that time, these individuals can apply for immigrant or nonimmigrant status, but ultimately they must leave the country in order to be admitted under that legal status. These hurdles are high and a far cry from amnesty. They strike the proper balance in punishing those who came here illegally and addressing the problems of some illegal aliens in the country.

One of the original provisions of S. 2611 about which I had significant reservations was the originally proposed H–2C guest worker program. It would create a new visa category—providing visas for hundreds of thousands of low-skilled workers each year. I understand the argument that this new program is a way to regulate and hopefully slow the flow of illegal aliens who will continue to cross our borders, but I was

concerned about immediately implementing the program as it was originally drafted.

I believe, however, that it has been vastly improved by the amendment process here on the floor. Senators DORGAN and STABENOW were the first to note the flaws in this program during debate on their amendment to eliminate the program, an amendment which was tabled. Further amendments, however, fix many of these flaws.

I wish to commend Senator BINGAMAN for his amendment, which passed, that reduces the number of H–2C visas allotted annually to 200,000 and eliminates the provision that would allow this number to automatically increase in future years. This amendment provides some needed limitation on the H–2C program until we see how all the provisions of S. 2611 are working.

I also wish to commend Senator OBAMA for offering his amendment, which was accepted and which provides adequate requirements for the wages offered to H–2C visa workers. One of the greatest challenges of allowing low-skilled workers in this country is balancing their needs with the needs of the American labor force. Over the past 32 months, real average hourly earnings have fallen by 1.2 percent. Without adequate protections, an influx of workers who will accept lower wages risks bringing down the wages and working conditions of everyone. I also worry that companies will use this visa program as a recruiting device for cheap labor rather than truly offering opportunities to individuals who want a better life in the United States. Senator OBAMA's amendment will work against those dangers, and I am pleased it was included.

I must state that I continue to have one concern about this program—the bilateral agreement. For our immigration system to truly work, it is critical that the United States have cooperation regarding enforcement with countries and citizens flocking to this country. I was, therefore, pleased to find that S. 2611 requires the United States to enter into bilateral agreements on numerous issues, including taking back aliens removed from the United States, document forgery, smuggling, human trafficking, and gang membership. However, this bill does not state that these bilateral agreements must be completed before the H–2C program is established. I believe a delay in concluding bilateral agreements may undercut the purpose of the H–2C program.

I will continue to monitor the situation, and I believe it is an issue Congress may have to address again in the near future.

Let me conclude very briefly by pointing out that there is a category of residents here, the Liberian community, who have been here legally since the late 1980s. For years, I have been endeavoring to provide relief so that these individuals, who are important and decent members of communities all across this country, could reach permanent status in United States and aspire to citizenship. I am pleased to note that in this bill, there is a means to do that. They can avail themselves of the mechanism others will use for their pathway to citizenship. It is long overdue.

I am disappointed that we could not specifically rectify this problem years ago and recognize their contributions as legal residents here under temporary protective status. But I am pleased that this legislation will go a long way to give the Liberian community a pathway to citizenship.

I am pleased to support this legislation. I commend the sponsors and the chairman of the Judiciary Committee and Senator KENNEDY for their work.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COLEMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I ask unanimous consent the following first-degree amendments be in order: First, Senator LEAHY on No. 4117, with 20 minutes equally divided; Senator GRASSLEY on title III, with 20 minutes for Senator CORNYN, 5 minutes for Senator KENNEDY, 5 minutes for Senator OBAMA, 5 minutes for Senator KYL, and 10 minutes for myself; Senator LIEBERMAN, No. 4036, with the time agreement to be determined; Senator DURBIN on a humanitarian waiver amendment, with time to be determined; Senator KENNEDY, No. 4106, with the time agreement to be decided.

I further ask, following those amendments, the next first-degree amendments be in order: McConnell, 4085; Gregg, 4114; Hutchison, 4101; Burns, 4124; Chambliss, 4084; Cornyn, 4097; Sessions, 4108; Kyl, 4134.

Provided further that it be in order to have first-degree amendments offered by the Democratic leader or his designee between each of the preceding Republican amendments.

I further ask unanimous consent that if cloture is invoked on the bill and if any of the above listed amendments have not been offered prior to the expiration of time under rule XXII, it be in order to call that amendment prior to third reading of the bill. I further ask consent that it be in order any time during the consideration of these amendments to consider a managers' amendment which has been cleared by both managers and notwithstanding the provisions of rule XXII.

I think I specified on Senator LEAHY's amendment 4117 that the 20 minutes equally divided would be followed by a tabling motion.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Reserving the right to object, the Senator is referring to the Leahy-Coleman-Kennedy-Sununu-Lieberman-Chafee amendment. He had not mentioned a motion to table. He has a right to make a motion to table at any time. On the Leahy-Coleman-Sununu-Chafee-et al. amendment, I hope the distinguished chairman of the Judiciary Committee would at least listen to this debate, of our efforts to protect these child soldiers before the Senator moves to table.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I always listen with great care to anything the very distinguished Senator from Vermont has to say, but in order to get consent to this unanimous consent agreement, it was found to be necessary to insert the language, which I did.

Mr. LEAHY. I have no objection to that. I just want to make my point. We are trying to protect these women who have been raped and mutilated and these children forced into involuntary servitude and others who have stood up when the United States has asked them to help defend us.

Mr. SPECTER. Does that last comment come out of Senator LEAHY's time?

Mr. LEAHY. That is when I reserved my right to object.

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

Mr. KENNEDY. We intend to notify the Senate what these Democratic amendments will be. They will be interspersed as rapidly as we can. We will do that, hopefully, before the end of the afternoon.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 4117

Mr. LEAHY. Mr. President, this bipartisan amendment I offer is on behalf of the distinguished Presiding Officer, Senator COLEMAN, Senator KENNEDY, Senator LIEBERMAN, Senator CHAFEE, Senator HARKIN, Senator BINGAMAN, and Senator SUNUNU.

We have had unintended consequences because of changes made in immigration laws after September 11. Rightly so, they were modified to protect national security, but we made them so broad that many people have been prevented from entering our Nation, people who do us no harm.

The PATRIOT Act and the subsequent REAL ID Act modified definitions of ''terrorist activity'' and ''material support'' in order to block entry into the United States of individuals who assist terrorist organizations. On its face, that made sense. No one wants terrorists or their supporters to come here as refugees.

But the new law failed to recognize that many foreigners, including children, are forced against their will to give food, shelter or other assistance to terrorist groups.

It also defined ''terrorist organization'' so broadly that groups that are

not engaged in activities against civilians—freedom fighters that the U.S. Government once provided training and other material support to—like the Montagnards in Vietnam—are covered by this broad definition.

Our amendment would bring American laws once again into line with American values. It would give U.S. officials the ability to separate the victims from the aggressors, and it will bring our immigration laws into harmony with our government's foreign policy.

We can prevent the entry of those who would do America harm without closing our borders to genuine refugees who urgently need our help.

Let me give a few examples. A 13-year-old girl is kidnapped, she is forced to become a member of the Lord's Resistance Army in Uganda, become a soldier, basically a sex slave of one of the commanders. She is ineligible for admission as a refugee under current law. That is wrong. In fact, it is immoral.

The same goes for people who provide material support to FARC, the terrorist group in Colombia. The support they gave was digging graves for other victims of the terrorists or giving them food, or otherwise being shot themselves.

Or a Liberian woman who was kidnapped by a rebel group and forced to serve as a sex slave. She was also forced to cook and do laundry for the rebels, so she is considered to have given material support and she is barred. That makes no sense.

People who are barred for supporting a terrorist organization—which is broadly defined as any group of two or more people fighting a government—includes refugees who our own government has long supported.

The Vietnamese Montagnards, who supported the United States 35 years ago, are barred. Members of the Karen Tribe fighting against the Burmese junta are barred. Some anti-Castro Cubans are barred.

Afghans who fought with the Northern Alliance, and even the NATO soldiers who trained them, are barred. We never intended to do that.

After 8 months of interagency inertia, the Secretary of State recently issued a waiver for one group of Burmese refugees who live in a refugee camp in Thailand. The use of the waiver authority was long overdue and I welcomed the Secretary's action. But the waiver was too limited, and will help only a minority of those deserving help, who are waiting to be resettled here.

When the waiver was issued, the State Department asserted that it did not plan to extend it to other groups in the near future.

Infighting between executive branch agencies is preventing people who have been victimized in the most brutal ways from obtaining asylum.

The bipartisan amendment that we offer today modifies the law so that before the overly broad definition of a terrorist organization is applied to a group of two or more individuals, the Secretary of State must determine that the group engages in terrorist activity which poses a threat to U.S. nationals or the national security of the United States.

That is the right balance. It protects U.S. security, and it provides sanctuary for victims of repression.

Mr. President, how much time remains for the Senator from Vermont?

The PRESIDING OFFICER. The Senator has not yet called up the amendment, so there is no time running.

Mr. LEAHY. That is not bad. Mr. President, I did not do that intentionally, but I think it may be protecting the distinguished Presiding Officer. I now call up amendment No. 4117.

The PRESIDING OFFICER. The clerk shall report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. COLEMAN, Mr. LIEBERMAN, Mr. KENNEDY, Mr. CHAFEE, Mr. HARKIN, Mr. BINGAMAN, and Mr. SUNUNU, proposes an amendment numbered 4117.

The amendment is as follows:

(Purpose: To amend section 212 of the Immigration and Nationality Act regarding restrictions on the admission of aliens)

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 the Secretary of State, in consultation with or upon the request of the Attorney General or the Secretary of Homeland Security, has determined 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 Secretary 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)

Mr. LEAHY. Mr. President, I ask unanimous consent that of the time available to the Senator from Vermont, 4 minutes be reserved for the distinguished Presiding Officer and he be allowed to use that time.

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

Mr. LEAHY. Mr. President, I hope Senators will support this amendment. It has strong bipartisan support. It speaks to the moral goodness of our Nation. It ensures that the waiver in current law is available to asylum seekers who were forced to join terrorist groups or to provide material support against their will.

Completely innocent victims of ethnic and other forms of violence and repression are being denied asylum for engaging in the very activity they were forced to engage in, even though they pose no threat to U.S. security—child soldiers, sex slaves of people who were among the worst violators of human rights. Those victims are being excluded by our great, good Nation.

They deserve our compassion. Let us bring our laws back in line with our values.

I hope we will adopt this amendment.

Mr. President, I see the distinguished Senator from Minnesota on the floor. I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I rise in support of the amendment by Senators LEAHY, COLEMAN, LIEBERMAN, SUNUNU, KENNEDY, BINGAMAN, CHAFEE, and HARKIN.

The distinguished Senator from Vermont has laid out a general principle we are dealing with here. I would like to make a couple observations, if I may.

I would actually like to read from an article in the New York Times of April 3—just a couple sentences.

In Sierra Leone there was a woman who was kept captive in her house for 4 days by guerillas. The rebels raped her and her daughter and cut them with machetes. Under America's Program for Refugees she would be eligible to come to safety in the United States, but her application for refugee status has been put on indefinite hold because American law says she has provided material support to terrorists by giving them shelter.

The same story has been repeated in Liberia. Women who have been kidnapped, raped, forced to be sexual slaves, by the definition of ''material support,'' gave material support. The law makes no exception for duress.

In the State of Minnesota, we have individuals who have worked in groups that have been supported by the United States—Hmongs in Southeast Asia resisted the Laos military; Liberians who

gave de minimis aid under duress; Burmese; Somalians; Cubans resisting Castro; Colombians intimidated by the FARC guerrillas—and, again, they are in a similar circumstance as we have talked about. But the way the law is written, they would be denied the opportunity because of the definition of both ''material support'' and ''terrorist group.''

I think some of my colleagues have concerns about this. I know they have raised some questions. We have tried to look at those concerns. One of them is: What is the reason for this? There is a waiver provision in this legislation. The problem is that the labor provision is extremely, extremely limited. I believe one of them was negotiated for about 8 months. It does not cover asylum seekers in the U.S. who have been subject to atrocities, who under duress were forced to give minimal support but by definition of the law gave ''material support.''

So as a result—what I do not think was intentional—when we looked at the REAL ID legislation, we revised some of this. I do not think there was an intentional effort here. Sometimes, though, we suffer from the law of unintended consequences. The unintended consequences of the broad definition of ''terrorist organization'' and ''material support'' is to deny asylum, to deny entry to individuals who I think under all circumstances across the board—Democrat and Republican, liberal and conservative—it would be agreed that opportunity is the right thing to do, such as for the Vietnamese Montagnards, the Karen National Front fighting the Burmese junta, the Afghan Northern Alliance that has had U.S. support.

So what we have here, we believe, is a technical problem that can be corrected. If somebody is a member of a terrorist organization, they are not going to be allowed entry into this country. But that is not what this is about. That is not what we are dealing with here. I hope my colleagues would take a close look at this amendment and understand it is the right thing to do, the compassionate thing to do, the reasonable thing to do, and one that we will be proud of doing when we are finished.

There are a lot of folks who have fought for freedom in ways that we believe they are freedom fighters, a lot of folks who have been subject to great abuse, horrific abuse, and yet, somehow, the way things have been defined or appear to be threats to this country, they do not have the opportunity others have. They are not threats to our security. The right thing to do is to support the Leahy-Coleman amendment.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to have printed in the RECORD editorials from the New York Times and the Washington Post, and an op-ed from the Los Angeles Times in support of this amendment.

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

[From the New York Times, Apr. 3, 2006]

TERRORISTS OR VICTIMS?

In Sierra Leone there is a woman who was kept captive in her house for four days by guerrillas. The rebels raped her and her daughter and cut them with machetes. Under America's program to resettle refugees, she would be eligible to come to safety in the United States. But her application for refuge has been put on indefinite hold—because American law says that she provided ''material support'' to terrorists by giving them shelter.

This law is keeping out of the United States several thousand recognized refugees America had agreed in principle to shelter. By any reasonable definition, they are victims, not terrorists.

A Liberian woman was kidnapped by a guerrilla group and forced to be a sexual slave for several weeks. She also had to cook and do laundry. These services are now considered material support to terrorists. In Colombia, the United Nations will no longer ask the United States to admit dozens of refugees who are clearly victims, since all their predecessors have been rejected on material support grounds. One is a woman who gave a glass of water to an armed guerrilla who approached her house. Another is a young man who was kidnapped by paramilitary members on a killing spree and forced to dig graves alongside others. The men, many of whom were shot when their work was finished, never knew if one of the graves would become their own.

The law makes no exception for duress. It also treats any group of two or more people fighting a government as terrorists no matter how justified the cause, or how long ago the struggle. So the United States has turned away Chin refugees, for supporting an armed group fighting against the Myanmar dictatorship, which has barred them from practicing their religion. The United States has acknowledged that the law would also bar Iraqis who helped American marines find Jessica Lynch.

The law does not formally reject these applicants but places them on indefinite hold. No one accused of material support has ever had that hold lifted. The Department of Homeland Security can supposedly waive the material support provision but has never done so.

Clearly, Congress needs to add an exception for duress, allow the secretary of state to designate armed movements as nonterrorist, and allow supporters of legitimate groups to gain refuge. These changes would pose no risk of admitting terrorists to the United States and would keep America from further victimizing those who have already suffered at the hands of terrorist groups.

[From the Washington Post, Apr. 28, 2006]

HOW NOT TO TREAT FRIENDS

Congress tightened a law last year on refugee admissions in order (it thought) to keep terrorists and their supporters out of the country. The effect has been to bar friends and allies.

One example: Many Vietnamese Montagnards fought alongside U.S. forces during the Vietnam War and were then murderously oppressed by the Vietnamese government. During the war, the United States helped arm a Montagnard group called the United Front for the Liberation of Oppressed Races, which continued to struggle for autonomy after the war ended. This group ceased to exist in 1992, when a band of nearly 400 fighters disarmed and were resettled in North Carolina. Under Congress's irrational new rules, however, the group has become, legally speaking, a terrorist organization, and 11 Montagnards still stuck in Cambodia would be denied refugee status because in the past they had offered the group ''material support.''

The Montagnards are not the law's only, or even principal, victims. Thousands of ethnic victims of the Burmese military regime, living in camps in Thailand, expected after long waits to receive refugee status; now they're stuck in limbo. So are large numbers of Colombians who were forced to support the leftist rebels of the Revolutionary Armed Forces of Colombia. Liberians, Somalis and anti-Castro Cuban dissidents are also being branded terrorists and kept out.

Misguided law now prevents the admission of a member or backer of any group of ''two or more individuals'' that ''engages in, or has a subgroup which engages in,'' activities as commonplace as using an ''explosive, firearm or other weapon or dangerous device.'' The law treats a Montagnard who once aided a U.S.-backed group no differently from an al-Qaeda operative. The administration has the authority to override this absurdity in certain instances, though not all. But it has not used this limited power, and even the need for a waiver is galling. America should not be ''forgiving'' people who did not, in fact, support terrorism. These are victims—exactly the sort of people refugee and asylum programs are meant to protect.

An amendment being offered to the supplemental appropriations bill by Sens. Patrick J. Leahy (D-Vt.), Norm Coleman (R-Minn.) and Lisa Murkowski (R-Alaska) would solve the problem cleanly. It would clarify that only associates and supporters of groups certified by the government as terrorist organizations should be denied refugee status and that those forced to aid terrorists are not themselves terrorists. Congress did not mean to create this problem. Fixing it should not be controversial.

[From the Washington Post, Apr. 17, 2006]

FIX THIS LAW

If Congress doesn't quickly fix a major problem it created in the law governing the admission of refugees, tens of thousands of human rights victims will soon begin paying the price. Congress, we assume, never meant to rewrite federal law so that victims of totalitarian regimes and those forced to serve human rights abusers are kept out of the United States. Yet an accumulation of legal changes in recent years, culminating in the Real ID Act last year, has done just that—paralyzing America's traditionally generous refugee admission program. The United States is supposed to admit up to 70,000 refugees this year, though it probably will take around 55,000 under the best of circumstances. Yet human rights advocates estimate that between 10,000 and 20,000 people may be barred because of irrationally broad legal definitions of terrorism, support for terrorism and terrorist groups—definitions that make no distinction between this country's enemies and those it ought to protect.

The law makes ineligible for admission members or supporters of any group that contains ''two or more individuals, whether organized or not, [which] engages in, or has a subgroup which engages in'' activities as broad as using an ''explosive, firearm or other weapon or dangerous device.'' It makes no exception for people compelled to support a group—for example, Colombian peasants forced to aid the leftist rebels of the Revolutionary Armed Forces of Colombia. Nor does

it exempt someone who took up arms—or sheltered or fed someone who did—against the murderous Burmese government.

The result is that people around the world whose struggles America backs find themselves ineligible for refugee status here. The problem is most acute for Colombians and large numbers of people of the Karen and Chin ethnic groups whom the Burmese military junta has brutally repressed. But Liberians, Somalis and Vietnamese Montagnards have also gotten caught up in the problem. Even some Cuban dissidents who once helped anti-Castro forces may be found ineligible. The Bush administration has acknowledged that members of Afghanistan's Northern Alliance would be barred under the law as well; they, after all, fought alongside our troops.

The government has the power to waive the exclusion in some cases, but it hasn't managed to use it yet. Its power is limited, in any event; it can forgive people for their support for terrorism but not for their membership in terrorist groups. Even if it were broader, its categories are all wrong. These people aren't terrorists and shouldn't be labeled as such.

Fixing the law would not be hard. At a minimum, Congress needs to make it clear that not every armed, non-state group is a terrorist organization. Not all such groups attack civilians; some are U.S. allies fighting legitimate military struggles against evil governments. What's more, the law needs to recognize that people forced to aid terrorists are victims of terror, not terrorists themselves. Time is running out. Congress must act.

[From the Los Angeles Times, Mar. 29, 2006]

TERRORIST OR TERRORIZED?

(By George Rupp)

In his second inaugural address, President Bush made a stirring commitment to oppressed people yearning to be free: ''When you stand for your liberty, we will stand with you.''

For half a century, one of the best expressions of that bond has been the federal Refugee Resettlement Program. This State Department-administered program seeks to offer a safe harbor to those fearing persecution by tyrannical governments. But thousands of people whose lives are at risk for standing up for freedom will this year be denied help because of a Kafkaesque interpretation of who is deemed a terrorist.

The laws governing eligibility for refugee status have long denied it to anyone who commits a terrorist act or who provides ''material support'' to terrorists. These laws were strengthened after 9/11. The problem was created by recent legislation that expanded the definition of terrorists. There are real-life consequences from such myopic ''reform.''

In Colombia, for example, the leftist guerrilla group FARC often kidnaps civilians and demands ransom from their relatives. FARC also requires the payment of a ''war tax'' from Colombians in the regions it controls, upon threat of serious harm. Nearly 2,000 Colombians who faced such circumstances as paying a ransom or ''tax''—and who later fled the country and were determined by the United Nations to be refugees—have been denied U.S. resettlement on the basis of the ''material support'' provision.

In Liberia, a female head of a household was referred to the U.S. resettlement program by the Office of the United Nations High Commissioner for Refugees as a person particularly vulnerable to attack. Rebels had come to her home, killed her father and beat and gang-raped her. The rebels held her hostage in her own home and forced her to wash their clothes. The woman escaped after several weeks and made her way to a refugee camp. The Department of Homeland Security has decided that because the rebels lived in her house and she washed their clothes, she had provided ''material support'' to the rebels; the case has been placed on hold.

A Sierra Leonean woman's house was attacked by rebels in 1992. A young family member was killed with machetes, another minor was subjected to burns and the woman and her daughter were raped. The rebels kept the family captive for days in their own home. Homeland Security has placed the case on hold for ''material support'' concerns because the family is deemed to have provided housing to the rebels. Under this interpretation, it does not matter whether the support provided was given willingly or under duress.

Unfortunately, the actions of Homeland Security go far beyond barring the affected refugees from entering the U.S. They become permanently tainted by suspicions of terrorism and find themselves shut out by other nations that resettle refugees. And the governments now providing these people with temporary asylum might even force them back to the nations they fled.

U.S. policy toward authoritarian governments has been turned on its head: The victims of terrorism are being denied protection and sanctuary. The secretary of Homeland Security has the authority to determine that the ''material support'' provision shall not apply to certain individuals or groups. Yet the department has failed to issue guidance, causing mass confusion and holding up decisions on refugee cases. Neither the administration nor Congress seems able to fix the problem for fear of being labeled weak on terrorism.

Yes, we must remain vigilant against terrorists. But in order to implement Bush's commitment to stand with those seeking liberty at great personal risk. Homeland Security Secretary Michael Chertoff or Congress must rectify the injustice that treats victims of coercion as supporters of terrorism.

Mr. LEAHY. Mr. President, I ask unanimous consent to withhold the remainder of our time.

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

Who yields time?

The Senator from Illinois.

Who yields time?

Mr. LEAHY. Mr. President, how much time remains to this side, to the Senator from Vermont?

The PRESIDING OFFICER. Four minutes 4 seconds.

Mr. LEAHY. Mr. President, I ask unanimous consent to yield to the Senator from Illinois, with the understanding that 1 minute be retained to the Senator from Vermont.

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

Mr. OBAMA. Mr. President, if it would be acceptable, I ask unanimous consent that I have a total of 5 minutes and that the 1 minute also be retained by the Senator from Vermont.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, reserving the right to object, if that request is amended to the extent that the same additional amount of time will be given to the Republican side, there will be no objection.

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

Mr. OBAMA. Thank you very much.

Mr. President, I come to the floor to briefly discuss amendment No. 4177. It pertains to title III and I believe will be called in short order. It is a bipartisan effort to create the kind of employment verification system that will ensure that American workers are protected. It is an amendment that I worked on with Senator GRASSLEY, as well as Senator KENNEDY. And as I indicated, it will be offered shortly.

One of the central components of immigration reform is enforcement. This bill contains a number of important provisions to beef up border security. But that is not enough. Real enforcement also means drying up the pool of jobs that encourages illegal immigration. That can only happen if employers do not hire illegal workers. Unfortunately, our current employer enforcement system does little to nothing to deter illegal immigrants from finding work.

Just a few statistics: Overall, the number of workplace arrests of illegal immigrants fell from 17,552 in 1997 to 451 in 2002, even as illegal immigration grew during that time. Moreover, between 25 percent to 40 percent of all undocumented immigrants are people who have overstayed their visas. They are not folks who will be stopped by a wall. Rather, the only way to effectively deter overstays is to reduce their access to employment.

When Congress last passed an immigration bill in 1986, we did not provide any meaningful way for employers to check legal eligibility to work. Currently, employees can prove their legal status by showing a variety of documents, and employers are supposed to record their inspection of such documents by filling out an I–9 form for each employee. As a consequence, the market for fraudulent documents—fake Social Security cards, driver's licenses, birth certificates—has exploded.

Unfortunately, with more than 100 million employees in more than 6 million workplaces, and only about 788 Wage and Hour investigators, employer sanctions have basically become a nuisance requirement to maintain records, not a serious risk of penalty. As a result, the number of ''intent to fine'' notices issued to employers for hiring undocumented workers dropped from 417 in 1999 to just 3 in 2004. I want to repeat that. There were three employers in the entire United States in 2004 who were fined for hiring undocumented workers.

Now, understandably, employers cannot always detect forged documents. And employers who reject workers with questionable documents risk employment discrimination suits. That is why we need a better alternative. We need an electronic verification system that can effectively detect the use of fraudulent documents, significantly reduce the employment of illegal workers, and give employers the confidence that their workforce is legal.

When Congress first considered comprehensive immigration reform in April, the legislation on the floor addressed this problem by creating a national employment eligibility verification system. Senators GRASSLEY, KYL, and I all thought this was a good idea in theory, but we had concerns with the design of the system.

Senators GRASSLEY and KYL proposed that a verification system be implemented nationally within 18 months. Senators KENNEDY and I proposed that the system be phased in over 5 years but that it also included additional accuracy and privacy standards, as well as strict prohibitions on the use of the system to discriminate against legal workers.

Over the past few weeks, we have been in discussions to try to negotiate a compromise. I am pleased that we have reached an agreement by which all employers would have to participate by 18 months after the Department of Homeland Security receives the appropriations necessary to receive the funds needed to fund the system. All new employees hired would have to be run through a system. A series of privacy and accuracy standards would protect citizens and legal immigrants from errors in the system and breaches of private information. To make sure that employers take the system seriously, we strengthen civil penalties for employers who hire unauthorized workers, and we establish criminal penalties for repeat violators.

I think we worked in a constructive, bipartisan manner to design an employment verification system that is fair to legal workers and tough on illegal workers. I think it is a good amendment. I urge my colleagues to support it.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I yield 5 minutes to Senator KYL.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Arizona.

Mr. KYL. Mr. President, I rise in strong opposition to the Leahy amendment and just warn my colleagues that this is not a benign amendment but is one of the most serious amendments that has been proposed to this legislation and, if it is adopted, literally would allow us to take somebody from the Taliban into the United States.

There is already a law that provides full waiver authority to the Secretary of State to allow entry into this country for someone who happened to be caught up in terrorist activity, albeit innocently—the villager who is forced to give rice and water to a Taliban member. There is nothing that prevents the Secretary of State from allowing that person to come into this country.

This is literally a solution looking for a problem. And it is pernicious because it literally allows entry into this country of members of the Taliban because the Taliban is not a designated terrorist organization or a person who assists an organization which threatens other countries and peoples but not the United States.

Under the specific language of the amendment, there are three specific exceptions. One is the Secretary of State, in consultation with or upon the request of the Attorney General or Secretary of Homeland Security, has determined that these activities threaten the security of United States nationals or the national security of the United States. So you can threaten the security of Israel or Sri Lanka or India or some other country and support that terrorist organization but be permitted to come into the United States. What sense does that make?

There is no problem here that cannot be dealt with under existing law. Show me where in existing law the Secretary of State does not have complete and unfettered authority to waive the provisions of the law. This is a law about terrorists, people who provide material support to terrorist organizations not being allowed into the United States. I know the good intentions of the sponsors of the amendment, but the fact is, some villager who is forced to provide aid and comfort to a terrorist organization can get entry into the United States without this language which opens a huge loophole. Never in the past have we said it is OK to let a member of the Taliban come in simply because the Taliban is not a designated organization.

You might ask: Why, with all of the other terrorist organizations, isn't the Taliban a designated organization? Of the 42 groups in the world that have been certified by the Secretary of State, it is not. The reason is because it is a serious matter to designate someone. For example, once they are designated, then giving anything of value to that group constitutes a Federal felony punishable by 15 years in prison. And as a result, the failure to designate the Taliban would be the type of group that if you give material support or aid to would permit you entry into the United States. Because the Department of State is conservative with these certifications and they have substantial collateral consequences, not every group that would fall into the category of a terrorist group is going to be designated, and the Taliban is a perfect example.

I urge my colleagues, simply because your heart yearns to help someone who might have been forced under a concept of duress to support a terrorist organization or an organization like the Taliban that is not designated as a terrorist organization, don't adopt this amendment under the mistaken view that there is no other remedy. There is a remedy. Clearly, under circumstances of duress, that remedy can be invoked.

I urge my colleagues to reject this very dangerous amendment.

The PRESIDING OFFICER (Mr. MARTINEZ). Who yields time?

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 7 minutes 52 seconds.

Mr. SPECTER. I yield myself 4 minutes.

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

Mr. SPECTER. Mr. President, this is the third version of this amendment that has been circulated on this bill. It may well be that an earlier version of this basic idea would merit support from Senators, but in its present form, it is not worthy of support because it redefines what is material support. What constitutes material support is a complex issue. Before the Senate passes on it, there ought to be an analysis and hearings. The Judiciary Committee has had a whole series of hearings but none on this subject.

The amendment further narrows the definition of what constitutes a terrorist organization. There, again, it is a complicated subject. It ought to be analyzed and considered at a hearing so that Senators have a record basis for making a determination as to whether it ought to be adopted. These are hardly the kinds of complex issues which can be decided without a record, without a hearing, and without analysis.

The Senator from Arizona has cited the Taliban, but there are many other citations that could be given. Kurdish terrorists in Turkey might be admitted under this amendment because they pose no threat to the United States of America. Basque terrorists in Spain might be admitted because they pose no threat to the United States of America. Hamas, which poses a deadly threat to Israel, might be admitted to the United States because they arguably pose no threat on the face of it to our national security. So we have an amendment which is very broad and changes really fundamental definitions, in redefining material support. In the collateral field of what is a material witness, the definition takes enormous analysis, which I have seen in the criminal law. And to narrow the definition of what is a terrorist organization, so that organizations which would be considered terrorist without this amendment but not terrorist under this amendment, is just not the sort of thing that ought to be done by the U.S. Senate without a full hearing, without analysis and a record basis for making such a broad, important distinction.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. How much time remains.

The PRESIDING OFFICER. The Senator has 1 minute 12 seconds.

Mr. LEAHY. Mr. President, no one has any intention or desire to permit terrorists into this country. It is setting up a straw man to say something would let the Taliban in here. This amendment is not about the Taliban, incidentally. Our government supported them very strongly through our

CIA and others, as the press has reported, during the Soviet Union days. But this amendment is not about terrorists. It is about genuine refugees who have been victims of the very brutality that is now preventing them from receiving asylum in this country.

I will give a practical example. We trained and supported the Vietnamese Montagnards. We trained and equipped them. We asked them to fight with us. Now we deny them asylum because they risked their lives to do what we asked them to do. The Burmese, who are fighting a brutal regime, our government supports them. Many are refugees. But even though they have not been designated a foreign terrorist organization and our government supports them, they are inadmissible. There are cases of women and children threatened with torture and death and forced to provide food, shelter or become the sex slaves of members of terrorist groups. Our law bars them from asylum.

We are giving them discretion. I cannot believe that President Bush or Secretary Rice is going to misuse this discretion to allow in terrorists.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. How much time do I have?

The PRESIDING OFFICER. The Senator has 4 minutes and 52 seconds.

Mr. SPECTER. Mr. President, I agree with Senator LEAHY on one important point. That is, he does not intend to offer an amendment to let terrorists into the United States. But his amendment does. Senator LEAHY's intentions are pure because I know Senator LEAHY. But the most revealing part about Senator LEAHY's last rebuttal was that he didn't deny my basic contention that it redefines what is material support, what constitutes material support, or the complexity of that issue.

Senator LEAHY does not deny that it narrows the definition of what constitutes a terrorist organization, nor does he deny that on the face of his language, Kurdish terrorists who are terrorizing Turkey might come into the United States or Basque terrorists who are terrorizing Spain might come into the United States or the example of Hamas terrorizing Israel might come into the United States. The fact is that the existing law is adequate to keep out such individuals, and supporters of this amendment have not met the burden of showing that the law should be changed in the way they have proposed.

Secretary Rice recently exercised the waiver to pave the way for the resettlement of 9,300 ethnic Karen refugees housed in a camp in Thailand who backed the Karen National Union. So we have, under existing law, methods for recognizing that some individuals may be acting under duress, that they may not be terrorists. That is the kind of an analysis which can best be made by the Secretary of State, as opposed to the very different concept of litigating such matters. And when you are dealing on the floor of the Senate with redefining material support, redefining what is a terrorist organization, that simply is not the way to legislate.

I have great respect for Senator LEAHY. He and I have worked together to craft this immigration reform bill. He and I have structured the hearing list and could have had a hearing on this, had it been deemed important and had it been deemed necessary to correct a major problem, but it wasn't because existing law is satisfactory to address the problem of individuals providing material support under duress. It is difficult for me to oppose Senator LEAHY, the ranking member of the committee, with whom I have worked so closely. But I do not want to sow confusion in this very important matter on the floor of the Senate by redefining very basic concepts in a few minutes in a way which is not intelligible.

How much time remains?

The PRESIDING OFFICER. The Senator has 1 minute 58 seconds.

Mr. SPECTER. I yield 1 minute to Senator KYL.

Mr. KYL. I am not sure if the group that the chairman of the Judiciary Committee referred to is the same one I will refer to here, but to illustrate the fact that the Secretary of State has unfettered authority to grant these waivers and has in fact done so in the past, actually there was a large group of refugees from Burma who were recently permitted asylum in the United States, even though they had provided, allegedly, material support to terrorism. This is an authority which can be exercised, which has been exercised.

Secondly, I urge my colleagues who are in support of this underlying legislation on immigration reform, it is a controversial enough piece of legislation for the Senate to consider. Amending it in the way that the chairman has described, without the necessary careful consideration of what the ramifications would be if this language is too broad, I urge that this be done in another way and another time rather than in this bill.

Mr. SPECTER. Mr. President, in my capacity as manager of the bill, it is my intention to move next to the Grassley amendment under title III. We will stack votes later because we have a whole series of amendments. I think our time can be most effectively used. So at this time I move to table the Leahy amendment and ask for the yeas and nays.

I withdraw the motion to table.

Mr. LEAHY. I was going to say, if the chairman will yield, that if we move to table now, we would have to vote now. I would have no objection if the chairman would give me some idea when those votes might be.

Mr. SPECTER. To respond to my colleague, I would say sometime around the dinner hour when we see how the debate goes. We have a great many amendments, and we know when we start to vote it takes much longer than the designated time. I would say somewhere in the 6 o'clock range.

Mr. LEAHY. Mr. President, I would note to the distinguished chairman, one of the reasons I agreed to this schedule, to come here and do this debate now, was that there would be a vote now. I am going to be off the Hill for a period of time around dinnertime, and I would like to be here to vote on my own amendment. Could we agree on a time certain, like 5:30, for the tabling motion on the Leahy-Coleman-Sununu amendment?

Mr. SPECTER. Mr. President, I would be prepared to have the vote occur as soon after 5:30 as we finish amendments. I think we may be able to have two more amendments in the next hour and a half. I think we can accommodate the request of the Senator from Vermont.

Mr. LEAHY. Mr. President, I won't make a unanimous consent request. I will rely on the expertise and long experience of the chairman of the committee to get that vote in before 5:30.

Mr. SPECTER. Mr. President, reserving the right to object, I must.

Mr. LEAHY. I am not making a unanimous consent request. I am saying I am relying on the representations of the distinguished senior Senator from Pennsylvania.

Mr. SPECTER. May I say, I think that is a wise reliance.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I believe the matter that is before the Senate now is the title III provisions. Under our agreement, I think I had 5 minutes to speak, am I correct?

The PRESIDING OFFICER. That amendment has not yet been formally called up.

The PRESIDING OFFICER. Once the amendment is pending, the Senator has 5 minutes.

Mr. KENNEDY. I thank the Chair.

AMENDMENT NO. 4177

Mr. GRASSLEY. The amendment as to title III has been filed. I am ready to take that up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa (Mr. GRASSLEY) proposes an amendment numbered 4177.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Senators OBAMA, BAUCUS, and KENNEDY be added as cosponsors.

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

Mr. GRASSLEY. Mr. President, this amendment represents a bipartisan effort to create an effective, workable

employment verification system. Without a workable verification system, there is no point in having a bill dealing with immigration.

The amendment balances the needs of workers, employers, and immigration enforcement. The amendment would replace the current paper I–9 process with a new electronic verification system. This new system would allow employers to verify the legal status of their workers within 3 days of being hired. If the system cannot verify a worker's employment authorization, the employer would be notified and the worker must be discharged. If the system fails to operate as intended and a legitimate worker is erroneously discharged, the worker could be compensated by the Government for lost wages.

I understand that some of my colleagues believe that further changes are needed with respect to this provision, which would allow a worker who loses his job through no fault of his own to recover lost wages. I will continue to work with them, as chairman of the Senate Finance Committee with jurisdiction over the provisions in this amendment, on this issue and the questions they have in subsequent conference with the House of Representatives. I believe this amendment must move forward, so I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I yield myself 4½ minutes.

Mr. President, as the Senator pointed out, this really represents a very strong, bipartisan effort to make sure we get a key feature of this immigration reform correct. I wish to express my personal appreciation to those who have worked so hard and so well, including Senators GRASSLEY, KYL, OBAMA, and BAUCUS and their staffs, who have devoted an enormous amount of time to this issue. It is incredibly important. We are talking about worksite enforcement, which we all agree is a core goal and challenge. If that doesn't work, this legislation, to a great extent, will be very ineffective. But what we have worked out—the inclusion we have in this amendment—I think effectively guarantees that it will work out.

The core goal is to establish the worksite enforcement system as quickly as possible, which will succeed in preventing undocumented immigrants from obtaining employment. I believe everybody agrees that the heart of the system must be the new electronic verification system that allows employers to compare a worker's name and identification data to a central database that confirms or disconfirms the worker's eligibility to work in the United States. Yet the Basic Pilot upon which this electronic system will be based did not work well. It has error rates of 10 to 15 percent. In a national system, that would mean millions of Americans would be told every year they do not have the right to work in this country. The GAO has told us that the error rate could increase as the system is expanded to a national level.

So the core challenge is how to establish a universal verification system as quickly as possible, while minimizing the risk that we end up throwing millions of American workers out of work or putting thousands of employers out of business. The stakes are high. While all our other decisions have profound consequences for millions of immigrants, what we do in title III will directly affect also the working conditions for Americans, so it is enormously important to get it correct.

I am pleased to say that our negotiations with all of our colleagues here produced an agreement we can be proud of. We agreed to an ambitious schedule for implementation. Every employer in the country will be required to participate in the system beginning 18 months after funding for the system is appropriated. At the same time, we agreed on a number of due process and procedural steps to minimize the risk that U.S. citizens and legal immigrants are wrongly harmed by the system—problems which workers and employers are equally eager to avoid.

Mr. President, we may have differences about this legislation and about different provisions, but I think everybody agrees that if it goes into effect, we want to make sure it is the best possible system with the best possible protections. I think this amendment which has been worked out with the leadership of my colleague and friends, Senators GRASSLEY, BAUCUS, KYL, and OBAMA, is the best we could possibly recommend. We urge the Senate to accept it.

I will withhold whatever time I have remaining.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, it is my understanding that I have 20 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. CORNYN. Mr. President, I heard the distinguished Senator from Massachusetts and the distinguished chairman of the Finance Committee, Senator GRASSLEY, talk about this amendment as if this were an agreed-upon amendment. I understand there has been a lot of work put into this amendment. I rise to voice objections to the amendment for a number of reasons I would like to discuss.

This is critical. I agree with Senators GRASSLEY and KENNEDY that this is the linchpin of this bill. If we don't get this right, then we might as well pitch it in because the fact is that employment and the prospects for employment are the magnets that attract illegal immigrants into the country or people who come legally and overstay in violation of our immigration laws.

I think it is important that the very Cabinet member—Secretary Chertoff—who is going to be responsible for enforcing this immigration reform has called this amendment a poison pill. He expressed concerns about the fact that, as currently written—and I understand it is one thing to pass a piece of legislation and expect to improve it in the conference committee, but I think it is absolutely critical that our colleagues understand what it is they are being asked to vote on. The No. 1 concern I have is that it would create a carve-out, until such time as whatever process is developed would produce a rate of 99-percent accuracy, in terms of confirming eligibility of prospective employees to work legally in the United States. A nonanswer would be essentially treated as an approval, and that individual would be then authorized to work permanently in the United States.

Once we pass this legislation, if it is passed, and it goes to conference and the differences are worked out and it is signed by the President, we all know this is merely an authorization. This is not an appropriation. In other words, the money to pay for this, to make it happen, is a matter of the appropriations process. That is not what we are doing here. Once the money is appropriated, then we are going to have to see the Department of Homeland Security issue a request for a proposal and ask contractors to bid on creating the database and the system whereby we can verify eligibility of prospective employees. So what we are talking about is a system that is going to take months, if not years, to implement. But even after it is implemented, until such time as it has a 99-percent accuracy rate, essentially what we are saying is the same old broken illegal immigration system of hiring people who are not authorized to work in the United States is OK.

The second problem I point out with this amendment is it creates liability on the part of the Federal Government. If, for example, someone submits their credentials and they are refused a job because they are not qualified to work in the United States, what this does is create a litigation system that will prove a disincentive for employers and the Department of Homeland Security to actually even check someone's qualifications as to whether they can work legally in the United States. This was the issue the Secretary of the Department of Homeland Security, Mr. Chertoff, took great issue with. He says, as a former judge, you are going to have determinations made, lawsuits filed, and then you are going to have appeals, and perhaps these appeals will take years to finally resolve, and the costs of hiring lawyers and the costs to the Government are going to stack up.

What is the easiest way for the Government and that individual at the Department of Homeland Security to avoid incurring those additional costs? It is going to be to give the prospective

employee a pass and say: OK, you are fine. It proves a powerful disincentive for checking out the eligibility of that prospective employee.

Finally, this system would apply to future employees only. This amendment would limit the period of time in which employers could submit the credentials of this prospective employee to only 3 days. If, for example, they overlooked the matter and didn't do it for 4 days, they would be prohibited for all time from checking whether this individual could legally work in the United States.

So I ask, why would we create a system that is designed to fail? That is what this amendment, unfortunately, would do, notwithstanding the hard work that has been put into it. I believe the placeholder in title III is vastly superior to this so-called agreement, which is obviously not agreed to—certainly not by the Cabinet member who is responsible for the Department of Homeland Security and certainly not by this Senator and others who have had a chance to look at this.

Each day, approximately 1,300 migrant workers enter the United States to work illegally. The vast majority come here not to commit crimes or cause harm but to work. They are looking only to provide for their families, and we certainly all understand that. But they pay smugglers thousands of dollars and risk their lives crossing the border. They take this risk because they know that once they get into the United States, it won't be difficult to find employers willing to hire them in this black market of human labor. Until the Federal Government removes the magnet of illegal employment, it will not regain control over our broken immigration system.

Restricting employment of undocumented workers as a way to reduce illegal immigration is not a new concept. In 1981, the bipartisan Select Commission on Immigration and Refugee Policy recommended legislation making it illegal to hire undocumented workers. In 1997, the bipartisan U.S. Commission on Immigration Reform stated that eliminating the employment magnet is the linchpin to a comprehensive strategy to deter unlawful immigration. The U.S. Commission on Immigration Reform went on to conclude that the most promising option for verifying work authorization is a computerized registry based on the Social Security number. Yet, 25 years later, after 25 years of consensus, current employment verification laws are unworkable and unenforceable.

Today the Federal law only requires that employers confirm that employees produced paper documents. There is no general requirement that employers ensure that the paper documents are, indeed, reliable or otherwise take steps to combat fraud.

An employer—and this is the problem with the law as it currently stands, not necessarily with employers who are not FBI agents and who are not asking to conduct independent investigations or somehow a forensic examination of the authenticity of these documents, but under the law today an employer must review some combination of more than 20 different documents to determine whether a new worker is legal.

In 1996, Congress called for reduction in the number of documents, but 10 years later, the Government has yet to implement those regulations. As a result, document fraud and identity theft makes it easy for unscrupulous employers to look the other way and hire undocumented workers. Yet increasing penalties alone will not work because ambiguities in the law prevent employers from knowing what their obligations are with respect to their workforce.

Until there is a way for employers to truly know whether their workforce is legal, it will be difficult for them to comply and difficult for the Government to prosecute those who fail to comply. The result is the Government has all but given up enforcing laws governing the work site. The Government has all but given up.

In 2003, the Department of Homeland Security dedicated only 90 full-time employees to work site enforcement—90, for a country of almost 300 million people.

In 2004, the Department of Homeland Security issued only three—yes, three—notices of intent to fine employers for violating the work site enforcement laws.

In 1992, by contrast, the Department issued more than 1,400 notices of intent to fine. So we went from 1,400 notices of intent to fine for cheating for hiring workers who could not legally work in 1992 to 3 in 2004. So over the past 12 years, those enforcement efforts have declined at a rate of 99.8 percent.

In the absence of any enforcement whatsoever, many employers flagrantly violate our laws. Just a few weeks ago, the Department of Homeland Security arrested several managers at the largest pallet services company in the United States. The Government has charged those managers with conspiring to transport, harbor, and induce illegal aliens to reside in the United States. On the day of their arrest, the Department of Homeland Security also took into custody 1,187 undocumented workers.

According to the records, more than 50 percent of the employee records had faulty Social Security numbers, and the Social Security Administration had told the company more than a dozen times that they had more than 1,000 employees without accurate Social Security numbers.

I wish I could say the allegations against this company are an isolated event, but they are not. The truth is, many employers make no effort whatsoever to comply with the law.

A recent Government Accountability Office report reviewed employer tax filings for the years 1985 through 2000 and found that one employer submitted a single Social Security number—a single Social Security number—for more than 2,580 different employees in a single tax year. Overall, 8,900 employers—just .2 percent of all employers—accounted for more than 30 percent of the total number of incorrect Social Security number submissions.

Get this, Mr. President: Of the 84.6 million records placed in the Social Security earnings suspense fund for tax years 1985 to 2000, about 9 million had Social Security numbers that consisted of nothing but zeros. Obviously, the employer knew they were submitting a bogus number, and 9 million submitted nothing but zeros. But in the absence of any enforcement of the law, any incentive to clean up those numbers, any incentive for employers to comply with the law, any infrastructure that allows people to check to determine whether this is a person who can legally work, this is the kind of fraud that occurs.

For 3.5 million records, employers used the same Social Security number to report earnings for multiple workers in a single tax year.

The truth is, the Government is decades behind the private sector when it comes to document integrity. Maybe what we ought to do is issue a contract and outsource this to MasterCharge and Visa. Maybe they can do a better job.

The fact is, this is embarrassing and intolerable and inexcusable conduct on the part of the Federal Government. But there is also reason for hope. There is a model that is already in place. Since 1996, the Federal Government has run an electronic verification system called Basic Pilot. Currently, about 6,000 employers participate in this system. Members of Congress, for example, are required to use this electronic verification system. And it works. That system should be expanded, and that system should be enforced.

We simply must require electronic verification by all employers, not just the ones covered by the current law or those who decide to do it on a voluntary basis. Electronic verification has been tested for more than 10 years, and an independent review of the program found that 96 percent of participating employers believed that the electronic verification system is an effective tool for employment verification.

Reports have also shown that the Department of Homeland Security and the Social Security Administration have made considerable progress in improving the accuracy of data. According to a 2004 report, there is a 99.8-percent confirmation rate for U.S.-born employees.

I can assure you, Mr. President, and my colleagues that without work site enforcement, we will be back here again in 10 years trying to figure out what to do with the next wave of illegal immigrants. We cannot afford piecemeal enforcement. We have to secure our border, we have to work with

local and State law enforcement agencies to deal with enforcement in the interior, and we have to have an ability to verify on an accurate and expedited basis whether someone can work here legally in the United States. We don't yet have that. This bill does not yet provide it.

My hope is that we will get serious, finally, once and for all, in holding employers accountable, those who cheat and who provide that magnet that attracts so many people to come into this country illegally.

Mr. President, I reserve the remainder of my time. May I inquire how much time is left?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. CORNYN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I don't have time, so I ask unanimous consent for 2 minutes to address this issue, particularly some of the issues Senator CORNYN made.

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

Mr. GRASSLEY. Mr. President, Senator CORNYN has been working very faithfully with us on this issue, so I don't take exception to anything he said except to clarify from my position what I want to accomplish.

First, I don't ever pretend to make perfect legislation. The English language doesn't allow that, even if that is the good intent. We have had several variations of the amendment that is before us and on which we will be voting. I have always made an attempt to do things through my committee in a bipartisan way. This is a bipartisan amendment. If there is an issue with this amendment that it may not be the linchpin for the verification we want, we are going to have an opportunity in conference to fine-tune this amendment. I want the Senator from Texas to know that I am open to that, and I hope—I haven't talked to my cosponsors, but I hope the cosponsors are also open to it because everybody indicated their intent to make sure the verification system works.

With that in mind, I hope this amendment will be adopted so we can move this process forward, and anything that needs to be done with this amendment, including all of the objections that have been raised, will be taken care of in conference.

I think we have a good compromise, so I am not starting out with the idea that we have to correct it, but we are going to try to address all these concerns because this is a very key part of any immigration bill that we pass.

I yield the floor.

Mr. CORNYN. Mr. President, will the Senator from Iowa, before he yields the floor, yield for a question?

Mr. GRASSLEY. If I have time, I will.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CORNYN. I will give him a minute of my time by unanimous consent, if that will help.

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

Mr. GRASSLEY. Mr. President, I yield.

Mr. CORNYN. Mr. President, I guess the question I have for the Senator is, if this amendment fails, there is a provision in the underlying bill that would go to the conference committee; isn't that correct?

Mr. GRASSLEY. That is correct.

Mr. CORNYN. I understand the obligation of the Senator from Iowa, as chairman of the Finance Committee, to try to work on a bipartisan basis, and I know he is committed to do that, and that is what this amendment represents. But I want to make clear that in the absence of this amendment being adopted, we still have a title III provision that can go to conference committee and be the subject of further negotiations.

Mr. GRASSLEY. Yes, if the Senator will allow me to continue to use some of his time, I hope we would agree on this at least: If somebody is not employed because of a mistake that the Federal Government made, that we have a responsibility to make sure that person is made whole; that nobody should lose a job or not get a job because of a mistake made by some Federal bureaucrat. With that in mind, we ought to be able to move forward.

I think I heard the Senator from Texas say that is his motivation, that he would want to make sure nobody was harmed economically, not getting a job because of a mistake that the Federal Government made.

Mr. CORNYN. Mr. President, I express my appreciation to Senator GRASSLEY for his good work in this area. I do agree with him that we need to make sure, if there is a false positive—in other words, if someone should not be excluded from employment but the system says they should be and they are—that they ought to have some recourse.

My hope is that we would create a way for that record, if it is erroneous, to be corrected without everybody hiring a lawyer and going to their respective corners and then meeting in a courtroom and litigating the issues that could perhaps be worked out without that kind of experience.

I also want to make sure, as I know the Secretary of the Department of Homeland Security told both Senator GRASSLEY and myself, that we don't unintentionally create some disincentive for people to hold employers accountable for hiring people who aren't qualified to work. I think we can certainly work to that end to try to balance it so it is not a disincentive to work site verification and sanctions against employers who cheat, but at the same time it is also fair to the employees.

The other problem is, this amendment and what we have done so far on this bill does not require the issuance of a secure Social Security card or employment authorization document. We had numerous witnesses testifying to the need for such a secure card. I believe employers would welcome the ease of being able to rely on a single document that could be literally swiped through a card reader, such as a debit card or a credit card at a convenience store.

This bill, as amended by this amendment, would retain the complicated document scheme that has led to widespread document fraud and identity theft. And as I said, the Secretary of the Department of Homeland Security has stated his objections to this amendment. I realize he is not a Senator; he doesn't get to vote. But I do think we ought to consult with and respect the views of those who are going to have the responsibility to actually make this system work.

It concerns me that 20 years after the 1986 amnesty and the promise of work site enforcement that the agency responsible for enforcing those laws is telling Congress the new system would not work. My hope is that we would find a way to make it work. There may be some—I am not one of them—who don't want there to be enforcement, who don't want the system to work.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CORNYN. My hope is that we would all work together in good faith to make that happen. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, we are looking for stacked votes at 5:30, as mentioned during the discussion with Senator LEAHY. If we cannot get another debate completed on another amendment before 5:30, we will only have the two votes. But if it is possible to have Senator LIEBERMAN come to the floor or Senator DURBIN, it would be appreciated by the managers to try to move the bill along. We now have 5 minutes for Senator KENNEDY, 5 minutes for Senator OBAMA, and 5 minutes for Senator KYL.

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. SPECTER. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SPECTER. Mr. President, I have just conferred with the distinguished Senator from Massachusetts, and we are going to yield all time back on—we had time listed, as I announced a little while ago, for 5 minutes for Senator OBAMA and 5 minutes for Senator KYL, but Senator OBAMA has spoken and Senator KYL spoke on the preceding amendment. Let's yield all time back.

Mr. KENNEDY. All time back.

Mr. SPECTER. And now we will proceed to Senator KENNEDY's amendment No. 4106.

I ask unanimous consent that we consider the Kennedy amendment

under a 30-minute time limit, equally divided, with no second-degree amendments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 4106

(Purpose: To enhance the enforcement of labor protections for the United States workers and guest workers)

Mr. KENNEDY. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. Is the Senator offering an amendment?

Mr. KENNEDY. Yes. I call up amendment No. 4106 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 4106.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

(The amendment is as printed in the RECORD of Monday, May 22, 2006, under ''Text of Amendments.'')

Mr. KENNEDY. Mr. President, I yield myself 10 minutes.

Immigrant workers are among the most vulnerable in our Nation. While performing society's most difficult and dangerous work, they face abuse by employers, the denial of basic rights, and economic exploitation. In negotiating the McCain-Kennedy bill, we took great care to include protections that will halt these alarming trends and ensure fair wages and working conditions for guest workers. We also took great care to protect American workers and ensure that the guest worker program does not diminish American labor standards.

However, history shows us that it is not enough to pass good labor laws if we do not also make a strong commitment to enforcing these laws. Beyond anything we have provided in the bill, the most important step we could take to help American workers and immigrant workers alike would be to improve our enforcement of the critical labor protections that have been a part of U.S. law for decades.

We have laws on the books that protect the safety of American workers. Yet each year in the United States over 5,700 workers are killed on the job, and 4.3 million others have become ill or injured. I must say that prior to the time we passed the OSHA law, that has more than doubled. We reduced that by more than 50 percent in recent years because of that legislation. That is 16 deaths and 12,000 injuries and illnesses each day, today.

We have laws on the books that prohibit child labor. Yet there are about 148,000 illegally employed children in the United States today. We have laws on the books that give workers a voice on the job to protect their fundamental right to organize and join a union. Yet each year in the United States more than 20,000 workers are illegally discriminated against for exercising these rights in the workplace.

These appalling statistics persist because our efforts to seek out and punish employers who violate the law are laughably inadequate. We find and address only a minuscule fraction of the number of violations that occur each year. Even when we do try to enforce the law, the penalties for breaking it are so low that employers treat them as a minor cost of doing business. The average fine for a serious OSHA violation last year was $883. The average fine for a child labor violation was $718. And violation of workers' rights to organize are remedied with back pay awards that come years too late. So such minor sanctions provide no incentives for employers to comply with the law.

We need to provide real penalties, not slaps on the wrist, for the employers that violate the Fair Labor Standards Act, the Occupational Safety and Health Act, and the National Labor Relations Act.

The Kennedy amendment bolsters our enforcement of these important laws. It updates the penalties under the Fair Labor Standards Act by increasing the back pay remedy for willful violations and increasing the maximum penalty for violations of the minimum wage, overtime, and child labor protections. It would also update the OSHA civil penalties which have been unchanged since 1990. It would provide a maximum penalty of $50,000 when a worker's death is caused by willful violations of the law, and make it a felony when an employer kills or injures an employee through such willful violations.

But these increased fines and penalties, while important, are not enough. We also need to take stronger steps to ensure that current laws are being enforced and violations are being detected and remedied.

Vigilant enforcement is particularly important in occupations with high percentages of immigrants who often see large numbers of violations of health and safety and wage and hour laws. It can be difficult to enforce the law in such occupations where workers often don't know their rights or are afraid to report violations.

That is why we need targeted enforcement efforts to ensure that guest workers' rights are protected and our high American labor standards are being maintained for all workers in this country. The Kennedy amendment will serve this important goal by requiring that 25 percent of all fees collected under the guest worker program be dedicated to enhance enforcement of the Fair Labor Standards Act, OSHA, and the labor protections of the immigration bill in industries that have the highest percentage of violations and the highest percentage of guest workers.

Another key step in protecting both American and immigrant workers is to end the economic incentives that employers have under the current law to abuse undocumented workers. The Supreme Court's decision in the Hoffman Plastic case was a major setback for American workers. By ruling that undocumented workers are not entitled to back pay when their rights are violated, the Supreme Court left millions of workers without meaningful recourse when they are fired for trying to organize a union.

Unfortunately, this terrible decision has been applied to other labor laws as well, making undocumented workers even more vulnerable to exploitation because their employers can violate their rights with relative impunity.

This decision also hurts American workers in several ways. It encourages employers to hire undocumented workers by making them less expensive and easier to intimidate. Businesses take advantage of the situation by hiring undocumented workers and cutting legal corners. Under the Hoffman case, unscrupulous employers are rewarded for this unlawful behavior.

Congress should not allow employers to use immigration laws as a shield for unlawful and abusive behavior. All workers should be entitled to the protections of our labor laws regardless of their immigration status.

Finally, our workplace standards will not be effective until workers have the security, knowledge, and means to enforce them. The best way to provide workers with these resources is to give them the ability to freely and fairly choose a union. The right to organize and join a union is a fundamental right recognized in the United Nations Declaration of Human Rights. Yet the United States violates that fundamental principle every day because our laws don't adequately protect the right to organize. When workers attempt to form a union, employers intimidate them, harass them, and retaliate against them. Employees who stand up for their rights are fired.

The Kennedy amendment provides stronger protections that allow workers to organize freely and require employers to negotiate fairly. It allows workers to get court orders to stop employers from firing or threatening union advocates and strengthens the penalties in current law for mistreatment of workers who support a union.

It is long past time to give workers these basic protections. Congress passed laws such as the Fair Labor Standards Act, the National Labor Relations Act, and the Occupational Safety and Health Act in order to establish the minimum standards necessary to preserve basic human rights. But we must provide meaningful enforcement if we want these to be meaningful laws. The Kennedy amendment ensures vigilant enforcement of these critical labor protections to preserve the health, the safety, and the well-being of all Americans. I hope it will be included in the underlying legislation.

Mr. President, I yield the floor.

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

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

Mr. KENNEDY. Mr. President, I have charts which are fairly indicative of the points I made earlier.

Penalties for violating workers' rights are shamefully low. On the first one, $718 is the average fine for child labor violations, and 148,000 children are being exploited in the labor force. There is very little enforcement in the first place against these violations. And even when there is one, the average fine is $718. When you have a serious OSHA violation, the average fine is $883.

If you look at the far side, it is a $1,000 minimum fine for bribery at a sporting event.

Here we are exploiting children, here we have the possibility of serious injury to workers, and here we have the minimum fine for bribery at a sporting event being higher.

It is illustrative of the inadequacy of current enforcement. More and more immigrant workers are dying on the job.

This is a very interesting chart. It shows the total number of immigrant workers who are dying on the job. These are significant numbers. You see they are increasing every year. It is explainable. This illustrates 2002, 2003, and 2004 for Hispanic fatalities and the national fatality rate. We see what happens. Here are the Hispanic fatalities.

Obviously, in the workplace the Spanish are being assigned to more dangerous jobs. There is not enforcement to make sure they are being protected on the jobs as they should be. As a result, they are paying with their lives, in many of these instances, and the numbers are continuing to go up.

We need strong enforcement. That is what our amendment does.

This chart shows that Fair Labor Standards Act enforcement has declined while the workforce has grown. This is the increase in the United States covered by the Fair Labor Standards Act. It has increased. This is from 1975 to 2004—112 percent.

The next is the increase in U.S. workers covered by the Fair Labor Standards Act; a 36 percent reduction in compliance actions being completed.

We are not getting enforcement and protection. As all of us know, the facts show and the GAO and other studies show when you have compliance and when you have enforcement, the result is saving workers' lives—Hispanic lives, migrant lives, American workers' lives.

We have to have justice in the workplace. We want to ensure that we are going to upgrade as we are moving to a new phase—bringing new people into the workplace. We want to upgrade the penalties to make sure that we are going to have compliance. This is consistent certainly with the other thrust of the legislation. It is important that workers who are going to have protections that we believe are essential to permit them to produce and to meet their responsibilities but to do it in a climate that is as devoid of exploitation and danger as possible. To do that we need compliance in enforcement. That is what this amendment is really about.

I suggest the absence a quorum and retain the remainder of my time.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. SPECTER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Three minutes and 32 seconds.

Mr. SPECTER. I ask unanimous consent that Senator CORNYN be recognized for 7 minutes.

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

The Senator from Texas.

Mr. CORNYN. Mr. President, I rise in opposition to amendment 4106 by the distinguished Senator from Massachusetts. The amendment enhances enforcement of labor protections for United States workers and guest workers, it is argued, by increasing penalties in violation of the Fair Labor Standards Act, increase civil and criminal penalties in violation of the Occupational Safety and Health Act, strengthens enforcement of violations for unfair labor practices, and designates how fees collected under the H–2C program should be allocated, including 25 percent to the labor law enforcement fund, and it would, arguably, provide protections for whistleblowers.

The main problem I have with the amendment is it is beyond the scope of this bill and beyond the language included in the underlying compromise which we have been told time and time again is fragile or delicate, as those who have supported that compromise have sought to defeat amendments such as this argue to change it.

This is obviously an amendment designed to increase the role of government, a role that is not called for. The problem is, the irony is, we may end up providing more protections for foreign workers than are provided for American citizens who currently work and reside legally in the United States. We ought to be cautious about doing that.

Certainly we all agree—not all of us, but I agree—we need to provide some means for a guest worker or temporary worker program, and that those foreign workers who are authorized to work legally in the United States for a period of time should be given the protection of the laws that generally apply to workers who already work legally in the United States. But to increase penalties and so-called labor protections to a degree that exceeds that provided to American workers, to me, seems uncalled for.

I urge my colleagues to vote against amendment 4106.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator has no time remaining.

Mr. SPECTER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I ask unanimous consent we turn to the Durbin amendment, with 20 minutes equally divided, with no second-degree amendments.

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

AMENDMENT NO. 4142

Mr. DURBIN. Mr. President, I call up my amendment numbered 4142.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois, [Mr. DURBIN], proposes an amendment numbered 4142.

Mr. DURBIN. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To authorize the waiver of certain grounds of inadmissibility or removal where denial of admission or removal would result in hardship for a spouse, parent, or child who is a citizen or permanent resident alien)

On page 183, between lines 4 and 5, insert the following:

SEC. 235. WAIVER OF CERTAIN GROUNDS FOR INADMISSIBILITY OR REMOVAL BASED ON HARDSHIP TO CITIZEN OR PERMANENT RESIDENT ALIEN SPOUSE, PARENT, OR CHILD.

(a) WAIVER.—Notwithstanding any other provision of law and except as provided in subsection (b), the Secretary of Homeland Security (in the sole and unreviewable discretion of the Secretary) or the Attorney General (in the sole and unreviewable discretion of the Attorney General), as applicable, may waive any ground of inadmissibility or removal of an alien under, or arising from, an amendment made by a provision of section 203, 208, 209, 214 or 222 of this Act if the denial of admission or removal of such alien would result in an extreme hardship to a spouse, parent, or child of such alien who is a citizen or an alien lawfully admitted for permanent residence.

(b) EXCEPTION FOR TERRORISTS.—No waiver may be made under subsection (a) under or

arising from an amendment referred to in that subsection with respect to a ground of inadmissability or removal under a provision of law as follows:

(1) Section 212(a)(3) of the Immigration and Nationality Act.

(2) Section 237(a)(4) of the Immigration and Nationality Act.

Mr. DURBIN. Mr. President, this amendment would authorize the Attorney General or the Secretary of Homeland Security to grant a humanitarian waiver to an immigrant if deportation would create extreme hardship for an immediate family member of the immigrant who is a U.S. citizen or a legal permanent resident.

The Senate is considering a bill that takes a comprehensive approach to solving the problem of illegal immigration. One aspect of the bill is strengthening enforcement of our immigration laws. I support that. We need to strengthen enforcement to restore integrity to our immigration system. No one will believe we are serious about immigration reform unless enforcement is a critical element.

But as we make our laws tougher, we must make certain we hold true to American values. We should treat people fairly. We shouldn't separate families if it would cause extreme hardship to American citizens.

I am concerned that some of the enforcement provisions in this bill are so broad they may have unintended consequences. These provisions have the potential to sweep up long-term legal permanent residents and separate them from their American families.

Let me give one example which will surprise most Members of the Senate. It illustrates the need for this amendment. Under current immigration law, a legal permanent resident convicted of an ''aggravated felony'' is subject to mandatory detention and deportation. The definition of aggravated felony in the Immigration and Nationality Act is very broad. It includes nonviolent crimes such as shoplifting. Section 203 of this bill would expand the definition of aggravated felony even further. It would now be an aggravated felony to aid or abet the commission of many nonviolent crimes.

Under this provision, a teenager who is a lawful permanent resident and has lived in this country most of her life, could be subject to mandatory detention and deportation if she drives a friend home from the mall after the friend shoplifts a DVD.

Let's take another example. The bill greatly expands the definition of document fraud to include potentially innocent activities such as omitting immaterial information from an immigration application. The bill would make such an omission a ground for deportation for the first time, so we are creating a new avenue for deporting people who are currently in the United States legally.

For example, a lawful permanent resident who inadvertently fails to include information about her parent's birthplace and address on her citizenship application could be convicted of document fraud and deported.

My amendment would follow very closely what Senator KYL and Senator CORNYN accomplished last week. The Senate approved a Kyl-Cornyn amendment that under very strict circumstances will allow a humanitarian waiver for undocumented immigrants who apply for legal status under this bill. We are following to the word the Kyl-Cornyn amendment for the cases of legal immigrants who might be deportable as a result of changes in the law made by this bill.

In my Chicago office, 80 percent of the casework relates to immigration. I can tell you we encounter case after case that would break your heart. In so many cases, people who have lived and worked in the United States for a long period of time and have immediate family members who are Americans are falling between the cracks of the law.

Most often, when we present these cases to Homeland Security they say that they are powerless to do anything because our immigration laws allow so little flexibility.

Every Member of the Senate has heard the pleas of a constituent or a friend or someone who has faced this kind of a dilemma. In most cases, we have no ability to help them.

My amendment would follow the Kyl-Cornyn amendment and create a very limited waiver that would apply only in the most compelling cases—where deportation of an immediate family member would cause extreme hardship to an American citizen or legal permanent resident. The waiver would not be automatic. The burden would fall on the immigrant to prove that extreme hardship would occur if he or she were deported.

In every case, the Government has complete discretion to deny the waiver. To quote my amendment, the decision to grant a waiver would be in the ''sole and unreviewable discretion'' of the Attorney General or Secretary of Homeland Security—the identical language used in the Kyl-Cornyn amendment. This same strict standard was enacted last week by the Senate in the Kyl-Cornyn amendment by a vote of 99 to 0.

The Kyl-Cornyn waiver would apply in cases where undocumented immigrants are seeking legal status. The waiver in my amendment would apply in cases where an immigrant who was previously in legal status is subject to deportation only because of a change in the law made by this bill.

Shouldn't we give the same chance to a legal immigrant facing deportation that we give to an undocumented immigrant seeking legal status? Deportation is very serious. For an immigrant, it means permanent exile from family and home. And in some situations, it may even be a matter of life and death.

I think it is appropriate that we build on the good work of Senators KYL and CORNYN. Their standard is tough, but it is fair, and it certainly is not an easy standard to meet.

It is also important to note that the discretionary waiver in my amendment is limited only to new penalties that are a consequence of this bill. In other words, it only applies to deportations that are a direct result of the changes in law made by this bill.

I should also point out that in no circumstances would this waiver apply to cases involving suspected terrorists. The text of the amendment makes that explicit.

We already give the Government broad discretion to apprehend, detain, and deport undocumented immigrants. My amendment would give the Government limited discretion—very limited discretion—to show mercy in only the most compelling cases.

The supporters of this amendment include the U.S. Conference of Catholic Bishops, Catholic Charities USA, Hebrew Immigrant Aid Society, American Jewish Committee, League of United Latin American Citizens, National Council of La Raza, Hispanic National Bar Association, Service Employees International Union, National Immigration Forum, American Immigration Lawyers Association, Asian American Justice Center, Mexican American Legal Defense and Education Fund, Human Rights Watch, and National Immigration Law Center.

Mr. President, I will close by saying this: most Members of the Senate would be surprised to learn that under this bill a young person who is guilty of aiding a shoplifter could be deported from the United States. In light of this, you can see why there ought to be a very limited option for the Secretary of Homeland Security and the Attorney General to grant a humanitarian waiver to an immigrant if it would cause extreme hardship to an immediate relative who is an American. We followed the same standard in the Kyl-Cornyn amendment, which was adopted earlier, and I hope my colleagues will support this amendment.

Mr. President, at this point, I withhold the remainder of my time and yield to the chairman.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I yield 5 minutes to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I appreciate the opportunity to address the amendment. I guess if imitation is the sincerest form of flattery, I appreciate the Senator from Illinois suggesting that this follows the course set by the earlier amendment that had to do, as it turns out, with an entirely different class of individuals than the ones this amendment addresses. So I do not believe it is a similar sort of amendment.

For this reason, this morning, the Senate voted overwhelmingly to reject the Feinstein amendment, which basically would have undone this delicate compromise, this fragile compromise we have been told has to be maintained

at all costs. That amendment would have simply opened the door to amnesty for 12 million people who are here and not require anyone—no matter how short a time they have been here—to do very much of anything distinguishable, at least from the 1986 amnesty.

The difference between what the Senate voted for earlier, which the Senator from Illinois references, is that those individuals had already had their day in court and been ordered deported but had simply gone underground. We recognized an extreme hardship exception there in an effort to try to work across the aisle with the Senator from Massachusetts and others, and the Senator from Arizona, Mr. MCCAIN. Those individuals, by the way, still had to meet the other criteria under the bill, the so-called 2-year and 5-year standards.

The problem I have with this amendment is it has absolutely no standards to guide the discretion. As it says in the amendment, the ''sole and unreviewable'' discretion of the Attorney General and the ''sole and unreviewable'' discretion of the Secretary of the Department of Homeland Security. So we are left to wonder what standards would be actually applied by either the Attorney General or the Secretary of the Department of Homeland Security.

Also, I believe, if taken at face value, this amendment would result in the waiver of grounds for inadmissibility for some 6 million individuals—roughly half of those who are currently in the United States—because, according to the Pew Hispanic Center, approximately 6 million people are currently in the country illegally who have an American citizen child or American citizen spouse.

So I urge my colleagues to vote against the amendment, although I do think this is one of those areas where the conference committee—after the Senate passes its version of the bill and the House is working with us to try to come up with a final form—certainly can build on and try to work on to put some meat on the bone that is left undone by this amendment.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Three minutes one second.

Mr. DURBIN. Mr. President, I would like to ask the Senator from Texas to reconsider his position because we followed the language of his amendment exactly in limiting this waiver to cases where deportation of an immigrant would cause ''extreme hardship to a spouse, parent or child'' of the immigrant who is an American citizen or lawful permanent resident.

We also followed his language exactly in committing the decision whether to grant a waiver to ''the sole and unreviewable discretion'' of the Attorney General or Homeland Security Secretary. In every case, the government would have complete discretion to deny the waiver. No court could review the denial of a waiver. That is an extremely high standard. It is one that would apply only in very limited circumstances.

And I say to the Senator, consider for a moment, if you would, that the group of people that would be affected by the Kyl-Cornyn amendment are those who are in the United States in undocumented status, who have received final orders of deportation and have not left the United States. I think the Senate took a wise, bipartisan course in saying that even those people should be viewed in some circumstances as deserving of another chance—but in very limited circumstances.

Now we are talking about a different class of people in my amendment. These are people who are here legally. They are not undocumented. They are legal permanent residents. Then, because of new changes in the law that this bill would make—not the old standards but new standards in the law—they might be subject to deportation. And we say, in those cases, where you have people who are here legally, who may be subject to deportation because of changes in the law made by this bill, we will give to the Attorney General or the Secretary of Homeland Security ''sole and unreviewable'' discretion to decide whether there is a humanitarian case for not deporting them. I think it is fair to treat those who are currently here legally at least as well as those who are currently not here legally.

The Senator's earlier amendment dealt with that class that is here undocumented, and I supported him. I thought it was a very wise and humane thing for him and Senator KYL to do. But I would ask him to consider. Shouldn't those who are here in legal permanent status receive at least as much consideration, if this new law establishes some means by which they could be deported, so in the case where there is extreme hardship to their American immediate family members, the Secretary would have this authority to grant them a waiver?

I say to the Senator, we use your identical language. And I did that even though I might have wanted to put it in different words. I thought to myself, let's stick to the standard that was established in the Kyl-Cornyn amendment. So I hope the Senator from Texas will reconsider.

Mr. President, I reserve the remainder of my time, if the Senator has any comments.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. Six minutes thirty-eight seconds.

Mr. SPECTER. Mr. President, I yield 2 minutes to Senator CORNYN.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I would just say that the way I read this amendment—and I have only seen it in the last few minutes—it would result in a waiver for approximately 6 million people illegally here in the United States, as we speak.

Mr. DURBIN. Mr. President, will the Senator yield?

Mr. CORNYN. It would be based on the fact of alleged extreme hardship through a spouse, parent, or child of such alien who is a citizen. The fact is, a total of 6 million illegal aliens in the United States currently, according to the Pew Hispanic Center, have an American citizen child or spouse.

It would also, as I read this, purport to waive removal for aggravated felons and would result in a green card for this class of individuals, irrespective of payment of taxes, any requirement they learn English, or paying a fine—which we have been told are the essential ingredients of earned legalization.

So this is really a backdoor way of undermining the compromise we have been told is very delicate and fragile and should not be messed with. So I would think those Senators who believe that is actually true would vote against the Durbin amendment because it does seek to undermine that compromise.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Forty seconds.

Mr. DURBIN. Mr. President, may I say to the Senator from Texas, ''aggravated felony,'' as defined by this bill, could include aiding or abetting shoplifting. So in that extraordinary case, where someone is a legal permanent resident and is about to be deported because of changes we are making in the law, this amendment would give one last chance to that person to go to the Secretary of Homeland Security and say: Please, don't ask me to leave the country because I drove the car when my girlfriend shoplifted a DVD. It would cause extreme hardship to my mother and father, who are American citizens. And the Secretary can say: No. And it is not reviewable by a court. He will be deported. But it at least leaves that last option. These are people who are currently legally in the United States whom we are trying to protect.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. Five minutes.

AMENDMENT NO. 4106

Mr. SPECTER. Mr. President, I yield 3 minutes to the Senator from Georgia to speak on the Kennedy amendment No. 4106.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I thank the distinguished chairman.

I rise to oppose the Kennedy amendment. I come to the floor as chairman

of the subcommittee on occupational safety in the HELP Committee. I come to the floor because the issue this amendment addresses has nothing to do with immigration. It affects immigrants and nonimmigrants. It affects employment. It amends the Occupational Safety and Health Act, the National Labor Relations Act, and the Fair Labor Standards Act. It is a massive increase in fines and penalties. It changes many penalties from civil to criminal. There has not been a single hearing or anything else.

The distinguished Senator from Massachusetts knows full well that we have just completed 6 months of hard work on the Mine Safety Act, which this Senate today will pass unanimously in response to the terrible tragedy at the Sago mines. He knows how much time and effort went into the hearings and the studies to see to it what OSHA needed to do and what we needed to do. To summarily come to the floor on an immigration bill and amend the OSHA laws and the Fair Labor Standards Act, the National Labor Relations Act, to throw in massive penalties, massive criminal fines—in fact, just to give you an example, it dramatically increases criminal and civil penalties, with up to as much as 5 years in jail for a workplace accident. Arbitrary provisions such as this have no business on the floor of the Senate being tacked on to a bill that deals with a major pressing problem in an entire other area.

Just to add the piece de resistance, this amendment, as I read it, overturns the Supreme Court ruling in Hoffman Plastic Compounds, Inc. v. the National Labor Relations Board. What that would, in effect, do is force employers now to go pay back compensation to illegal immigrants who were working in the workplace and put the Justice Department as their designated attorney when they are not even here legally in the first place. Now, if that action is the right thing to do, it certainly needs to be done in civil debate and through the committee process and not as a last-minute attachment to a bill that is in itself controversial and in itself comprehensive.

So with all due respect to the distinguished Senator from Massachusetts but with respect for the integrity of the committee system, I submit this amendment should not be adopted, and I will oppose it.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, with respect to the Kennedy amendment No. 4106, my record is plain that I believe in strict enforcement of the Fair Labor Standards Act, strict enforcement of OSHA, and strengthening enforcement against unfair labor practices. But this amendment represents a sweeping change to the Fair Labor Standards Act and to OSHA. In particular, it increases certain penalties five- and tenfold. It increases civil fines under OSHA and criminal penalties under OSHA without any record as to whether such increases are necessary. There have been no hearings on this bill.

It would increase an OSHA criminal penalty from 6 months to 10 years and in another place strike a 1-year penalty and insert a 10-year penalty on a first conviction. Those are very significant changes. As much as I favor strict enforcement of the Fair Labor Standards Act and OSHA and strict enforcement against unfair labor practices, there has been no hearing on this amendment, and, therefore, I reluctantly oppose it.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I know we had this debate about an hour ago. I ask unanimous consent for 1 minute.

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

Mr. KENNEDY. Mr. President, it is true that we have increased significantly and dramatically the penalties in the Mine Safety Act because they were a slap on the wrist. They didn't even rise to the level of a business penalty. All we are doing basically is changing the maximum penalties, when we see the loss of life and the most grievous kinds of injuries to American workers. That is what we are doing. They haven't been raised since 1990, over 16 years. Why shouldn't we be able to at least take that to conference? That is all this is doing, trying to make sure that all the laws to protect American workers and to protect guest workers are going to be fairly and equitably enforced.

I thank the chairman.

Mr. SPECTER. Mr. President, Senator KYL was unnecessarily detained and did not have his time on Grassley No. 4177. I ask unanimous consent for 1 minute for Senator KYL.

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

Mr. KYL. Mr. President, I will be voting against the Grassley amendment. I compliment the chairman of the Judiciary Committee and the chairman of the Finance Committee, Senator GRASSLEY, and his staff, for working hard at producing what is a big step forward in ensuring that we can determine the eligibility of workers to be hired. Unfortunately, it doesn't complete the job. That is such a critical component of this legislation that I cannot support it until additional changes are made.

My vote is not intended to be pejorative in any way toward those who worked very hard to put this together, and many of my ideas are in that amendment. I appreciate their effort. But there is still a long way to go, and, in some respects, this is a metaphor for a lot of this bill. There has been a lot of progress made, but there is a long way to go.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, we are now ready to vote on four amendments. I ask unanimous consent that there be 2 minutes of debate equally divided before each amendment is called.

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

Mr. SPECTER. I further ask unanimous consent that the first rollcall vote on Leahy No. 4117 be the regular 15 minutes and that each succeeding of the stacked votes be 10 minutes.

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

Mr. SPECTER. I want to put my colleagues on notice that we will strictly enforce this time because we have four votes, and it is going to take quite some time. There is more business to be conducted after the votes are concluded.

I further ask unanimous consent that when the Senate resumes consideration of the bill at 8:30 a.m. tomorrow morning, Senator MCCONNELL be recognized to offer his amendment No. 4085; provided further that the time until 9:30 be equally divided between Senator MCCONNELL and Senator REID or his designee; provided further that at 9:30, the Senate proceed to a vote in relation to the McConnell amendment with no second degree in order prior to the vote; I ask consent that following that vote, the Senate proceed to a vote on invoking cloture; further that there be 2 minutes for debate equally divided between the stacked votes after the first vote and the time from 9:20 to 9:30 on Wednesday be equally divided between Senators DODD and MCCONNELL. The order of the votes will be Leahy No. 4117, Grassley No. 4177, Kennedy No. 4106, and Durbin No. 4142.

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

The question is on agreeing to the Leahy amendment No. 4117.

Mr. LEAHY. Mr. President, I understand the distinguished Senator from Pennsylvania is going to speak to correct one part of the record, but both Senator COLEMAN and I want to make sure the record is correct and Senators know what they are voting on. Some Senators, in speaking in opposition to the Leahy-Coleman amendment, suggested that members of Hamas, the Kurdish PKK, or the Basque separatist group might obtain refugee status in the U.S. because those terrorists organizations do not specifically target the United States. That is totally incorrect. They are not allowed in with this. Hamas, the Basque separatists, the Kurdish PKK are already listed as terrorist organizations by our government. Members of the Taliban are also barred. These individuals could not obtain entry with this amendment. It was wrong to misrepresent the amendment that way. It is inflammatory to say the Leahy-Coleman amendment would aid members and supporters of designated terrorist organizations. It does not. It does not. It does not. This amendment in no way changes current law as suggested, but it would do something for those people who have been raped, tortured, or forced into helping terrorist organizations.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have opposed the Leahy amendment because it redefines what constitutes material support for a terrorist. It redefines and narrows the definition of what is a terrorist organization. Those are complex subjects. There could have been hearings in the Judiciary Committee where the Senator from Vermont is the ranking member. I was wrong about Hamas when I made that representation. But as to the Kurdish terrorists, we did not identify PKK but other Kurdish terrorists in Turkey. I did not refer to the Basque ETA but to other Basque terrorists in Spain. When you have these far-reaching changes, there should have been hearings. There is adequate recourse under existing law for the Secretary of State to grant waivers for those providing material support to terrorist organizations, as she did recently for 9,300 ethnic Karen refugees to come out of Thailand.

I move to table the Leahy amendment and 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 bill clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER (Mr. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 19, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—79

Alexander	DeWine	McConnell
Allard	Dodd	Menendez
Allen	Dole	Mikulski
Baucus	Domenici	Murkowski
Bayh	Dorgan	Murray
Bennett	Durbin	Nelson (FL)
Biden	Ensign	Nelson (NE)
Bond	Feinstein	Pryor
Boxer	Frist	Roberts
Brownback	Graham	Santorum
Bunning	Grassley	Schumer
Burns	Gregg	Sessions
Burr	Hagel	Shelby
Byrd	Hatch	Smith
Cantwell	Hutchison	Snowe
Carper	Inhofe	Specter
Chambliss	Isakson	Stabenow
Clinton	Johnson	Stevens
Coburn	Kohl	Talent
Cochran	Kyl	Thomas
Collins	Landrieu	Thune
Conrad	Lautenberg	Vitter
Cornyn	Lincoln	Voinovich
Craig	Lott	Warner
Crapo	Lugar	Wyden
Dayton	Martinez	
DeMint	McCain	

NAYS—19

Akaka	Jeffords	Reed
Bingaman	Kennedy	Reid
Chafee	Kerry	Salazar
Coleman	Leahy	Sarbanes
Feingold	Levin	Sununu
Harkin	Lieberman	
Inouye	Obama	

NOT VOTING—2

Enzi Rockefeller

The motion was agreed to.

Mr. BOND. I move to table the vote.

Mr. ENSIGN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I understand we are going to have another rollcall vote.

Mr. LEAHY. Parliamentary inquiry: Are these 10-minute rollcall votes now?

The PRESIDING OFFICER. The next votes are 10-minute rollcall votes.

Mr. LEAHY. We should be able to finish in 40 or 45 minutes?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 4177

The PRESIDING OFFICER. There is now 2 minutes equally divided on the Grassley amendment. The Senator from Iowa is recognized.

Mr. GRASSLEY. The Immigration Reform and Control Act of 1986 made it unlawful for employers to knowingly hire or employ someone who is not authorized to work in the United States; and it required employers to check the identity and work authorization documents of all new employees.

The current employment verification process relies on a paper form known as the ''I–9.'' To complete this form, employers must examine one or more documents from a list of nearly 30 different documents. If the document provided by the employee appears to be genuine, the employer has met his obligation.

The employer is not allowed to solicit additional documents and the employee is not required to produce additional documents. In fact, an employer's request for more or different documents, or a refusal to honor documents that appear to be genuine, can potentially be treated as an unfair immigration-related employment practice. This obviously puts employers in a very difficult situation. If he accepts the document, he may be hiring an illegal worker. If he does not accept the document, he may be sued for employment discrimination.

The easy availability of counterfeit documents has made a mockery of the current I–9 process. Fake documents are produced by the millions and can be obtained easily and cheaply. Thus, the current system benefits unscrupulous employers who do not mind hiring illegal aliens but want to show that they have met their legal requirements, and it harms employers who don't want to hire illegal aliens but have no choice but to accept documents they may suspect of being counterfeit.

The failure of the current process is evidenced by the millions of ''no match'' letters generated each year by the Social Security Administration. Each year, the Social Security Administration processes about 250 million W–2s. It is able to match more than 95 percent of these. However, nearly 9 million W–2s contain names and social security numbers that do not match the Social Security Administration's records. It is widely believed that many, if not most, of these no matches are due to the employment of illegal aliens.

This problem must be addressed. We cannot control our boarders, or create an enforceable guest worker program, until we have a reliable and secure employment verification system.

I supported the creation of the Basic Pilot program in 1996 which allows employers to voluntarily check the employment status of their new employees. At the time, it was a pilot in 6 states. In 2003, I authored the law that provided all 50 states the option to use the Basic Pilot program. Unfortunately, those who are most likely to hire illegal workers are the least likely to use this system.

My amendment today would create a new worker verification system for employers to use to determine if their workers are eligible to work in the United States. While this new system is based on the Basic Pilot, there are a number of important differences. The new system will be mandatory for all employers who hire any new employees beginning 18 months after Congress appropriates the funds needed to implement the system.

The system can be compared to a ''red light,'' ''green light,'' and ''yellow light'' verification. The employer, in the course of hiring a new worker, must submit certain information within 3 days of the hiring. The Secretary of Homeland Security, with the assistance of the Commissioner of Social Security, will turn around, in less than 10 days, and provide a positive confirmation or a tentative non-confirmation—that is a ''green light'' or a ''yellow light.'' If DHS provides a tentative non-confirmation—a ''yellow light''—then the burden will be on the worker to resolve the matter. If the worker contests the non-confirmation, DHS will have 30 days to provide a final response to the employer. If the final response is negative—a ''red light''—the employer is required to discharge the worker.

The new system would be Internet based. However, the Secretary will also provide access through a toll-free telephone number so that small, rural, and underserved areas can use the system as well. There are a number of important worker protections built into this new system. During the initial implementation of the system, if DHS cannot resolve their worker's status within 30 days, DHS will grant an automatic default confirmation. If the worker loses his job through no fault of his own due to a mistake by the system, he can seek administrative and judicial review to recover lost wages. The system would also give workers the ability to verify their own information prior to obtaining or changing

jobs. This would give workers the ability to know their status before applying for a job and give them the opportunity to correct any mistakes.

Finally, until the Secretary of Homeland Security certifies that the system is able to correctly resolve 99 percent of all the cases involving eligible workers within 30 days, then the automatic default confirmation will remain in effect. This safeguard is designed to ensure that no eligible worker is denied a job due to bureaucratic delays or excessive workloads at DHS or SSA. Once the system is certified by the secretary, the automatic default confirmation is changed to an automatic default non-confirmation. There have been some concerns raised that once illegal workers are no longer able to use phony IDs and fake social security cards, they will attempt to steal someone else's identity. We have addressed this problem by allowing workers—on a purely voluntary basis—to put a ''block'' on their own SSN. This would work much like a ''credit freeze'' or the ''do not call'' list that already exists under current law.

A worker could block his own number to prevent someone else from using it and then unblock his number whenever he needed to obtain or change jobs. The amendment also provides important protections for employers who use the system. They will no longer be forced to choose between questionable documents or an employment discrimination lawsuit. They will be able to rely on the information provided by the system. They will be protected from liability if they fire a worker based on that information. Finally, the amendment provides safeguards to prevent the unauthorized disclosure of information contained in the system. Individuals and employers will not have direct access to Federal databases. Rather, they will submit information and only receive back a confirmation or non-confirmation of that information. The amendment also provides that the information in the system cannot be used for any purpose other than provided by law.

With respect to information sharing, the amendment contains important language regarding the use of tax return information.

The protection of taxpayer information is a cornerstone of our voluntary tax system. These protections are found in section 6103 of the tax code and are designed to strike the balance between taxpayer privacy and legitimate law enforcement. Several members raised this issue during the Judiciary Committee markup. I urged my colleagues to defer any action in this area until the members of the Finance Committee had an opportunity to review this issue.

Some of the proposals in the Judiciary Committee were very broad. In this amendment, we have taken a more focused approach. We identified the specific information that would be needed to identify potentially illegal workers and crafted an amendment to 6103 that permits such use while maintaining all of the privacy protections afforded by 6103.

Specifically, we allow the Social Security Administration to share taxpayer identity information with DSH for the next 3 years. The information that can be shared would be for those employers who had more than 100 employees with names and numbers that do not match, and employers who used the same social security number for more than 10 employees.

In addition, DHS would be able to request that SSA provide information to identify employers who are not participating in the system, and employers who are not verifying all of their new employees. This information sharing would sunset after 3 years unless Congress extends this authority. We will closely monitor the use of this authority to determine if it should be extended.

Relying on Social Security records to help enforce immigration law also raises a critical issue with respect to the Social Security Administration's ability to perform its primary functions. This amendment addresses this concern by requiring DHS to reimburse SSA in advance for the cost of any data it obtains.

Let me again point out that—unlike the House bill—this amendment only applies to new hires, with some limited exceptions under the discretionary authority of DHS.

However, I would note that despite the high turnover rate seen among some workers, many workers are employed by the same employer for many years.

According to the Bureau of Labor Statistics, nearly one-half of all workers have been employed by the same employer for 5 or more years. More than one-quarter have been employed by the same employer for 10 or more years.

Without verification for all employees, many illegal workers might never be detected under a system that only checks new hires.

I understand that a requirement to verify all employees is viewed as overly burdensome. But, as mentioned earlier, the Social Security Administration processes roughly 250 million W–2s each and every year and is able to verify more than 95 percent. It might turn out that the additional burden of checking everyone would be very minimal. I suspect we will have to revisit this issue in conference with the House—if we make it that far.

In conclusion, let me urge my colleagues to support this amendment. It represents a significant step forward in creating a more reliable and secure employment verification system.

Mr. KENNEDY. I yield 30 seconds to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. OBAMA. Mr. President, I congratulate Senator GRASSLEY and all who worked on this amendment. This is probably the single most important thing we can do in terms of reducing the inflow of undocumented workers—making sure we can actually enforce in a systematic way rules governing who gets hired.

It is an amendment that has bipartisan support, as Senator GRASSLEY indicated. It will increase fines. It will provide for an electronic data system that is effective.

I urge all colleagues on my side of the aisle to vote for the amendment.

The PRESIDING OFFICER. Who seeks time in opposition?

The Senator from Texas.

Mr. CORNYN. Mr. President, notwithstanding my tremendous admiration and support for the chairman of the Finance Committee, Mr. GRASSLEY, I must oppose this amendment.

Secretary Chertoff of the Department of Homeland Security, who is responsible for actually implementing this program, has called the requirements of this amendment a poison pill. Why in the world would we design a verification system, which I agree is the linchpin of comprehensive enforcement, that fails? Why would we design a system to fail in which the very person who is responsible for enforcing it calls it a poison pill? The administration does not support this amendment. I suggest the underlying bill is a better bill with which to go to conference and work out our differences.

The PRESIDING OFFICER. The question is on agreeing to amendment.

Mr. BUNNING. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—58

Akaka	Feinstein	McCain
Baucus	Graham	Menendez
Bayh	Grassley	Mikulski
Biden	Gregg	Murray
Bingaman	Hagel	Nelson (FL)
Bond	Harkin	Obama
Boxer	Inouye	Pryor
Brownback	Jeffords	Reed
Byrd	Johnson	Reid
Cantwell	Kennedy	Salazar
Carper	Kerry	Sarbanes
Chafee	Kohl	Schumer
Clinton	Landrieu	Snowe
Collins	Lautenberg	Specter
Conrad	Leahy	Stabenow
Dayton	Levin	Stevens
DeWine	Lieberman	Warner
Dodd	Lincoln	Wyden
Durbin	Lugar	
Feingold	Martinez	

NAYS—40

Alexander	DeMint	Nelson (NE)
Allard	Dole	Roberts
Allen	Domenici	Santorum
Bennett	Dorgan	Sessions
Bunning	Ensign	Shelby
Burns	Frist	Smith
Burr	Hatch	Sununu
Chambliss	Hutchison	Talent
Coburn	Inhofe	Thomas
Cochran	Isakson	Thune
Coleman	Kyl	Vitter
Cornyn	Lott	Voinovich
Craig	McConnell	
Crapo	Murkowski	

NOT VOTING—2

Enzi	Rockefeller

The amendment (No. 4177) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. LEVIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4106

Mr. KENNEDY. Mr. President, I understand that now before the Senate is the amendment I offered earlier, is that correct?

The PRESIDING OFFICER. That is correct. There are 2 minutes equally divided.

Mr. KENNEDY. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, when American workers go to work every day, they expect to go into a workplace that is safe and secure. American families expect their husbands or their wives to come home to them because they work in a place that is safe and secure. For the last 16 years, we have not increased any of the penalties—the maximum penalties—on OSHA, the Fair Labor Standards Act—any of these penalties. This amendment does do so in a very reasonable and modest way.

We have just done that with mine safety, and later this evening we are going to pass mine safety, virtually unanimously. One of the important parts of the mine safety amendment is the increase in the penalty. We are doing for American workers and for future American workers the same thing we have done for mine safety: We are making sure, through having penalties that are reasonable and responsible, that we have safe working conditions. That is what the Kennedy amendment does.

The PRESIDING OFFICER. The time of the Senator has expired. Who seeks time in opposition?

Mr. SPECTER. Mr. President, I remind my colleagues this is a 10-minute vote. Time will be strictly enforced; 10 plus 5. I ask my colleagues to stay on the floor for these last 2 votes. I yield the remaining time to the Senator from Georgia.

Mr. ISAKSON. Mr. President, there have been no hearings on this amendment. The Senator from Massachusetts knows full well the mine safety bill has been heard for over 6 months. I have worked with him.

This amendment takes civil penalties and makes them criminal. I worry about the worker going to work and getting hurt, but I worry about destroying the incentive to employ anyone by imposing punitive, arbitrary assessments on them, all because we sneak an amendment in at the last minute on a bill that is on an entirely different subject. I urge everybody to vote with me, because I am going to move to table the Kennedy amendment, and I encourage a yea vote.

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 assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 41, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—56

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Domenici	Nelson (NE)
Bennett	Ensign	Roberts
Bond	Frist	Santorum
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Smith
Burr	Hagel	Snowe
Chafee	Hatch	Specter
Chambliss	Hutchison	Stevens
Coburn	Inhofe	Sununu
Cochran	Isakson	Talent
Coleman	Kohl	Thomas
Collins	Kyl	Thune
Cornyn	Lott	Vitter
Craig	Lugar	Voinovich
Crapo	Martinez	Warner
DeMint	McCain	

NAYS—41

Akaka	Durbin	Lincoln
Baucus	Feingold	Menendez
Bayh	Feinstein	Mikulski
Biden	Harkin	Murray
Bingaman	Inouye	Nelson (FL)
Boxer	Jeffords	Obama
Byrd	Johnson	Pryor
Cantwell	Kennedy	Reed
Carper	Kerry	Reid
Clinton	Landrieu	Salazar
Conrad	Lautenberg	Schumer
Dayton	Leahy	Stabenow
Dodd	Levin	Wyden
Dorgan	Lieberman	

NOT VOTING—3

Enzi	Rockefeller	Sarbanes

The motion was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I think we have had a fast-moving day. I have been authorized by the leader to say there will be no further rollcall votes tonight after this vote. We start tomorrow morning at 8:30 with the McConnell amendment. We will vote at 9:30 on the McConnell amendment. Of course, we have a cloture vote at 10 o'clock.

I thank my colleagues for their cooperation. I yield 1 minute to the Senator from Texas, Mr. CORNYN.

AMENDMENT NO. 4142

The PRESIDING OFFICER (Mr. MARTINEZ). The next vote is on the Durbin amendment. There is 2 minutes equally divided.

The Senator from Illinois is recognized for 1 minute.

Mr. DURBIN. Mr. President, last week, by a vote of 99 to 0, we created a humanitarian waiver for undocumented people in the United States who are seeking to get on the pathway to legalization. We said we would allow a nonreviewable look by the Secretary of Homeland Security at the cases of certain undocumented immigrants who would otherwise by ineligible for legalization.

This amendment says if you are currently legally in the United States and, as a result of changes in the law made by this bill, may be deportable for failing to include a piece of information on an immigration form, an immaterial omission, you also could qualify for the same kind of humanitarian waiver, nonreviewable by a court.

It is the same standard for legal residents that last week we approved for the undocumented. I hope the Senators on both sides will support the amendment.

Mr. CORNYN. This amendment would waive deportation for aggravated felons. It would result in a green card, irrespective of legalization, requiring no payment of taxes, no requirement of learning English, and no fine.

I believe it would result in the legalization of roughly 6 million individuals under this standard contained in this amendment.

I urge my colleagues to vote ''no'' on this amendment.

I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the Durbin amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 34, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—63

Alexander	Crapo	Martinez
Allard	DeMint	McCain
Allen	DeWine	McConnell
Baucus	Dole	Murkowski
Bayh	Domenici	Nelson (NE)
Bennett	Dorgan	Pryor
Bond	Ensign	Roberts
Brownback	Frist	Santorum
Bunning	Graham	Schumer
Burns	Grassley	Sessions
Burr	Gregg	Shelby
Byrd	Hagel	Smith
Chafee	Hatch	Snowe
Chambliss	Hutchison	Stevens
Coburn	Inhofe	Sununu
Cochran	Isakson	Talent
Coleman	Johnson	Thomas
Collins	Kyl	Thune
Conrad	Lincoln	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner

NAYS—34

Akaka	Harkin	Mikulski
Biden	Inouye	Murray
Bingaman	Jeffords	Nelson (FL)
Boxer	Kennedy	Obama
Cantwell	Kerry	Reed
Carper	Kohl	Reid
Clinton	Landrieu	Salazar
Dayton	Lautenberg	Specter
Dodd	Leahy	Stabenow
Durbin	Levin	Wyden
Feingold	Lieberman	
Feinstein	Menendez	

NOT VOTING—3

Enzi	Rockefeller	Sarbanes

The motion was agreed to.

Mr. CRAIG. Mr. President, I move to reconsider the vote.

Mr. SHELBY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I understand from the chairman we will not do any further work on the bill this evening. I would, therefore, ask unanimous consent that Senator SHELBY be allowed to speak for up to 8 minutes, immediately following this statement, and that I then be allowed to speak for up to 5 minutes following that.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. Mr. President, reserving the right to object, could I just be added to the list of speakers?

Mr. CRAIG. I ask the Senator, how much time would she like?

Ms. LANDRIEU. Thirty minutes.

Mr. CRAIG. I follow Senator SHELBY. I ask unanimous consent that the Senator from Louisiana be allowed up to 30 minutes following me.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, while S. 2611, the immigration bill, contains important titles addressing border security and worksite enforcement, the bill, as everyone knows, also contains titles relating to amnesty for illegal aliens and the creation of a massive new guest worker program which will undermine true immigration reform, in my opinion.

The most problematic provisions of S. 2611 are as follows:

One, I want you to know I opposed amnesty 20 years ago. It did not work then, and I do not believe it will work now.

Two, our first priority should be to secure our borders. Any discussion of amnesty takes away from that priority, in my judgment.

Three, supporters of these amnesty provisions say it is not amnesty but what they call ''earned legalization.'' I am not here to argue about semantics or labels. Whether you call it: ''amnesty,'' ''status adjustment'' or ''guest worker,'' the result is that individuals who came here illegally will now be considered legal workers and on their way toward citizenship. That is the bottom line.

Four, under the so-called compromise that is working here, those who have broken the law the longest are treated the best.

Five, those who can prove they have been here 2 to 5 years still do not have to leave the country and are, hence, still treated better than those waiting to enter legally.

Six, the bill has minimal requirements on proving that an illegal alien has worked or will work in the future. What few provisions there are seem very vulnerable to fraud.

Seven, this bill mandates that illegal workers are paid a higher wage than many American workers in the same position with the same qualifications.

Eight, the supporters of this bill claim that back taxes will be paid for past labor. But a close reading of the bill shows that these back taxes will only be paid, if at all, 8 years down the road when applying for a green card, not as a requirement to receive the H–2C visa.

Nine, this bill drastically increases the number of employment-based green cards issued annually. What will happen to the American worker when unemployment goes up and so many foreign workers, who are willing to work for less, have been given citizenship?

Ten, today, before the implementation of any reforms, the ability of our immigration officials to process applicants who are following the law is severely taxed. This bill will surely have a negative impact on those foreign workers who have followed the rules and are waiting patiently in their home country to legally come to this country.

Eleven, while others say comprehensive immigration reform must include these amnesty provisions, I feel strongly they will only serve to encourage further illegal immigration in the years to come.

And my 12th reason, the bottom line is, this bill, in my judgment, rewards past lawbreaking and encourages future lawbreaking. I am willing to bet that if this bill is enacted, we will only revisit this problem 20 years—perhaps before 20 years—down the road. Only then, we might be talking about 20 million to 30 million illegal immigrants.

Those are some of the reasons—and there are many others—why I will vote ''no'' on the final passage of this legislation.

Ms. COLLINS. Mr. President, I rise today to express my support for a provision in S. 2611 that will level the playing field for minor league sports teams that depend on getting the best athletic talent. Under current law, minor league players who have to use the H–2B visa category face severe visa shortages, while Major League players qualify automatically for plentiful P–1 visas. This unfair discrepancy in the law needs to be remedied, and my amendment, which was accepted by the Judiciary Committee and is now in the underlying bill, provides a commonsense solution.

By way of background, H–2B visas are intended for use by industries facing seasonal demands for labor, such as the hospitality and agricultural industries. What many people do not know is that, in addition to loggers, hotel and restaurant employees, and many other types of seasonal workers, the H–2B visa category is also used by many talented, highly competitive foreign athletes who are recruited by U.S. teams.

A chronic H–2B visa shortage over the last few years has posed challenges for all industries using the H–2B visa category. In both fiscal years 2004 and 2005, the 66,000 visa cap was met early in the year. While we were successful last year in crafting a temporary 2-year fix for the H–2B shortage, this fix will expire at the end of the current fiscal year. I commend my colleague from Maryland, Senator MIKULSKI, for offering an amendment to this bill that would extend the current exemption of returning H–2B workers until 2009.

However, solving this problem goes beyond fixing the H–2B visa cap. Minor league players simply do not belong in the same visa category as seasonal workers. There is no reason why Major League players can qualify automatically for P–1 visas, which are granted to talented athletes, artists, and entertainers, while minor league players cannot. My amendment would remedy this unfair situation.

The problem of requiring minor league athletes to use the H–2B visa category has posed a particular challenge to those of us in Maine who enjoy cheering on our sports teams. The MAINEiacs, a Canadian junior hockey league team that plays its games in Lewiston, ME, has faced tremendous difficulties obtaining the H–2B visas necessary for the majority of its players to come to the United States to play in the team's first home games.

Last year, due to uncertainty surrounding the availability of H–2B visas at the end of the fiscal year, the team had to reschedule its season home opener and cancel several early season games. This forced the team to schedule make-up games for those normally

played in September. The problems created by the visa situation creates an unnecessary hardship for this team, in addition to threatening the revenue the team generates for the city of Lewiston and businesses in the surrounding area.

The Portland Sea Dogs, a Double-A baseball team affiliated with the Boston Red Sox, is another of the many teams that relies on H–2B visas to bring some of its most skilled players to the United States. Thousands of fans come each year to see this team, and others like it across the country, play one of America's favorite sports. Due to the shortage of H–2B visas, however, Major League Baseball reports that, in 2004 and early 2005, more than 350 talented young, foreign baseball players were prevented from coming to the U.S. to play for minor league teams. These teams have been a traditional proving ground for athletes hoping to make it to the major leagues and players often move from these teams to major league rosters.

The inclusion of these highly skilled athletes in the H–2B visa category seems particularly unusual when you consider that major league athletes are permitted to use an entirely different non-immigrant visa category—the P–1 visa. This visa is available to athletes who are deemed by the Citizenship and Immigration Services to perform at an ''internationally recognized level of performance.'' Arguably, any foreign athlete whose achievements have earned him a contract with an American team would meet this definition.

CIS, however, has interpreted this category to exclude minor and amateur league athletes. Instead, the P–1 visa is typically reserved for only those athletes who have already been promoted to major league sports. Unfortunately, this creates something of a catch-22 for minor league athletes—if an H–2B visa shortage means that promising athletes are unable to hone their skills, and to prove themselves, in the minor leagues, they are far less likely to ever earn the major league contract currently required to obtain a P–1 visa.

A simple, commonsense solution would be to expand the P–1 visa category to include minor league and certain amateur-level athletes who have demonstrated a significant likelihood of graduating to the major leagues. Major League Baseball strongly supports the expansion of the P–1 visa category to include professional minor league baseball players. In correspondence to me, the league has pointed out that, by making P–1 visas available to this group of athletes, teams would be able to make player development decisions based on the talent of its players, without being constrained by visa quotas. The P–1 category, the league believes, is appropriate for minor league players because these are the players that Major League clubs have selected as some of the best baseball prospects in the world.

There is no question that Americans are passionate about sports. We have high expectations for our teams, and demand only the best from our athletes. By expanding the P–1 visa category, we will make it possible for athletes to be selected based on talent and skill, rather than visa availability. In addition, we would reduce some pressure on the H–2B visa category making more of those visas available to the industries that need them.

I am pleased that this important provision is included in S. 2611, and I thank the Judiciary Committee for their willingness to incorporate it into the underlying bill.

I ask unanimous consent that letters endorsing my amendment from the Lewiston MAINEiacs Hockey Club and Major League Baseball be printed in the RECORD.

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

LEWISTON MAINEIACS
HOCKEY CLUB, LLC,
Lewiston, ME, April 7, 2006.

Re ''MAINEiacs'' amendment to enable American sports teams to recruit talented players from abroad.

Hon. SUSAN M. COLLINS,
Russell Senate Office Building,
Washington, DC

DEAR SENATOR COLLINS: I wish to express the Lewiston MAINEiacs Hockey Club's support for your efforts with regards to ''MAINEiacs'' amendment to enable American sports teams to recruit talented players from abroad.

The Lewiston MAINEiacs Hockey Club is the sole U.S. based franchise in the 18-member Quebec Major Junior Hockey League (QMJHL). The QMJHL together with the Ontario Hockey League (OHL) and the Western Hockey League (WHL) make up the Canadian Hockey League which comprises a total of 58 teams. Of those 58 franchises, 9 are located in the United States (OHL–3, WHL–5, QMJHL–1).

The CHL is the largest developer of talent for the National Hockey League (NHL). More than 70% of all players, coaches and general managers who have played in the NHL are graduates of the Canadian Hockey League.

The majority of players in the Canadian Hockey League are Canadian, although each team is permitted to have a maximum of 2 Europeans on their rosters. There is also an increasing number of elite U.S. born players now playing in the league.

In January of 2004, the City of Lewiston purchased the Colisée in order to complete the first round of renovations to the facility which was in excess of two million dollars. The Colisée has undergone a second phase of renovations in excess of 1.8 millions dollars that entails a three-story addition to the front of the building providing for new offices, box office, pro-shop, food and beverage concessions and a new private VIP suite that can accommodate more than 130 fans per game. The City of Lewiston contracted the day-to-day management of the Colisée to Global Spectrum, a subsidiary of Comcast-Spectacor, one of the largest and most successful facility management companies in North America.

The results of the current visa laws have forced all U.S. based franchises in the CHL to delay the commencement of their regular season until or after October 1 of each year due to the restrictions of the of the H–2B temporary work visa regulations. This has caused significant hardship on teams, their facilities and the 3 leagues. U.S. based franchises are forced to try and make-up games that would normally be scheduled in the month of the September later in the season, putting both the teams and their fans at disadvantage before the season even commences.

Under your leadership, should congressional legislation make available P–1 visas to Major Junior players of the CHL, the success of all 9 U.S. based CHL franchises would be greatly enhanced by ensuring that all 58 teams have an equal chance at attracting and developing the best available talent.

It is the hope of the Lewiston MAINEiacs that your colleagues in the Senate follow your leadership and endorse your recommendations for the amendment to the immigration reform bill to ensure the viability and success of not only our franchise—but the 8 other U.S. based clubs in the Canadian Hockey League.

Sincerely,

MATT MCKNIGHT,
Vice President & Governor.

OFFICE OF THE COMMISSIONER,
MAJOR LEAGUE BASEBALL,
New York, NY, April 27, 2006.

Hon. SUSAN M. COLLINS,
Russell Senate Office Building,
Washington, DC.

Re legislation for nonimmigrant alien status for certain athletes.

DEAR SENATOR COLLINS: I write to express Major League Baseball's support as you redouble your efforts to make Minor League players eligible for P–1 work visas.

Unlike other professional athletes, baseball players need substantial experience in the Minor Leagues to develop their talents and skills to Major League quality. To get that necessary experience, young players are signed by Major League Clubs and assigned to play for Minor League affiliates throughout the United States, such as Maine's own Portland Sea Dogs.

Approximately 40 percent of these young players come from foreign countries, and MLB must obtain H2–B visas in order for them to enter the U.S. Under current law, however, these visas are capped, and the demand for them is so great across a wide range of industries, many Minor Leaguers are not being afforded the opportunity to play here and develop into Major League baseball players.

The lack of available visas prevented more than 350 young baseball players from performing in the United States in 2004 and 2005, and will prevent even more from doing so this year. Additionally, over the past few years several Clubs have shied away from drafting foreign (mostly Canadian) players whom they otherwise might have selected in the annual First-Year Player Draft, because of the risk of not being able to obtain visas for those players. In fact, in 2004, signings of Canadian players declined 80% over the previous year, and in 2005 only four of the twenty-five Canadian players who were drafted were eventually signed by a Club. The resulting impact on the quality of the product on the field is significant, particularly for almost forty million Americans who attend Minor League Baseball games each year.

Under your leadership, Congress can ensure that the best baseball prospects from around the world will have the opportunity to develop here in the United States, without the constraint that the H–2B visa cap imposes. Minor League Baseball shares our support of your efforts. The Major League Baseball Players Association also supports allowing the best young players to develop here in the United States.

Major Legue Baseball hopes that your Senate colleagues will follow your leadership

and pursue a legislatiye remedy to a problem that is threatening to weaken Baseball's Minor League system.

Sincerely,

ROBERT A. DUPUY,
President & Chief Operating Officer.

Mr. ENSIGN. Mr. President, I ask unanimous consent that a copy of a letter addressed to me from Mark J. Sprinkle in support of amendment No. 4076, which was agreed to yesterday, amending S. 2611, be printed in the RECORD.

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

SENATOR: I returned home last night from my two weeks of Annual Training (AT) with the National Guard. I was able to meet many of the soldiers I will serve with in Iraq. They all seem great and I look forward to working with them to accomplish our mission of delivering fuel to units throughout the country. We did some excellent training in Hawthorne. We were able to see some examples of IEDs, work on convoy procedures and tactics, and do innovative things like firing M-16s from the windows of our moving trucks at targets 50 and 250 meters away. This training was enjoyable and it really tied into what we'll be doing over there.

When I got home, I caught a replay of the Armed Services Committee meeting regarding the role and mission of the National Guard on the border. I agree with the comments of Lt. General Blum of the NGB that the Guard will prove more than capable and effective in helping to secure the border. All people enjoy accomplishing tasks and helping others. I think it would be a great feeling for an engineer to build a road that will be there for decades and for a helicopter medevac crew-member to rescue a sick or injured person in the desert. It is a tremendous idea to use the Guard in this capacity. It will help units stay sharp and prepared by having them use the same skill sets that they will use in fulfilling their missions during natural disasters and in warzones. I also like the idea of having units rotate in during their two week AT. That would be great training and it sure beats sitting in an armory for 15 days. Your amendment to reimburse states with federal funds is great and I hope that governors will allow their units to assist the Border Patrol in accomplishing their vital mission of securing the border. Well Senator, just some thoughts and observations from your local guardsman.

Sincerely,

MARK J. SPRINKLE.

The PRESIDING OFFICER. The Senator from Idaho.

BREACH OF SECURITY WITHIN VA

Mr. CRAIG. Mr. President, I come to the floor of the Senate briefly this evening to visit with my colleagues about an issue that we all now know about to some degree; and that, of course, is the very serious breach of security that occurred within the VA earlier this month.

My office, like yours, is lighting up with phone calls from concerned veterans wanting to know how this could happen and what type of risk they are facing.

So I thought I would take this moment, as the chairman of the Veterans Affairs Committee in the Senate, to visit with my colleagues about it: No 1, to lay out the facts as we know them—they are limited because this is an ongoing investigation and, therefore, the FBI has denied VA the right to talk in any great detail about this breach of security—and, No. 2, to provide all of you with some context in which to think about this issue.

First, what we know is that the information was taken to the home of a VA employee in violation of VA policy. We also know that the employee who took the information was authorized to view it. So this was not a case of unauthorized personnel looking at sensitive information. We also know that the employee was the person who brought the loss of the information to the attention of VA officials.

So what we have is an employee, authorized to view information, who took the information home, apparently to do work in violation of agency policy, and then immediately informed the agency when the theft of the data became apparent.

Certainly, the employee should face some consequence for his or her action. Obviously, he or she should have known not to remove that type of information from VA's protected data system. However, at this point, the actual removal of the data does not appear to be a crime at all.

Of course, the FBI is still investigating whether any criminal behavior occurred. At this point, they do not suspect any foul play on the part of this longtime Federal employee. Rather, they only suspect a random act of burglary at the employee's home that, unfortunately, compromised this very important information.

I must tell you that I struggle—a little—with the question of whether VA, or any Government agency, should keep information like the type that was lost without any real reason to do so. But I also know that when Americans contact their Government or veterans file a claim, they expect, in this day and age, that they will have their information. So there is a disconnect with what we expect and the security we expect it to be held with or if that information should be held at all.

So given the expectations of our consumers, in this case our constituents, I think we need to make sure we have a uniform set of guidelines for training our employees all across Government, and that then we work on putting in place a system with enough checks and balances to be sure that no employee can abuse information data bases of any agency.

Frankly, this problem is not likely limited to VA. Many Federal agencies keep records on citizens that contain sensitive information. It is not just IRS or HHS. There is information maintained by the Department of Education, that comes from the free application for Federal student loans or the Department of Agriculture, which provides crop assistance plans and crop insurance and a variety of other kinds of things.

All of these agencies have names and addresses and Social Security numbers. They must be secure. At the same time, we need employees who can use that information for legitimate purposes to serve our constituencies in a timely fashion.

All of this will require thoughtful balancing on the part of this Congress. We have to balance every doctor's need to see a veteran's medical records with the legitimate concern that one too many nurses on the floor have access to those records for no reason.

I hope what took place at the VA a few weeks ago is only an isolated incident of bad judgment by a dedicated employee seeking to do a little work at home on his or her own time. But we must not ignore the fact that it appears, at this time, that getting that information to his or her home was very easy. That cannot be tolerated because it may well have been a breach of policy but not a violation of law.

So my committee will hold hearings this Thursday with VA officials to examine what their policies and practices are with respect to sensitive information and how we can assure that a breach of security such as this does not happen in the future.

We will also be asking the right questions about the security of veterans themselves and if VA is doing all they possibly can do at this time now, along with the IRS and the Social Security Administration, to make sure that veterans whose names were on that list—some 26 million, of which 19 million had critical information—be treated fairly and responsive to assure, if we can, the protection of their information base.

It is fundamentally important that our Government and the Veterans' Administration respond as quickly as they can. And there is every indication, at least at this moment—which our hearing, I trust, will bear out—that they are moving in the right direction to assure that.

This may have been the largest breach of ID in our Nation's history. We need to make sure, as a Congress and as a Senate, that this cannot happen in the future and that there are exacting guidelines to assure this will not occur. In a day of electronic data and access that is unique and sometimes very easy, we need to make sure we are current with all of our needs, without providing names and information that is not necessarily needed to be held by our Government.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HURRICANE SEASON

Ms. LANDRIEU. Mr. President, I know the debate today and for the past several days has been focused on immigration. The Presiding Officer has been active in the negotiations, and I commend him for his good work. It has been a tough debate on a very important issue—an issue of security, fairness, and justice. It is an issue of economics, and it affects all of our States. It affects what America stands for. We have spent an inordinate and appropriate amount of time on that subject.

Tonight, I come to the floor to speak about another issue very close to my heart and to the people of Louisiana, particularly with regard to the closeness of the arrival of the hurricane season. It is hard to believe that we are about ready to face another hurricane season again. June 1, a few days from now, is the first official day of the hurricane season. It comes this year bringing a lot more fright and anxiety to the gulf coast because we were hit by a powerful series of storms last year that devastated parts of Florida and a great part of the gulf coast from Mississippi through the whole of south Louisiana, into the city of New Orleans and the metropolitan area, and then on into Texas.

And two of those storms were the worst to hit the United States of America. The devastation and the amount of damage is still climbing. A report I saw today was that the damage is now $150 billion and climbing. Hurricane Andrew, which was the greatest storm to hit the United States and to hit your State, Mr. President, was $40 billion. We are now at $150 billion and climbing. We have lost, of course, over 1,300 people. People were killed by the storms and the flooding that ensued from the multiple breaks in the levees that have put a major American city and region—not just New Orleans, but St. Bernard Parish and Plaquemines, which often get left out of the debate. They are two of the parishes that lie south of New Orleans, as they hold the Mississippi River, if you will, that splits their parishes in half. It affected the southwestern part of our State as well.

That doesn't get mentioned as much as it should—little towns such as Creole and big towns such as Lake Charles took a tough hit, and parishes such as Vermilion and little towns such as Erath, where almost every home was destroyed or very damaged.

Having said that, it added insult to injury that this particular coast that got battered so badly by these storms is also America's only energy coast. This is the only energy coast in America, the only four States that right now will allow drilling of oil and gas off their shores to provide for the economic vitality of this Nation and to provide the oil and gas necessary to run the electric grid in this country and the transportation systems in this country, and to run energy from lights to the entire energy grid.

I have been on this floor many times in my time in the Senate—now almost 10 years—to talk about this subject. I thought I would take a few minutes tonight, because we are approaching hurricane season, to remind the Senate that while immigration is a very important issue, and we want to bring closure to that this week, I hope that very soon we will get back to another issue of great interest and security for the Nation, and that is the issue of energy security. It starts, in my view, with providing some more understanding and more help to those States that are providing the oil and the gas for this Nation, as we seek to open up new places to drill in the Gulf of Mexico, which has become known as a section of the gulf called lease-sale 181. I hope that bill will be considered. It came out of the Energy Committee that the occupant of the chair and I serve on. I think that bill will come to the floor for some discussion.

As that bill moves to the floor and we move to the focus on energy and energy security, I want to take a few minutes to talk about this gulf coast area and how much we contribute and how, without some stream of revenue—whether we get it from lease-sale 181 or from other offshore drilling—to secure the wetlands that we are losing at an alarming rate, to provide some energy-related protection of this infrastructure, to provide for the restoration of these wetlands this energy coast will continue to be at risk.

If my colleagues and the people in Congress think that $150 billion is a lot of money, just wait until we go through a couple more hurricane seasons to really feel the effect of underinvestment over time, to a point where it is almost criminal. Let me repeat—an underinvestment over time that borders on being criminal.

I have some new charts, since I have used all my old ones up for 10 years of this debate. This is a satellite photograph from USGS of all of the pipelines and flow lines in the United States off of the shore. I have come down here so many times to say that the offshore oil and gas industry could not even exist if it were not for the partnership, which we have done thus far proudly and willingly—but that is wearing thin—we have done it proudly and supported the oil and gas industry for now almost 45 years off of our shores. You can see this is the Louisiana coastline. This is the Mississippi coastline. This is Texas.

This is all of the pipelines and flow lines connecting thousands of wells that are in the Gulf of Mexico bringing oil and gas to a nation that is thirsty for oil and needing gas, because the supply is so low and the consumption is so high and the prices are going up. The four States that are putting their shoulder to the wheel every day are Alabama, Mississippi, Louisiana, and Texas. This is the picture that proves it.

This is out on this map about 200 miles of activity. So for some people who have said the drilling is so far off your coast that the people of Louisiana don't have anything to do with it, let me explain that you cannot access grids and rigs and oil and gas without pipelines, gadgets, widgets, drills, well heads, and supply boats. It is impossible. Every single widget, gadget, and supply boat either comes by boat or helicopter out of one of these many ports that have proudly supported this industry. You can see the line stops at the Mobile Bay. The reason is because Florida, which consumes more energy than almost any State relative to its lack of production—consumes but has not produced. Florida is not the only State. I could show you a chart of California and Michigan and New York—States that consume a lot of energy but have not been willing to produce it in any way, either by nuclear, by wind, or by strict conservation—except for California; I will give them credit for conservation measures. But other States won't do conservation or production.

I don't know if you can see this thin line. Last year, the industry went ahead, because of this policy, and laid a pipeline all the way to Florida to provide gas to Florida. But we have to drill it off of Alabama's coast and then send it to Florida free of charge.

I am going to show you another chart that says the same thing, but it is a little different. When I say that the gulf coast is America's only energy coast, this is another way to look at it. Every one of these green blocks—this goes out 200 miles into the gulf—were active leases prior to 2003. That is the green. They are active leases issued in 2003, which were the last lease-sales; 185, 187, and 189 are the light yellow. And then the red have been withdrawn from leasing. Not many. The active leases issued in 2004.

Basically, the green and yellow are leases. From these leases are produced, for the Federal Treasury—I remind everybody that we are running a serious deficit. So besides contributing oil and gas, we also contribute a lot of money to the Treasury. We are sending to the Federal Government every year $6 billion. It was $2 billion when I got here; now it is $6 billion. Before I leave, it will probably go up to $15 billion, assuming I can get here another term. So $6 billion goes from the royalties by passing all of the communities here that build the widgets, gadgets, supply boats—over all the heads of the workers that drill, over all their homes that are underwater and ruined, over all of the wetlands that are being infringed upon, and in a fairly critical way.

Although we have made a lot of changes in our environmental laws, the problem is that a lot of these canals were drilled in the 1930s and 1940s. I am sorry, I wasn't born to try to help protect them then. But like my daughter said the other day, I am born now. We tried our best in the last couple of years, with the little money Louisiana had to do some of this work, but we

cannot possibly do this work on our own. We should not have to, Mr. President, because we send to the Federal Treasury—which is much wealthier than the State of Louisiana and Mississippi and Alabama, three of the poorest States in the Union—and even Texas has a lot of poor and lower middle-income people. We are subsidizing the National Government, giving them the oil, giving them the gas, and then giving them all the money. It just has to stop.

We need some money to restore our coast, to build levees, and to protect the infrastructure that is at risk. We were very fortunate that even with this powerful storm, most everybody in the industry has worked very hard to create very good technology so that these rigs and platforms can withstand a lot of wind pressure and strong waves. Every time a storm comes, the industry, because it is innovative, gets better and better. But there were some close calls with these platforms. They are still not completely up in the gulf.

I will show you one more chart. When people say what about gas, this is oil and gas. I will show you what the gas trunk looks like. This is billion cubic feet flow levels. The areas do not include LNG imports. This is just what we drill ourselves. If we put imports here, I don't know what it would look like because nobody wants to put a liquefied natural gas plant anywhere except where? Texas, Louisiana, and Mississippi again. Everybody has siting problems with liquefied natural gas that comes imported. Here we step up again and are building some of the largest liquefied natural gas plants so we can get gas from other places. Agriculture in every State, particularly the Midwest, needs these gas prices to come down. They are having a great deal of difficulty in the Midwest. They are having a great deal of difficulty in Illinois and in New Jersey and in Delaware.

The chemical industry runs on very slim margins. So who comes to the rescue? Louisiana and Mississippi, all the gas coming through here to try to keep everybody happy and working. And we cannot get one penny from these royalties in any significant way.

Well, it is not true that we have not gotten one penny. What is true is that Senator DOMENICI, with his great leadership, recognized this and has been a wonderful help and supporter. Last year, in the Energy bill, he gave us, for the first time, a billion dollars. We were grateful. But it is a billion dollars over a few years. We have to divide it among the States. It sounds like a lot, but it doesn't go very far. We need a long-term commitment so that we can count on money year after year to do what we need to do in this community.

I want to show one more that is even more dramatic. I am going to get to this for Texas and Mississippi and Alabama. But this shows the oil and gas wells inside the coastal zone. This is how many wells we have. If you would see our whole State, you could not believe it. Most of this land is private land, unlike the Western States that came into the union with a lot of Federal land. This is private land. So private landowners get a royalty. That is fine. The State gets some money. While it looks like a lot of money the State would be getting, these wells were drilled decades ago, in many cases. Some of them are still producing, but some of them are not.

Outside this coastal zone—this is our 3-mile line—outside this coastal zone, according to the law which I am trying to change, we get no revenues from these wells.

The final chart is pretty frightening, actually. This is a chart of the hurricane tracks from 1955 to 2005. This is how many hurricanes have hit the gulf coast and the east coast from 1955 to 2005. The blue line is the track of Hurricane Rita, and the yellow line is the track of Katrina. Both of these storms were at some point in their track category 5 storms. Within 3½ weeks, they hit the east side of Louisiana and then right to the Louisiana-Texas line.

For the State, it was terrible to have two very big storms hit, but as a Senator, I have to tell you, I said a thanksgiving that it didn't hit Houston straight-on because if it had hit Houston and Galveston and put that energy sector out—Katrina had done a great deal to put out Port Fourchon, which is the only energy port in the Nation right on the coast—I don't know what would have happened to the lights in America. Maybe they would have all gone off. But nobody seems to care about that.

I promise my colleagues, as sure as I am standing here, there will be a series of storms that plow into this gulf coast. The water is getting warmer. I don't know how many times people have to write articles, give speeches, or write books about the fact that global warming is happening. One can argue about its causes, but nobody can argue that it is actually happening. When the waters warm, any scientist will tell you these storms are going to pick up in intensity and in frequency.

I need to ask the Congress: What more will it take? What more will it take before we act to give the gulf coast a portion of their revenues to protect themselves so that we can protect everyone else? What more has to happen? How many more storms? How much more loss of property? How many more close calls before we have to shut down the rigs and the pipelines and put America's lights out and put our economy at even greater risk?

I go to my office and I ask my staff: Is there some other chart we can come up with that could show people the danger? Is there some other speech I can give?

I might not be making myself clear, so I am asking the Senate tonight, as we wind down the immigration bill and as we think about moving to lease sale 181 or maybe a mini Energy bill because we have lots of problems in the energy sector, lots of challenges, can I please ask one more time: Can we please get some funding out of the new revenues that are being generated off America's only energy coast to give the people of the gulf coast some resources so they can protect themselves a little better?

If somebody tries to tell me, Senator, why don't you just have everybody move, if I have to hear one more person say we have to get everybody to move or we have to move out of New Orleans—New Orleans is not even on the coast. We are not on the coast. Miami is on the coast. Savannah is on the coast. Gulfport is on the coast. Beaumont is on the coast. New Orleans is not on the coast. We are 100 miles from the coast. But if these wetlands continue to erode at the rate they are going, we are going to be talking about Little Rock as a coastal city. I know I am exaggerating a little bit, but I promise the Senate that this coastal erosion is moving at such a rapid rate that not only is New Orleans at risk, Baton Rouge is at risk, Lafayette is at risk, Lake Charles is at risk, and then we have Galveston, Beaumont, and Houston.

We just cannot move everybody back 200 miles from the coast. In fact, the last time I looked at this data, all along the coast of the United States and growing mostly in Florida, people are moving to the coast. We may be the only State where people are actually moving away from the coast, but the coast is moving to us. We are not moving to the coast to build condominiums or golf courses. We can't build a golf course in a wetland, and we can't put a big skyscraper up in the wetlands.

We moved little communities so that we could construct a fishing industry for the Nation. We run the great ports that benefit the whole country, and we run the oil and gas industry that benefits the Nation. We are not on the coast sunbathing and building condos. But if the country wants everybody along the coast to move, then I suggest some agency come up with an evacuation and relocation plan that can proceed to move tens of millions of Americans because that is exactly what we are going to have to do because two-thirds of all Americans live within 50 miles of a coast. But New Orleans is not 50 miles from a coast.

The Netherlands has a much better plan. I am going to save that speech for another time. There are countries—not America—in the world that use their technology, use their resources, use their brains, and use the money they get from oil and gas by placing it into good levees, good dikes, good engineering, and they protect their people as best they can. We cannot stop these storms. Nobody can stop them. But a smart country, a country with good policies, mitigates and protects and puts up smart barriers and learns to work with the water and the wind much better than we are doing.

With this chart in the background, I conclude by saying, let us move, after immigration, to an energy subject. Let us take the opportunity Senator DOMENICI is going to give us to bring lease sale 181 up for debate. I will show where it is. Lease sale 181 is going to be a new area, which sits on the border of Alabama and Florida, that we are going to try to open.

I know, Mr. President, this is a sensitive subject for Florida because I have worked with you and Senator NELSON.

The Presiding Officer and Senator NELSON have been outstanding in their advocacy of trying to balance the needs of Florida and their tourism industry, which we have as well, with the needs for the gulf coast.

As we can see on this map, there is plenty of room to give a buffer to Florida that is reasonable and allow for more drilling. That is the idea. It has to be reasonable and provide some additional areas to get some oil and gas far enough off the coast so it will not affect the beaches because Florida does have a tourism industry based on beaches. Our tourism industry is not based on beaches. We only have two beaches, and they are only 7 miles long, and we can't hardly get to them. But we have great wetlands and we are proud of them. We have a lot of ecotourism, pirogues, canoes, hunting and fishing, which is extraordinary in our State, and we are proud of that, just as Florida is proud of its beaches.

Mr. President, you heard me say this to you privately many times. Half the people of Louisiana have grown up on the beaches of Florida. We don't have that much money. We can't go that far. So we manage to go to the Mississippi, Alabama, and Florida beaches. We are happy for the day or two spent on a beach in Florida. We are happy for it. But there is a reasonable compromise to be had.

I have been proud to work with many of my colleagues to try to come up with a way to open up this drilling, provide revenue sharing for these States on the gulf coast that have given so much and that want to continue to give and benefit the Nation, and finally to give our people some hope.

It has been a struggle to build the levees through the years. We needed to repair the levees that broke. The hope that we could give to our people all along the gulf coast as hurricane season starts June 1—hurricane season starts June 1. Millions of people living along this coast are reading the reports that this hurricane season might be worse than last. Wouldn't it be wonderful for the Congress of the United States to say this is a security issue for America, that this means a great deal to us, and we are going to act now to provide some hope to the people of the gulf coast?

We have lived in this area a long time, and we are going to stay living here. We have been living here for over 300 years. We were a colony before there was a country. We were living here, and we are not leaving. Whether the country helps us or not, we are going to stay here and keep doing our job. It has gotten to the point where it is so grossly unfair. We have to find a solution so that the people who live here can have hope that the country they live in actually cares about them, not just about how fast they can get out to the rigs to turn on the oil and gas for everybody else, but maybe we would care enough about their homes that have been flooded and the children's schools they can't go to or their churches that got flooded and help them to rebuild their homes, their schools, their churches so they can continue to work out on these rigs and send the oil and gas to New York and to Illinois and to Florida.

We will build smartly, we have built smartly, and we will build even more in that way, but we cannot abandon this coast because if we did, who would keep the rigs working? Who would keep the pipelines open? Who would navigate the ships up the port?

Mr. President, I have taken all or maybe more of my 30 minutes, and I appreciate the time. Again, when we get to lease sale 181, let's try to come together and come up with a reasonable solution, one that works for the Nation, one that works for the gulf coast States, and one of which we can actually be proud.

I yield the floor.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

HONORING OUR ARMED FORCES

LANCE CORPORAL ROBERT LOUIS MOSCILLO

Mr. GREGG. Mr. President, I rise today to pay tribute to U.S. Marine Corps LCpl Robert Louis Moscillo of Salem, NH, for his service and his supreme sacrifice for his country.

Robert, also called Bobby by family and friends, was a 2003 graduate of Salem High School where he played baseball and was on the wrestling team. On January 22, 2005, he answered a call to serve our country during these tense and turbulent times by enlisting in the U.S. Marine Corps. He successfully completed recruit training, marine combat training, combat engineer school, and the Martial Arts Program with a Tan Belt and was assigned to the 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA, where he served as a combat engineer. In February 2006, Bobby deployed to Iraq in support of Operation Iraqi Freedom and the following month was promoted to the rank of lance corporal.

Tragically, on May 1, 2006, this brave 21-year-old marine was killed in action by an improvised explosive device explosion while conducting combat operations against enemy forces in the vicinity of Fallujah in the Al Anbar province of Iraq. His awards and decorations include the Sea Service Deployment Ribbon, Iraq Campaign Medal, Purple Heart, Combat Action Ribbon, Global War on Terrorism Service Medal, and the National Defense Service Medal.

Patriots from the State of New Hampshire have served our Nation with honor and distinction from Bunker Hill to Baghdad—and Bobby served in that fine tradition. Daniel Webster said, ''God grants liberty only to those who love it, and are always ready to guard and defend it.'' Bobby was one of those proud and dedicated volunteers who believed in fighting for our country and guarding our precious liberty, and for that we will always owe our sincere gratitude. His service and sacrifice are a shining example of the highest caliber of person this country can produce. This athletic and spiritual young man realized a calling and chose to employ his youthful energy and considerable talents for his country. He understood that the freedoms and opportunities provided by this Nation need continuous defense and that they are among the most precious gifts he can give to his family and loved ones.

My heartfelt sympathy, condolences, and prayers go out to Robert's parents, Frank and Donna, and his family and friends who have suffered this grievous loss. Robert was, and forever will be, a strong and integral part of his family and will be missed by all. Because of his devotion and sense of duty, the safety and liberty of each and every American is more secure. May God bless LCpl Robert Louis Moscillo.

ARMY MASTER SERGEANT ROBERT H. WEST

Mr. SALAZAR. Mr. President, I rise to commemorate the life of a fellow Coloradoan: Army MSG Robert H. West. Master Sergeant West was killed last week near Baghdad in service to this Nation. He was 37 years old, and lived with his wife and daughter in Arvada, CO.

Master Sergeant West arrived for his second tour of duty in Iraq just 3 months ago. He was there to train Iraqi police officers, shouldering the difficult burden of helping to build lasting peace and democracy in Iraq at a very personal level. Master Sergeant West felt that his firsthand experience as a drill instructor made him a better fit to train Iraqis than many of the young U.S. soldiers serving in Iraq with him. Master Sergeant West's family was not happy about his decision to return to Iraq, but he did so with confidence and courage, telling his aunt, ''I'm a trained professional, it'll be all right.''

One of the hallmarks of Master Sergeant West's life was his commitment to excellence in everything he did. As a

high school football player he spent countless hours in the weight room, and helped lead Elyria Catholic High School's football team to back-to-back Ohio State championships in the mid 1980s.

After graduating high school in 1987, Master Sergeant West joined the Army in 1988, eventually rising to become a tank commander and drill instructor. In this capacity, Master Sergeant West spent countless hours molding wide-eyed, inexperienced young men and women from around the country into strong, confident soldiers. It was this experience that gave him the confidence to return to Iraq to work with that country's growing police force.

In Iraq, Master Sergeant West was assigned to an armored cavalry division, where he conducted house-to-house searches looking for insurgents. During one of these patrols, an improvised explosive device was detonated near his Humvee, and he was killed.

Master Sergeant West's wife Jeannie and their daughter Shelby must know that Robert's service to this Nation, and his sacrifice on behalf of all of us, does not go unnoticed or unappreciated. Robert's service and sacrifice are a profound reminder that the liberty and freedoms we enjoy do not come without a sometimes very personal and terrible cost. As a country and community, we are all humbled by his commitment and offer our grateful support during his family's time of unimaginable grief.

DEATH OF JUDGE EDWARD R. BECKER

Mr. HATCH. Mr. President, the country, the judiciary, and the Senate have lost a patriot, a great man of character and integrity, a gifted judge, and a trusted friend with the passing last week of U.S. Circuit Judge Edward Becker.

Edward Roy Becker was born on May 4, 1933, in his beloved Philadelphia.

He practiced law there for more than a decade, until President Richard Nixon appointed him to the U.S. District Court for the Eastern District of Pennsylvania in 1970.

President Ronald Reagan elevated Judge Becker to the U.S. Court of Appeals for the Third Circuit in 1981. The Third Circuit considers appeals from Federal district courts in Delaware, New Jersey, Pennsylvania, and the Virgin Islands.

Judge Becker eventually served as the Third Circuit's chief judge for 5 years before taking senior status on his 70th birthday in 2003.

Edward Becker lived for nearly all of his 73 years in his boyhood home in the Frankford section of Philadelphia.

He read legal briefs while riding the train to the courthouse, where he was known for what the New York Times described as a lack of grandiosity rarely found in a Federal court.

With an uncanny ability to play virtually any song by ear on the piano, Judge Becker accompanied Supreme Court Justices at their annual sing-alongs that the late Chief Justice William Rehnquist hosted for the law clerks.

When part of Independence National Historic Park, which he could see from his chambers window, was closed after the September 11 terrorist attacks, Judge Becker supported the efforts of a citizens' coalition which succeeded in getting the street reopened in 2003.

Judge Becker was not just any Federal judge.

After more than 35 years on the bench, he was certainly a senior member of the Federal judiciary.

But he served not only the cause of justice but also the institution of the judiciary in such capacities as the board of directors of the Federal Judicial Center and the executive committee of the Judicial Conference of the United States.

His many and varied writings covered topics ranging from the federal sentencing guidelines and rules of evidence to the sixth amendment's confrontation clause and even law journal footnotes.

Imagine that, an entire law journal article about law journal footnotes.

Judge Becker made his judicial mark in many ways. Judges write opinions that follow or apply principles established by the Supreme Court. Judge Becker did that as well but also wrote landmark opinions establishing rules or principles that would later be adopted by the Supreme Court.

His 1985 opinion in United States v. Downing, for example, adopted a standard regarding expert witness testimony.

The Supreme Court cited Judge Becker's opinion in Downing when it adopted the same standard 8 years later in its famous Daubert v. Merrill Dow Pharmaceuticals decision.

Judge Becker was also known for his knowledge and expertise in handling complex litigation.

He served on the board of editors for the ''Manual for Complex Litigation'' and handled many such cases during his years on the bench.

In 1996, for example, he wrote the opinion in Georgine v. Amchem Products concluding that the factual and legal issues in a lawsuit against asbestos manufacturers were too complex to allow certification of the suit as a class action.

Judge Becker's expertise in the area of complex litigation in general, and asbestos cases in particular, led to his role in our ongoing struggle here in the Senate with the asbestos crisis.

He provided invaluable counsel and assistance to the Judiciary Committee, and his enormous wisdom, credibility, and integrity helped guide many complex discussions and negotiations. Every party to those discussions knew that Judge Becker was a straight shooter, a completely honest broker.

Judge Becker could have considered his a strictly judicial role, limited to handling the cases that came before him, but Judge Becker looked past the walls of his courtroom at the judiciary as an institution, the justice system, and the country. He wanted to see the grand principles of justice and fairness actually work in people's lives.

Judge Becker was not afraid to wade into other choppy waters in the interest of the judicial branch.

Joined by several leading appeals court judges including now-Associate Justice Stephen Breyer, Judge Becker sought in 1989 to make some sense out of what had become an almost absurd process for hiring judicial law clerks.

Judges were interviewing students barely finished with their first year of law school. Judge Becker believed that the trend disrupted the studies of law students and demeaned the judiciary's reputation. This was classic Judge Becker. He did not have to tackle such a touchy subject.

Previous efforts to change the law clerk hiring system had failed, and the problem was worse than ever. But he cared so much for the integrity of the judiciary, and for the individuals who served in it, that he tackled it nonetheless. And he did it with the straightforward, no-nonsense, commonsense practicality that characterized everything he did.

Judge Becker both loved and was beloved by his colleagues.

He organized a panel of current and former Third Circuit judges to testify on behalf of their colleague Judge Samuel Alito upon his recent nomination to the Supreme Court. That panel was diverse, opinionated, and completely united in support of their colleague.

Judge Becker and Flora, his wife of nearly 50 years, kept in close touch even with retired colleagues and with colleagues' spouses after they died.

In addition to Flora, Judge Becker is survived by his children—Jon, a teacher in Brooklyn; Susan, a Federal prosecutor in Philadelphia—and Charles, a lawyer in Philadelphia—and several grandchildren.

Our colleague, the senior Senator from Pennsylvania, was a close friend of Judge Becker for more than 50 years. He has said that Judge Becker was one of the greatest Philadephians in that great city's history. That is high praise indeed, considering the pantheon of patriots coming from the birthplace of the Constitution.

Judge Becker embodied so much that is great about this country. He cared deeply about principles of fairness and justice. He wanted those principles actually to work. He was both part of a collegial judicial body and a unique individual with his own personality and character.

He would go to baseball games but take legal briefs with him to read.

His colleague, Judge Marjorie Rendell, once described Judge Becker as ''the perfect combination of Mensa and mensch.''

One of the historic preservationists who worked with Judge Becker to reopen the street in front of Independence Hall said of Judge Becker: ''He was one step below the Supreme Court, but he's such an everyday man.''

Proverbs 16:19 offers a maxim that fits Judge Becker to a tee: ''Better it is to be of a humble spirit with the lowly, than to divide the spoil with the proud.''

By his character, personality, and wisdom, Edward Roy Becker made anyone who knew him better for the experience.

The judiciary, the country, and yes, the Senate, are better because this good man walked and worked with us.

GLOBAL CLIMATE CHANGE

Mr. FEINGOLD. Mr. President, today the Senate Foreign Relations Committee took an important step on the issue of global climate change by passing a resolution, introduced by Chairman LUGAR and Ranking Member BIDEN, that expresses the need for the United States to address global warming through the negotiation of fair and effective international commitments. While it remains to be seen whether the full Senate will take up and pass the resolution, I am encouraged by the growing awareness in Congress of the need to face the facts on global climate change. Just last week, a report was released by a nonprofit group, Christian Aid, which suggests that climate change could lead to millions of deaths in Africa. In my role as chairman and ranking member of the Senate Foreign Relations Subcommittee on African Affairs, I have paid significant attention to the challenges faced by the continent of Africa, and as we look to the future, we must address the consequences our global energy habits will have on less developed nations, in addition to the consequences on our own constituents. I applaud the leadership of Chairman LUGAR and Ranking Member BIDEN on Senate Resolution 312 and I hope that the Senate will move quickly to adopt it.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On June 9, 2005, Dwan Prince, a gay man, was attacked by his neighbor Steven Pomie near his Brooklyn, NY, home. During the attack, Pomie shouted antigay slurs as he punched and kicked Prince in the head until he was unconscious. According to police, Pomie knew that Prince was a gay man prior to the attack.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:22 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, without amendment:

S. 1736. An act to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies.

The message also announced that the House has passed the following bills, each with amendments, in which it requests the concurrence of the Senate:

S. 1235. An act 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.

S. 2349. An act to provide greater transparency in the legislative process.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3858. An act 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.

H.R. 4530. An act 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'' .

H.R. 5354. An act 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.

H.R. 5401. An act to amend section 308 of the Lewis and Clark Expedition Bicentennial Commemorative Coin Act to make certain clarifying and technical amendments.

The message also announced that the House disagree to the amendment of the Senate to the bill H.R. 4939 making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. LEWIS of California, Mr. YOUNG of Florida, Mr. REGULA, Mr. ROGERS of Kentucky, Mr. WOLF, Mr. KOLBE, Mr. WALSH, Mr. TAYLOR of North Carolina, Mr. HOBSON, Mr. BONILLA, Mr. KNOLLENBERG, Mr. OBEY, Mr. MURTHA, Mr. SABO, Mr. MOLLOHAN, Mr. OLVER, Mr. VISCLOSKY, Mrs. LOWEY, and Mr. EDWARDS, as managers of the conference on the part of the House.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3858. An act 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; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4530. An act 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''; to the Committee on Environment and Public Works.

H.R. 5354. An act 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; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6911. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Add Kazakhstan, Romania, Russia, Turkey, and Ukraine to List of Regions in Which Highly Pathogenic Avian Influenza Subtype H5N1 is Considered to Exist'' (APHIS–2006–0010) received on May 22, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6912. A communication from the Acting Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report entitled ''Aviation Career Incentive Pay and

Aviation Continuation Pay Programs for Fiscal Year 2005''; to the Committee on Armed Services.

EC–6913. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, a report on the approved retirement of Vice Admiral Keith W. Lippert, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–6914. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, a report on the approved retirement of Lieutenant General Robert M. Shea, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–6915. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, a report on the approved retirement of Lieutenant General Randall M. Schmidt, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–6916. A communication from the Deputy Chief Counsel, Regulations, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Air Cargo Security Requirements'' (RIN1652–AA23) received on May 22, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6917. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a completed study which recommends authorization of an ecosystem restoration project for a 4.8 mile reach of the Rillito River, on the northern edge of Tucson, Arizona; to the Committee on Environment and Public Works.

EC–6918. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks: NUHOMS HD Addition'' (RIN3150–AH93) received on May 22, 2006; to the Committee on Environment and Public Works.

EC–6919. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—June 2006'' (Rev. Rul. 2006–29) received on May 22, 2006; to the Committee on Finance.

EC–6920. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Statutory Mergers and Consolidations'' ((RIN1545–BF36) (TD 9259)) received on May 22, 2006; to the Committee on Finance.

EC–6921. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 06–102—06–113); to the Committee on Foreign Relations.

EC–6922. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''Cuban Compliance with the Migration Accords (October 2005 through April 2006)''; to the Committee on Foreign Relations.

EC–6923. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Germany; to the Committee on Foreign Relations.

EC–6924. A communications from the Regulatory Contact, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''National Historical Publications and Records Commission Grant Program'' (RIN3095–AB45) received on May 22, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6925. A communication from the General Counsel, Office of the Director of National Intelligence, transmitting, the report of proposed legislation entitled ''Intelligence Authorization Act for Fiscal Year 2007''; to the Select Committee on Intelligence.

EC–6926. A communication from the General Counsel, Office of the Director of National Intelligence, transmitting, the report of proposed legislation relative to the Deputy Director of the Central Intelligence Agency (CIA) and the General Counsel of the CIA to be included as part of the Intelligence Authorization Bill for Fiscal Year 2007; to the Select Committee on Intelligence.

EC–6927. A communication from the Director, Regulatory Management Division, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Eligibility of Arriving Aliens in Removal Proceedings To Apply for Adjustment of Status and Jurisdiction To Adjudicate Applications for Adjustment of Status'' (RIN1615–AB50 and RIN1125–AA55) received on May 22, 2006; to the Committee on the Judiciary.

EC–6928. A communication from the Secretary for Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Individuals and Groups Considered to Have Performed Active Military, Naval, or Air Service'' (RIN2900–AM39) received on May 22, 2006; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 359. A resolution concerning the Government of Romania's ban on intercountry adoptions and the welfare of orphaned or abandoned children in Romania.

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment:

S. Res. 456. A resolution expressing the sense of the Senate on the discussion by the North Atlantic Council of secure, sustainable, and reliable sources of energy.

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 469. A resolution condemning the April 25, 2006, beating and intimidation of Cuban dissident Martha Beatriz Roque.

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 633. A bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment:

S. 2125. A bill to promote relief, security, and democracy in the Democratic Republic of the Congo.

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 2784. A bill to award a congressional gold medal to Tenzin Gyatso, the Fourteenth Dalai Lama, in recognition of his many enduring and outstanding contributions to peace, non-violence, human rights, and religious understanding.

By Mr. FRIST (for Mr. ENZI), from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 2803. A bill to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. INHOFE for the Committee on Environment and Public Works.

*Gregory B. Jaczko, of the District of Columbia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2008.

*Gregory B. Jaczko, of the District of Columbia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2008 (Recess Appointment).

*Peter B. Lyons, of Virginia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2009 (Recess Appointment).

*Molly A. O'Neill, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

*Dale Klein, of Texas, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2011.

By Mr. LUGAR for the Committee on Foreign Relations.

*Duane Acklie, of Nebraska, to be an Alternate Representative of the United States of America to the Sixtieth Session of the General Assembly of the United Nations.

*Goli Ameri, of Oregon, to be a Representative of the United States of America to the Sixtieth Session of the General Assembly of the United Nations.

*Robert C. O'Brien, of California, to be an Alternate Representative of the United States of America to the Sixtieth Session of the General Assembly of the United Nations.

*Rajkumar Chellaraj, of Texas, to be an Assistant Secretary of State (Administration).

*Patricia P. Brister, of Louisiana, for the rank of Ambassador during her tenure of service as the Representative of the United States of America on the Commission on the Status of Women of the Economic and Social Council of the United Nations.

*Warren W. Tichenor, of Texas, to be Representative of the United States of America to the Office of the United Nations and Other International Organizations in Geneva, with the rank of Ambassador.

*Daniel S. Sullivan, of Alaska, to be an Assistant Secretary of State (Economic and Business Affairs).

*Robert F. Godec, of Virginia, to be Ambassador to the Republic of Tunisia.

Nominee: Robert F. Godec

Post: Tunisia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee;

1. Self, none.

2. Spouse: Lori G. Magnusson, none.
3. Children and spouses: n/a (none).
4. Parents: Nancy Dietrich, none; Ivan Dietrich (step father), none; Robert F. Godec (father), deceased; Warran Magnusson (wife's father), none; Flora Magnusson (wife's mother), deceased.
5. Grandparents: Ovid Meyer, deceased; Lyda Meyer, deceased; Frank Godec, deceased; Ophelia Mildred Godec, deceased.
6. Brother and spouses: Mark Godec, none; James Godec, $2,000, 12/31/2003, Bush-Cheney '04 (Primary); $750, 11/06/2002, Equipment Leasing Assoc. LeasePac; $500, 05/03/2000, Kennedy for Senate 2000; Kimm Godec, $2,000, 12/31/2003, Bush-Cheney '04 (Primary).
7. Sisters and spouses: n/a (none).

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*Mark C. Minton, of Florida, to be Ambassador to Mongolia.
Nominee: Mark C. Minton.
Post: Mongolia.
(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)
Contributions, Amount, Date, and Donee:
1. Self, $3, 4/15/2000, 4/15/2001, 4/15/2002, 4/15/2004, 1040 Income Tax voluntary contribution to Presidential Election Campaign.
2. Spouse, n/a.
3. Children and spouses: n/a.
4. Parents: Charles A. Minton, Alison C. Minton (deceased), none.
5. Grandparents: Charles W. Minton (deceased), Mae Minton (deceased), Stella C. Fittz (deceased), Thomas Fittz (deceased).
6. Brothers and spouses: n/a.
7. Sisters and spouses: Marsha Minton, none.
*Michael D. Kirby, of Virginia, to be Ambassador to the Republic of Moldova.
Nominee: Michael David Kirby.
Post: Moldova.
(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)
Contributions, Amount, Date, and Donee:
1. Self: Michael David Kirby, none.
2. Spouse: Sara Powelson Kirby, none.
3. Children and spouses: Katherine Van Nest Kirby, none; Elizabeth Marie Kirby, none.
4. Parents: Richard Norman Kirby, Dolores Marie Kirby, $480, 1996–2006, Women's National Democratic Club (yearly dues); $25, 2001, Democratic Congress; $35, 2003, Clinton Library; $100, 2004, DNC; $150, 2004, Kerry Campaign; $50, 2006, DNC.
5. Grandparents: James P. Kirby (deceased), Marie Kirby (deceased); Charles Senkfor (deceased), Marie Nagy Senkfor (deceased).
6. Brothers and spouses: Richard Allen Kirby, Beth-Ann Roth, $100 a month, 2003–2004, PAC through Law Firm of Preston Gates.
7. Sisters and spouses: Lynn Marie Kirby, Steven Rogers, $400, 2004, Kerry Campaign.
*Lisa Bobbie Schreiber Hughes, of Pennsylvania, to be Ambassador to the Republic of Suriname.
Nominee: Lisa Bobbie Schreiber Hughes.
Post: Ambassador to the Republic of Suriname.
(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)
Contributions, Amount, Date, and Donee:
1. Self: Lisa Bobbie Schreiber Hughes, none.
2. Spouse: Eric Peter Salonen, Total: $11,250 (please see breakdown, listed below), $500, 10/02/2000, DNC Services Corp/DNC; $750, 11/03/2000, DNC Services Corp/DNC; $250, 05/10/2002, DNC Services Corp/DNC; $500, 03/03/2004, Kerry, John F. (via John Kerry for President Inc.); $250, 04/01/2004, Kerry, John F. (via John Kerry for President Inc.); $250, 05/12/2004, Kerry, John F. (via John Kerry for President Inc.); $250, 06/03/2004, Kerry, John F. (via John Kerry for President Inc.); $500, 06/29/2004, Kerry, John F. (via John Kerry for President Inc.); $500, 07/12/2004, Kerry, John F. (via John Kerry for President Inc.); $500, 08/16/2004, DNC Services Corp/DNC; $500, 08/26/2004, Kerry, John F. (via Kerry-Edwards 2004 Inc. General Election Legal and Accounting Compliance Fund); $1,000, 08/29/2004, DNC Services Corp/DNC; $500, 09/14/2004, DNC Services Corp/DNC; $500, 09/21/2004, Kerry, John F. (via Kerry-Edwards 2004 Inc. General Election Legal and Accounting Compliance Fund); $500, 09/29/2004, DNC Services Corp/DNC; $1,000, 10/24/2004, DNC Services Corp/DNC; $500, 10/26/2004, DNC Services Corp/DNC; $1,000, 10/27/2004, DNC Services Corp/DNC; $1,000, 11/01/2004, DNC Services Corp/DNC; $500, 10/25/2005, DNC Services Corp/DNC.
2. Children and spouses: n/a; my husband and I have no children.
3. Parents: D.A. Schreiber (mother), none; R.C. Hughes (father), none.
4. Grandparents: Mildred R. Schreiber (deceased), Raymond S. Schreiber (deceased), Marjorie Hughes (deceased), George Hughes (deceased).
5. Brothers and spouses: n/a, I am an only child.
6. Sisters and spouses: n/a, I am an only child.
*David M. Robinson, of Connecticut, to be Ambassador to the Co-operative Republic of Guyana.
Nominee: David Malcolm Robinson.
Post: Guyana.
(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)
Contributions, Amount, Date, and Donee:
1. Self, none.
2. Spouse, none.
3. Children and spouses names, none.
4. Parents names, none.
5. Grandparents names, none.
6. Brothers and spouses names, none.
7. Sisters and spouses names, none.
*John A. Cloud, Jr., of Virginia, to be Ambassador to the Republic of Lithuania.
Nominee: John A. Cloud, Jr.
Post: Lithuania.
(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)
Contributions, Amount, Date, and Donee:
1. Self, $50, 9/12/2002, AFSA Legislative Action Fund; $50, 11/13/2004, AFSA Legislative Action Fund.
2. Spouse: Mary E. Cloud, none.
3. Children and spouses names: Jennifer Mary Cloud, none; Michelle Elizabeth Cloud, none.
4. Parents names: John A. Cloud, none; Gloria Cloud (stepmother), none.
5. Grandparents names, N/A.
6. Brothers and spouses names: David and Paula Cloud, $120, 2005, UTC PAC; $75, 2004, UTC PAC; Kenneth and Marilyn Cloud, none; Richard and Debbie Cloud, $24, 2001, Hartford Advocates Fund; $48, 2002, Hartford Advocates Fund; $48, 2003, Hartford Advocates Fund; $48, 2004, Hartford Advocates Fund; $48, 2005, Hartford Advocates Fund; Steve and Kathy Cloud, none.
7. Sisters and spouses names, N/A.
*Robert S. Ford, of Maryland, to be Ambassador to the People's Democratic Republic of Algeria.
Nominee: Robert Stephen Ford.
Post: U.S. Embassy Algiers, Algeria.
(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)
Contributions, Amount, Date, and Donee:
1. Self, none.
2. Spouse: Clare Alison Barkley, none.
3. Children and spouses: N/A none.
4. Parents: William Jack Ford, none; Marian Breen Ford none.
5. Grandparents: deceased.
6. Brothers and spouses: William Eugene Ford, none; Brian Joseph Ford, none.
7. Sisters and spouses names: N/A none.
*Anne E. Derse, of Maryland, to be Ambassador to the Republic of Azerbaijan.
Nominee: Anne Elizabeth Derse.
Post: Azerbaijan.
(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)
Contributions, Amount, Date, and Donee:
1. Self, none.
2. Spouse, none.
3. Children and spouses, none.
4. Parents, none, deceased.
5. Grandparents, none, deceased.
6. Brothers and spouses, N/A.
7. Sisters and spouses, Jane Quasarano (sister) none, Lisa Leifield (sister) none, Daniel Leifield (brother-in-law) none, Paul J. Quasarano, $500 Primary 03/10/05, National Beer Wholesalers Association Political Action Committee; $350, 2/23/04, National Beer Wholesalers Association Political Action Committee; $350, Primary 03/10/04, National Beer Wholesalers Association Political Action Committee; $300 Primary 03/03/03, National Beer Wholesalers Association Political Action Committee; $1,500 Primary 04/24/02, Michigan Beer and Wine Wholesalers Federal Political Action Committee; $250 Primary 04/23/02, National Beer Wholesalers Association Political Action Committee; $240 primary 04/27/01, Michigan Beer and Wine Wholesalers Federal Political Action Committee; $250 Primary 03/07/00, National Beer Wholesalers Association Political Action Committee; $400 Primary 06/30/00, Stabenow for U.S. Senate; $250 Primary 03/30/99, National Beer Wholesalers Association Political Action Committee; $250 Primary 05/21/98, National Beer Wholesalers Association Political Action Committee; $250 Primary 05/06/97, National Beer Wholesalers Association Political Action Committee.
*April H. Foley, of New York, to be Ambassador to the Republic of Hungary.
Nominee: April Hoxie Foley.
Post: Ambassador to Hungary.
(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)
Contributions, Amount, Date, and Donee:
Self, $1,000, 3/27/02, Sue Kelly for Congress; $2,000, 05/05/03, Sue Kelly for Congress; $2,000,

3/07/04, Sue Kelly for Congress; $1,000, 2/15/05, Sue Kelly for Congress; $1,000, 10/31/05, Sue Kelly for Congress; $500, 7/23/04, Hudson Valley Victory Fund; $500, 3/07/06, Hudson Valley Victory Fund; $2,000, 9/13/03, Bush/Cheney '04, Primary; $2,000, 9/1/04, Compliance Cmte; $5,000, 1/02/05, 55th Presidential Inaugural; $250, 7/28/03, Republican Nat'l Cmte; $110, 1/31/06, Republican Nat'l Cmte; $250, 7/17/05, Lewisboro NY Republ'n Town Cmte; $250, 10/05/03, Herzog's Home Town Team '04; $250, 10/10/03, Friends of Ursula LaMotte.

Spouse: Gifford T Foley, deceased.

Children and spouses: Catherine L Foley, none, Gifford T. Foley Jr., none, James E.H. Foley, none.

Parents: Howard M. Hoxie, deceased, Wilma Liggett Hoxie, deceased.

Grandparents: Sylvester Edwards Hoxie, deceased, Alberta Mason Hoxie, deceased.

Brothers and spouses: Paul A. Hoxie, none, Judith Rosenstein, none.

Sisters and spouses: Peter K. Zeitler, none, Lynne E. Hoxie, $200, 9/04/04, Democratic National Cmte; $250, 10/14/04, Democratic National Cmte.

*Tracey Ann Jacobson, of the District of Columbia, to be Ambassador to the Republic of Tajikistan.

Nominee: Tracey Ann Jacobson.

Post: Tajikistan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses names: none.
4. Parents names: John Thomas, none, Barbara Thomas, none.
5. Grandparents names: Wyn Steadman, (deceased), R. Campbell Steadman, (deceased), Francis Thomas, and Charles Thomas, (deceased).
6. Brothers and spouses names: n/a.
7. Sisters and Spouses: Teri Dermody, none, Terence Dermody, none.

*Robert Anthony Bradtke, of Maryland, to be Ambassador to the Republic of Croatia.

Nominee: Robert Anthony Bradtke.

Post: Ambassador to Croatia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, none.
3. Children and Spouses Names, No children.
4. Parents, names, Albert Bradtke $25, 3/02/05, Republican National Committee; $25, 3/15/05, Congresswoman Sue Myrick; $50, 6/12/05, Committee for Richard Burr; $25, 6/21/05, Republican National Committee; $25, 2/14/04, Republican National Committee; $35, 5/25/05, Committee for Richard Burr; $25, 10/06/04, Congresswoman Sue Myrick; $25, 5/04/03, Congresswoman Sue Myrick; $25, 10/27/03, Republican National Committee; $100, 6/09/02, Congresswoman Sue Myrick; $25, 7/25/02, Republican National Committee; $25, 7/27/02, Congresswoman Sue Myrick; Lucille Bradtke (deceased).
5. Grandparents names, August/Julia Bradtke (deceased), Felix/Caroline Gale (deceased).
6. Brothers and spouses names, James Bradtke, none, Amy Schreiber (wife), none.
7. Sisters and spouses names, Barbara Hill, (divorced) none.

*William B. Taylor, Jr., of Virginia, to be Ambassador to Ukraine.

Nominee: William B. Taylor, Jr.

Post: Kyiv, Ukraine.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, $150, 2003, 21st Century Democrats.
3. Children and Spouses: Christopher O'Neill Taylor, none, Mary Morgan Taylor, none.
4. Parents: William B. Taylor, Sr., $35, 2002, Sen. Lugar; $35, 2002, Sen McCain; $50, 2002, Republican National Cmte; $50, 2002, Republican Senatorial Cmte; $35, 2002, Republican Party of Virginia; $35, 2002, Rep. Tom Davis; $35, 2003, Sen. Lugar; $35, 2003, Sen McCain; $50, 2003, Republican National Cmte; $50, 2003, Republican Senatorial Cmte; $35, 2003, Republican Party of Virginia; $35, 2003, Rep. Tom Davis; $35, 2004, Sen. Lugar; $35, 2004, Sen McCain; $50, 2004, Republican National Cmte; $50, 2004, Republican Senatorial Cmte; $35, 2004, Republican Party of Virginia; $35, 2004, Rep. Tom Davis; $35, 2005, Sen. Lugar; $35, 2005, Sen McCain; $50, 2005, Republican National Cmte; $50, 2005, Republican Senatorial Cmte; $35, 2005, Republican Party of Virginia; $35, 2005, Rep. Tom Davis; $50, 2006, Republican National Cmte; $50, 2006, Republican Senatorial Cmte.

Nancy Aitcheson Taylor,—none.

5. Grandparents: Lewis Jerome Taylor, deceased, Roberta Newton Taylor, deceased, John Kenneth Aitcheson, deceased, Virginia Dare Aitcheson, deceased.
6. Brothers and spouses: Paul Kenneth and Robin Taylor, none, David Aitcheson and Lisa Taylor, none.
7. Sisters and spouses: Anne Taylor Cregger, none, Katharine Taylor and Brian Nace, none.

*Michael Wood, of the District of Columbia, to be Ambassador to Sweden.

Nominee: Michael M. Wood.

Post: Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, $2,000.00, 03/31/04, Bush-Cheney '04; $25,000.00, 04/15/04, RNC-Presidential Trust; $25,000.00, (by 1,450 shs. of Cisco stock), 05/04/05, RNC-Presidential Trust.
2. Spouse, $2,000.00, 03/31/04, Bush-Cheney '04.
3. Children and spouses names, (Michael M. Wood, Jr., Jennifer Bick Wood and Kimberly N. Wood), none.
4. Parents names, n/a.
5. Grandparents Names, n/a.
6. Brothers and spouses names, n/a.
7. Sisters and spouses names (Susan D. Wood), none.

Mr. LUGAR. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORDS the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Foreign Service nominations beginning with Brent Royal Bohne and ending with William J. Booth, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 17, 2006.

Foreign Service nominations beginning with Craig B. Allen and ending with Daniel D. DeVito, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 30, 2006.

Foreign Service nominations beginning with Anita Katial and ending with Scott R. Reynolds, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 24, 2006.

By Mr. GREGG for the Committee on the Budget.

*Robert J. Portman, of Ohio, to be Director of the Office of Management and Budget.

By Mr. ROBERTS for the Select Committee on Intelligence.

*General Michael V. Hayden, United States Air Force, to be Director of the Central Intelligence Agency.

*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. TALENT:

S. 2925. A bill to suspend temporarily the duty on naphthalen-1-yl methylaminoformate; to the Committee on Finance.

By Mr. CARPER:

S. 2926. A bill to extend temporarily the suspension of duty on Fast Yellow 746 Stage; to the Committee on Finance.

By Mr. CARPER:

S. 2927. A bill to extend temporarily the suspension of duty on Esfenvalerate; to the Committee on Finance.

By Mr. CARPER:

S. 2928. A bill to extend temporarily the suspension of duty on Yellow 1 Stage; to the Committee on Finance.

By Mr. CARPER:

S. 2929. A bill to extend temporarily the suspension of duty on Benzyl carbazate; to the Committee on Finance.

By Mr. CARPER:

S. 2930. A bill to extend temporarily the suspension of duty on ink jet textile printing machinery; to the Committee on Finance.

By Mr. CARPER:

S. 2931. A bill to extend temporarily the suspension of duty on Magenta 3B–OA Stage Stage; to the Committee on Finance.

By Mr. CARPER:

S. 2932. A bill to extend temporarily the suspension of duty on Cyan 1 special liquid feed; to the Committee on Finance.

By Mr. CARPER:

S. 2933. A bill to extend temporarily the suspension of duty on 1-[[2-(2,4-

dichlorophenyl)-4-propyl-1 ,3-dioxolan-2-yl]-methyl]-1H-1,2,4-triazole); to the Committee on Finance.

By Mr. CARPER:

S. 2934. A bill to suspend temporarily the duty on Triasulfuron technical; to the Committee on Finance.

By Mr. CARPER:

S. 2935. A bill to suspend temporarily the duty on Brodifacoum technical; to the Committee on Finance.

By Mr. CARPER:

S. 2936. A bill to suspend temporarily the duty on Pymetrozine technical; to the Committee on Finance.

By Mr. CARPER:

S. 2937. A bill to suspend temporarily the duty on formulations of thiamethoxam, difenoconazole, fludioxinil, and mefenoxam; to the Committee on Finance.

By Mr. CARPER:

S. 2938. A bill to suspend temporarily the duty on Cypermethrin; to the Committee on Finance.

By Mr. CARPER:

S. 2939. A bill to suspend temporarily the duty on Yellow 1189; to the Committee on Finance.

By Mr. CARPER:

S. 2940. A bill to suspend temporarily the duty on Yellow 104; to the Committee on Finance.

By Mr. CARPER:

S. 2941. A bill to suspend temporarily the duty on Magenta 377; to the Committee on Finance.

By Mr. CARPER:

S. 2942. A bill to suspend temporarily the duty on Black 1334; to the Committee on Finance.

By Mr. CARPER:

S. 2943. A bill to suspend temporarily the duty on certain men's footwear with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2944. A bill to extend temporarily the reduction of duty on Thiamethoxam technical; to the Committee on Finance.

By Mr. CARPER:

S. 2945. A bill to extend temporarily the suspension of duty on Thiamethoxam technical; to the Committee on Finance.

By Mr. CARPER:

S. 2946. A bill to suspend temporarily the duty on trifloxysulfuron-sodium technical; to the Committee on Finance.

By Mr. CARPER:

S. 2947. A bill to extend temporarily the suspension of duty on Fast Yellow 2 Stage Liquid Feed; to the Committee on Finance.

By Mr. CARPER:

S. 2948. A bill to suspend temporarily the duty on certain women's footwear with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2949. A bill to suspend temporarily the duty on certain footwear valued over $20 a pair with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2950. A bill to suspend temporarily the duty on certain men's footwear valued over $20 a pair with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2951. A bill to suspend temporarily the duty on certain women's footwear valued over $20 a pair with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2952. A bill to suspend temporarily the duty on certain other footwear valued over $20 a pair with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2953. A bill to reduce temporarily the duty on certain men's footwear covering the ankle with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2954. A bill to reduce temporarily the duty on certain footwear not covering the ankle with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2955. A bill to reduce temporarily the duty on certain women's footwear covering the ankle with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2956. A bill to reduce temporarily the duty on certain women's footwear not covering the ankle with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2957. A bill to reduce temporarily the duty on certain other footwear covering the ankle with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2958. A bill to reduce temporarily the duty on certain footwear with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2959. A bill to suspend temporarily the duty on 2-Methyl-4-methoxy-6-methylamino-1,3,5-triazine; to the Committee on Finance.

By Mr. CARPER:

S. 2960. A bill to suspend temporarily the duty on 2-Amino-4-methoxy-6-methyl-1,3,5-triazine; to the Committee on Finance.

By Mr. CARPER:

S. 2961. A bill to reduce temporarily the duty on mixtures ofsodium-2-chloro-6-[(4,6 dimethoxypyrimidin-2-yl)thio]benzoate and application adjuvants (pyrithiobac-sodium); to the Committee on Finance.

By Mr. CARPER:

S. 2962. A bill to extend temporarily the suspension of duty on Methyl-4-trifluor omethoxyphenyl-N-(chlorocarbonyl) carbamate; to the Committee on Finance.

By Mr. CARPER:

S. 2963. A bill to suspend temporarily the duty on formulated products containing mixtures of the active ingredient 2-chloro-n-[[(4-methoxy-6-methyl-1,3,5-triazin-2yl)amino]carbonyl] benzenesulfonamide and application adjuvants; to the Committee on Finance.

By Mr. CARPER:

S. 2964. A bill to extend temporarily the suspension of duty on Mixtures of N-[[(4,6-dimethoxypyrimidin-2-yl)amino]carbonhyl]3-(ethylsulfonyl)-2-pridinesulfonamide and application adjuvant, and for other purposes; to the Committee on Dinance.

By Mr. SANTORUM:

S. 2965. A bill to amend the Harmonized Tariff Schedule of the United States to provide duty free treatment for Propylene Glycol Alginates (PGA); to the Committee on Finance.

By Mr. FRIST (for himself and Mr. ALEXANDER):

S. 2966. A bill to suspend temporarily the duty on AC electric motors of an output exceeding 74.6 W but not exceeding 85 W; to the Committee on Finance.

By Mr. FRIST (for himself and Mr. ALEXANDER):

S. 2967. A bill to suspend temporarily the duty on AC electric motors of an output exceeding 74.6 W but not exceeding 105 W; to the Committee on Finance.

By Mr. FRIST (for himself and Mr. ALEXANDER):

S. 2968. A bill to suspend temporarily the duty on certain AC electric motors; to the Committee on Finance.

By Mr. FRIST (for himself and Mr. ALEXANDER):

S. 2969. A bill to suspend temporarily the duty on AC electric motors of an output exceeding 74.6 W but not exceeding 95 W; to the Committee on Finance.

By Mr. KERRY:

S. 2970. A bill to require the Secretary of Veterans Affairs to provide free credit monitoring and credit reports for veterans and others affected by the theft of veterans' personal data, to ensure that such persons are appropriately notified of such thefts, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ISAKSON:

S. 2971. A bill to suspend temporarily the duty on non-high definition color television reception apparatus, having a single liquid crystal display for direct viewing exceeding 37 cm but not exceeding 39 cm; to the Committee on Finance.

By Mr. ISAKSON:

S. 2972. A bill to suspend temporarily the duty on certain 16-inch variable speed scroll saw machines; to the Committee on Finance.

By Mr. ISAKSON:

S. 2973. A bill to suspend temporarily the duty on certain standard laminate wood molding measuring less than 8-feet in length but greater than 4-feet in length; to the Committee on Finance.

By Mr. ISAKSON:

S. 2974. A bill to suspend temporarily the duty on certain laminate wood molding measuring less than 4-feet in length; to the Committee on Finance.

By Mr. ISAKSON:

S. 2975. A bill to suspend temporarily the duty on certain laminate wood floor molding, other than standard molding, less than 4-feet in length but greater than 3-feet in length; to the Committee on Finance.

By Mr. ISAKSON:

S. 2976. A bill to suspend temporarily the duty on 6-inch bench grinders for grinding, polishing or otherwise finishing metal or cement, valued under $3,025 each; to the Committee on Finance.

By Mr. ISAKSON:

S. 2977. A bill to suspend temporarily the duty on 8-inch bench grinders for grinding, polishing or otherwise finishing metal or cement, valued under $3,025 each; to the Committee on Finance.

By Mr. ISAKSON:

S. 2978. A bill to suspend temporarily the duty on 12 or 18 gauge hanging wire; to the Committee on Finance.

By Mr. ISAKSON:

S. 2979. A bill to extend temporarily the suspension of duty on Pyromellitic Dianhydride; to the Committee on Finance.

By Mr. ISAKSON:

S. 2980. A bill to suspend temporarily the duty on 3,4-Dimethoxybenzaldehyde; to the Committee on Finance.

By Mr. ISAKSON:

S. 2981. A bill to suspend temporarily the duty on 2-Aminothiophenol; to the Committee on Finance.

By Mr. ISAKSON:

S. 2982. A bill to suspend temporarily the duty on Solvent red 227; to the Committee on Finance.

By Ms. LANDRIEU:

S. 2983. A bill to provide for the Department of Housing and Urban Development to coordinate Federal housing assistance efforts in the case of disasters resulting in long-term housing needs; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. OBAMA:

S. 2984. A bill to require certain profitable oil companies to expend 1 percent of recent quarterly profits to install E-85 fuel pumps in the United States; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 2985. A bill to establish the Land Between the Rivers National Heritage Area in

the State of Illinois, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ALLEN:

S. 2986. A bill to extend the temporary suspension of duty on railway car body shells of stainless steel designed for use in gallery type cab control railway cars; to the Committee on Finance.

By Mr. ALLEN:

S. 2987. A bill to extend the temporary suspension of duty on railway car body shells of stainless steel designed for gallery type railway cars; to the Committee on Finance.

By Mr. ALLEN:

S. 2988. A bill to extend the temporary suspension of duty on railway car body shells for electric multiple unit commuter coaches of stainless steel; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2989. A bill to reform the franchise procedure relating to cable service and video service, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. VITTER (for himself, Mr. DEWINE, Mr. MARTINEZ, Mr. COBURN, Mr. DOMENICI, Mr. TALENT, Mr. BURR, Ms. SNOWE, Mrs. DOLE, and Mr. KYL):

S. 2990. A bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians; to the Committee on Finance.

By Mr. SANTORUM:

S. 2991. A bill to suspend temporarily the duty on epoxy curing agents; to the Committee on Finance.

By Mr. SANTORUM:

S. 2992. A bill to suspend temporarily the duty on mixtures of formaldehyde polymer and toluene; to the Committee on Finance.

By Mrs. CLINTON:

S. 2993. A bill to amend the Internal Revenue Code of 1986 to impose a temporary oil profit fee and to use the proceeds of the fee collected to provide a Strategic Energy Fund and expand certain energy tax incentives, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. FRIST (for himself, Mr. REID, Mrs. HUTCHISON, Mr. CORNYN, Mr. STEVENS, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. Res. 489. A resolution relative to the death of Lloyd Bentsen, distinguished member of the United States Senate; considered and agreed to.

By Mr. FRIST (for himself and Mr. REID):

S. Res. 490. A resolution to authorize representation by the Senate Legal Counsel in the case of Lannak v. Biden, et al; considered and agreed to.

By Mr. BROWNBACK (for himself and Mr. BYRD):

S. Con. Res. 96. A concurrent resolution to commemorate, celebrate, and reaffirm the national motto of the United States on the 50th anniversary of its formal adoption; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 327

At the request of Mr. SANTORUM, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 327, a bill to amend the Internal Revenue Code of 1986 to expand the tip credit to certain employers and to promote tax compliance.

S. 1035

At the request of Mr. INHOFE, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from North Carolina (Mr. BURR) were added as cosponsors 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. 1353

At the request of Mr. REID, the names of the Senator from Montana (Mr. BURNS) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1479

At the request of Mr. DODD, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1479, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1509

At the request of Mr. JEFFORDS, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1509, a bill to amend the Lacey Act Amendments of 1981 to add nonhuman primates to the definition of prohibited wildlife species.

S. 1741

At the request of Mr. VOINOVICH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1741, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of residents, workers, volunteers, and others in a disaster area.

S. 1791

At the request of Mr. SMITH, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 1791, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 1887

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1887, a bill to authorize the conduct of small projects for the rehabilitation or removal of dams.

S. 1998

At the request of Mr. CONRAD, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1998, a bill to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 2200

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2200, a bill to establish a United States-Poland parliamentary youth exchange program, and for other purposes.

S. 2284

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

S. 2321

At the request of Mr. SANTORUM, the name of the Senator from Kansas (Mr. ROBERTS) 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. 2424

At the request of Mr. ALLEN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2424, a bill to amend the Internal Revenue Code of 1986 to increase the contribution limits for health savings accounts, and for other purposes.

S. 2467

At the request of Mr. GRASSLEY, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 2467, a bill to enhance and improve the trade relations of the United States by strengthening United States trade enforcement efforts and encouraging United States

trading partners to adhere to the rules and norms of international trade, and for other purposes.

S. 2493

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2493, a bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes.

S. 2548

At the request of Mr. STEVENS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2548, a bill 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.

S. 2553

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2553, a bill to require employees at a call center who either initiate or receive telephone calls to disclose the physical location of such employees, and for other purposes.

S. 2563

At the request of Mr. COCHRAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2563, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA–PD plans under such part.

S. 2566

At the request of Mr. LUGAR, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 2566, a bill to provide for coordination of proliferation interdiction activities and conventional arms disarmament, and for other purposes.

S. 2599

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2599, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies.

S. 2723

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

S. 2770

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

S. 2803

At the request of Mr. OBAMA, his name was added as a cosponsor 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 name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor 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 Louisiana (Ms. LANDRIEU) 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. CON. RES. 65

At the request of Mr. BURR, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. Con. Res. 65, a concurrent resolution recognizing the benefits and importance of Federally-qualified health centers and their Medicaid prospective payment system.

S. RES. 405

At the request of Mr. HAGEL, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. Res. 405, a resolution designating August 16, 2006, as ''National Airborne Day''.

S. RES. 469

At the request of Mr. MCCAIN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Res. 469, a resolution condemning the April 25, 2006, beating and intimidation of Cuban dissident Martha Beatriz Roque.

S. RES. 485

At the request of Mrs. CLINTON, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Res. 485, a resolution to express the sense of the Senate concerning the value of family planning for American women.

AMENDMENT NO. 4057

At the request of Mr. THOMAS, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 4057 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4072

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 4072 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4087

At the request of Mrs. FEINSTEIN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Rhode Island (Mr. REED), the Senator from Massachusetts (Mr. KERRY), the Senator from Illinois (Mr. DURBIN) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of amendment No. 4087 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4106

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4106 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 2970. A bill to require the Secretary of Veterans Affairs to provide free credit monitoring and credit reports for veterans and others affected by the theft of veterans' personal data, to ensure that such persons are appropriately notified of such thefts, and for other purposes; to the Committee on Veterans' Affairs.

Mr. KERRY. Mr. President, yesterday we learned that personal information, including names, dates of birth, and social security numbers of as many as 26.5 million Americans—overwhelmingly veterans—may have been compromised. I know we are all shocked and concerned that so many of America's veterans could be in jeopardy of identity theft.

The case is unique in many ways. This is not the result of computer hacking or private companies failing to protect data. This data was stolen from the home of a Department of Veterans Affairs employee.

We have been told that the FBI, local police, and the VA Inspector General are all investigating. That aspect of this case should be left to them. There are other issues associated with security practices that must be explored by the VA and the appropriate oversight and investigatory bodies of Congress.

But we in Congress have another responsibility. We must act now to help veterans secure their own identity and protect their credit. As we read in this morning's papers, experts tell us that this is the largest breach of Social Security numbers in history. A criminal

can use this information to do grievous harm and perpetrate fraud on a massive scale.

Mr. President, this isn't a private company that is responsible for this breach. It's the Department of Veterans Affairs of the United States Government and we have a moral obligation to make sure that we protect the identity and credit of every American veteran.

That is why today I am introducing the Veterans Identity Protection Act of 2006—to ensure the government assumes its rightful responsibility to protect the identity security of so many Americans.

This legislation will require the Department of Veterans Affairs to provide 1 year of credit monitoring to each affected individual. After that year, this legislation requires the VA to provide one free credit report to each person in addition to the free credit report already provided by the Fair Credit Reporting Act. As a result, after the full year of credit monitoring, those affected by this theft will have access to four free credit reports over the course of 2 additional years.

The legislation provides $1.25 billion in budget authority in the first year to pay for these programs. The total cost over 3 years is estimated at $2.5 billion. That is a lot of money and I would urge the VA to negotiate reduced costs with the service providers. To be sure, this is no insignificant sum and the VA has many needs, but I hope my colleagues will join me in recognizing that this is not an optional course of action. It is something we have to do to protect American veterans. It is also an expense that the VA cannot realistically fund out of its strapped budget. We will need an emergency appropriation to fund this security initiative—but let us begin to do right by our veterans.

Mr. President, I believe that caring for America's veterans is a continuing cost of war. I also believe that the United States government has a moral obligation to protect the identity security of those who are in jeopardy because of mistakes or the lax security practices of government employees.

America's veterans put their lives on the line for all of us throughout history. Those who served in peace and in war, from Iwo Jima and Normandy to Baghdad and Kabul, shouldn't be forced to bear the additional cost and worry of protecting their security identity because the government put them at risk. We must act.

Mr. President, thank you.

By Ms. LANDRIEU:

S. 2983. A bill to provide for the Department of Housing and Urban Development to coordinate Federal housing assistance efforts in the case of disasters resulting in long-term housing needs, to the Committee on Banking, Housing, and Urban Affairs.

Ms. LANDRIEU. Mr President, there are countless examples of times when FEMA, the Federal Emergency Management Agency, did more harm than good in the aftermath of the 2005 hurricanes. While they could not avoid some of the problems and better planning could have helped avoid others, FEMA's lack of expertise in one area in particular has been especially problematic: disaster housing. Today, I am introducing the Natural Disaster Housing Reform Act of 2006 to put long-term disaster housing in the hands of the agency with the appropriate expertise: the Department of Housing and Urban Develpment, HUD. Congressman BAKER introduced this legislation in the House of Representatives. I congratulate him on his leadership.

I am not introducing this bill simply to gang up on FEMA. One could argue that the Agency is an easy target. Let me assure my colleagues that this is not my intention. I simply believe that for future disasters, the Federal Cabinet Agency with the expertise in housing should run disaster housing assistance.

HUD has housing expertise. FEMA does not. HUD oversees 1.2 million public housing units. It administers the section 8 rental assistance program for 2.1 million families. They provide supportive housing for 320,000 senior citizens and people with disabilities. HUD also has a network of more than 3,000 public housing agencies in cities and counties across the country, so it has the infrastructure already in place to meet emergency housing needs. In all, HUD provides housing assistance to over 3.3 million households nationwide. FEMA is simply not equipped to deal with the housing needs of hundreds of thousands of people after mass disasters like Katrina and Rita.

FEMA's expertise lies in disaster preparedness and response, as well as short-term recovery needs: emergency shelter and financial assistance, infrastructure rebuilding, and financial support to communities. In smaller disasters that do not impact as widespread an area, FEMA can provide short-term housing assistance either by putting people up in hotels or giving them trailers to live in. But the displacement of hundreds of thousands of people over a wide area and the need to provide all of those people with housing assistance proved too much for FEMA. Its administration of the hotel program was marked by confusion and unrealistic termination deadlines that were constantly extended, causing additional anxiety for displaced victims who did not need more uncertainty. At such a time, an agency should not provide additional housing problems—it should provide housing solutions.

The travel trailer program is extremely costly and inefficient. The cheapest trailer cost between $16,000 and $20,000 to purchase. Over the 18-month life of assistance, including installation and maintenance, the travel trailers cost $59,800. That's $3,300 per month for the travel trailers—the low-end option. Mobile homes cost $76,800 over 18 months. Compare this to the roughly $500 average monthly cost of a HUD section 8 rental voucher. These vouchers could be provided on an emergency basis at a far less than FEMA programs. HUD programs are also easily accessible. Everyone who was displaced by Katrina and Rita ended up near one of the 3,000 public housing authorities that administer HUD programs.

The bill also contains provisions that my colleague from Louisiana, Senator VITTER, included in his bill S. 2771, the Disaster Housing Flexibility Act of 2006. That bill amends the Stafford Act to allow hurricane victims to receive modular housing if the President determines that such housing is more cost effective. I am pleased to include these provisions in the legislation I am introducing today.

Mr. President, hurricane season starts next week. Across the Federal Government, agencies are getting ready. This legislation will help us avoid repeating some of the mistakes of the past in the event of another storm. This bill will create a more efficient, effective and responsive Federal housing assistance program for future disasters. Disaster victims need this efficiency and certainty, not a repeat of FEMA's woeful performance during Katrina.

I thank the Chair and ask unanimous consent that my entire statement and a copy of the legislation be printed in the RECORD.

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

S. 2983

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 ''Natural Disaster Housing Reform Act of 2006''.

SEC. 2. HUD AS LEAD AGENCY IN CASES OF DISASTERS RESULTING IN LONG-TERM HOUSING NEEDS.

(a) IN GENERAL.—It is the policy of the United States that the Department of Housing and Urban Development shall be primary Federal agency responsible for coordinating and administering housing assistance in connection with any major disaster (as such term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) for any area that, pursuant to section 408(b)(2) of such Act, is determined to be an area for which such disaster will result in long-term housing needs.

(b) CONSULTATION.—The Secretary of Housing and Urban Development shall, in coordinating and administering housing assistance pursuant to subsection (a), consult with the Secretary of Homeland Security, the Director of the Federal Emergency Management Agency, and such other heads of Federal agencies as may be appropriate.

(c) USE OF REGIONAL AND LOCAL OFFICES.—In coordinating and administering housing assistance pursuant to subsection (a), the Secretary of Housing and Urban Development shall utilize staff and other resources of appropriate regional, field, and area offices of the Department and consult and coordinate with appropriate State and local housing agencies.

(d) PREPAREDNESS.—The Secretary of Housing and Urban Development shall take

such actions as may be necessary to ensure that officers and staff of the Department at headquarters, regional, field, and area offices at all times have the capability, capacity, training, and resources necessary to carry out the responsibilities under subsection (a).

(e) HOUSING ASSISTANCE.—For purposes of this section, the term ''housing assistance''—

(1) means any assistance that is provided to individuals, families, or households to respond to disaster-related housing needs of individuals, families, or households who are displaced from their predisaster primary residences or whose predisaster primary residences are rendered uninhabitable as a result of damage caused by a major disaster pursuant to—

(A) the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)); or

(B) any other provision of law specifically providing funds or assistance in connection with a major disaster; and

(2) includes—

(A) financial assistance;

(B) the provision of temporary, transitional, and permanent housing units;

(C) assistance for repair, replacement, and construction of housing units;

(D) technical assistance; and

(E) any other form or type of housing assistance.

(f) DETERMINATION OF LONG-TERM HOUSING NEEDS.—Section 408(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(b)) is amended—

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

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

''(2) DETERMINATION OF AREAS FOR WHICH DISASTER RESULTS IN LONG-TERM HOUSING NEEDS.—

''(A) STATE REQUEST.—After the occurrence and declaration of a major disaster, the Governor of a State containing any area that is subject to the declaration by the President of such major disaster may request the President to determine, for all or any part of such area in the State, that the disaster will result in long-term housing needs.

''(B) STANDARD.—

''(i) IN GENERAL.—Upon a request pursuant to subparagraph (A), the President shall determine whether to grant such request.

''(ii) FINDINGS.—The President shall grant such a request and determine that the major disaster will result in long-term housing needs with respect to an area if the President finds that the disaster will displace individuals or households in the area from their predisaster primary residences, or will render such predisaster primary residences in the area uninhabitable, for a period of 30 days or more.''.

(g) CONFORMING AMENDMENT.—Section 408(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(b)), as amended by subsection (f) of this section, is amended by adding at the end the following:

''(4) HUD ADMINISTRATION.—In accordance with section 2 of the Natural Disaster Housing Reform Act of 2006, in the case of any area for which any major disaster is determined to result in long-term housing needs pursuant to paragraph (2), the President shall carry out the functions under this section relating to housing assistance, including this subsection and subsections (c) and (d), acting through the Secretary of Housing and Urban Development.''.

(h) SAVINGS PROVISION.—This section and the amendments made by this section may not be construed to affect, alter, limit, or decrease the authority of the Director of the Federal Emergency Management Agency in the overall coordination of assistance and relief with respect to a major disaster.

SEC. 3. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) is amended—

(1) in subsection (b)—

(A) in paragraph (3) (as so redesignated by section 2(f)(1) of this Act), by adding at the end the following:

''(C) MANUFACTURED MODULAR HOUSING.—In making any determination of cost effectiveness under subparagraph (A), the President shall consider whether or not manufactured modular housing can be provided to an individual or household at a cost to the Government that is less than the same cost necessary to provide other readily fabricated dwellings.''; and

(B) by adding at the end the following:

''(5) CONSENT OF OWNER.—

''(A) IN GENERAL.—Notwithstanding paragraph (2)(C), the President shall seek the consent of each individual or household prior to providing such individual or household with manufactured modular housing assistance.

''(B) REJECTION OF MANUFACTURED MODULAR HOUSING ASSISTANCE.—If an individual or household does not provide consent under subparagraph (A), such individual or household shall remain eligible for any other assistance available under this section.

''(6) OWNER CONTRIBUTION.—Nothing in this section shall be construed to prevent an individual or household from contributing, in addition to any assistance provided under this section, such sums as are necessary in order to obtain manufactured modular housing that is of greater size or quality than that provided by the President under this section.'';

(2) in subsection (c)—

(A) in paragraph (1)(A)(ii), by inserting ''the amount of any security deposit for the accommodation, the amount of any utility fees associated with the accommodation, and'' after ''plus'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (i), by striking ''(i)'' and inserting ''(i)(I)'';

(II) by redesignating clause (ii) as subparagraph (II); and

(III) by adding at the end the following:

''(ii) the repair, to a safe and sanitary living or functioning condition, of existing rental units that, upon such repair, will be used as alternate housing accommodations for individuals or households described in paragraph (1).'';

(ii) in subparagraph (B)—

(I) by striking ''this paragraph'' and inserting ''subparagraph (A)(i)''; and

(II) by inserting ''not'' after ''can''; and

(iii) in subparagraph (C), by striking ''this paragraph'' and inserting ''subparagraph (A)(i)''; and

(C) in paragraph (4)—

(i) in the paragraph heading, by inserting ''OR SEMI-PERMANENT'' after ''PERMANENT'';

(ii) by inserting ''or semi-permanent'' after ''permanent'';

(iii) by striking ''in insular areas'' and inserting the following: ''in—

''(A) insular areas'';

(iv) by striking ''(A) no alternative'' and inserting ''(i) no alternative'' and adjusting the margin accordingly;

(v) by striking ''(B)'' and inserting ''(ii)'' and adjusting the margin accordingly;

(vi) by striking the period at the end and inserting ''; and''; and

(vii) by adding at the end the following:

''(B) any area in which the President declared a major disaster or emergency in connection with Hurricane Katrina of 2005 during the period beginning on August 28, 2005, and ending on December 31, 2007.'';

(3) in subsection (d)(1), by adding at the end the following:

''(C) SITES LOCATED IN A FLOODPLAIN.—Notwithstanding any other provision of law, including section 9 of title 44, Code of Federal Regulations (or any corresponding similar regulation or ruling), any permanent, semi-permanent, or temporary housing provided under this section, including any readily fabricated dwelling, manufactured housing, or manufactured modular housing, may be located in any area identified by the Director as an area having special flood hazards under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a)).

''(D) INDIVIDUAL SITES FOR MANUFACTURED MODULAR HOUSING.—Manufactured modular housing made available under this section—

''(i) shall, whenever practicable, be located on a site that is a discrete and separate parcel of land; and

''(ii) may not be located on a site that—

''(I) is managed by the Director; and

''(II) contains 3 or more other manufactured modular housing units.''; and

(4) by adding at the end the following:

''(j) EVACUATION PLANS.—The Director, in consultation with the Governor of each State and the heads of such units of local government as the Director may determine, shall develop and maintain detailed and comprehensive mass evacuation plans for individuals or households receiving assistance under this section for the 18-month period beginning on the date of the declaration of the disaster for which such assistance is provided.''.

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 2985. A bill to establish the Land Between the Rivers National Heritage Area in the State of Illinois, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DURBIN. Mr. President, I rise today to introduce legislation to establish the Land Between the Rivers National Heritage Area in southern Illinois. I am pleased that my colleague, Senator OBAMA, is an original cosponsor of this legislation.

The unique landscape of southern Illinois helped to shape the history of our Nation, from the Revolutionary War through the Civil War, from westward expansion to trade along the rivers. Designating this area a National Heritage Area will help to provide assistance in both the conservation and historic preservation of southern Illinois and many areas that influenced events in our Nation's history.

The name ''Land Between the Rivers'' was a phrase first used by Native Americans to describe the area covered by this bill. It includes 17 counties in the southernmost region of Illinois located between the Mississippi and the Ohio Rivers and between the Mississippi and Wabash Rivers. Native Americans arrived in southern Illinois about 10,000 years ago and formed the largest settlement north of the Mayan/Aztec civilization.

The arrival of the Europeans, including French, British and Spanish explorers, began a period of settlements and fortifications in the area. The Spanish first explored the Mississippi River in 1542, followed by the French in 1673.

The French founded Cahokia in 1699 and Kaskaskia in 1703. While the British occupied much of the area after the French and Indian War and the Treaty of Paris in 1762, British control of the area lasted only until the onset of the Revolutionary War. In 1778 and 1779, George Rogers Clarke and a group of about 200 men forced the British out of the area and captured the British occupied Fort Cahokia and Fort Sackville at Vincennes.

Southern Illinois's central location made the area a hotbed of racial issues as well as a pivotal point militarily, socially and politically during the Civil War. As the southernmost slavery-free location, southern Illinois, and particularly Cairo and the surrounding area, was the destination of numerous runaway slaves. As the Civil War approached, thousands of African-Americans fled to southern Illinois, seeking the help of southern Illinois abolitionists such as Benajah Guernesy Roots. During the Civil War the Union Army maintained its southernmost point of operations in southern Illinois with BG Ulysses S. Grant headquartered in Cairo. Southern Illinois is also the home to numerous victories of the Union Army along the Mississippi River. The inland Union Navy came through to defeat the Confederate forces culminating in the capture of Vicksburg in July 1863.

Finally, this area of southern Illinois has tremendous historical significance in the transport of trade goods along the Mississippi River. The oldest Illinois town, Shawneetown, was once the most important entry port on the Ohio River. Steamboat transport flourished in the early part of the 19th century with more tonnage on the Mississippi and Ohio Rivers than on the Atlantic coast. Towns such as Chester, Elizabethtown, Cairo, Metropolis, and Golconda were created during the steamboat era.

The legislation I am introducing today, would call for Southern Illinois University Carbondale to be designated as the management entity for the Land Between the Rivers National Heritage Area.

The unique natural history of southern Illinois combined with its historical and cultural features are making it an important contribution to tourism in Illinois. Creating the Land Between the Rivers National Heritage Area will provide the ability to connect the entire region into one cohesive historic unit in which the places and events of the past can be united to provide the full story of southern Illinois's influence in the shaping of our Nation.

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

S. 2985

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 ''Land Between the Rivers Southern Illinois National Heritage Area Act of 2006''.

SEC. 2. FINDINGS.

Congress finds that—

(1) southern Illinois has a cohesive, distinctive, and important landscape that distinguishes the area as worthy of designation as a National Heritage Area;

(2) the historic features of southern Illinois reflect a period during which the area was the strategic convergence point during the westward expansion of the United States;

(3) the geographic centrality of southern Illinois ensured that the area played a pivotal military, social, and political role during the Civil War, which resulted in the area being known as the ''Confluence of Freedom'';

(4) southern Illinois is at the junction of the ending glaciers and 6 ecological divisions;

(5) after the expeditions of Lewis and Clark, the land between the rivers became known as ''Egypt'' because of the rivers in, and the beauty and agricultural abundance of, the area;

(6) Native Americans described the area in southern Illinois between the Mississippi and Ohio Rivers as the ''Land Between the Rivers'';

(7) a feasibility study led by the Office of Economic and Regional Development at Southern Illinois University Carbondale that was revised in April 2006 documents a sufficient assemblage of nationally distinctive historic resources to demonstrate the feasibility of, and the need for, establishing the Land Between the Rivers National Heritage Area; and

(8) stakeholders participating in the feasibility study process for the Heritage Area have developed a proposed management entity and financial plan to preserve the natural, cultural, historic, and scenic features of the area while furthering recreational and educational opportunities in the area.

SEC. 3. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Land Between the Rivers National Heritage Area established by section 4(a).

(2) MANAGEMENT ENTITY.—The term ''management entity'' means the management entity for the Heritage Area designated by section 4(c).

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

(4) STATE.—The term ''State'' means the State of Illinois.

SEC. 4. LAND BETWEEN THE RIVERS NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State the Land Between the Rivers National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall include—

(1) Kincaid Mound, Fort de Chartres, Kaskaskia, Fort Massac, Wilkinsonville Contonment, the Lewis and Clark Sculpture, Flat Boat, Cave-in-Rock, the Shawneetown Bank Building, the Iron Furnace, the Crenshaw ''Slave House,'' Roots House, the site of the Lincoln-Douglas debate, certain sites associated with John A. Logan, the Fort Defiance Planning Map, Mound City National Cemetary, and Riverlore Mansion; and

(2) any other sites in Randolph, Perry, Jefferson, Franklin, Hamilton, White, Jackson, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, and Massac Counties in the State that the Secretary, in consultation with the management entity, determine to be appropriate for inclusion in the Heritage Area.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Southern Illinois University Carbondale.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 489—RELATIVE TO THE DEATH OF LLOYD BENTSEN, DISTINGUISHED MEMBER OF THE UNTIED STATES SENATE

Mr. FRIST (for himself, Mr. REID, Mrs. HUTCHISON, Mr. CORNYN, Mr. STEVENS, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. RES. 489

Whereas Lloyd Bentsen was born in Mission, Texas, on February 11, 1921, to the children of first generation citizens of the United States;

Whereas Lloyd Bentsen began his service to the United States as a pilot in the Army Air Forces during World War II;

Whereas, at the age of 23, Lloyd Bentsen was promoted to the rank of Major and given command of a squadron of 600 men;

Whereas, because of his heroic efforts during World War II, Lloyd Bentsen was awarded the Distinguished Flying Cross, the highest commendation of the Air Force for valor in combat, and the Air Medal with 3 Oak Clusters;

Whereas, after his service in the military, Lloyd Bentsen returned to Texas to serve as a judge for Hidalgo County and was then elected to 3 consecutive terms in the House of Representatives;

Whereas, after a successful business career, Lloyd Bentsen desired to return to public life;

Whereas, in 1970, Lloyd Bentsen was elected to serve as a Senator from Texas, and did so with distinction for 22 years;

Whereas the illustrious career of Lloyd Bentsen also included a Vice Presidential nomination in 1988;

Whereas Lloyd Bentsen retired from the Senate in 1993 to serve as the 69th Secretary of the Treasury;

Whereas Lloyd Bentsen was awarded the Presidential Medal of Freedom in 1999 for his meritorious contributions to the United States;

Whereas the record of Lloyd Bentsen demonstrates his outstanding leadership and his dedication to public service; and

Whereas Lloyd Bentsen will be remembered for his faithful service to Texas and the United States; Now, therefore, be it

Resolved, That the Senate honors the life and legacy of Lloyd Bentsen;

Resolved, That the Senate extends its warmest sympathies to the family members and friends of Lloyd Bentson;

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Lloyd Bentsen.

SENATE RESOLUTION 490—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF LANNAK V. BIDEN, ET AL

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 490

Whereas, in the case of *Lannak* v. *Biden*, et al., No. 06–CV–0180, pending in the United States District Court for the District of Delaware, the plaintiff has named as defendants Senators Joseph R. Biden, Jr. and Thomas R. Carper;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members, officers, and employees of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senators Joseph R. Biden, Jr. and Thomas R. Carper in the case of *Lannak* v. *Biden, et al*.

SENATE CONCURRENT RESOLUTION 96—TO COMMEMORATE, CELEBRATE, AND REAFFIRM THE NATIONAL MOTTO OF THE UNITED STATES ON THE 50TH ANNIVERSARY OF ITS FORMAL ADOPTION

Mr. BROWNBACK (for himself and Mr. BYRD) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 96

Whereas the phrase ''In God We Trust'' is the national motto of the United States;

Whereas, from the colonial beginnings of the United States, citizens of the Nation have officially acknowledged their dependence on God;

Whereas, in 1694, the phrase ''God Preserve Our Carolina and the Lords Proprietors'' was engraved on the Carolina cent and the phrase ''God Preserve Our New England'' was inscribed on coins that were minted in New England during that year;

Whereas, while declaring the independence of the United States from Great Britain, the Founding Fathers of the Nation asserted: ''We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.'';

Whereas those signers of the Declaration of Independence further declared: ''And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.'';

Whereas, in 1782, one of the great leaders of the United States, Thomas Jefferson, wrote: ''[C]an the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God? That they are not to be violated but with His wrath?'';

Whereas the distinguished founding statesman, Benjamin Franklin, when speaking in 1787 at the Constitutional Convention, declared: ''Our prayers, Sir, were heard, and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of a Superintending providence in our favor. To that kind providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity. And have we now forgotten that powerful friend? or do we imagine that we no longer need His assistance. I have lived, Sir, a long time and the longer I live, the more convincing proofs I see of this truth—that God governs in the affairs of men. And if a sparrow cannot fall to the ground without his notice, is it probable that an empire can rise without his aid? We have been assured, Sir, in the sacred writings that 'except the Lord build they labor in vain that build it.' I firmly believe this; and I also believe that without his concurring aid we shall succeed in this political building no better than the Builders of Babel. . . .'';

Whereas the national hero and first President, George Washington, proclaimed in his first inaugural address in 1789: ''[I]t would be peculiarly improper to omit in this first official act my fervent supplications to that Almighty Being who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that His benediction may consecrate to the liberties and the happiness of the people of the United States a government instituted by themselves for these essential purposes, and may enable every instrument employed in its administration to execute with success the functions allotted to his charge.'';

Whereas one stanza of the ''Star Spangled Banner'', which was written by Francis Scott Key in 1814 and adopted as the national anthem of the United States in 1931, states: ''O thus be it ever when free-men shall stand, Between their lov'd home and the war's desolation; Blest with vict'ry and peace, may the heav'n-rescued land Praise the Pow'r that hath made and preserv'd us as a nation! Then conquer we must, when our cause it is just, And this be our motto: 'In God is our trust!' And the star-spangled banner in triumph shall wave O'er the land of the free and the home of the brave!'';

Whereas, in 1861, the Secretary of the Treasury, Salmon P. Chase, while instructing James Pollock, Director of the Mint at Philadelphia, to prepare a motto, stated: ''No nation can be strong except in the strength of God, or safe except in His defense. The trust of our people in God should be declared on our national coins. You will cause a device to be prepared without unnecessary delay with a motto expressing in the fewest and tersest words possible this national recognition.'';

Whereas the phrase ''In God We Trust'' first appeared on a coin of the United States in the 1864;

Whereas, in 1955, the phrase ''In God We Trust'' was designated as a mandatory phrase to be inscribed on all currency and coins of the United States;

Whereas, on March 28, 1956, the Judiciary Committee of the House of Representatives, in its report accompanying H.J. Res. 396 (84th Congress), stated: ''It will be of great spiritual and psychological value to our country to have a clearly designated national motto of inspirational quality in plain, popularly accepted English.'';

Whereas, on July 30, 1956, President Dwight D. Eisenhower signed H.J. Res. 396 (84th Congress), making the phrase ''In God We Trust'' the official motto of the United States; and

Whereas the occasion of the 50th anniversary of the formal adoption of the national motto of the United States, ''In God We Trust'', presents an opportunity for the citizens of the United States to reaffirm the concept embodied in that motto that—

(1) the proper role of civil government is derived from the consent of the governed, who are endowed by their Creator with certain unalienable Rights; and

(2) the success of civil government relies firmly on the protection of divine Providence: Now, therefore, be it

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

(1) commemorates the 50th anniversary of the national motto of the United States, ''In God We Trust'';

(2) celebrates the national motto as—

(A) a fundamental aspect of the national life of the citizens of the United States; and

(B) a phrase that is central to the hopes and vision of the Founding Fathers for the perpetuity of the United States;

(3) reaffirms today that the substance of the national motto is no less vital to the future success of the Nation; and

(4) encourages the citizens of the United States to reflect on—

(A) the national motto of the United States; and

(B) the integral part that the national motto of the United States has played in the life of the Nation, before and after its official adoption.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4108. Mr. SESSIONS 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 4109. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4110. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4111. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4112. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4113. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4114. Mr. GREGG (for himself, Ms. CANTWELL, Mr. ALEXANDER, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4115. 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 4116. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4117. Mr. LEAHY (for himself, Mr. COLEMAN, Mr. LIEBERMAN, Mr. KENNEDY, Mr. CHAFEE, Mr. HARKIN, Mr. BINGAMAN, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2611, supra.

SA 4118. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4119. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4120. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4121. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4122. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4123. 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 4124. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4125. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4126. 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.

SA 4127. Mr. BYRD (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4128. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4129. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4130. Mr. AKAKA (for himself, Ms. MIKULSKI, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4131. 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 4132. 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 4133. 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 4134. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4135. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4136. 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.

SA 4137. 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.

SA 4138. 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 4139. 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 4140. Mr. DOMENICI (for himself, Mr. KYL, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4141. Mr. SCHUMER (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 4142. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2611, supra.

SA 4143. 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 4144. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4145. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4146. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4147. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4148. Mr. KENNEDY (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4149. 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 4150. 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 4151. 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 4152. 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 4153. 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 4154. 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 4155. 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 4156. 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 4157. 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 4158. 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 4159. 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 4160. 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 4161. 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 4162. 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 4163. 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 4164. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4165. 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 4166. Mr. BYRD (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4167. Mr. COLEMAN (for himself, Mr. DORGAN, Ms. COLLINS, Mrs. MURRAY, Ms. CANTWELL, Ms. SNOWE, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4168. 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 4169. 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 4170. 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 4171. 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 4172. 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 4173. 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 4174. 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 4175. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4176. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4177. Mr. GRASSLEY (for himself, Mr. OBAMA, Mr. BAUCUS, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 2611, supra.

SA 4178. Mr. BAUCUS (for himself, Mr. CRAIG, Ms. CANTWELL, and Mr. BURNS) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4179. 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 4180. Mr. FRIST submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4181. 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 4182. 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.

TEXT OF AMENDMENTS

SA 4108. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 364, line 22, after ''an'' insert the following: ''alien who is unlawfully present in the United States, or an alien receiving adjustment of status under section 408(h) of this Act who was illegally present in the United States prior to January 7, 2004, section 601 of this Act, or section 613(c) of this Act, shall not be eligible for the Earned Income Tax Credit. With respect to benefits other than the Earned Income Tax Credit, an alien''.

SA 4109. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 295, line 10, strike available, and insert—''available, subject to the numerical limitations in sections 201(d) and 203(b)

SA 4110. Mr. SESSIONS 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:

SEC. 766. IMMIGRATION OF RELATIVES OF UNITED STATES CITIZENS.

(a) REPEAL OF EXEMPTION FROM NUMERICAL LIMITATION FOR PARENTS OF CITIZENS.—Section 201(b)(2)(A)(i) (8 U.S.C. 1151(b)(2)(A)(i)) is amended—

(1) by striking ''children, spouses, and parents'' and inserting ''children and spouses''; and

(2) by striking ''States, except that, in the cases of parents, such citizens shall be at least 21 years of age.'' and inserting ''States.''.

(b) REPEAL OF PREFERENCE ALLOCATION OF FAMILY-SPONSORED IMMIGRANT VISAS FOR THE BROTHERS AND SISTERS OF CITIZENS.—Section 203(a) (8 U.S.C. 1153(a)) is amended by striking paragraph (4).

SA 4111. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

SEC. . LIMITATION.

(a) The total number of aliens and dependents of such aliens who receive legal permanent resident status as a result of the provisions of title VI of this Act, or the amendments made by such title, shall not exceed a total of 7,000,000. If the number of aliens qualified to adjust to legal permanent resident status under Title VI of this Act exceeds 7,000,000, they shall still be eligible to receive a green card, but the total number of immigrants under subsection (b) shall he reduced by the total number of such qualified aliens in excess of 7,000,000.

(b) Except as provided in subsection (a), the total number of aliens and dependents of such aliens who receive legal permanent resident status shall not exceed 18,000,000 during each 10-year period beginning with the period extending from 2007 through 2016.''.

SA 4112. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2611, to provide 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. ____. ALIEN MEDICAL RESIDENT SERVICE REQUIREMENT.

Any alien admitted as a nonimmigrant under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)), who is participating in a medical residency program in the United States, shall, during the 3-year period beginning on the date of commencement of such nonimmigrant status (or, in the case of an alien who initially practices medicine as part of such medical residency program in a medical facility that is located in an area described in paragraph (1) or (2)), during the 3-year period beginning on the date of completion of such program), practice medicine in a facility that is located in—

(1) a Health Professional Shortage Area (as designated under section 5 of title 42, Code of Federal Regulations); or

(2) a Medically Underserved Area (as designated by the Secretary of Health and Human Services).

SA 4113. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2611, to provide 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. ____. EXEMPTION FROM NUMERICAL LIMITATION FOR PHYSICIANS PRACTICING IN UNDERSERVED AREAS.

Section 214(g)(5) (8 U.S.C. 1184(g)(5)) is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(D) practices medicine for at least 5 years in a facility that is located in a Health Professional Shortage Area (as designated under section 5 of title 42, Code of Federal Regulations) or a Medically Underserved Area (as designated by the Secretary of Health and Human Services).''.

SA 4114. Mr. GREGG (for himself, Ms. CANTWELL, Mr. ALEXANDER, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 345, between lines 5 and 6, insert the following:

(e) WORLDWIDE LEVEL OF IMMIGRANTS WITH ADVANCED DEGREES.—Section 201 (8 U.S.C. 1151) is amended—

(1) in subsection (a)(3), by inserting ''and immigrants with advanced degrees'' after ''diversity immigrants''; and

(2) by amending subsection (e) to read as follows:

''(e) WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS AND IMMIGRANTS WITH ADVANCED DEGREES.—

''(1) DIVERSITY IMMIGRANTS.—The worldwide level of diversity immigrants described in section 203(c)(1) is equal to 18,333 for each fiscal year.

''(2) IMMIGRANTS WITH ADVANCED DEGREES.—The worldwide level of immigrants with advanced degrees described in section 203(c)(2) is equal to 36,667 for each fiscal year.''.

(f) IMMIGRANTS WITH ADVANCED DEGREES.—Section 203 (8 U.S.C. 1153(c)) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking ''paragraph (2), aliens subject to the worldwide level specified in section 201(e)'' and inserting ''paragraphs (2) and (3), aliens subject to the worldwide level specified in section 201(e)(1)'';

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

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

''(2) ALIENS WHO HOLD AN ADVANCED DEGREE IN SCIENCE, MATHEMATICS, TECHNOLOGY, OR ENGINEERING.—

''(A) IN GENERAL.—Qualified immigrants who hold a master's or doctorate degree in the life sciences, the physical sciences, mathematics, technology, or engineering from an accredited university in the United States, or an equivalent foreign degree, shall be allotted visas each fiscal year in a number not to exceed the worldwide level specified in section 201(e)(2).

''(B) ECONOMIC CONSIDERATIONS.—Beginning on the date which is 1 year after the date of the enactment of this paragraph, the Secretary of State, in consultation with the Secretary of Commerce and the Secretary of Labor, and after notice and public hearing, shall determine which of the degrees described in subparagraph (A) will provide immigrants with the knowledge and skills that are most needed to meet anticipated workforce needs and protect the economic security of the United States.'';

(D) in paragraph (3), as redesignated, by striking ''this subsection'' each place it appears and inserting ''paragraph (1)''; and

(E) by amending paragraph (4), as redesignated, to read as follows:

''(4) MAINTENANCE OF INFORMATION.—

''(A) DIVERSITY IMMIGRANTS.—The Secretary of State shall maintain information on the age, occupation, education level, and other relevant characteristics of immigrants issued visas under paragraph (1).

''(B) IMMIGRANTS WITH ADVANCED DEGREES.—The Secretary of State shall maintain information on the age, degree (including field of study), occupation, work experience, and other relevant characteristics of immigrants issued visas under paragraph (2).''; and

(2) in subsection (e)—

(A) in paragraph (2), by striking ''(c)'' and inserting ''(c)(1)'';

(B) by redesignating paragraph (3) as paragraph (4); and

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

''(3) Immigrant visas made available under subsection (c)(2) shall be issued as follows:

''(A) If the Secretary of State has not made a determination under subsection (c)(2)(B), immigrant visas shall be issued in a strictly random order established by the Secretary for the fiscal year involved.

''(B) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have a degree selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is greater than the worldwide level specified in section 201(e)(2), the Secretary shall issue immigrant visas only to such immigrants and in a strictly random order established by the Secretary for the fiscal year involved.

''(C) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have degrees selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is not greater than the worldwide level specified in section 201(e)(2), the Secretary shall—

''(i) issue immigrant visas to eligible qualified immigrants with degrees selected in subsection (c)(2)(B); and

''(ii) issue any immigrant visas remaining thereafter to other eligible qualified immigrants with degrees described in subsection

(c)(2)(A) in a strictly random order established by the Secretary for the fiscal year involved.''.

(g) EFFECTIVE DATE.—The amendments made by subsections (e) and (f) shall take effect on October 1, 2006.

SA 4115. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 219, line 18, insert after ''or (a)(2)'' the following: ''or knowingly employs an alien after receiving a final nonconfirmation''.

On page 227, line 17, strike ''amended by adding at the end'' and insert the following: ''amended—

(1) in subparagraph (G)—

(A) by inserting ''(i)'' after ''(G)'';

(B) by striking ''banknote paper'' and inserting ''durable plastic or similar material''; and

(C) by adding at the end the following new clauses:

''(ii) Each Social Security card issued under this subparagraph shall include an encrypted machine-readable electronic identification strip which shall be unique to the individual to whom the card is issued. The Commissioner shall develop such electronic identification strip in consultation with the Secretary of Homeland Security.

''(iii) Each Social Security card issued under this subparagraph shall contain—

''(I) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes; and

''(II) a disclaimer stating the following: 'This card shall not be used for the purpose of identification.'.

''(iv) The Commissioner shall provide for the issuance (or reissuance) to each individual who—

''(I) has been assigned a Social Security account number under subparagraph (B),

''(II) has attained the minimum age applicable, in the jurisdiction in which such individual engages in employment, for legally engaging in such employment, and

''(III) files application for such card under this clause in such form and manner as shall be prescribed by the Commissioner,

a Social Security card which meets the preceding requirements of this subparagraph and which includes a recent digitized photograph of the individual to whom the card is issued.

''(v) The Commissioner shall maintain an ongoing effort to develop measures in relation to the Social Security card and the issuance thereof to preclude fraudulent use thereof.''; and

(2) by adding at the end

SA 4116. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 244, after line 24, add the following:

(d) EXCLUSION OF ILLEGAL ALIENS FROM CONGRESSIONAL APPORTIONMENT TABULATIONS.—Upon completion of the report under subsection (c), the Director of the Bureau of the Census shall make such adjustments in total population figures as may be necessary, using methods and procedures that the Director determines to be feasible and appropriate, to ensure that individuals who are found by an authorized Federal agency to be unlawfully present in the United States are not counted in tabulating population for purposes of apportionment of Representatives in Congress among the several States.

SA 4117. Mr. LEAHY (for himself, Mr. COLEMAN, Mr. LIEBERMAN, Mr. KENNEDY, Mr. CHAFEE, Mr. HARKIN, Mr. BINGAMAN, and Mr. SUNUNU) 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:

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 the Secretary of State, in consultation with or upon the request of the Attorney General or the Secretary of Homeland Security, has determined 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 Secretary 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 4118. Mr. BUNNING 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. . CITIZENSHIP STATUS AT BIRTH FOR CHILDREN OF NON-CITIZEN, NON-PERMANENT RESIDENT ALIENS.

(a) PURPOSE.—The purpose of this section is to deny automatic citizenship at birth to children born in the United States if neither parent is a citizen or permanent resident alien of the United States.

(b) AMENDMENTS.—

(1) IN GENERAL.—Chapter 1 of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) is amended—

(A) in section 301(a), by inserting ''(as defined in section 309A))'' after ''subject to the jurisdiction thereof''; and

(B) by adding at the end the following new section:

''SEC. 309A. PERSONS BORN TO CITIZENS OR PERMANENT RESIDENT ALIENS.

''(a) For purposes of section 301(a), a person born in the United States shall be considered to be 'subject to the jurisdiction of the United States' only if—

''(1) the child was born in wedlock in the United States to a parent who is—

''(A) a citizen or national of the United States; or

''(B) an alien who is lawfully admitted for permanent residence and maintains his or her residence in the United States; or

''(2) the child was born out of wedlock in the United States to a mother who is—

''(A) a citizen or national of the United States; or

''(B) an alien who is lawfully admitted for permanent residence and maintains her residence in the United States.

''(b) For purposes of this section, a child is considered to be 'born in wedlock' only if, at the time of such birth—

''(1) the child's parents are married to each other; and

''(2) the marriage referred to in paragraph (1) is not a common law marriage.''.

(2) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 note) is amended by inserting after the item relating to section 309 the following new item:

''Sec. 309A. Children born to non-citizens or non-permanent resident aliens.''.

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall apply to aliens born on or after the date of enactment of this Act.

SA 4119. Mr. BUNNING 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:

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1325(a).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1326(a).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 18 U.S.C. 758.

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324(a)(1)(A)(iv).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324(a)(1)(A)(v)(I).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324(a)(1)(A)(v)(II).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment

of status under any provision from criminal or civil liability under 8 U.S.C. 1325(c).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324(a)(1)(A)(iii).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324(a)(1)(A)(v)(I).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324(a)(1)(A)(v)(II).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324d(a)(1)(A).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 18 U.S.C. 1546(b).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 18 U.S.C. 1621.

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 18 U.S.C. 1001.

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 18 U.S.C. 1425(a).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 18 U.S.C. 1426.

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 18 U.S.C. 1427.

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1423.

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324c(a)(1).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324c(a)(2).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324(c)(3).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324c(a)(5).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any proyision from criminal or civil liability under 42 U.S.C. 408(a)(7)(A).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 42 U.S.C. 408(a)(7)(B).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 42 U.S.C. 408(a)(7)(C).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 42 U.S.C. 408.

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 18 U.S.C. 1621.

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 18 U.S.C. 611.

SA 4120. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 7, between lines 16 and 17, insert the following:

SEC. 5. EFFECTIVENESS OF CERTAIN PROVISIONS CONTINGENT ON COST ESTIMATE BY THE CONGRESSIONAL BUDGET OFFICE.

Notwithstanding any other provision of this Act, in the case of any provision of this Act (including an amendment made by such provision) that grants change of legal status, or adjustment of current status, of an individual who enters the United States in violation of Federal law, such provision shall not go into effect until the Congressional Budget Office submits to Congress a report setting forth a comprehensive estimate and assessment of the costs of the implementation such provision.

SA 4121. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Sec. 133(h) is amended to read as follows:

''(h) ASSISTANCE TO LAW ENFORCEMENT.—Notwithstanding any other provision of law, a member of the National Guard providing assistance under this section may participate in a search, seizure, or similar activity, in order to detain an individual until law enforcement personnel can assume custody of such individual.''

SA 4122. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 249, strike lines 16 through 20, and insert the following:

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 18 months after the date that a total of $400,000,000 has been appropriated and made available to the Secretary to implement the Electronic Employment Verification System established under 274A(d) of the Immigration and Nationality Act, as amended by section 301(a), with respect to aliens, who, on such effective date, are outside of the United States.

SA 4123. 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 end of title II, insert the following:

SEC. ___. EXPANSION OF THE JUSTICE PRISONER AND ALIEN TRANSFER SYSTEM.

Not later than 60 days after the date of enactment of this Act, the Attorney General shall issue a directive to expand the Justice Prisoner and Alien Transfer System (JPATS) so that such System provides additional services with respect to aliens who are illegally present in the United States. Such expansion should include—

(1) increasing the daily operations of such System with buses and air hubs in 3 geographic regions;

(2) allocating a set number of seats for such aliens for each metropolitan area;

(3) allowing metropolitan areas to trade or give some of seats allocated to them under the System for such aliens to other areas in their region based on the transportation needs of each area; and

(4) requiring an annual report that analyzes of the number of seats that each metropolitan area is allocated under this System for such aliens and modifies such allocation if necessary.

SA 4124. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

SEC. . EXCLUSION OF ILLEGAL ALIENS FROM CONGRESSIONAL APPORTIONMENT TABULATIONS.

In addition to any report under this act the Director of the Bureau of the Census shall submit to Congress a report on the impact of illegal immigration on the apportionment of Representatives of Congress among the several states, and any methods and procedures that the Director determines to be feasible and appropriate, to ensure that individuals who are found by an authorized Federal agency to be unlawfully present in the United States are not counted in tabulating population for purposes of apportionment of Representatives in Congress among the several States.

SA 4125. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2611, to provide comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 345, strike line 10 and all that follows through page 395, line 23, and insert the following:

Subtitle A—Mandatory Departure and Reentry in Legal Status

SEC. 601. MANDATORY DEPARTURE AND REENTRY IN LEGAL STATUS.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et seq.) is amended by inserting after section 218C, as added by section 405, the following:

''SEC. 218D. MANDATORY DEPARTURE AND REENTRY.

''(a) IN GENERAL.—The Secretary of Homeland Security may grant Deferred Mandatory Departure status to aliens who are in the United States illegally to allow such aliens time to depart the United States and to seek admission as a nonimmigrant or immigrant alien.

''(b) REQUIREMENTS.—

''(1) PRESENCE.—An alien shall establish that the alien—

''(A) was physically present in the United States on or before April 5, 2001;

''(B) has been continuously in the United States since that date; and

''(C) was not legally present in the United States under any classification set forth in section 101(a)(15) on that date.

''(2) EMPLOYMENT.—An alien must establish that the alien—

''(A) has been employed in the United States, in the aggregate, for at least 3 years during the 5-year period ending on April 5, 2006; and

''(B) has been employed in the United States since that date.

''(3) ADMISSIBILITY.—

''(A) IN GENERAL.—The alien must establish that the alien—

''(i) is admissible to the United States (except as provided in subparagraph (B)); and

''(ii) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion.

''(B) GROUNDS NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), and (7) of section 212(a) shall not apply.

''(C) WAIVER.—The Secretary of Homeland Security may waive any other provision of section 212(a), or a ground of ineligibility under paragraph (4), as applied to individual aliens—

''(i) for humanitarian purposes;

''(ii) to assure family unity; or

''(iii) if such waiver is otherwise in the public interest.

''(4) GROUNDS FOR INELIGIBILITY.—

''(A) IN GENERAL.—Except as provided under subparagraphs (B) and (C), an alien is ineligible for Deferred Mandatory Departure status 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 under section 240B;

''(iii) the alien is subject to section 241(a)(5);

''(iv) the alien fails to comply with any request for information by the Secretary of Homeland Security;

''(v) 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

''(vi) the alien has been convicted of a felony or 3 or more misdemeanors.

''(B) EXCEPTION.—Notwithstanding clauses (i) and (ii) of subparagraph (A), an alien who has not been ordered removed from the United States shall remain eligible for Deferred Mandatory Departure status if the alien's ineligibility under such clauses 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 of Homeland Security may, in the Secretary's sole and unreviewable discretion, waive the applicability of clauses (i) and (ii) of subparagraph (A) if the alien was ordered removed on the basis that the alien—

''(i)(I) entered the United States without inspection;

''(II) failed to maintain legal status while in the United States; or

''(III) was ordered removed under section 212(a)(6)(C)(i) prior to April 7, 2006; and

''(ii)(I) demonstrates that the alien did not receive notice of removal proceedings in accordance with paragraph (1) or (2) of section 239(a);

''(II) establishes that the alien's failure to appear was due to exceptional circumstances beyond the control of the alien; or

''(III) the alien's departure from the United States would result in extreme hardship to the alien's spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence.

''(5) MEDICAL EXAMINATION.—The alien may be required, at the alien's expense, to undergo an appropriate medical examination (including a determination of immunization status) that conforms to generally accepted professional standards of medical practice.

''(6) TERMINATION.—The Secretary of Homeland Security may terminate an alien's Deferred Mandatory Departure status—

''(A) if the Secretary determines that the alien was not eligible for such status; or

''(B) if the alien commits an act that makes the alien removable from the United States.

''(7) APPLICATION CONTENT AND WAIVER.—

''(A) APPLICATION FORM.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of obtaining Deferred Mandatory Departure status.

''(B) CONTENT.—In addition to any other information that the Secretary determines is required to determine an alien's eligibility for Deferred Mandatory Departure, the Secretary shall require an alien to answer questions concerning the alien's physical and mental health, criminal history and gang membership, immigration history, involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States government, voter registration history, claims to United States citizenship, and tax history.

''(C) WAIVER.—The Secretary of Homeland Security shall require an alien to include with the application a waiver of rights that explains to the alien that, in exchange for the discretionary benefit of obtaining Deferred Mandatory Departure status, the alien agrees to waive any right to administrative or judicial review or appeal of an immigration officer's determination as to the alien's eligibility, or to contest any removal action, other than on the basis of an application for asylum pursuant to the provisions contained in section 208 or 241(b)(3), or under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

''(D) KNOWLEDGE.—The Secretary of Homeland Security shall require an alien to include with the application a signed certification in which the alien certifies that the alien has read and understood all of the questions and statements on the application form, and that the alien certifies under penalty of perjury under the laws of the United States that the application, and any evidence submitted with it, are all true and correct, and that the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

''(c) IMPLEMENTATION AND APPLICATION TIME PERIODS.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that the application process is secure and incorporates anti-fraud protection. The Secretary shall interview an alien to determine eligibility for Deferred Mandatory Departure status and shall utilize biometric authentication at time of document issuance.

''(2) INITIAL RECEIPT OF APPLICATIONS.—The Secretary of Homeland Security shall begin accepting applications for Deferred Mandatory Departure status not later than 3 months after the date of the enactment of the Comprehensive Immigration Reform Act of 2006.

''(3) APPLICATION.—An alien shall submit an initial application for Deferred Mandatory Departure status not later than 6 months after the date of the enactment of the Comprehensive Immigration Reform Act of 2006. An alien that fails to comply with this requirement is ineligible for Deferred Mandatory Departure status.

''(4) COMPLETION OF PROCESSING.—The Secretary of Homeland Security shall ensure that all applications for Deferred Mandatory Departure status are processed not later than 12 months after the date of the enactment of the Comprehensive Immigration Reform Act of 2006.

''(d) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—An alien may not be granted Deferred Mandatory Departure status unless the alien submits biometric data in accordance with procedures established by the Secretary of Homeland Security. The Secretary of Homeland Security may not grant Deferred Mandatory Departure status until all appropriate background checks are completed to the satisfaction of the Secretary of Homeland Security.

''(e) ACKNOWLEDGMENT.—An alien who applies for Deferred Mandatory Departure status shall submit to the Secretary of Homeland Security—

''(1) an acknowledgment made in writing and under oath that the alien—

''(A) is unlawfully present in the United States and subject to removal or deportation, as appropriate, under this Act; and

''(B) understands the terms of the terms of Deferred Mandatory Departure;

''(2) any Social Security account number or card in the possession of the alien or relied upon by the alien;

''(3) any false or fraudulent documents in the alien's possession.

''(f) MANDATORY DEPARTURE.—

''(1) IN GENERAL.—The Secretary of Homeland Security may, in the Secretary's sole and unreviewable discretion, grant Deferred Mandatory Departure status to an alien for a period not to exceed 5 years.

''(2) REGISTRATION AT TIME OF DEPARTURE.—An alien granted Deferred Mandatory Departure shall—

''(A) depart the United States before the expiration of the period of Deferred Mandatory Departure status;

''(B) register with the Secretary of Homeland Security at the time of departure; and

''(C) surrender any evidence of Deferred Mandatory Departure status at time of departure.

''(3) RETURN IN LEGAL STATUS.—An alien who complies with the terms of Deferred Mandatory Departure status and departs before the expiration of such status—

''(A) shall not be subject to section 212(a)(9)(B); and

''(B) may immediately seek admission as a nonimmigrant or immigrant, if otherwise eligible.

''(4) FAILURE TO DEPART.—An alien who fails to depart the United States before the expiration of Deferred Mandatory Departure status is not eligible and may not apply for or receive any immigration relief or benefit under this Act or any other law for a period of 10 years, except as provided under section

208 or 241(b)(3) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in the case of an alien who indicates an intention to apply for asylum under section 208 or a fear of persecution or torture.

''(5) PENALTIES FOR DELAYED DEPARTURE.—An alien who fails to immediately depart the United States shall be subject to—

''(A) no fine if the alien departs the United States not later than 1 year after being granted Deferred Mandatory Departure status;

''(B) a fine of $2,000 if the alien remains in the United States for more than 1 year and not more than 2 years after being granted Deferred Mandatory Departure status;

''(C) a fine of $3,000 if the alien remains in the United States for more than 2 years and not more than 3 years after being granted Deferred Mandatory Departure status;

''(D) a fine of $4,000 if the alien remains in the United States for more than 3 years and not more than 4 years after being granted Deferred Mandatory Departure status; and

''(E) a fine of $5,000 if the alien remains in the United States for more than 4 years after being granted Deferred Mandatory Departure status.

''(g) EVIDENCE OF DEFERRED MANDATORY DEPARTURE STATUS.—Evidence of Deferred Mandatory Departure status shall be machine-readable, tamper-resistant, and allow for biometric authentication. The Secretary of Homeland Security is authorized to incorporate integrated-circuit technology into the document. The Secretary of Homeland Security shall consult with the Forensic Document Laboratory in designing the document. The document may serve as a travel, entry, and work authorization document during the period of its validity. The document may be accepted by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B).

''(h) TERMS OF STATUS.—

''(1) REPORTING.—During the period in which an alien is in Deferred Mandatory Departure status, the alien shall comply with all registration requirements under section 264.

''(2) TRAVEL.—

''(A) An alien granted Deferred Mandatory Departure status is not subject to section 212(a)(9) for any unlawful presence that occurred before the Secretary of Homeland Security granting such status to the alien.

''(B) Under regulations established by the Secretary of Homeland Security, an alien granted Deferred Mandatory Departure status—

''(i) may travel outside of the United States and may be readmitted if the period of Deferred Mandatory Departure status has not expired; and

''(ii) shall establish, at the time of application for admission, that the alien is admissible under section 212.

''(C) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under subparagraph (B) shall not extend the period of Deferred Mandatory Departure status.

''(3) BENEFITS.—During the period in which an alien is granted Deferred Mandatory Departure status under this section, the alien—

''(A) shall not be considered to be permanently residing in the United States under the color of law and shall be treated as a nonimmigrant admitted under section 214; and

''(B) may be deemed ineligible for public assistance by a State or any political subdivision of a State that furnishes such assistance.

''(i) PROHIBITION ON CHANGE OF STATUS OR ADJUSTMENT OF STATUS.—An alien granted Deferred Mandatory Departure status may not apply to change status under section 248 or, unless otherwise eligible under section 245(i), from applying for adjustment of status to that of a permanent resident under section 245.

''(j) APPLICATION FEE.—

''(1) IN GENERAL.—An alien seeking a grant of Deferred Mandatory Departure status shall submit, in addition to any other fees authorized by law, an application fee of $1,000.

''(2) USE OF FEE.—The fees collected under paragraph (1) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove illegal aliens.

''(k) FAMILY MEMBERS.—

''(1) FAMILY MEMBERS.—

''(A) IN GENERAL.—The spouse or child of an alien granted Deferred Mandatory Departure status is subject to the same terms and conditions as the principal alien, but is not authorized to work in the United States.

''(B) APPLICATION FEE.—

''(i) IN GENERAL.—The spouse or child of an alien seeking Deferred Mandatory Departure status shall submit, in addition to any other fee authorized by law, an additional fee of $500.

''(ii) USE OF FEE.—The fees collected under clause (i) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove aliens who are removable under section 237.

''(l) EMPLOYMENT.—

''(1) IN GENERAL.—An alien may be employed by any United States employer authorized by the Secretary of Homeland Security to hire aliens.

''(2) CONTINUOUS EMPLOYMENT.—An alien granted Deferred Mandatory Departure status shall be employed while the alien is in the United States. An alien who fails to be employed for 30 days may not be hired until the alien has departed the United States and reentered. The Secretary of Homeland Security may, in the Secretary's sole and unreviewable discretion, reauthorize an alien for employment without requiring the alien's departure from the United States.

''(m) ENUMERATION OF SOCIAL SECURITY NUMBER.—The Secretary of Homeland Security, in coordination with the Commissioner of the Social Security System, shall implement a system to allow for the enumeration of a Social Security number and production of a Social Security card at the time the Secretary of Homeland Security grants an alien Deferred Mandatory Departure status.

''(n) PENALTIES FOR FALSE STATEMENTS IN APPLICATION FOR DEFERRED MANDATORY DEPARTURE.—

''(1) CRIMINAL PENALTY.—

''(A) VIOLATION.—It shall be unlawful for any person—

''(i) to file or assist in filing an application for adjustment of status under this section and knowingly and willfully falsify, misrepresent, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

''(ii) to create or supply a false writing or document for use in making such an application.

''(B) PENALTY.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

''(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

''(o) RELATION TO CANCELLATION OF REMOVAL.—With respect to an alien granted Deferred Mandatory Departure status under this section, the period of such status shall not be counted as a period of physical presence in the United States for purposes of section 240A(a), unless the Secretary of Homeland Security determines that extreme hardship exists.

''(p) WAIVER OF RIGHTS.—An alien is not eligible for Deferred Mandatory Departure status, unless the alien has waived any right to contest, other than on the basis of an application for asylum or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, any action for deportation or removal of the alien that is instituted against the alien subsequent to a grant of Deferred Mandatory Departure status.

''(q) DENIAL OF DISCRETIONARY RELIEF.—The determination of whether an alien is eligible for a grant of Deferred Mandatory Departure status is solely within the discretion of the Secretary of Homeland Security. Notwithstanding any other provision of law, no court shall have jurisdiction to review—

''(1) any judgment regarding the granting of relief under this section; or

''(2) any other decision or action of the Secretary of Homeland Security the authority for which is specified under this section to be in the discretion of the Secretary, other than the granting of relief under section 1158(a).

''(r) JUDICIAL REVIEW.—

''(1) LIMITATIONS ON RELIEF.—Without regard to the nature of the action or claim and without regard to the identity of the party or parties bringing the action, no court may—

''(A) enter declaratory, injunctive, or other equitable relief in any action pertaining to—

''(i) an order or notice denying an alien a grant of Deferred Mandatory Departure status or any other benefit arising from such status; or

''(ii) an order of removal, exclusion, or deportation entered against an alien after a grant of Deferred Mandatory Departure status; or

''(B) certify a class under Rule 23 of the Federal Rules of Civil Procedure in any action for which judicial review is authorized under a subsequent paragraph of this subsection.

''(2) CHALLENGES TO VALIDITY.—

''(A) IN GENERAL.—Any right or benefit not otherwise waived or limited pursuant this section is available in an action instituted in the United States District Court for the District of Columbia, but shall be limited to determinations of—

''(i) whether such section, or any regulation issued to implement such section, violates the Constitution of the United States; or

''(ii) whether such a regulation, or a written policy directive, written policy guideline, or written procedure issued by or under the authority the Secretary of Homeland Security to implement such section, is not consistent with applicable provisions of this section or is otherwise in violation of law.''.

(b) CONFORMING AMENDMENTS.—

(1) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 218C the following:

''Sec. 218D. Mandatory departure and reentry.''.

(2) DEPORTATION.—Section 237(a)(2)(A)(i)(II) (8 U.S.C. 1227(a)(2)(A)(i)(II)) is amended by striking the period at the end and inserting ''(or 6 months in the case of an alien granted Deferred Mandatory Departure status under section 218D),''.

SEC. 602. STATUTORY CONSTRUCTION.

Nothing in this title, or any amendment made by this title, shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

SEC. 603. EXCEPTIONS FOR HUMANITARIAN REASONS.

Notwithstanding any other provision of law, an alien of good moral character may be exempt from Deferred Mandatory Departure status and may apply for lawful permanent resident status during the 1-year period beginning on the date of the enactment of this Act if the alien—

(1) is the spouse of a citizen of the United States at the time of application for lawful permanent resident status;

(2) is the parent of a child who is a citizen of the United States;

(3) is not younger than 65 years of age;

(4) is not older than 16 years of age and is attending school in the United States;

(5) is younger than 5 years of age;

(6) on removal from the United States, would suffer long-term endangerment to the life of the alien; or

(7) owns a business or real property in the United States.

SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $1,000,000,000 for facilities, personnel (including consular officers), training, technology, and processing necessary to carry out this title and the amendments made by this title.

SA 4126. 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; which was ordered to lie on the table; as follows:

Insert in the appropriate place:

Resolved, That it is the Sense of the Senate—

(1) That the national security of the United States depends on an immigration policy, the first step of which, is to secure our borders and to control the flow of illegal immigration;

(2) That our national immigration policy must demand accountability from those who hire illegal workers by creating a national employee verification system that employers would be required to use to verify the legal status of their employees and imposing severe penalties for employers who hire illegal workers;

(3) That Congress must be able to confirm to the American public that the borders are secured and an employment verification system is in place before determining the final status of those persons who are not currently lawfully in the United States;

(4) That any temporary worker program enacted by Congress should contain both positive incentives for preferable conduct and negative consequences for objectionable conduct;

(5) That temporary worker status should be extended to reward continuous employment, English fluency, and private health insurance coverage;

(6) That temporary worker status should not be given to people who are not working full time; who have committed a crime or may present a danger to American citizens or legal immigrants; or who go on, or are likely to go on, public assistance or become dependent on any other government program; and

(7) That America should fully recognize and appreciate that America is a nation of immigrants, but also a nation of laws, and that the American people should welcome those who want to enter the country legally, learn English, maintain employment, pay taxes and contribute to our communities.

SA 4127. Mr. BYRD (for himself and Mr. GREGG) 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 537, between lines 2 and 3, insert the following:

SEC. 645. SUPPLEMENTAL IMMIGRATION FEE.

(a) AUTHORIZATION OF FEE.—

(1) IN GENERAL.—Subject to paragraph (2), any alien who receives any immigration benefit under this title, or the amendments made by this title, shall, before receiving such benefit, pay a fee to the Secretary in an amount equal to $500, in addition to other applicable fees and penalties imposed under this title, or the amendments made by this title.

(2) FEES CONTINGENT ON APPROPRIATIONS.—No fee may be collected under this section except to the extent that the expenditure of the fee to pay the costs of activities and services for which the fee is imposed, as described in subsection (b), is provided for in advance in an appropriations Act.

(b) DEPOSIT AND EXPENDITURE OF FEES.—

(1) DEPOSIT.—Amounts collected under subsection (a) shall be deposited as an offsetting collection in, and credited to, the accounts providing appropriations–

(A) to carry out the apprehension and detention of any alien who is inadmissible by reason of any offense described in section 212(a);

(B) to carry out the apprehension and detention of any alien who is deportable for any offense under section 237(a);

(C) to acquire border sensor and surveillance technology;

(D) for air and marine interdiction, operations, maintenance, and procurement;

(E) for construction projects in support of the United States Customs and Border Protection;

(F) to train Federal law enforcement personnel; and

(G) for maritime security activities.

(2) AVAILABILITY OF FEES.—Amounts deposited under paragraph (1) shall remain available until expended for the activities and services described in paragraph (1).

SA 4128. Mr. LAUTENBERG 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 575, strike 22 and all that follows through page 577, line 25, and insert the following:

(c) STAY OF REMOVAL; WORK AUTHORIZATION.—

(1) IN GENERAL.—The Secretary shall establish, by regulation, a process by which an alien subject to a final order of removal may seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary shall not order any alien to be removed from the United States, if the alien is in removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Secretary has rendered a final administrative determination to deny the application.

(3) WORK AUTHORIZATION.—The Secretary shall authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application.

(d) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Secretary shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255); or

(2) aliens subject to removal proceedings under section 240 of such Act (8 U.S.C. 1229a).

SEC. 743. CANCELLATION OF REMOVAL FOR CERTAIN IMMIGRANT VICTIMS OF TERRORISM.

(a) IN GENERAL.—Subject to the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than subsections (b)(1), (d)(1), and (e) of section 240A of such Act (8 U.S.C. 1229b), the Secretary shall, under such section 240A, cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien described in subsection (b), if the alien applies for such relief.

(b) ALIENS ELIGIBLE FOR CANCELLATION OF REMOVAL.—The benefits provided by subsection (a) shall apply to any alien who was, on September 10, 2001, the spouse, child, dependent son, or dependent daughter of an alien who died as a direct result of a specified terrorist activity.

SA 4129. Mr. BAUCUS 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 12, line 1, strike ''(e)'' and insert the following:

(e) UNMANNED AERIAL VEHICLE PILOT PROGRAM.—During the 1-year period beginning on the date on which the report is submitted under subsection (c), the Secretary shall conduct a pilot program, based at the Northern Border airbase in Great Falls, Montana, to test unmanned aerial vehicles for border surveillance along the international border between Canada and the United States.

(f)

SA 4130. Mr. AKAKA (for himself, Ms. MIKULSKI, Mr. STEVENS) 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. ___. DESIGNATION OF PROGRAM COUNTRIES.

Section 217(c)(1) (8 U.S.C. 1187(c)(1)) is amended to read as follows:

''(1) IN GENERAL.—As soon as any country fully meets the requirements under paragraph (2), the Secretary of Homeland Security, in consultation with the Secretary of State, shall designate such country as a program country.''.

SA 4131. 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 316, strike lines 1 through 5, and insert the following:

''(2) VISAS FOR SPOUSES AND CHILDREN.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), immigrant visas issued on or after October 1, 2004, to spouses and children of employment-based immigrants shall not be counted against the numerical limitation set forth in paragraph (1).

''(B) NUMERICAL LIMITATION.—The total number of visas issued under paragraph (1)(A) and paragraph (2), excluding such visas issued to aliens pursuant to section 245B or section 245C of the Immigration and Nationality Act, may not exceed 650,000 during any fiscal year.

''(C) CONSTRUCTION.—Nothing in this paragraph may be construed to modify the requirement set out in 245B(a)(1)(I) or 245C(i)(2)(A) that prohibit an alien from receiving an adjustment of status to that of a legal permanent resident prior to the consideration of all applications filed under section 201, 202, or 203 before the date of enactment of section 245B and 245C.

SA 4132. 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 290, between lines 7 and 8, and insert the following:

(3) to study the impact of numerical limitations on employment-based visas issued under section 201(d) of the Immigration and Nationality Act, as amended by section 501(b), on the wages, working conditions, and employment of United States workers, and to make recommendations to the Secretary of Labor regarding any need to modify such numerical limitations.

SA 4133. 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. . 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, provided for elsewhere in this Act, 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 security issues of mutual concern.

SA 4134. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 249, strike lines 16 through 20, and insert the following:

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 18 months after the date that a total of $400,000,000 has been appropriated and made available to the Secretary to implement the Electronic Employment Verification System established under 274A(d) of the Immigration and Nationality Act, as amended by section 301(a), with respect to aliens, who, on such effective date, are outside of the United States.

(2) EXCEPTION.—Not later than 1 year after the date of the enactment of this Act, the amendment made by subsection (a) may apply to aliens who are reentering the United States pursuant to section 245C of the Immigration and Nationality Act, as added by section 601(c).

Subsection (b) of section 406 is amended to read as follows:

(b) EFFECTIVE DATE AND APPLICATION.—The amendments made by sections 403, 404, and 405 shall take effect on the date that is 1 year after the date of the enactment of this Act and shall be applied as follows:

(1) Not later than 1 year after the date of the enactment of this Act, such amendments. shall apply to aliens who are reentering the United States pursuant to section 245C of the Immigration and Nationality Act, as added by section 601(c).

(2) Not later than 18 months after the date that not less than $400,000,000 have been appropriated and made available to the Secretary to implement the Electronic Employment Verification System established under 274A(d) of the Immigration and Nationality Act, as amended by section 301(a), such amendment shall apply to aliens, who, on such effective date, are outside of the United States.

SA 4135. Mr. SESSIONS 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 364, line 22, after ''an'' insert the following—

''alien who is unlawfully present in the United States, or an alien receiving adjustment of status under section 408(h) of this Act who was illegally present in the United States prior to January 7, 2004, section 601 of this Act, or section 613(c) of this Act, shall not be eligible for the Earned Income Tax Credit. With respect to benefits other than the Earned Income Tax Credit, an alien''.

SA 4136. 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; which was ordered to lie on the table; as follows:

On page 351, line 13, strike ''The alien'' through ''which taxes are owed.'' on page 351, line 22, and insert the following:

''(i) IN GENERAL.—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.

''(ii) LIMITATION.—Provided further that an alien required to pay taxes under this subparagraph, or who otherwise satisfies the requirements of clause (i), shall not be allowed to collect any tax refund for any taxable year prior to 2006, or to file any claim for the Earned Income Tax Credit, or any other tax credit otherwise allowable under the tax code, prior to such taxable year.''

SA 4137. 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; which was ordered to lie on the table; as follows:

On page 411, after line 25, insert the following clause:

(iii) LIMITATION.—Provided further that an alien required to to pay taxes under this subparagraph, or who otherwise satisfies the requirements of subclause (I), (II), or (II) of clause (i), shall not be allowed to collect any tax refund for any taxable year prior to 2006, or to file any claim for the Earned Income Tax Credit, or any other tax credit otherwise allowable under the tax code, prior to such taxable year.''

SA 4138. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 36, between lines 5 and 6, insert the following:

(c) NORTHERN BORDER TRAINING FACILITY FEASIBILITY STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States, in consultation with the Secretary, shall conduct a study to examine the feasibility of establishing a northern border training facility at Rainy River Community College in International Falls, Minnesota to carry out the training programs described in this subsection.

(2) USE OF TRAINING FACILITY.—The training facility should be designed to allow the Secretary to conduct a variety of supplemental and periodic training programs for border security personnel stationed along the northern international border between the United States and Canada.

(3) TRAINING CURRICULUM.—The training curriculum, as determined by the Secretary, would be offered at the training facility through multi-day training programs involving classroom and real-world applications, and would include training in—

(A) a variety of disciplines relating to offensive and defensive skills for personnel and vehicle safety, including—

(i) firearms and weapons;

(ii) self defense;

(iii) search and seizure;

(iv) defensive and high speed driving;

(v) mobility training;

(vi) the use of all-terrain vehicles, watercraft, aircraft and snowmobiles; and

(vii) safety issues related to biological and chemical hazards;

(B) technology upgrades and integration; and

(C) matters relating directly to terrorist threats and issues, including—

(i) profiling;

(ii) changing tactics;

(iii) language;

(iv) culture; and

(v) communications.

SA 4139. 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. ___. ESTABLISHMENT OF A NATIONAL PUBLIC ACHIEVEMENT PILOT PROGRAM FOR NEW IMMIGRANTS AND CROSS-CULTURAL UNDERSTANDING.

(a) FINDINGS.—Congress finds that—

(1) it is desirable to educate new immigrants about American civic rights and duties;

(2) fostering civic dialogue between new immigrants and American citizens will help to bring new immigrants into the fabric of the communities in which they live;

(3) for over 15 years, the Public Achievement program at the University of Minnesota has given people the opportunity to be producers and creators of their communities;

(4) through that program, participants have learned basic methods for becoming civically engaged citizens;

(5) the Public Achievement program was created in 1990 as a partnership between the city of St. Paul, Minnesota and the Center for Democracy and Citizenship at the Humphrey Institute of Public Affairs;

(6) as of the date of enactment of this Act, public achievement programs have been established in the States of Minnesota, New York, Colorado, Florida, New Hampshire, Wisconsin, California, and Missouri;

(7) internationally, the Public Achievement program (and similar programs) are active in Northern Ireland, Turkey, Palestine, Israel, Poland, Moldova, Ukraine, Romania, Bulgaria, Serbia, Macedonia, Albania, Kosovo, and Scotland;

(8) the Public Achievement program has been recognized nationally as a promising model of youth civic engagement by the National Commission on Civic Renewal and in the Civic Mission of Schools report by the Carnegie Corporation of New York and the Center for Information and Research on Civic Learning and Engagement (CIRCLE);

(9) the Public Achievement program model of civic engagement is a valuable model for programs that assist new immigrants in integrating their lives into American society;

(10) working alongside American-born citizens to practice the skills of citizenship, new immigrants involved in public achievement programs will begin to understand and embrace American civic values;

(11) through public achievement programs, American citizens will put their values into action and gain understanding of and appreciation for new cultures; and

(12) through public work and reflection, immigrants and American citizens will continue to foster the true American spirit that includes freedom, democracy, citizenship, and other ideals that are at the core of American society.

(b) ESTABLISHMENT.—The Director of the Bureau of Citizenship and Immigration Services shall establish a National Public Achievement Pilot Program for new immigrants and to increase cross-cultural understanding that is carried out at elementary, middle, and high schools in the United States for the purposes described in subsection (c).

(c) PURPOSES.—The purposes of the National Public Achievement Pilot Program for new immigrants and cross-cultural understanding shall be—

(1) to assist the integration into American society by developing civic skills and engaging immigrants and American citizens in creative opportunities for enhancing public life;

(2) to promote sustained productive efforts between people of different backgrounds, views, and interests;

(3) to educate new immigrant groups regarding methods to become involved in local and national civics, while teaching others about the culture of such groups; and

(4) to enable American citizens and immigrants to work together and with civic, educational, community-based, and faith-based organizations to create a broad culture of citizenship, civic renewal, and inter-cultural understanding.

SA 4140. Mr. DOMENICI (for himself, Mr. KYL, and Mrs. HUTCHISON) 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. ____. ADDITIONAL DISTRICT COURT JUDGESHIPS.

The President shall appoint, by and with the advice and consent of the Senate, 1 additional district court judge for each district court—

(1) in which immigration filings during fiscal year 2004 represented more than 50 percent of all criminal filings during such fiscal year; and

(2) for which the 2005 Judicial Conference recommendations included at least 1 additional temporary or permanent judgeship.

SA 4141. Mr. SCHUMER (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:

On page 320, line 4, strike ''(c)'' and insert the following:

(c) DIVERSITY IMMIGRANTS.—Section 203(c) (8 U.S.C. 1153(c)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking '', or'' and inserting ''; and''; and

(B) by amending subparagraph (B) to read as follows:

''(B) has at least—

''(i) 2 years of work experience in an occupation that requires at least 2 years of training or experience; or

''(ii) 4 years of formal education beyond the education described in subparagraph (A).''; and

(2) by adding at the end the following:

''(4) GROUNDS FOR INELIGIBILITY.—Notwithstanding any other provision in this Act, an alien is ineligible to receive a visa under this subsection if the alien is described in paragraph (1) (relating to health-related grounds), (2) (relating to criminal and related grounds), (3) (relating to security and terrorist grounds), (4) (relating to likelihood to become a public charge), (6) (relating to illegal entrants and immigration violators), (8) (relating to permanent ineligibility for citizenship), or (9) (relating to aliens previously removed) of section 212(a).''.

(d)

SA 4142. 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; as follows:

On page 183, between lines 4 and 5, insert the following:

SEC. 235. WAIVER OF CERTAIN GROUNDS FOR INADMISSIBILITY OR REMOVAL BASED ON HARDSHIP TO CITIZEN OR PERMANENT RESIDENT ALIEN SPOUSE, PARENT, OR CHILD.

(a) WAIVER.—Notwithstanding any other provision of law and except as provided in subsection (b), the Secretary of Homeland Security (in the sole and unreviewable discretion of the Secretary) or the Attorney General (in the sole and unreviewable discretion of the Attorney General), as applicable, may waive any ground of inadmissibility or removal of an alien under, or arising from, an amendment made by a provision of section 203, 208, 209, 214 or 222 of this Act if the denial of admission or removal of such alien would result in an extreme hardship to a spouse, parent, or child of such alien who is a citizen or an alien lawfully admitted for permanent residence.

(b) EXCEPTION FOR TERRORISTS.—No waiver may be made under subsection (a) under or arising from an amendment referred to in that subsection with respect to a ground of inadmissability or removal under a provision of law as follows:

(1) Section 212(a)(3) of the Immigration and Nationality Act.

(2) Section 237(a)(4) of the Immigration and Nationality Act.

SA 4143. 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:

On page 107, strike lines 15 through 18 and insert the following:

''(4) DURATION OF OFFENSE.—

''(A) IN GENERAL.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

''(B) APPLICABILITY.—Subparagraph (A) shall apply only to offenses that occur after the date of the enactment of the Comprehensive Immigration Reform Act of 2006.

SA 4144. Mrs. BOXER 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 265, between lines 7 and 8, insert the following:

''(b) REQUIRED PROCEDURE.—

''(1) EFFORTS TO RECRUIT UNITED STATES WORKERS.—During the period beginning not later than 90 days prior to the date on which a petition is filed under subsection (a)(1), and ending on the date that is 14 days prior to the date on which the petition is filed, the employer involved shall take the following steps to recruit United States workers for the position for which the H-2C nonimmigrant is sought under the petition:

''(A) Submit a copy of the job offer, including a description of the wages and other terms and conditions of employment and the minimum education, training, experience and other requirements of the job, to the State Employment Service Agency that serves the area of employment in the State in which the employer is located.

''(B) Authorize the State Employment Service Agency to post the job opportunity on the Internet through the website for America's Job Bank, with local job banks, and with unemployment agencies and other labor referral and recruitment sources pertinent to the job involved.

''(C) Authorize the State Employment Service Agency to notify labor organizations in the State in which the job is located, and if applicable, the office of the local union which represents the employees in the same or substantially equivalent job classification of the job opportunity.

''(D) Post the availability of the job opportunity for which the employer is seeking a worker in conspicuous locations at the place of employment for all employees to see.

''(2) EFFORTS TO EMPLOY UNITED STATES WORKERS.—An employer that seeks to employ an H-2C nonimmigrant shall—

''(A) first offer the job to any eligible United States worker who applies, is qualified for the job, and is available at the time of need;

''(B) be required to maintain for at least 1 year after the employment relation is terminated, documentation of recruitment efforts and responses conducted and received prior to the filing of the employer's application with the Department of Labor, including resumes, applications, and if applicable, tests of United States workers who applied and

were not hired for the job the employer seeks to fill with a nonimmigrant worker; and

''(C) certify that there are not sufficient United States workers who are able, willing, qualified, and available at the time of the filing of the application.''.

SA 4145. Mr. LAUTENBERG 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 575, strike lines 22 through 24.

SA 4146. Ms. LANDRIEU 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 345, between lines 5 and 6, insert the following:

Subtitle B—Preservation of Immigration Benefits for Hurricane Katrina Victims

SEC. 511. SHORT TITLE.

This subtitle may be cited as the ''Hurricane Katrina Victims Immigration Benefits Preservation Act''.

SEC. 512. DEFINITIONS.

In this subtitle:

(1) APPLICATION OF DEFINITIONS FROM THE IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this subtitle, the definitions in the Immigration and Nationality Act shall apply in the administration of this subtitle.

(2) DIRECT RESULT OF A SPECIFIED HURRICANE DISASTER.—The term ''direct result of a specified hurricane disaster''—

(A) means physical damage, disruption of communications or transportation, forced or voluntary evacuation, business closures, or other circumstances directly caused by Hurricane Katrina (on or after August 26, 2005) or Hurricane Rita (on or after September 21, 2005); and

(B) does not include collateral or consequential economic effects in or on the United States or global economies.

SEC. 513. SPECIAL IMMIGRANT STATUS.

(a) PROVISION OF STATUS.—

(1) IN GENERAL.—For purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)), if the alien—

(A) files with the Secretary a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

(B) is otherwise eligible to receive an immigrant visa; and

(C) is otherwise admissible to the United States for permanent residence.

(2) INAPPLICABLE PROVISION.—In determining admissibility under paragraph (1)(C), the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)) shall not apply.

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this subsection if—

(A) the alien was the beneficiary of—

(i) a petition that was filed with the Secretary on or before August 26, 2005—

(I) under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) to classify the alien as a family-sponsored immigrant under section 203(a) of such Act (8 U.S.C. 1153(a)) or as an employment-based immigrant under section 203(b) of such Act (8 U.S.C. 1153(b)); or

(II) under section 214(d) of such Act (8 U.S.C. 1184(d)) to authorize the issuance of a nonimmigrant visa to the alien under section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)); or

(ii) an application for labor certification under section 212(a)(5)(A) of such Act (8 U.S.C. 1182(a)(5)(A)) that was filed under regulations of the Secretary of Labor on or before such date; and

(B) such petition or application was revoked or terminated (or otherwise rendered null), before or after its approval, solely due to—

(i) the death or disability of the petitioner, applicant, or alien beneficiary as a direct result of a specified hurricane disaster; or

(ii) loss of employment as a direct result of a specified hurricane disaster.

(2) SPOUSES AND CHILDREN.—

(A) IN GENERAL.—An alien is described in this subsection if—

(i) the alien, as of August 26, 2005, was the spouse or child of a principal alien described in paragraph (1); and

(ii) the alien—

(I) is accompanying such principal alien; or

(II) is following to join such principal alien not later than August 26, 2007.

(B) CONSTRUCTION.—In construing the terms ''accompanying'' and ''following to join'' in subparagraph (A)(ii), the death of a principal alien described in paragraph (1)(B)(i) shall be disregarded.

(3) GRANDPARENTS OR LEGAL GUARDIANS OF ORPHANS.—An alien is described in this subsection if the alien is a grandparent or legal guardian of a child whose parents died as a direct result of a specified hurricane disaster, if either of the deceased parents was, as of August 26, 2005, a citizen or national of the United States or an alien lawfully admitted for permanent residence in the United States.

(c) PRIORITY DATE.—Immigrant visas made available under this section shall be issued to aliens in the order in which a petition on behalf of each such alien is filed with the Secretary under subsection (a)(1), except that if an alien was assigned a priority date with respect to a petition described in subsection (b)(1)(A)(i), the alien may maintain that priority date.

(d) NUMERICAL LIMITATIONS.—In applying sections 201 through 203 of the Immigration and Nationality Act (8 U.S.C. 1151–1153) in any fiscal year, aliens eligible to be provided status under this section shall be treated as special immigrants who are not described in subparagraph (A), (B), (C), or (K) of section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)).

SEC. 514. EXTENSION OF FILING OR REENTRY DEADLINES.

(a) AUTOMATIC EXTENSION OF NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Notwithstanding section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), an alien described in paragraph (2) who was lawfully present in the United States as a nonimmigrant on August 26, 2005, may, unless otherwise determined by the Secretary in the Secretary's discretion, lawfully remain in the United States in the same nonimmigrant status until the later of—

(A) the date on which such lawful nonimmigrant status would have otherwise terminated absent the enactment of this subsection; or

(B) 1 year after the death or onset of disability described in paragraph (2).

(2) ALIENS DESCRIBED.—

(A) PRINCIPAL ALIENS.—An alien is described in this paragraph if the alien was disabled as a direct result of a specified hurricane disaster.

(B) SPOUSES AND CHILDREN.—An alien is described in this paragraph if the alien, as of August 26, 2005, was the spouse or child of—

(i) a principal alien described in subparagraph (A); or

(ii) an alien who died as a direct result of a specified hurricane disaster.

(3) AUTHORIZED EMPLOYMENT.—During the period in which a principal alien or alien spouse is in lawful nonimmigrant status under paragraph (1), the alien may be provided an ''employment authorized'' endorsement or other appropriate document signifying authorization of employment.

(b) NEW DEADLINES FOR EXTENSION OR CHANGE OF NONIMMIGRANT STATUS.—

(1) FILING DELAYS.—

(A) IN GENERAL.—If an alien, who was lawfully present in the United States as a nonimmigrant on August 26, 2005, was prevented from filing a timely application for an extension or change of nonimmigrant status as a direct result of a specified hurricane disaster, the alien's application may be considered timely filed if it is filed not later 1 year after the application would have otherwise been due.

(B) CIRCUMSTANCES PREVENTING TIMELY ACTION.—For purposes of subparagraph (A), circumstances preventing an alien from timely acting are—

(i) office closures;

(ii) mail or courier service cessations or delays;

(iii) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements;

(iv) mandatory evacuation and relocation; or

(v) other circumstances, including medical problems or financial hardship.

(2) DEPARTURE DELAYS.—

(A) IN GENERAL.—If an alien, who was lawfully present in the United States as a nonimmigrant on August 26, 2005, is unable to timely depart the United States as a direct result of a specified hurricane disaster, the alien shall not be considered to have been unlawfully present in the United States during the period beginning on August 26, 2005, and ending on the date of the alien's departure, if such departure occurred on or before February 28, 2006.

(B) CIRCUMSTANCES PREVENTING TIMELY ACTION.—For purposes of subparagraph (A), circumstances preventing an alien from timely acting are—

(i) office closures;

(ii) transportation cessations or delays;

(iii) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements;

(iv) mandatory evacuation and relocation; or

(v) other circumstances, including medical problems or financial hardship.

(c) DIVERSITY IMMIGRANTS.—Section 204(a)(1)(I)(ii)(II) (8 U.S.C. 1154(a)(1)(I)(ii)(II)), is amended to read as follows:

''(II) An immigrant visa made available under subsection 203(c) for fiscal year 1998, or for a subsequent fiscal year, may be issued, or adjustment of status under section 245(a) based upon the availability of such visa may be granted, to an eligible qualified alien who has properly applied for such visa or adjustment in the fiscal year for which the alien was selected notwithstanding the end of such fiscal year. Such visa or adjustment of status shall be counted against the worldwide level set forth in subsection 201(e) for the fiscal year for which the alien was selected.''.

(d) EXTENSION OF FILING PERIOD.—If an alien is unable to timely file an application to register or reregister for Temporary Protected Status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a)

as a direct result of a specified hurricane disaster, the alien's application may be considered timely filed if it is filed not later than 90 days after it otherwise would have been due.

(e) VOLUNTARY DEPARTURE.—

(1) IN GENERAL.—Notwithstanding section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), if a period for voluntary departure under such section expired during the period beginning on August 26, 2005, and ending on December 31, 2005, and the alien was unable to voluntarily depart before the expiration date as a direct result of a specified hurricane disaster, such voluntary departure period is deemed extended for an additional 60 days.

(2) CIRCUMSTANCES PREVENTING DEPARTURE.—For purposes of this subsection, circumstances preventing an alien from voluntarily departing the United States are—

(A) office closures;

(B) transportation cessations or delays;

(C) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements;

(D) mandatory evacuation and removal; and

(E) other circumstances, including medical problems or financial hardship.

(f) CURRENT NONIMMIGRANT VISA HOLDERS.—

(1) IN GENERAL.—An alien, who was lawfully present in the United States on August 26, 2005, as a nonimmigrant under section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) and lost employment as a direct result of a specified hurricane disaster may accept new employment upon the filing by a prospective employer of a new petition on behalf of such nonimmigrant not later than August 26, 2006.

(2) CONTINUATION OF EMPLOYMENT AUTHORIZATION.—Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such employment shall cease.

(3) SAVINGS PROVISION.—Nothing in this subsection shall be construed to limit eligibility for portability under section 214(n) of the Immigration and Nationality Act (8 U.S.C. 1184(n)).

SEC. 515. HUMANITARIAN RELIEF FOR CERTAIN SURVIVING SPOUSES AND CHILDREN.

(a) TREATMENT AS IMMEDIATE RELATIVES.—

(1) SPOUSES.—Notwithstanding the second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), in the case of an alien who was the spouse of a citizen of the United States at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, if the citizen died as a direct result of a specified hurricane disaster, the alien (and each child of the alien) may be considered, for purposes of section 201(b) of such Act, to remain an immediate relative after the date of the citizen's death if the alien files a petition under section 204(a)(1)(A)(ii) of such Act not later than 2 years after such date and only until the date on which the alien remarries. For purposes of such section 204(a)(1)(A)(ii), an alien granted relief under this paragraph shall be considered an alien spouse described in the second sentence of section 201(b)(2)(A)(i) of such Act.

(2) CHILDREN.—

(A) IN GENERAL.—In the case of an alien who was the child of a citizen of the United States at the time of the citizen's death, if the citizen died as a direct result of a specified hurricane disaster, the alien may be considered, for purposes of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)), to remain an immediate relative after the date of the citizen's death (regardless of subsequent changes in age or marital status), but only if the alien files a petition under subparagraph (B) not later than 2 years after such date.

(B) PETITIONS.—An alien described in subparagraph (A) may file a petition with the Secretary for classification of the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), which shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(b) SPOUSES, CHILDREN, UNMARRIED SONS AND DAUGHTERS OF LAWFUL PERMANENT RESIDENT ALIENS.—

(1) IN GENERAL.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is included in a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(2)) that was filed by such alien before August 26, 2005, may be considered (if the spouse, child, son, or daughter has not been admitted or approved for lawful permanent residence by such date) a valid petitioner for preference status under such section with the same priority date as that assigned before the death described in paragraph (3)(A). No new petition shall be required to be filed. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(2) SELF-PETITIONS.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is not a beneficiary of a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act may file a petition for such classification with the Secretary, if the spouse, child, son, or daughter was present in the United States on August 26, 2005. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(3) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified hurricane disaster; and

(B) on the day of such death, was lawfully admitted for permanent residence in the United States.

(c) APPLICATIONS FOR ADJUSTMENT OF STATUS BY SURVIVING SPOUSES AND CHILDREN OF EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Any alien who was, on August 26, 2005, the spouse or child of an alien described in paragraph (2), and who applied for adjustment of status before the death described in paragraph (2)(A), may have such application adjudicated as if such death had not occurred.

(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified hurricane disaster; and

(B) on the day before such death, was—

(i) an alien lawfully admitted for permanent residence in the United States by reason of having been allotted a visa under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)); or

(ii) an applicant for adjustment of status to that of an alien described in clause (i), and admissible to the United States for permanent residence.

(d) APPLICATIONS BY SURVIVING SPOUSES AND CHILDREN OF REFUGEES AND ASYLEES.—

(1) IN GENERAL.—Any alien who, on August 26, 2005, was the spouse or child of an alien described in paragraph (2), may have his or her eligibility to be admitted under sections 207(c)(2)(A) or 208(b)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(2)(A), 1158(b)(3)(A)) considered as if the alien's death had not occurred.

(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified hurricane disaster; and

(B) on the day before such death, was—

(i) an alien admitted as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157); or

(ii) granted asylum under section 208 of such Act (8 U.S.C. 1158).

(e) WAIVER OF PUBLIC CHARGE GROUNDS.—In determining the admissibility of any alien accorded an immigration benefit under this section, the grounds for inadmissibility specified in section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) shall not apply.

SEC. 516. RECIPIENT OF PUBLIC BENEFITS.

An alien shall not be inadmissible under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) or deportable under section 237(a)(5) of such Act (8 U.S.C. 1227(a)(5)) on the basis that the alien received any public benefit as a direct result of a specified hurricane disaster.

SEC. 517. AGE-OUT PROTECTION.

In administering the immigration laws, the Secretary and the Attorney General may grant any application or benefit notwithstanding the applicant or beneficiary (including a derivative beneficiary of the applicant or beneficiary) reaching an age that would render the alien ineligible for the benefit sought, if the alien's failure to meet the age requirement occurred as a direct result of a specified hurricane disaster.

SEC. 518. EMPLOYMENT ELIGIBILITY VERIFICATION.

(a) IN GENERAL.—The Secretary may suspend or modify any requirement under section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)) or subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), either generally or with respect to particular persons, class of persons, geographic areas, or economic sectors, to the extent to which the Secretary determines necessary or appropriate to respond to national emergencies or disasters .

(b) NOTIFICATION.—If the Secretary suspends or modifies any requirement under section 274A(b) of the Immigration and Nationality Act pursuant to subsection (a), the Secretary shall send notice of such decision, including the reasons for the suspension or modification, to—

(1) the Committee on the Judiciary of the Senate; and

(2) the Committee of the Judiciary of the House of Representatives.

(c) SUNSET DATE.—The authority under subsection (a) shall expire on August 26, 2008.

SEC. 519. NATURALIZATION.

The Secretary may, with respect to applicants for naturalization in any district of the United States Citizenship and Immigration Services affected by a specified hurricane disaster, administer the provisions of Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) notwithstanding any provision of such title relating to the jurisdiction of an eligible court to administer the oath of allegiance, or requiring residence to be maintained or any action to be taken in any specific district or State within the United States.

SEC. 520. DISCRETIONARY AUTHORITY.

The Secretary or the Attorney General may waive violations of the immigration laws committed, on or before March 1, 2006, by an alien—

(1) who was in lawful status on August 26, 2005; and

(2) whose failure to comply with the immigration laws was a direct result of a specified hurricane disaster.

SEC. 521. EVIDENTIARY STANDARDS AND REGULATIONS.

The Secretary shall establish appropriate evidentiary standards for demonstrating, for

purposes of this subtitle, that a specified hurricane disaster directly resulted in—

(1) death;

(2) disability; or

(3) loss of employment due to physical damage to, or destruction of, a business.

SEC. 522. IDENTIFICATION DOCUMENTS.

(a) TEMPORARY IDENTIFICATION.—The Secretary shall have the authority to instruct any Federal agency to issue temporary identification documents to individuals affected by a specified hurricane disaster. Such documents shall be acceptable for purposes of identification under any federal law or regulation until August 26, 2006.

(b) ISSUANCE.—An agency may not issue identity documents under this section after January 1, 2006.

(c) NO COMPULSION TO ACCEPT OR CARRY IDENTIFICATION DOCUMENTS.—Nationals of the United States shall not be compelled to accept or carry documents issued under this section.

(d) NO PROOF OF CITIZENSHIP.—Identity documents issued under this section shall not constitute proof of citizenship or immigration status.

SEC. 523. WAIVER OF REGULATIONS.

The Secretary shall carry out the provisions of this subtitle as expeditiously as possible. The Secretary is not required to promulgate regulations before implementing this subtitle. The requirements of chapter 5 of title 5, United States Code (commonly referred to as the ''Administrative Procedure Act'') or any other law relating to rule making, information collection, or publication in the Federal Register, shall not apply to any action to implement this subtitle to the extent the Secretary of Homeland Security, the Secretary of Labor, or the Secretary of State determine that compliance with such requirement would impede the expeditious implementation of such Act.

SEC. 524. NOTICES OF CHANGE OF ADDRESS.

(a) IN GENERAL.—If a notice of change of address otherwise required to be submitted to the Secretary by an alien described in subsection (b) relates to a change of address occurring during the period beginning on August 26, 2005, and ending on the date of the enactment of this Act, the alien may submit such notice.

(b) ALIENS DESCRIBED.—An alien is described in this subsection if the alien—

(1) resided, on August 26, 2005, within a district of the United States that was declared by the President to be affected by a specified hurricane disaster; and

(2) is required, under section 265 of the Immigration and Nationality Act (8 U.S.C. 1305) or any other provision of law, to notify the Secretary in writing of a change of address.

SEC. 525. FOREIGN STUDENTS AND EXCHANGE PROGRAM PARTICIPANTS.

(a) IN GENERAL.—The nonimmigrant status of an alien described in subsection (b) shall be deemed to have been maintained during the period beginning on August 26, 2005, and ending on September 15, 2006, if, on September 15, 2006, the alien is enrolled in a course of study, or participating in a designated exchange visitor program, sufficient to satisfy the terms and conditions of the alien's nonimmigrant status on August 26, 2005.

(b) ALIENS DESCRIBED.—An alien is described in this subsection if the alien—

(1) was, on August 26, 2005, lawfully present in the United States in the status of a nonimmigrant described in subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)); and

(2) fails to satisfy a term or condition of such status as a direct result of a specified hurricane disaster.

SA 4147. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 2611, to provide 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—WORKPLACE ENFORCEMENT AND IDENTIFICATION INTEGRITY

Subtitle A—In General

SEC. 301. SHORT TITLE.

This title may be cited as the ''Employment Security Act of 2006''.

SEC. 302. FINDINGS.

Congress makes the following findings:

(1) The failure of Federal, State, and local governments to control and sanction the unauthorized employment and unlawful exploitation of illegal alien workers is a primary cause of illegal immigration.

(2) The use of modern technology not available in 1986, when the Immigration Reform and Control Act of 1986 (Public Law 99–603; 100 Stat. 3359) created the I–9 worker verification system, will enable employers to rapidly and accurately verify the identity and work authorization of their employees and independent contractors.

(3) The Government and people of the United States share a compelling interest in protection of United States employment authorization, income tax withholding, and social security accounting systems, against unauthorized access by illegal aliens.

(4) Limited data sharing between the Department of Homeland Security, the Internal Revenue Service, and the Social Security Administration is essential to the integrity of these vital programs, which protect the employment and retirement security of all working Americans.

(5) The Federal judiciary must be open to private United States citizens, legal foreign workers, and law-abiding enterprises that seek judicial protection against injury to their wages and working conditions due to unlawful employment of illegal alien workers and the United States enterprises that utilize the labor or services provided by illegal aliens, especially where lack of resources constrains enforcement of Federal immigration law by Federal immigration officials.

Subtitle B—Employment Eligibility Verification System

SEC. 311. EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.

(a) IN GENERAL.—Section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)) is amended by adding at the end the following:

''(7) EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.—

''(A) IN GENERAL.—The Secretary of Homeland Security shall establish and administer a verification system, known as the Employment Eligibility Verification System, through which the Secretary—

''(i) responds to inquiries made by persons at any time through a toll-free telephone line and other toll-free electronic media concerning an individual's identity and whether the individual is authorized to be employed; and

''(ii) maintains records of the inquiries that were made, of verifications provided (or not provided), and of the codes provided to inquirers as evidence of their compliance with their obligations under this section.

''(B) INITIAL RESPONSE.—The verification system shall provide verification or a tentative nonverification of an individual's identity and employment eligibility within 3 working days of the initial inquiry. If providing verification or tentative nonverification, the verification system shall provide an appropriate code indicating such verification or such nonverification.

''(C) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONVERIFICATION.—In cases of tentative nonverification, the Secretary shall specify, in consultation with the Commissioner of Social Security, an available secondary verification process to confirm the validity of information provided and to provide a final verification or nonverification within 10 working days after the date of the tentative nonverification. When final verification or nonverification is provided, the verification system shall provide an appropriate code indicating such verification or nonverification.

''(D) DESIGN AND OPERATION OF SYSTEM.—The verification system shall be designed and operated—

''(i) to maximize its reliability and ease of use by persons and other entities consistent with insulating and protecting the privacy and security of the underlying information;

''(ii) to respond to all inquiries made by such persons and entities on whether individuals are authorized to be employed and to register all times when such inquiries are not received;

''(iii) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information; and

''(iv) to have reasonable safeguards against the system's resulting in unlawful discriminatory practices based on national origin or citizenship status, including—

''(I) the selective or unauthorized use of the system to verify eligibility;

''(II) the use of the system prior to an offer of employment; or

''(III) the exclusion of certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most job applicants.

''(E) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—As part of the verification system, the Commissioner of Social Security, in consultation with the Secretary of Homeland Security (and any designee of the Secretary selected to establish and administer the verification system), shall establish a reliable, secure method, which, within the time periods specified under subparagraphs (B) and (C), compares the name and social security account number provided in an inquiry against such information maintained by the Commissioner in order to validate (or not validate) the information provided regarding an individual whose identity and employment eligibility must be confirmed, the correspondence of the name and number, and whether the individual has presented a social security account number that is not valid for employment. The Commissioner shall not disclose or release social security information (other than such verification or nonverification) except as provided for in this section or section 205(c)(2)(I) of the Social Security Act.

''(F) RESPONSIBILITIES OF THE SECRETARY OF HOMELAND SECURITY.—(i) As part of the verification system, the Secretary of Homeland Security (in consultation with any designee of the Secretary selected to establish and administer the verification system), shall establish a reliable, secure method, which, within the time periods specified under subparagraphs (B) and (C), compares the name and alien identification or authorization number which are provided in an inquiry against such information maintained by the Secretary in order to validate (or not validate) the information provided, the correspondence of the name and number, and whether the alien is authorized to be employed in the United States.

''(ii) When a single employer has submitted to the verification system pursuant to paragraph (3)(A) the identical social security account number in more than one instance, or when multiple employers have submitted to the verification system pursuant to such paragraph the identical social security account number, in a manner which indicates the possible fraudulent use of that number, the Secretary of Homeland Security shall conduct an investigation, within the time periods specified in subparagraphs (B) and (C), in order to ensure that no fraudulent use of a social security account number has taken place. If the Secretary has selected a designee to establish and administer the verification system, the designee shall notify the Secretary when a single employer has submitted to the verification system pursuant to paragraph (3)(A) the identical social security account number in more than one instance, or when multiple employers have submitted to the verification system pursuant to such paragraph the identical social security account number, in a manner which indicates the possible fraudulent use of that number. The designee shall also provide the Secretary with all pertinent information, including the name and address of the employer or employers who submitted the relevant social security account number, the relevant social security account number submitted by the employer or employers, and the relevant name and date of birth of the employee submitted by the employer or employers.

''(G) UPDATING INFORMATION.—The Commissioner of Social Security and the Secretary of Homeland Security shall update their information in a manner that promotes maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in subparagraph (C).

''(H) LIMITATION ON USE OF THE VERIFICATION SYSTEM AND ANY RELATED SYSTEMS.—Notwithstanding any other provision of law, nothing in this subsection shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, database, or other records assembled under this subsection for any purpose other than the enforcement and administration of the immigration laws, the Social Security Act, or any provision of Federal criminal law.

''(I) FEDERAL TORT CLAIMS ACT.—If an individual alleges that the individual would not have been dismissed from a job but for an error of the verification mechanism, the individual may seek compensation only through the mechanism of the Federal Tort Claims Act, and injunctive relief to correct such error. No class action may be brought under this subparagraph.

''(J) PROTECTION FROM LIABILITY FOR ACTIONS TAKEN ON THE BASIS OF INFORMATION.—No person or entity shall be civilly or criminally liable for any action taken in good faith reliance on information provided through the employment eligibility verification mechanism established under this paragraph.''.

(b) REPEAL OF PROVISION RELATING TO EVALUATIONS AND CHANGES IN EMPLOYMENT VERIFICATION.—Section 274A(d) (8 U.S.C. 1324a(d)) is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of the enactment of this Act.

SEC. 312. EMPLOYMENT ELIGIBILITY VERIFICATION PROCESS.

(a) IN GENERAL.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in subsection (a)(3), by inserting ''(A)'' after ''DEFENSE.—'', and by adding at the end the following:

''(B) FAILURE TO SEEK AND OBTAIN VERIFICATION.—In the case of a person or entity in the United States that hires, or continues to employ, an individual, or recruits or refers an individual for employment, the following requirements apply:

''(i) FAILURE TO SEEK VERIFICATION.—

''(I) IN GENERAL.—If the person or entity has not made an inquiry, under the mechanism established under subsection (b)(7), seeking verification of the identity and work eligibility of the individual, by not later than the end of 3 working days (as specified by the Secretary of Homeland Security) after the date of the hiring, the date specified in subsection (b)(8)(B) for previously hired individuals, or before the recruiting or referring commences, the defense under subparagraph (A) shall not be considered to apply with respect to any employment, except as provided in subclause (II).

''(II) SPECIAL RULE FOR FAILURE OF VERIFICATION MECHANISM.—If such a person or entity in good faith attempts to make an inquiry in order to qualify for the defense under subparagraph (A) and the verification mechanism has registered that not all inquiries were responded to during the relevant time, the person or entity can make an inquiry until the end of the first subsequent working day in which the verification mechanism registers no nonresponses and qualify for such defense.

''(ii) FAILURE TO OBTAIN VERIFICATION.—If the person or entity has made the inquiry described in clause (i)(I) but has not received an appropriate verification of such identity and work eligibility under such mechanism within the time period specified under subsection (b)(7)(B) after the time the verification inquiry was received, the defense under subparagraph (A) shall not be considered to apply with respect to any employment after the end of such time period.'';

(2) by amending subparagraph (A) of subsection (b)(1) to read as follows:

''(A) IN GENERAL.—The person or entity must attest, under penalty of perjury and on a form designated or established by the Secretary by regulation, that it has verified that the individual is not an unauthorized alien by—

''(i) obtaining from the individual the individual's social security account number and recording the number on the form (if the individual claims to have been issued such a number), and, if the individual does not attest to United States citizenship under paragraph (2), obtaining such identification or authorization number established by the Department of Homeland Security for the alien as the Secretary of Homeland Security may specify, and recording such number on the form; and

''(ii)(I) examining a document described in subparagraph (B); or

''(II) examining a document described in subparagraph (C) and a document described in subparagraph (D).

A person or entity has complied with the requirement of this paragraph with respect to examination of a document if the document reasonably appears on its face to be genuine, reasonably appears to pertain to the individual whose identity and work eligibility is being verified, and, if the document bears an expiration date, that expiration date has not elapsed. If an individual provides a document (or combination of documents) that reasonably appears on its face to be genuine, reasonably appears to pertain to the individual whose identity and work eligibility is being verified, and is sufficient to meet the first sentence of this paragraph, nothing in this paragraph shall be construed as requiring the person or entity to solicit the production of any other document or as requiring the individual to produce another document.'';

(3) in subsection (b)(1)(D)—

(A) in clause (i), by striking ''or such other personal identification information relating to the individual as the Attorney General finds, by regulation, sufficient for purposes of this section''; and

(B) in clause (ii), by inserting before the period ''and that contains a photograph of the individual'';

(4) in subsection (b)(2), by adding at the end the following: ''The individual must also provide that individual's social security account number (if the individual claims to have been issued such a number), and, if the individual does not attest to United States citizenship under this paragraph, such identification or authorization number established by the Department of Homeland Security for the alien as the Secretary may specify.'';

(5) by amending paragraph (3) of subsection (b) to read as follows:

''(3) RETENTION OF VERIFICATION FORM AND VERIFICATION.—

''(A) IN GENERAL.—After completion of such form in accordance with paragraphs (1) and (2), the person or entity shall—

''(i) retain a paper, microfiche, microfilm, or electronic version of the form and make it available for inspection by officers of the Department of Homeland Security, the Special Counsel for Immigration-Related Unfair Employment Practices, or the Department of Labor during a period beginning on the date of the hiring, recruiting, or referral of the individual or the date of the completion of verification of a previously hired individual and ending—

''(I) in the case of the recruiting or referral of an individual, three years after the date of the recruiting or referral;

''(II) in the case of the hiring of an individual, the later of—

''(aa) three years after the date of such hiring; or

''(bb) one year after the date the individual's employment is terminated; and

''(III) in the case of the verification of a previously hired individual, the later of—

''(aa) three years after the date of the completion of verification; or

''(bb) one year after the date the individual's employment is terminated;

''(ii) make an inquiry, as provided in paragraph (7), using the verification system to seek verification of the identity and employment eligibility of an individual, by not later than the end of 3 working days (as specified by the Secretary of Homeland Security) after the date of the hiring or in the case of previously hired individuals, the date specified in subsection (b)(8)(B), or before the recruiting or referring commences; and

''(iii) not commence recruitment or referral of the individual until the person or entity receives verification under subparagraph (B)(i) or (B)(iii).

''(B) VERIFICATION.—

''(i) VERIFICATION RECEIVED.—If the person or other entity receives an appropriate verification of an individual's identity and work eligibility under the verification system within the time period specified, the person or entity shall record on the form an appropriate code that is provided under the system and that indicates a final verification of such identity and work eligibility of the individual.

''(ii) TENTATIVE NONVERIFICATION RECEIVED.—If the person or other entity receives a tentative nonverification of an individual's identity or work eligibility under the verification system within the time period specified, the person or entity shall so

inform the individual for whom the verification is sought. If the individual does not contest the nonverification within the time period specified, the nonverification shall be considered final. The person or entity shall then record on the form an appropriate code which has been provided under the system to indicate a tentative nonverification. If the individual does contest the nonverification, the individual shall utilize the process for secondary verification provided under paragraph (7). The nonverification will remain tentative until a final verification or nonverification is provided by the verification system within the time period specified. In no case shall an employer terminate employment of an individual because of a failure of the individual to have identity and work eligibility confirmed under this section until a nonverification becomes final. Nothing in this clause shall apply to a termination of employment for any reason other than because of such a failure.

''(iii) FINAL VERIFICATION OR NONVERIFICATION RECEIVED.—If a final verification or nonverification is provided by the verification system regarding an individual, the person or entity shall record on the form an appropriate code that is provided under the system and that indicates a verification or nonverification of identity and work eligibility of the individual.

''(iv) EXTENSION OF TIME.—If the person or other entity in good faith attempts to make an inquiry during the time period specified and the verification system has registered that not all inquiries were received during such time, the person or entity may make an inquiry in the first subsequent working day in which the verification system registers that it has received all inquiries. If the verification system cannot receive inquiries at all times during a day, the person or entity merely has to assert that the entity attempted to make the inquiry on that day for the previous sentence to apply to such an inquiry, and does not have to provide any additional proof concerning such inquiry.

''(v) CONSEQUENCES OF NONVERIFICATION.—

''(I) TERMINATION OR NOTIFICATION OF CONTINUED EMPLOYMENT.—If the person or other entity has received a final nonverification regarding an individual, the person or entity may terminate employment of the individual (or decline to recruit or refer the individual). If the person or entity does not terminate employment of the individual or proceeds to recruit or refer the individual, the person or entity shall notify the Secretary of Homeland Security of such fact through the verification system or in such other manner as the Secretary may specify.

''(II) FAILURE TO NOTIFY.—If the person or entity fails to provide notice with respect to an individual as required under subclause (I), the failure is deemed to constitute a violation of subsection (a)(1)(A) with respect to that individual.

''(vi) CONTINUED EMPLOYMENT AFTER FINAL NONVERIFICATION.—If the person or other entity continues to employ (or to recruit or refer) an individual after receiving final nonverification, a rebuttable presumption is created that the person or entity has violated subsection (a)(1)(A).'';

(6) by amending paragraph (4) of subsection (b) to read as follows:

''(4) COPYING AND RECORD KEEPING OF DOCUMENTATION REQUIRED.—

''(A) LAWFUL EMPLOYMENT DOCUMENTS.—Notwithstanding any other provision of law, a person or entity shall retain a copy of each document presented by an individual to the individual or entity pursuant to this subsection. Such copy may only be used (except as otherwise permitted under law) for the purposes of complying with the requirements of this subsection and shall be maintained for a time period to be determined by the Secretary of Homeland Security.

''(B) SOCIAL SECURITY CORRESPONDENCE.—A person or entity shall maintain records of correspondence from the Commissioner of Social Security regarding name and number mismatches or no-matches and the steps taken to resolve such mismatches or no-matches. The employer shall maintain such records for a time period to be determined by the Secretary.

''(C) OTHER DOCUMENTS.—The Secretary may, by regulation, require additional documents to be copied and maintained.''; and

(7) by amending paragraph (5) of subsection (b) to read as follows:

''(5) USE OF ATTESTATION FORM.—A form designated by the Secretary to be used for compliance with this subsection, and any information contained in or appended to such form, may not be used for purposes other than for enforcement of this chapter or of title 18, United States Code.''.

(b) INVESTIGATION NOT A WARRANTLESS ENTRY.—Section 287(e) of the Immigration and Nationality Act (8 U.S.C. 1357(e)) is amended by adding at the end the following: ''An investigation authorized pursuant to subsections (b)(7) or (e) of section 274A is not a warrantless entry.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of the enactment of this Act.

SEC. 313. EXPANSION OF EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM TO PREVIOUSLY HIRED INDIVIDUALS AND RECRUITING AND REFERRING.

(a) APPLICATION TO RECRUITING AND REFERRING.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in subsection (a)(1)(A), by striking ''for a fee'';

(2) in subsection (a)(1), by amending subparagraph (B) to read as follows:

''(B) to hire, continue to employ, or to recruit or refer for employment in the United States an individual without complying with the requirements of subsection (b).'';

(3) in subsection (a)(2) by striking ''after hiring an alien for employment in accordance with paragraph (1),'' and inserting ''after complying with paragraph (1),''; and

(4) in subsection (a)(3), as amended by section 312, is further amended by striking ''hiring,'' and inserting ''hiring, employing,'' each place it appears.

(b) EMPLOYMENT ELIGIBILITY VERIFICATION FOR PREVIOUSLY HIRED INDIVIDUALS.—Section 274A(b) of such Act (8 U.S.C. 1324a(b)), as amended by section 311(a), is amended by adding at the end the following new paragraph:

''(8) USE OF EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM FOR PREVIOUSLY HIRED INDIVIDUALS.—

''(A) ON A VOLUNTARY BASIS.—Beginning on the date that is 2 years after the date of the enactment of the Employment Security Act of 2006 and until the date specified in subparagraph (B)(iii), a person or entity may make an inquiry, as provided in paragraph (7), using the verification system to seek verification of the identity and employment eligibility of any individual employed by the person or entity, as long as it is done on a nondiscriminatory basis.

''(B) ON A MANDATORY BASIS.—

''(i) INITIAL COMPLIANCE.—A person or entity described in clause (ii) shall make an inquiry as provided in paragraph (7), using the verification system to seek verification of the identity and employment eligibility of all individuals employed by the person or entity who have not been previously subject to an inquiry by the person or entity by the date 3 years after the date of the enactment of the Employment Security Act of 2006.

''(ii) PERSON OR ENTITY COVERED.—A person or entity is described in this clause if it is a Federal, State, or local governmental body (including the Armed Forces of the United States), or if it employs individuals working in a location that is a Federal, State, or local government building, a military base, a nuclear energy site, a weapon site, an airport, or that contains critical infrastructure (as defined in section 1016(e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c(e))), but only to the extent of such individuals.

''(iii) SUBSEQUENT COMPLIANCE.—All persons and entities other than a person or entity described in clause (ii) shall make an inquiry, as provided in paragraph (7), using the verification system to seek verification of the identity and employment eligibility of all individuals employed by the person or entity that have not been previously subject to an inquiry by the person or entity by the date 6 years after the date of the enactment of the Employment Security Act of 2006.''.

SEC. 314. EXTENSION OF PREEMPTION TO REQUIRED CONSTRUCTION OF DAY LABORER SHELTERS.

Paragraph 274A(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(2)) is amended—

(1) by striking ''imposing'', and inserting a dash and ''(A) imposing'';

(2) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(B) Requiring as a condition of conducting, continuing, or expanding a business that a business entity—

''(i) provide, build, fund, or maintain a shelter, structure, or designated area for use by day laborers at or near its place of business; or

''(ii) take other steps that facilitate the employment of day laborers by others.''.

SEC. 315. BASIC PILOT PROGRAM.

Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking ''at the end of the 11-year period beginning on the first day the pilot program is in effect'' and inserting ''2 years after the date of the enactment of the Employment Security Act of 2006''.

SEC. 316. PROTECTION FOR UNITED STATES WORKERS AND INDIVIDUALS REPORTING IMMIGRATION LAW VIOLATIONS.

Section 274B(a) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)) is amended by adding at the end the following:

''(7) PROTECTION OF RIGHT TO REPORT.—Notwithstanding any other provision of law, the rights protected by this subsection include the right of any individual to report a violation or suspected violation of any immigration law to the Secretary of Homeland Security or a law enforcement agency.''.

SEC. 317. PENALTIES.

(a) CIVIL AND CRIMINAL PENALTIES.—Section 274A(e)(4) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)(4)) is amended to read:

''(4) CIVIL AND CRIMINAL PENALTIES.—

''(A) KNOWINGLY HIRING UNAUTHORIZED ALIENS.—Any person or entity that violates subsection (a)(1)(A) shall—

''(i) in the case of a first offense, be fined $10,000 for each unauthorized alien;

''(ii) (in the case of a second offense, be fined $50,000 for each unauthorized alien; and

''(iii) in the case of a third or subsequent offense, be fined in accordance with title 18, United States Code, imprisoned not less than 1 year and not more than 3 years, or both.

''(B) CONTINUING EMPLOYMENT OF UNAUTHORIZED ALIENS.—Any person or entity that

violates subsection (a)(2) shall be fined in accordance of title 18, United States Code, imprisoned not less than 1 year and not more than 3 years, or both.''.

(b) PAPERWORK OR VERIFICATION VIOLATIONS.—Section 274A(e)(5) of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended to read:

''(5) PAPERWORK OR VERIFICATION VIOLATIONS.—Any person or entity that violates subsection (a)(1)(B) shall—

''(A) in the case of a first offense, be fined $1,000 for each violation;

''(B) in the case of a second violation, be fined $5,000 for each violation; and

''(C) in the case of a third and subsequent violation, be fined $10,000 for each such violation.''.

(c) GOVERNMENT CONTRACTS.—Section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)) is amended by adding at the end the following new paragraph:

''(10) GOVERNMENT CONTRACTS.—

''(A) EMPLOYERS.—

''(i) IN GENERAL.—If the Secretary of Homeland Secretary determines that a person or entity that employs an alien is a repeat violator of this section or is convicted of a crime under this section, such person or entity shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 2 years. The Secretary of Homeland Security 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 2-year period.

''(ii) WAIVER.—The Administrator of General Services, in consultation with the Secretary of Homeland Security and Attorney General, may waive the application of this subparagraph or may limit the duration or scope of the debarment imposed under it.

''(iii) PROHIBITION ON JUDICIAL REVIEW.—Any proposed debarment that is predicated on an administrative determination of liability for civil penalty by the Secretary of Homeland Security or the Attorney General may not be reviewable in any debarment proceeding. The decision of whether to debar or take alternation may not be reviewed by any court.

''(B) CONTRACTORS AND RECIPIENTS.—

''(i) IN GENERAL.—If the Secretary of Homeland Security determines that a person or entity that employs an alien and holds a Federal contract, grant, or cooperative agreement is a repeat violator of this section or is convicted of a crime under this section, such person or entity shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 2 years. Prior to debarring the employer, the Secretary of Homeland Security, in cooperation with the Administrator of General Services, shall advise the head of each agency holding such a contract, grant, or cooperative agreement with person or entity of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years.

''(ii) WAIVER.—After consideration of the views of the head of each such agency, the Secretary of Homeland Security may, in lieu of debarring the employer from the receipt of new a Federal contract, grant, or cooperative agreement for a period of 2 years, waive application of this subparagraph, 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.

''(iii) PROHIBITION ON REVIEW.—Any proposed debarment that is predicated on an administrative determination of liability for civil penalty by the Secretary of Homeland Security or the Attorney General may not be reviewable in any debarment proceeding. The decision of whether to debar or take alternation may not be reviewed by any court.

''(C) CAUSE FOR SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this paragraph shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

''(D) APPLICABILITY.—The provisions of this paragraph shall apply to any Federal contract, grant, or cooperative agreement that is effective on or after the date of the enactment of the Employment Security Act of 2006.''.

(d) CRIMINAL PENALTIES FOR PATTERN OR PRACTICE VIOLATIONS.—Section 274A(f)(1) of the Immigration and Nationality Act (8 U.S.C. 1324a(f)(1)) is amended to read as follows:

''(1) CRIMINAL PENALTY.—Any person or entity engages in a pattern or practice of violations of subsection (a)(1) or (2) shall be fined not more than $50,000 for each unauthorized alien with respect to which such a violation occurs, imprisoned for not less than 3 years and not more than 5 years, or both, notwithstanding the provisions of any other Federal law relating to fine levels. The amount of the gross proceeds of such violation, and any property traceable to such proceeds, shall be seized and subject to forfeiture under title 18, United States Code.''.

(e) AUTHORITY OF THE SECRETARY OF HOMELAND SECURITY.—Subsections (b)(2) and (f)(2) of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) are amended by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''.

Subtitle C—Work Eligibility Verification Reform in the Social Security Administration

SEC. 321. VERIFICATION RESPONSIBILITIES OF THE 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, however 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.

SEC. 322. NOTIFICATION BY COMMISSIONER OF FAILURE TO CORRECT SOCIAL SECURITY INFORMATION.

The Commissioner of Social Security shall promptly notify the Secretary of Homeland Security of the failure of any individual to provide, upon any request of the Commissioner made pursuant to section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)), evidence necessary, under such section to—

(1) establish the age, citizenship, immigration or work eligibility status of the individual;

(2) establish such individual's true identity; or

(3) determine which (if any) social security account number has previously been assigned to such individual.

SEC. 323. RESTRICTION ON ACCESS AND USE.

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 subparagraph:

''(I)(i) Access to any information contained in the Employment Eligibility Verification System established section 274A(b)(7) of the Immigration and Nationality Act, shall be prohibited for any purpose other than the administration or enforcement of Federal immigration, social security, and tax laws, any provision of title 18, United States Code, or as otherwise authorized by Federal law.

''(ii) No person or entity may use the information in such Employment Eligibility Verification System for any purpose other than as permitted by Federal law.

''(iii) Whoever knowingly uses, discloses, publishes, or permits the unauthorized use of information in such Employment Eligibility Verification System in violation of clause (i) or (ii) shall be fined not more than $10,000 per individual injured by such violation. The Commissioner of Social Security shall establish procedure to ensure that 60 percent of any fine imposed under this clause is awarded to the individual injured by such violation.''.

SEC. 324. SHARING OF INFORMATION WITH THE COMMISSIONER OF INTERNAL REVENUE SERVICE.

Section 205(c)(2)(H) of the Social Security Act (42 U.S.C. 405(c)(2)(H)) is amended to read as follows:

''(H) The Commissioner of Social Security shall share with the Secretary of the Treasury—

''(i) the information obtained by the Commissioner pursuant to the second sentence of subparagraph (B)(ii) and to subparagraph (C)(ii) for the purpose of administering those sections of the Internal Revenue Code of 1986 that grant tax benefits based on support or residence of children; and

''(ii) information relating to the detection of wages or income from self-employment of unauthorized aliens (as defined by section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a)), or the investigation of false statements or fraud by such persons incident to the administration of immigration, social security, or tax laws of the United States.

Information disclosed under this subparagraph shall be solely for the use of the officers and employees to whom such information is disclosed in such response or investigation.''.

SEC. 325. SHARING OF INFORMATION WITH THE SECRETARY OF HOMELAND SECURITY.

(a) AMENDMENT TO THE SOCIAL SECURITY ACT.—Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)), as amended by section 423, is amended by adding at the end the following new subparagraph:

''(J) Upon the issuance of a social security account number under subparagraph (B) to any individual or the issuance of a Social Security card under subparagraph (G) to any individual, the Commissioner of social security shall transmit to the Secretary of Homeland Security such information received by the Commissioner in the individual's application for such number or such card as the Secretary of Homeland Security determines necessary and appropriate for administration of the immigration laws of the United States.''.

(b) AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—

(1) FORMS AND PROCEDURES.—Section 264(f) of the Immigration and Nationality Act (8 U.S.C. 1304(f)) is amended to read as follows:

''(f) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), the Secretary of Homeland Security, Secretary of Labor and the Attorney General are authorized to require any individual to provide the individual's own social security account number for purposes of inclusion in any record of the individual maintained by any of any such Secretary or the Attorney General, or for inclusion on any application, document, or form provided under or required by the immigration laws.''.

(2) CENTRAL FILE.—Section 290(c) of the Immigration and Nationality Act (8 U.S.C. 1360(c)) is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986) earnings are reported on or after January 1, 1997, to the Commissioner of Social Security on a social security account number issued to an alien who is not authorized to work in the United States, the Commissioner shall provide the Secretary of Homeland Security with information regarding the name, date of birth, and address of the alien, the name and address of the person reporting the earnings, and the amount of the earnings. The information shall be provided in an electronic form agreed upon by the Commissioner and the Secretary.

''(3) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), the Commissioner of Social Security shall provide the Secretary of Homeland Security information regarding the name, date of birth, and address of an individual, as well as the name and address of the person reporting the earnings, in any case where a social security account number does not match the name in the Social Security Administration record. The information shall be provided in an electronic form agreed upon by the Commissioner and the Secretary for the sole purpose of enforcing the immigration laws. The Secretary, in consultation with the Commissioner, may limit or modify these requirements as appropriate to identify those cases posing the highest possibility of fraudulent use of social security account numbers related to violation of the immigration laws.

''(4) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), the Commissioner of Social Security shall provide the Secretary of Homeland Security information regarding the name, date of birth, and address of an individual, as well as the name and address of the person reporting the earnings, in any case where the individual has more than one person reporting earnings for the individual during a single tax year and where a social security number was used with multiple names. The information shall be provided in an electronic form agreed upon by the Commissioner and the Secretary for the sole purpose of enforcing the immigration laws. The Secretary, in consultation with the Commissioner, may limit or modify these requirements as appropriate to identify those cases posing the highest possibility of fraudulent use of social security account numbers related to violation of the immigration laws.

''(5)(A) The Commissioner of Social Security shall perform, at the request of the Secretary of Homeland Security, any search or manipulation of records held by the Commissioner, so long as the Secretary certifies that the purpose of the search or manipulation is to obtain information likely to assist in identifying individuals (and their employers) who—

''(i) are using false names or social security numbers; who are sharing among multiple individuals a single valid name and social security number;

''(ii) are using the social security number of persons who are deceased, too young to work or not authorized to work; or

''(iii) are otherwise engaged in a violation of the immigration laws.

''(B) The Commissioner shall provide the results of such search or manipulation to the Secretary, notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986). The Secretary shall transfer to the Commissioner the funds necessary to cover the additional cost directly incurred by the Commissioner in carrying out the searches or manipulations reported by the Secretary.''.

Subtitle D—Sharing of Information

SEC. 331. SHARING OF INFORMATION WITH THE SECRETARY OF HOMELAND SECURITY AND THE COMMISSIONER OF SOCIAL SECURITY.

(a) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 6103(i) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(9) DISCLOSURE OF INFORMATION RELATING TO VIOLATIONS OF FEDERAL IMMIGRATION LAW.—

''(A) Upon receipt by the Secretary of the Treasury of a written request, by the Secretary of Homeland Security or Commissioner of Social Security, the Secretary of the Treasury shall disclose return information to officers and employees of the Department of Homeland Security and the Social Security Administration who are personally and directly engaged in—

''(i) preparation for any judicial or administrative civil or criminal enforcement proceeding against an alien under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than the adjudication of any application for a change in immigration status or other benefit by such alien, or

''(ii) preparation for a civil or criminal enforcement proceeding against a citizen or national of the United States under section 274, 274A, or 274C of the Immigration and Nationality Act (8 U.S.C. 1324, 1324a, or 1324c), or

''(iii) any investigation which may result in the proceedings enumerated in clauses (i) and (ii) above.

''(B) LIMITATION ON USE AND RETENTION OF TAX RETURN INFORMATION.—

''(i) Information disclosed under this paragraph shall be solely for the use of the officers and employees to whom such information is disclosed in such response or investigation.

''(ii) Should the proceeding for which such information has been disclosed not commence within 3 years after the date on which the information has been disclosed by the Secretary, the information shall be returned to the Secretary in its entirety, and shall not be retained in any form by the requestor, unless the taxpayer is notified in writing as to the information that has been retained.''.

(b) AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended by adding at the end the following new subsection:

''(i) NO-MATCH NOTICE.—

''(1) NO-MATCH NOTICE DEFINED.—In this subsection, the term 'no-match notice' means a written notice from the Commissioner of Social Security to an employer reporting earnings on a Form W-2 that an employee name or corresponding social security account number fail to match records maintained by the Commissioner.

''(2) PROVISION OF INFORMATION.—

''(A) REQUIREMENT TO PROVIDE.—Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), the Commissioner shall provide the Secretary of Homeland Security with information relating to employers who have received no-match notices and, upon request, with such additional information as the Secretary certifies is necessary to administer or enforce the immigration laws.

''(B) FORM OF INFORMATION.—The information shall be provided in an electronic form agreed upon by the Commissioner and the Secretary.

''(C) USE OF INFORMATION.—A no-match notice received by the Secretary from the Commissioner may be used as evidence in any civil or criminal proceeding.

''(3) OTHER AUTHORITIES.—

''(A) VERIFICATION REQUIREMENT.—The Secretary, in consultation with the Commissioner, is authorized to establish by regulation requirements for verifying the identity and work authorization of an employee who is the subject of a no-match notice.

''(B) PENALTIES.—The Secretary is authorized to establish by regulation penalties for failure to comply with this subsection.

''(C) LIMITATION ON AUTHORITIES.—This authority in this subsection is provided in aid of the Secretary's authority to administer and enforce the immigration laws, and nothing in this subsection shall be construed to authorize the Secretary to establish any regulation regarding the administration or enforcement of laws otherwise relating to taxation or the Social Security system.''.

Subtitle E—Identification Document Integrity

SEC. 341. CONSULAR IDENTIFICATION DOCUMENTS.

(a) ACCEPTANCE OF FOREIGN IDENTIFICATION DOCUMENTS.—

(1) IN GENERAL.—Subject to paragraph (3), for purposes of personal identification, no agency, commission, entity, or agent of the executive or legislative branches of the Federal Government may accept, acknowledge, recognize, or rely on any identification document issued by the government of a foreign country, unless otherwise mandated by Federal law.

(2) AGENT DEFINED.—In this section, the term ''agent'' shall include the following:

(A) A Federal contractor or grantee.

(B) An institution or entity exempted from Federal income taxation under the Internal Revenue Code of 1986.

(C) A financial institution required to ask for identification under section 5318(l) of title 31, United States Code.

(3) EXCEPTIONS.—

(A) IN GENERAL.—An individual who is not a citizen or national of the United States may present for purposes of personal identification an official identification document issued by the government of a foreign country or other foreign identification document recognized pursuant to a treaty entered into by the United States, if—

(i) such individual simultaneously presents valid verifiable documentation of lawful presence in the United States issued by the appropriate agency of the Federal Government;

(ii) reporting a violation of law or seeking government assistance in an emergency;

(iii) the document presented is a passport issued to a citizen or national of a country that participates in the visa waiver program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) by the government of such country; or

(iv) such use is expressly permitted another provision of Federal law.

(B) NONAPPLICATION.—The provisions of paragraph (1) shall not apply to—

(i) inspections of alien applicants for admission to the United States; or

(ii) verification of personal identification of persons outside the United States.

(4) LISTING OF ACCEPTABLE DOCUMENTS.—The Secretary of Homeland Security shall issue and maintain an updated public listing, compiled in consultation with the Secretary of State, and including sample facsimiles, of all acceptable Federal documents that satisfy the requirements of paragraph (3)(A).

(b) ESTABLISHMENT OF PERSONAL IDENTITY.—Section 274C(a) of the Immigration and Nationality Act (8 U.S.C. 1324c(a)) is amended—

(1) in paragraph (5), by striking ''or'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting a comma and ''or''; and

(3) by inserting after paragraph (6) the following new paragraph:

''(7) to use to establish personal identity, before any agent of the Federal Government, or before any agency of the Federal Government or of a State or any political subdivision therein, a travel or identification document issued by a foreign government that is not accepted by the Secretary of Homeland Security to establish personal identity for purposes of admission to the United States at a port of entry, except—

''(A) in the case of a person who is not a citizen of the United States—

''(i) the person simultaneously presents valid verifiable documentation of lawful presence in the United States issued by an agency of the Federal Government;

''(ii) the person is reporting a violation of law or seeking government assistance in an emergency; or

''(iii) such use is expressly permitted by Federal law.''.

SEC. 342. MACHINE-READABLE TAMPER-RESISTANT IMMIGRATION DOCUMENTS.

(a) IN GENERAL.—Section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732) is amended—

(1) in the heading, by striking ''**ENTRY AND EXIT DOCUMENTS**'' and inserting ''**TRAVEL, ENTRY, AND EVIDENCE OF STATUS DOCUMENTS**'';

(2) in subsection (b)(1)—

(A) by striking ''Not later than October 26, 2004, the Attorney General'' and inserting ''The Secretary of Homeland Security''; and

(B) by striking ''visas and'' each place it appears and inserting ''visas, evidence of status, and'';

(3) by striking subsection (d) and inserting the following:

''(d) OTHER DOCUMENTS.—Not later than October 26, 2007, every document, other than an interim document, issued by the Secretary of Homeland Security, which may be used as evidence of immigrant, nonimmigrant, parole, asylee, or refugee status, shall be machine-readable, tamper-resistant, and incorporate a biometric identifier to allow the Secretary of Homeland Security to electronically verify the identity and status of the alien.

''(e) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated such sums as may be necessary to carry out this section, including reimbursements to international and domestic standards organizations.

''(2) FEE.—During any fiscal year for which appropriations sufficient to issue documents described in subsection (d) are not made pursuant to law, the Secretary of Homeland Security is authorized to implement and collect a fee sufficient to cover the direct cost of issuance of such document from the alien to whom the document will be issued.

''(3) EXCEPTION.—The fee described in paragraph (2) may not be levied against nationals of a foreign country if the Secretary of Homeland has determined that the total estimated population of such country who are unlawfully present in the United States does not exceed 3,000 aliens.''.

(b) TECHNICAL AMENDMENT.—The table of contents in section 1(b) of the Enhanced Border Security and Visa Entry Reform Act of 2002 (Public Law 107–173; 116 Stat. 543) is amended by striking the item relating to section 303 and inserting the following:

''Sec. 303. Machine-readable, tamper-resistant travel, entry, and evidence of status documents.''.

Subtitle F—Effective Date; Authorization of Appropriations

SEC. 351. EFFECTIVE DATE.

Except as otherwise specially provided in this Act, the provisions of this title shall take effect not later than 45 days after the date of the enactment of this Act.

SEC. 352. AUTHORIZATION OF APPROPRIATIONS.

In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this title.

SA 4148. Mr. KENNEDY (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide 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) in the case of an individual who is a national of the United States—

''(I) a United States passport; or

''(II) a 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 that satisfies the requirements of division B of Public Law 109–13 (119 Stat. 302);

''(ii) in the case of an alien lawfully admitted for permanent residence in the United States, a permanent resident card, as specified by the Secretary;

''(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) in the case of an individual who is unable to obtain a document described in clause (i), (ii), or (iii), a document designated 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; 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—

''(A) 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 RECORDKEEPING 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 not less than $400,000,000 have been 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 provide 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 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 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, waive operation of this subsection, 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 debarment 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(l)(3) (8 U.S.C. 1324b(l)(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 4150. 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:

Beginning on page 391, strike line 24 and all that follows through page 392, line 9.

SA 4151. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 378, strike lines 11 through 14, and insert ''any right to judicial review, other than to contest any removal action on the basis of''.

SA 4152. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 380, between lines 20 and 21, insert the following:

''(e) CONFIDENTIALITY OF INFORMATION.—The restrictions on the use of information set out in subsection (e) of section 245B shall apply to information submitted by an alien seeking Deferred Mandatory Departure status under this section.

SA 4149. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 345, between lines 5 and 6, insert the following:

Subtitle B—Preservation of Immigration Benefits for Hurricane Katrina Victims

SEC. 511. SHORT TITLE.

This subtitle may be cited as the ''Hurricane Katrina Victims Immigration Benefits Preservation Act''.

SEC. 512. DEFINITIONS.

In this subtitle:

(1) APPLICATION OF DEFINITIONS FROM THE IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this subtitle, the definitions in the Immigration and Nationality Act shall apply in the administration of this subtitle.

(2) DIRECT RESULT OF A SPECIFIED HURRICANE DISASTER.—The term ''direct result of a specified hurricane disaster''—

(A) means physical damage, disruption of communications or transportation, forced or voluntary evacuation, business closures, or other circumstances directly caused by Hurricane Katrina (on or after August 26, 2005) or Hurricane Rita (on or after September 21, 2005); and

(B) does not include collateral or consequential economic effects in or on the United States or global economies.

SEC. 513. SPECIAL IMMIGRANT STATUS.

(a) PROVISION OF STATUS.—

(1) IN GENERAL.—For purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)), if the alien—

(A) files with the Secretary a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

(B) is otherwise eligible to receive an immigrant visa; and

(C) is otherwise admissible to the United States for permanent residence.

(2) INAPPLICABLE PROVISION.—In determining admissibility under paragraph (1)(C), the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)) shall not apply.

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this subsection if—

(A) the alien was the beneficiary of—

(i) a petition that was filed with the Secretary on or before August 26, 2005—

(I) under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) to classify the alien as a family-sponsored immigrant under section 203(a) of such Act (8 U.S.C. 1153(a)) or as an employment-based immigrant under section 203(b) of such Act (8 U.S.C. 1153(b)); or

(II) under section 214(d) of such Act (8 U.S.C. 1184(d)) to authorize the issuance of a nonimmigrant visa to the alien under section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)); or

(ii) an application for labor certification under section 212(a)(5)(A) of such Act (8 U.S.C. 1182(a)(5)(A)) that was filed under regulations of the Secretary of Labor on or before such date; and

(B) such petition or application was revoked or terminated (or otherwise rendered null), before or after its approval, solely due to—

(i) the death or disability of the petitioner, applicant, or alien beneficiary as a direct result of a specified hurricane disaster; or

(ii) loss of employment as a direct result of a specified hurricane disaster.

(2) SPOUSES AND CHILDREN.—

(A) IN GENERAL.—An alien is described in this subsection if—

(i) the alien, as of August 26, 2005, was the spouse or child of a principal alien described in paragraph (1); and

(ii) the alien—

(I) is accompanying such principal alien; or

(II) is following to join such principal alien not later than August 26, 2007.

(B) CONSTRUCTION.—In construing the terms ''accompanying'' and ''following to join'' in subparagraph (A)(ii), the death of a principal alien described in paragraph (1)(B)(i) shall be disregarded.

(3) GRANDPARENTS OR LEGAL GUARDIANS OF ORPHANS.—An alien is described in this subsection if the alien is a grandparent or legal guardian of a child whose parents died as a direct result of a specified hurricane disaster, if either of the deceased parents was, as of August 26, 2005, a citizen or national of the United States or an alien lawfully admitted for permanent residence in the United States.

(c) PRIORITY DATE.—Immigrant visas made available under this section shall be issued to aliens in the order in which a petition on behalf of each such alien is filed with the Secretary under subsection (a)(1), except that if an alien was assigned a priority date with respect to a petition described in subsection (b)(1)(A)(i), the alien may maintain that priority date.

(d) NUMERICAL LIMITATIONS.—In applying sections 201 through 203 of the Immigration and Nationality Act (8 U.S.C. 1151–1153) in any fiscal year, aliens eligible to be provided status under this section shall be treated as special immigrants who are not described in subparagraph (A), (B), (C), or (K) of section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)).

SEC. 514. EXTENSION OF FILING OR REENTRY DEADLINES.

(a) AUTOMATIC EXTENSION OF NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Notwithstanding section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), an alien described in paragraph (2) who was lawfully present in the United States as a nonimmigrant on August 26, 2005, may, unless otherwise determined by the Secretary in the Secretary's discretion, lawfully remain in the United States in the same nonimmigrant status until the later of—

(A) the date on which such lawful nonimmigrant status would have otherwise terminated absent the enactment of this subsection; or

(B) 1 year after the death or onset of disability described in paragraph (2).

(2) ALIENS DESCRIBED.—

(A) PRINCIPAL ALIENS.—An alien is described in this paragraph if the alien was disabled as a direct result of a specified hurricane disaster.

(B) SPOUSES AND CHILDREN.—An alien is described in this paragraph if the alien, as of August 26, 2005, was the spouse or child of—

(i) a principal alien described in subparagraph (A); or

(ii) an alien who died as a direct result of a specified hurricane disaster.

(3) AUTHORIZED EMPLOYMENT.—During the period in which a principal alien or alien spouse is in lawful nonimmigrant status under paragraph (1), the alien may be provided an ''employment authorized'' endorsement or other appropriate document signifying authorization of employment.

(b) NEW DEADLINES FOR EXTENSION OR CHANGE OF NONIMMIGRANT STATUS.—

(1) FILING DELAYS.—

(A) IN GENERAL.—If an alien, who was lawfully present in the United States as a nonimmigrant on August 26, 2005, was prevented from filing a timely application for an extension or change of nonimmigrant status as a direct result of a specified hurricane disaster, the alien's application may be considered timely filed if it is filed not later than one year after it would have otherwise been due.

(B) CIRCUMSTANCES PREVENTING TIMELY ACTION.—For purposes of subparagraph (A), circumstances preventing an alien from timely acting are—

(i) office closures;

(ii) mail or courier service cessations or delays;

(iii) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements;

(iv) mandatory evacuation and relocation; or

(v) other circumstances, including medical problems or financial hardship.

(2) DEPARTURE DELAYS.—

(A) IN GENERAL.—If an alien, who was lawfully present in the United States as a nonimmigrant on August 26, 2005, is unable to timely depart the United States as a direct result of a specified hurricane disaster, the alien shall not be considered to have been unlawfully present in the United States during the period beginning on August 26, 2005, and ending on the date of the alien's departure, if such departure occurred on or before February 28, 2006.

(B) CIRCUMSTANCES PREVENTING TIMELY ACTION.—For purposes of subparagraph (A), circumstances preventing an alien from timely acting are—

(i) office closures;

(ii) transportation cessations or delays;

(iii) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements;

(iv) mandatory evacuation and relocation; or

(v) other circumstances, including medical problems or financial hardship.

(c) DIVERSITY IMMIGRANTS.—Section 204(a)(1)(I)(ii)(II) (8 U.S.C. 1154(a)(1)(I)(ii)(II)), is amended to read as follows:

''(II) An immigrant visa made available under subsection 203(c) for fiscal year 1998, or for a subsequent fiscal year, may be issued, or adjustment of status under section 245(a) based upon the availability of such visa may be granted, to an eligible qualified alien who has properly applied for such visa or adjustment in the fiscal year for which the alien was selected notwithstanding the end of such fiscal year. Such visa or adjustment of status shall be counted against the worldwide level set forth in subsection 201(e) for the fiscal year for which the alien was selected.''.

(d) EXTENSION OF FILING PERIOD.—If an alien is unable to timely file an application to register or reregister for Temporary Protected Status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a) as a direct result of a specified hurricane disaster, the alien's application may be considered timely filed if it is filed not later than 90 days after it otherwise would have been due.

(f) VOLUNTARY DEPARTURE.—

(1) IN GENERAL.—Notwithstanding section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), if a period for voluntary departure under such section expired during the period beginning on August 26, 2005, and ending on December 31, 2005, and the alien was unable to voluntarily depart before the expiration date as a direct result of a specified hurricane disaster, such voluntary departure period is deemed extended for an additional 60 days.

(2) CIRCUMSTANCES PREVENTING DEPARTURE.—For purposes of this subsection, circumstances preventing an alien from voluntarily departing the United States are—

(A) office closures;

(B) transportation cessations or delays;

(C) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements;

(D) mandatory evacuation and removal; and

(E) other circumstances, including medical problems or financial hardship.

(g) CURRENT NONIMMIGRANT VISA HOLDERS.—

(1) IN GENERAL.—An alien, who was lawfully present in the United States on August 26, 2005, as a nonimmigrant under section

101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) and lost employment as a direct result of a specified hurricane disaster may accept new employment upon the filing by a prospective employer of a new petition on behalf of such nonimmigrant not later than August 26, 2006.

(2) CONTINUATION OF EMPLOYMENT AUTHORIZATION.—Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such employment shall cease.

(3) SAVINGS PROVISION.—Nothing in this subsection shall be construed to limit eligibility for portability under section 214(n) of the Immigration and Nationality Act (8 U.S.C. 1184(n)).

SEC. 515. HUMANITARIAN RELIEF FOR CERTAIN SURVIVING SPOUSES AND CHILDREN.

(a) TREATMENT AS IMMEDIATE RELATIVES.—

(1) SPOUSES.—Notwithstanding the second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), in the case of an alien who was the spouse of a citizen of the United States at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, if the citizen died as a direct result of a specified hurricane disaster, the alien (and each child of the alien) may be considered, for purposes of section 201(b) of such Act, to remain an immediate relative after the date of the citizen's death if the alien files a petition under section 204(a)(1)(A)(ii) of such Act not later than 2 years after such date and only until the date on which the alien remarries. For purposes of such section 204(a)(1)(A)(ii), an alien granted relief under this paragraph shall be considered an alien spouse described in the second sentence of section 201(b)(2)(A)(i) of such Act.

(2) CHILDREN.—

(A) IN GENERAL.—In the case of an alien who was the child of a citizen of the United States at the time of the citizen's death, if the citizen died as a direct result of a specified hurricane disaster, the alien may be considered, for purposes of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)), to remain an immediate relative after the date of the citizen's death (regardless of subsequent changes in age or marital status), but only if the alien files a petition under subparagraph (B) not later than 2 years after such date.

(B) PETITIONS.—An alien described in subparagraph (A) may file a petition with the Secretary for classification of the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), which shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(b) SPOUSES, CHILDREN, UNMARRIED SONS AND DAUGHTERS OF LAWFUL PERMANENT RESIDENT ALIENS.—

(1) IN GENERAL.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is included in a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(2)) that was filed by such alien before August 26, 2005, may be considered (if the spouse, child, son, or daughter has not been admitted or approved for lawful permanent residence by such date) a valid petitioner for preference status under such section with the same priority date as that assigned before the death described in paragraph (3)(A). No new petition shall be required to be filed. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(2) SELF-PETITIONS.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is not a beneficiary of a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act may file a petition for such classification with the Secretary, if the spouse, child, son, or daughter was present in the United States on August 26, 2005. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(3) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified hurricane disaster; and

(B) on the day of such death, was lawfully admitted for permanent residence in the United States.

(c) APPLICATIONS FOR ADJUSTMENT OF STATUS BY SURVIVING SPOUSES AND CHILDREN OF EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Any alien who was, on August 26, 2005, the spouse or child of an alien described in paragraph (2), and who applied for adjustment of status before the death described in paragraph (2)(A), may have such application adjudicated as if such death had not occurred.

(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified hurricane disaster; and

(B) on the day before such death, was—

(i) an alien lawfully admitted for permanent residence in the United States by reason of having been allotted a visa under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)); or

(ii) an applicant for adjustment of status to that of an alien described in clause (i), and admissible to the United States for permanent residence.

(d) APPLICATIONS BY SURVIVING SPOUSES AND CHILDREN OF REFUGEES AND ASYLEES.—

(1) IN GENERAL.—Any alien who, on August 26, 2005, was the spouse or child of an alien described in paragraph (2), may have his or her eligibility to be admitted under sections 207(c)(2)(A) or 208(b)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(2)(A), 1158(b)(3)(A)) considered as if the alien's death had not occurred.

(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified hurricane disaster; and

(B) on the day before such death, was—

(i) an alien admitted as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157); or

(ii) granted asylum under section 208 of such Act (8 U.S.C. 1158).

(e) WAIVER OF PUBLIC CHARGE GROUNDS.—In determining the admissibility of any alien accorded an immigration benefit under this section, the grounds for inadmissibility specified in section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) shall not apply.

SEC. 516. RECIPIENT OF PUBLIC BENEFITS.

An alien shall not be inadmissible under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) or deportable under section 237(a)(5) of such Act (8 U.S.C. 1227(a)(5)) on the basis that the alien received any public benefit or as a direct result of a specified hurricane disaster.

SEC. 517. AGE-OUT PROTECTION.

In administering the immigration laws, the Secretary and the Attorney General may grant any application or benefit notwithstanding the applicant or beneficiary (including a derivative beneficiary of the applicant or beneficiary) reaching an age that would render the alien ineligible for the benefit sought, if the alien's failure to meet the age requirement occurred as a direct result of a specified hurricane disaster.

SEC. 518. EMPLOYMENT ELIGIBILITY VERIFICATION.

(a) IN GENERAL.—The Secretary may suspend or modify any requirement under section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)) or subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), either generally or with respect to particular persons, class of persons, geographic areas, or economic sectors, to the extent to which the Secretary determines necessary or appropriate to respond to national emergencies or disasters .

(b) NOTIFICATION.—If the Secretary suspends or modifies any requirement under section 274A(b) of the Immigration and Nationality Act pursuant to subsection (a), the Secretary shall send notice of such decision, including the reasons for the suspension or modification, to—

(1) the Committee on the Judiciary of the Senate; and

(2) the Committee of the Judiciary of the House of Representatives.

(c) SUNSET DATE.—The authority under subsection (a) shall expire on August 26, 2008.

SEC. 519. NATURALIZATION.

The Secretary may, with respect to applicants for naturalization in any district of the United States Citizenship and Immigration Services affected by a specified hurricane disaster, administer the provisions of Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) notwithstanding any provision of such title relating to the jurisdiction of an eligible court to administer the oath of allegiance, or requiring residence to be maintained or any action to be taken in any specific district or State within the United States.

SEC. 520. DISCRETIONARY AUTHORITY.

The Secretary or the Attorney General may waive violations of the immigration laws committed, on or before March 1, 2006, by an alien—

(1) who was in lawful status on August 26, 2005; and

(2) whose failure to comply with the immigration laws was a direct result of a specified hurricane disaster.

SEC. 521. EVIDENTIARY STANDARDS AND REGULATIONS.

The Secretary shall establish appropriate evidentiary standards for demonstrating, for purposes of this subtitle, that a specified hurricane disaster directly resulted in—

(1) death;

(2) disability; or

(3) loss of employment due to physical damage to, or destruction of, a business.

SEC. 522. IDENTIFICATION DOCUMENTS.

(a) TEMPORARY IDENTIFICATION.—The Secretary shall have the authority to instruct any Federal agency to issue temporary identification documents to individuals affected by a specified hurricane disaster. Such documents shall be acceptable for purposes of identification under any federal law or regulation until August 26, 2006.

(b) ISSUANCE.—An agency may not issue identity documents under this section after January 1, 2006.

(c) NO COMPULSION TO ACCEPT OR CARRY IDENTIFICATION DOCUMENTS.—Nationals of the United States shall not be compelled to accept or carry documents issued under this section.

(d) NO PROOF OF CITIZENSHIP.—Identity documents issued under this section shall not constitute proof of citizenship or immigration status.

SEC. 523. WAIVER OF REGULATIONS.

The Secretary shall carry out the provisions of this subtitle as expeditiously as possible. The Secretary is not required to promulgate regulations before implementing

this subtitle. The requirements of chapter 5 of title 5, United States Code (commonly referred to as the ''Administrative Procedure Act'') or any other law relating to rule making, information collection, or publication in the Federal Register, shall not apply to any action to implement this subtitle to the extent the Secretary of Homeland Security, the Secretary of Labor, or the Secretary of State determine that compliance with such requirement would impede the expeditious implementation of such Act.

SEC. 524. NOTICES OF CHANGE OF ADDRESS.

(a) IN GENERAL.—If a notice of change of address otherwise required to be submitted to the Secretary by an alien described in subsection (b) relates to a change of address occurring during the period beginning on August 26, 2005 and ending on the date of enactment of this legislation, the alien shall have 30 days after notice of enactment of this legislation to submit such notice.

(b) ALIENS DESCRIBED.—An alien is described in this subsection if the alien—

(1) resided, on August 26, 2005, within a district of the United States that was declared by the President to be affected by a specified hurricane disaster; and

(2) is required, under section 265 of the Immigration and Nationality Act (8 U.S.C. 1305) or any other provision of law, to notify the Secretary in writing of a change of address.

SEC. 525. FOREIGN STUDENTS AND EXCHANGE PROGRAM PARTICIPANTS.

(a) IN GENERAL.—The nonimmigrant status of an alien described in subsection (b) shall be deemed to have been maintained during the period beginning on August 26, 2005, and ending on September 15, 2006, if, on September 15, 2006, the alien is enrolled in a course of study, or participating in a designated exchange visitor program, sufficient to satisfy the terms and conditions of the alien's nonimmigrant status on August 26, 2005.

(b) ALIENS DESCRIBED.—An alien is described in this subsection if the alien—

(1) was, on August 26, 2005, lawfully present in the United States in the status of a nonimmigrant described in subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)); and

(2) fails to satisfy a term or condition of such status as a direct result of a specified hurricane disaster.

SA 4153. 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:

At the appropriate place, insert the following:

SEC. ___. VOTER VERIFIED BALLOTS.

(a) VERIFICATION.—

(1) IN GENERAL.—Section 301(a) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)) is amended by adding at the end the following new paragraph:

''(7) VOTER VERIFIED BALLOTS.—In order to meet the requirements of paragraph (1)(A)(i), on and after January 1, 2009:

''(A) The voting system shall provide an independent means of voter verification which meets the requirements of subparagraph (B) and which allows each voter to verify the ballot before it is cast and counted.

''(B) A means of voter verification meets the requirements of this subparagraph if the voting system allows the voter to choose from one of the following options to verify the voter's vote selection:

''(i) A paper record.

''(ii) An audio record.

''(iii) A pictorial record.

''(iv) An electronic record or other means that provides for voter verification that is accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides privacy and independence equal to that provided for other voters.

''(C) Any means of verification described in clause (ii), (iii), or (iv) of subparagraph (B) must provide verification which is equal or superior to verification through the use of a paper record.

''(D) The requirements of this paragraph shall not apply to any voting system purchased before January 1, 2009, in order to meet the requirements of paragraph (3)(B).''.

(2) CONFORMING AMENDMENT.—Clause (i) of section 301(a)(1)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(1)(A)(i)) is amended by inserting ''and consistent with the requirements of paragraphs (2), (4), and (7)'' after ''independent manner''.

(b) GUIDANCE.—

(1) IN GENERAL.—Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new subtitle:

''Subtitle E—Guidance and Standards

''SEC. 297. VOTER VERIFIED BALLOTS.

''The Commission shall issue uniform and nondiscriminatory standards—

''(1) for voter verified ballots required under section 301(a)(7); and

''(2) for meeting the audit requirements of section 301(a)(2).''.

(2) CONFORMING AMENDMENT.—Section 202 of the Help America Vote Act of 2002 (42 U.S.C. 15322) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

''(5) carrying out the duties described in subtitle E;''.

(3) RULEMAKING AUTHORITY.—Section 209 of the Help America Vote Act of 2002 (42 U.S.C. 15239) is amended—

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

''(a) IN GENERAL.—Except as provided in subsection (b), the Commission'', and

(B) by inserting at the end the following new subsection:

''(b) EXCEPTION.—On and after January 1, 2009, subsection (a) shall not apply to any authority granted under subtitle E of this title.''.

(c) REPORTS.—

(1) ELECTION ASSISTANCE COMMISSION.—Section 207 of the Help America Vote Act of 2002 (42 U.S.C. 15327) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) A description of the progress on implementing the voter verified ballot requirements of section 301(a)(7) and the impact of the use of such requirements on the accessibility, privacy, security, usability, and auditability of voting systems.''.

(2) STATE REPORTS.—Section 258 of the Help America Vote Act of 2002 (42 U.S.C. 15408) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ''; and'', and by adding at the end the following new paragraph:

''(4) an analysis and description in the form and manner prescribed by the Commission of the progress on implementing the voter verified ballot requirements of section 301(a)(7).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009.

SA 4154. 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:

At the appropriate place, insert the following:

SEC. ___. REQUIREMENTS FOR COUNTING PROVISIONAL BALLOTS.

(a) IN GENERAL.—Section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

''(d) STATEWIDE COUNTING OF PROVISIONAL BALLOTS.—For purposes of subsection (a)(4), notwithstanding at which polling place a provisional ballot is cast within the State, the State shall count such ballot if the individual who cast such ballot is otherwise eligible to vote.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsection (e) of section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482(e)), as redesignated under subsection (a), is amended by adding at the end the following:

''(2) EFFECTIVE DATE FOR STATEWIDE COUNTING OF PROVISIONAL BALLOTS.—Each State shall be required to comply with the requirements of subsection (d) on and after January 1, 2007.''.

(2) CONFORMING AMENDMENT.—Subsection (e) of section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482(e)), as redesignated under subsection (a), is amended by striking ''Each'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), each''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2007.

SA 4155. 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:

At the appropriate place, insert the following:

SEC. ___. IMPARTIAL ADMINISTRATION OF ELECTIONS.

(a) 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. ELECTION ADMINISTRATION REQUIREMENTS.

''(a) NOTICE OF CHANGES IN STATE ELECTION LAWS.—Not later than 15 days prior to any Federal election, each State shall issue a public notice describing all changes in State law affecting the administration of Federal elections since the most recent prior election.

''(b) OBSERVERS.—

''(1) IN GENERAL.—Each State shall allow uniform and nondiscriminatory access to any polling place for purposes of observing a Federal election to—

''(A) party challengers;

''(B) voting rights and civil rights organizations; and

''(C) nonpartisan domestic observers and international observers.

''(2) NOTICE OF DENIAL OF OBSERVATION REQUEST.—Each State shall issue a public notice with respect to any denial of a request by any observer described in paragraph (1) for access to any polling place for purposes of observing a Federal election. Such notice

shall be issued not later than 24 hours after such denial.

''(c) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.''.

(b) 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) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009.

SA 4156. 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:

At the appropriate place, insert the following:

SEC. ___. VOTER REGISTRATION.

(a) IN GENERAL.—Paragraph (4) of section 303(b) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(4)) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION.—On and after January 1, 2009—

''(i) in lieu of the questions and statements required under subparagraph (A), such mail voter registration form shall include an affidavit to be signed by the registrant attesting both to citizenship and age; and

''(ii) subparagraph (B) shall not apply.''.

(b) INTERNET REGISTRATION.—

(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. INTERNET REGISTRATION.

''(a) INTERNET REGISTRATION.—Each State shall establish a program under which individuals may access and submit voter registration forms electronically through the Internet.

''(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.''.

(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) STANDARDS FOR INTERNET REGISTRATION.—

(1) IN GENERAL.—Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new subtitle:

''Subtitle E—Guidance and Standards

''SEC. 297. STANDARDS FOR INTERNET REGISTRATION PROGRAMS.

''The Commission shall establish standards regarding the design and operation of programs which allow electronic voter registration through the Internet.''.

(2) CONFORMING AMENDMENT.—Section 202 of the Help America Vote Act of 2002 (42 U.S.C. 15322) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

''(5) carrying out the duties described in subtitle E;''.

(3) RULEMAKING AUTHORITY.—Section 209 of the Help America Vote Act of 2002 (42 U.S.C. 15239) is amended—

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

''(a) IN GENERAL.—Except as provided in subsection (b), the Commission'', and

(B) by inserting at the end the following new subsection:

''(b) EXCEPTION.—On and after January 1, 2009, subsection (a) shall not apply to any authority granted under subtitle E of this title or section 304.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009.

SA 4157. 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:

At the appropriate place, insert the following:

SEC. ___. ESTABLISHING VOTER IDENTIFICATION.

(a) IN GENERAL.—

(1) IN PERSON VOTING.—Clause (i) of section 303(b)(2)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(2)(A)(i)) is amended by striking ''or'' at the end of subclause (I) and by adding at the end the following new subclause:

''(III) executes a written affidavit attesting to such individual's identity; or''.

(2) VOTING BY MAIL.—Clause (ii) of section 303(b)(2)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(2)(A)(ii)) is amended by striking ''or'' at the end of subclause (I), by striking the period at the end of subclause (II) and inserting ''; or'', and by adding at the end the following new subclause:

''(III) a written affidavit, executed by such individual, attesting to such individual's identity.''.

(b) STANDARDS FOR VERIFYING VOTER INFORMATION.—

(1) IN GENERAL.—Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new subtitle:

''Subtitle E—Guidance and Standards

''SEC. 297. VOTER IDENTIFICATION.

''The Commission shall develop standards for verifying the identification information required under section 303(a)(5) in connection with the registration of an individual to vote in a Federal election.''.

(2) CONFORMING AMENDMENT.—Section 202 of the Help America Vote Act of 2002 (42 U.S.C. 15322) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

''(5) carrying out the duties described in subtitle E;''.

(3) RULEMAKING AUTHORITY.—Section 209 of the Help America Vote Act of 2002 (42 U.S.C. 15239) is amended—

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

''(a) IN GENERAL.—Except as provided in subsection (b), the Commission'', and

(B) by inserting at the end the following new subsection:

''(b) EXCEPTION.—On and after January 1, 2009, subsection (a) shall not apply to any authority granted under subtitle E of this title.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009.

SA 4158. 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:

At the appropriate place, insert the following:

SEC. ___. INTEGRITY OF VOTER REGISTRATION LIST.

(a) 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. REMOVAL FROM VOTER REGISTRATION LIST.

''(a) PUBLIC NOTICE.—Not later than 45 days before any Federal election, each State shall provide public notice of all names which have been removed from the voter registration list of such State under section 303 since the later of the most recent election for Federal office or the day of the most recent previous public notice provided under this section.

''(b) NOTICE TO INDIVIDUAL VOTERS.—

''(1) IN GENERAL.—No individual shall be removed from the voter registration list under section 303 unless such individual is first provided with a notice which meets the requirements of paragraph (2).

''(2) REQUIREMENTS OF NOTICE.—The notice required under paragraph (1) shall be—

''(A) provided to each voter in a uniform and nondiscriminatory manner;

''(B) consistent with the requirements of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.); and

''(C) in the form and manner prescribed by the Election Assistance Commission.

''(c) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.''.

(b) 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) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009.

SA 4159. 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:

At the appropriate place, insert the following:

SEC. ___. ELECTION DAY REGISTRATION.

(a) REQUIREMENT.—

(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. ELECTION DAY REGISTRATION.

''(a) IN GENERAL.—

''(1) REGISTRATION.—Notwithstanding section 8(a)(1)(D) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6), each State shall permit any individual on the day of a Federal election—

''(A) to register to vote in such election at the polling place using the form established by the Election Assistance Commission pursuant to section 297; and

''(B) to cast a vote in such election.

''(2) EXCEPTION.—The requirements under paragraph (1) shall not apply to a State in which, under a State law in effect continuously on and after the date of the enactment of this section, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.

''(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) on and after January 1, 2009.''.

(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''.

(b) ELECTION DAY REGISTRATION FORM.—

(1) IN GENERAL.—Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.)

is amended by adding at the end the following new subtitle:

"Subtitle E—Guidance and Standards

"SEC. 297. ELECTION DAY REGISTRATION FORM.

''The Commission shall develop an election day registration form for elections for Federal office.''.

(2) CONFORMING AMENDMENT.—Section 202 of the Help America Vote Act of 2002 (42 U.S.C. 15322) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

''(5) carrying out the duties described in subtitle E;''.

(3) RULEMAKING AUTHORITY.—Section 209 of the Help America Vote Act of 2002 (42 U.S.C. 15239) is amended—

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

''(a) IN GENERAL.—Except as provided in subsection (b), the Commission'', and

(B) by inserting at the end the following new subsection:

''(b) EXCEPTION.—On and after January 1, 2009, subsection (a) shall not apply to any authority granted under subtitle E of this title or section 304.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009.

SA 4160. 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:

At the appropriate place, insert the following:

SEC. ____. EARLY VOTING.

(a) REQUIREMENT.—

(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. EARLY VOTING.

''(a) IN GENERAL.—Each State shall allow individuals to vote in an election for Federal office not less than 15 days prior to the day scheduled for such election in the same manner as voting is allowed on such day.

''(b) MINIMUM EARLY VOTING REQUIREMENTS.—Each polling place which allows voting prior to the day of a Federal election pursuant to subsection (a) shall—

''(1) allow such voting for no less than 4 hours on each day (other than Sunday); and

''(2) have uniform hours each day for which such voting occurs.

''(c) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.''.

(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''.

(b) STANDARDS FOR EARLY VOTING.—

(1) IN GENERAL.—Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new subtitle:

"Subtitle E—Guidance and Standards

"SEC. 297. STANDARDS FOR EARLY VOTING.

''(a) IN GENERAL.—The Commission shall issue standards for the administration of voting prior to the day scheduled for a Federal election. Such standards shall include the nondiscriminatory geographic placement of polling places at which such voting occurs.

''(b) DEVIATION.—The standards described in subsection (a) shall permit States, upon providing adequate public notice, to deviate from any requirement in the case of unforseen circumstances such as a natural disaster, terrorist attack, or a change in voter turnout.''.

(2) CONFORMING AMENDMENT.—Section 202 of the Help America Vote Act of 2002 (42 U.S.C. 15322) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

''(5) carrying out the duties described in subtitle E;''.

(3) RULEMAKING AUTHORITY.—Section 209 of the Help America Vote Act of 2002 (42 U.S.C. 15239) is amended—

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

''(a) IN GENERAL.—Except as provided in subsection (b), the Commission'', and

(B) by inserting at the end the following new subsection:

''(b) EXCEPTION.—On and after January 1, 2009, subsection (a) shall not apply to any authority granted under subtitle E of this title or section 304.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009.

SA 4161. 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:

At the appropriate place, insert the following:

SEC. ____. MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS IN POLLING PLACES.

(a) MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS.—

(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. MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS.

''(a) IN GENERAL.—Each State shall provide for the minimum required number of voting systems and poll workers for each polling place on the day of any Federal election and on any days during which such State allows early voting for a Federal election in accordance with the standards determined under section 297.

''(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.''.

(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''.

(b) STANDARDS.—

(1) IN GENERAL.—Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new subtitle:

"Subtitle E—Guidance and Standards

"SEC. 297. STANDARDS FOR ESTABLISHING THE MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS.

''(a) IN GENERAL.—The Commission shall issue standards regarding the minimum number of voting systems and poll workers required in each polling place on the day of any Federal election and on any days during which early voting is allowed for a Federal election.

''(b) DISTRIBUTION.—The standards described in subsection (a) shall provide for a uniform and nondiscriminatory geographic distribution of such systems and workers.

''(c) DEVIATION.—The standards described in subsection (a) shall permit States, upon providing adequate public notice, to deviate from any allocation requirements in the case of unforseen circumstances such as a natural disaster, terrorist attack, or a change in voter turnout.''.

(2) CONFORMING AMENDMENT.—Section 202 of the Help America Vote Act of 2002 (42 U.S.C. 15322) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

''(5) carrying out the duties described in subtitle E;''.

(3) RULEMAKING AUTHORITY.—Section 209 of the Help America Vote Act of 2002 (42 U.S.C. 15239) is amended—

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

''(a) IN GENERAL.—Except as provided in subsection (b), the Commission'', and

(B) by inserting at the end the following new subsection:

''(b) EXCEPTION.—On and after January 1, 2009, subsection (a) shall not apply to any authority granted under subtitle E of this title or section 304.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009.

SA 4162. 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:

At the appropriate place, insert the following:

SEC. ____. NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.

(a) IN GENERAL.—

(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. USE OF NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.

''(a) IN GENERAL.—Any person who is otherwise qualified to vote in a Federal election in a State shall be permitted to use the national Federal write-in absentee ballot prescribed by the Election Assistance Commission under section 297 to cast a vote in an election for Federal office.

''(b) SUBMISSION AND PROCESSING.—

''(1) IN GENERAL.—Except as otherwise provided in this section, a national Federal write-in absentee ballot shall be submitted and processed in the manner provided by law for absentee ballots in the State involved.

''(2) DEADLINE.—An otherwise eligible national Federal write-in absentee ballot shall be counted if postmarked or signed before the close of the polls on election day and received by the appropriate State election official on or before the date which is 10 days after the date of the election or the date provided for receipt of absentee ballots under State law, whichever is later.

''(c) SPECIAL RULES.—The following rules shall apply with respect to national Federal write-in absentee ballots:

''(1) In completing the ballot, the voter may designate a candidate by writing in the name of the candidate or by writing in the name of a political party (in which case the ballot shall be counted for the candidate of that political party).

''(2) In the case of the offices of President and Vice President, a vote for a named candidate or a vote by writing in the name of a political party shall be counted as a vote for the electors supporting the candidate involved.

''(3) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party shall be disregarded in determining the validity of the ballot.

''(d) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.''.

(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''.

(b) NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.—

(1) IN GENERAL.—Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new subtitle:

''Subtitle E—Guidance and Standards

''SEC. 297. NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.

''(a) FORM OF BALLOT.—The Commission shall prescribe a national Federal write-in absentee ballot (including a secrecy envelope and mailing envelope for such ballot) for use in elections for Federal office.

''(b) STANDARDS.—The Commission shall prescribe standards for—

''(1) distributing the national Federal write-in absentee ballot, including standards for distributing such ballot through the Internet; and

''(2) processing and submission of the national Federal write-in absentee ballot.''.

(2) CONFORMING AMENDMENT.—Section 202 of the Help America Vote Act of 2002 (42 U.S.C. 15322) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

''(5) carrying out the duties described in subtitle E;''.

(3) RULEMAKING AUTHORITY.—Section 209 of the Help America Vote Act of 2002 (42 U.S.C. 15239) is amended—

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

''(a) IN GENERAL.—Except as provided in subsection (b), the Commission'', and

(B) by inserting at the end the following new subsection:

''(b) EXCEPTION.—On and after January 1, 2009, subsection (a) shall not apply to any authority granted under subtitle E of this title or section 304.''.

(c) COORDINATION WITH UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.—

(1) IN GENERAL.—The Presidential designee under the Uniformed and Overseas Citizens Absentee Voting Act, in consultation with the Election Assistance Commission, shall facilitate the use and return of the national Federal write-in ballot for absent uniformed services voters and overseas voters.

(2) DEFINITIONS.—For purposes of this subsection, the terms ''absent uniformed service voter'' and ''overseas voter'' shall have the meanings given such terms by section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973gg–6).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009.

SA 4163. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, to provide comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE ____—VOTING OPPORTUNITY AND TECHNOLOGY ENHANCEMENT

SEC. ____01. SHORT TITLE.

This title may be cited as the ''Voting Opportunity and Technology Enhancement Rights Act of 2006''.

SEC. ____02. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) The right of all eligible citizens to vote and have their vote counted is the cornerstone of a democratic form of government and the core precondition of government of the people, by the people, and for the people.

(2) The right of citizens of the United States to vote is a fundamental civil right guaranteed under the United States Constitution.

(3) Congress has an obligation to reaffirm the right of each American to have an equal opportunity to vote and have that vote counted in Federal elections, regardless of color, ethnicity, disability, language, or the resources of the community in which they live.

(4) Congress has an obligation to ensure the uniform and nondiscriminatory exercise of that right by removing barriers in the form of election administration procedures and technology and insufficient and unequal resources of State and local governments.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To secure the opportunity to participate in democracy for all eligible American citizens by establishing a national Federal write-in absentee ballot for Federal elections.

(2) To expand and establish uniform and nondiscriminatory requirements and standards to remove administrative procedural barriers and technological obstacles to casting a vote and having that vote counted in Federal elections.

(3) To expand and establish uniform and nondiscriminatory requirements and standards to provide for the accessibility, accuracy, verifiability, privacy, and security of all voting systems and technology used in Federal elections.

(4) To provide a Federal funding mechanism for the States to implement the requirements and standards to preserve and protect voting rights and the integrity of Federal elections in the United States.

SEC. ____03. NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.

(a) IN GENERAL.—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by adding at the end the following new subtitle:

''Subtitle C—Additional Requirements

''SEC. 321. USE OF NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.

''(a) IN GENERAL.—Any person who is otherwise qualified to vote in a Federal election in a State shall be permitted to use the national Federal write-in absentee ballot prescribed by the Election Assistance Commission under section 298 to cast a vote in an election for Federal office.

''(b) SUBMISSION AND PROCESSING.—

''(1) IN GENERAL.—Except as otherwise provided in this section, a national Federal write-in absentee ballot shall be submitted and processed in the manner provided by law for absentee ballots in the State involved.

''(2) DEADLINE.—An otherwise eligible national Federal write-in absentee ballot shall be counted if postmarked or signed before the close of the polls on election day and received by the appropriate State election official on or before the date which is 10 days after the date of the election or the date provided for receipt of absentee ballots under State law, whichever is later.

''(c) SPECIAL RULES.—The following rules shall apply with respect to national Federal write-in absentee ballots:

''(1) In completing the ballot, the voter may designate a candidate by writing in the name of the candidate or by writing in the name of a political party (in which case the ballot shall be counted for the candidate of that political party).

''(2) In the case of the offices of President and Vice President, a vote for a named candidate or a vote by writing in the name of a political party shall be counted as a vote for the electors supporting the candidate involved.

''(3) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party shall be disregarded in determining the validity of the ballot.

''(d) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.''.

(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 subtitle C''.

(b) NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.—

(1) IN GENERAL.—Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new subtitle:

''Subtitle E—Guidance and Standards

''SEC. 297. NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.

''(a) FORM OF BALLOT.—The Commission shall prescribe a national Federal write-in absentee ballot (including a secrecy envelope and mailing envelope for such ballot) for use in elections for Federal office.

''(b) STANDARDS.—The Commission shall prescribe standards for—

''(1) distributing the national Federal write-in absentee ballot, including standards for distributing such ballot through the Internet; and

''(2) processing and submission of the national Federal write-in absentee ballot.''.

(2) CONFORMING AMENDMENT.—Section 202 of the Help America Vote Act of 2002 (42 U.S.C. 15322) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

''(5) carrying out the duties described in subtitle E.''.

(c) COORDINATION WITH UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.—

(1) IN GENERAL.—The Presidential designee under the Uniformed and Overseas Absentee Voting Act, in consultation with the Election Assistance Commission, shall facilitate the use and return of the national Federal write-in ballot for absent uniformed services voters and overseas voters.

(2) DEFINITIONS.—The terms ''absent uniformed service voter'' and ''overseas voter'' shall have the meanings given such terms by section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973gg–6).

SEC. ____04. VOTER VERIFIED BALLOTS.

(a) VERIFICATION.—

(1) IN GENERAL.—Section 301(a) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)) is amended by adding at the end the following new paragraph:

''(7) VOTER VERIFIED BALLOTS.—In order to meet the requirements of paragraph (1)(A)(i), on and after January 1, 2009:

''(A) The voting system shall provide an independent means of voter verification which meets the requirements of subparagraph (B) and which allows each voter to

verify the ballot before it is cast and counted.

''(B) A means of voter verification meets the requirements of this subparagraph if the voting system allows the voter to choose from one of the following options to verify the voter's vote selection:

''(i) A paper record.

''(ii) An audio record.

''(iii) A pictorial record.

''(iv) An electronic record or other means that provides for voter verification that is accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides privacy and independence equal to that provided for other voters.

''(C) Any means of verification described in clause (ii), (iii), or (iv) of subparagraph (B) must provide verification which is equal or superior to verification through the use of a paper record.

''(D) The requirements of this paragraph shall not apply to any voting system purchased before January 1, 2009, in order to meet the requirements of paragraph (3)(B).''.

(2) CONFORMING AMENDMENT.—Clause (i) of section 301(a)(1)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(1)(A)(i)) is amended by inserting ''and consistent with the requirements of paragraphs (2), (4), and (7)'' after ''independent manner''.

(b) GUIDANCE.—Subtitle E of title II of the Help America Vote Act of 2002, as added by this Act, is amended by adding at the end the following new section:

''SEC. 298. VOTER VERIFIED BALLOTS.

''The Commission shall issue uniform and nondiscriminatory standards—

''(1) for voter verified ballots required under section 301(a)(7); and

''(2) for meeting the audit requirements of section 301(a)(2).''.

(c) REPORTS.—

(1) ELECTION ASSISTANCE COMMISSION.—Section 207 of the Help America Vote Act of 2002 (42 U.S.C. 15327) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) A description of the progress on implementing the voter verified ballot requirements of section 301(a)(7) and the impact of the use of such requirements on the accessibility, privacy, security, usability, and auditability of voting systems.''.

(2) STATE REPORTS.—Section 258 of the Help America Vote Act of 2002 (42 U.S.C. 15408) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ''; and'', and by adding at the end the following new paragraph:

''(4) an analysis and description in the form and manner prescribed by the Commission of the progress on implementing the voter verified ballot requirements of section 301(a)(7).''.

SEC. ____05. REQUIREMENTS FOR COUNTING PROVISIONAL BALLOTS.

(a) IN GENERAL.—Section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

''(d) STATEWIDE COUNTING OF PROVISIONAL BALLOTS.—For purposes of subsection (a)(4), notwithstanding at which polling place a provisional ballot is cast within the State, the State shall count such ballot if the individual who cast such ballot is otherwise eligible to vote.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsection (e) of section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482(e)), as redesignated under subsection (a), is amended by adding at the end the following:

''(2) EFFECTIVE DATE FOR STATEWIDE COUNTING OF PROVISIONAL BALLOTS.—Each State shall be required to comply with the requirements of subsection (d) on and after January 1, 2007.''.

(2) CONFORMING AMENDMENT.—Subsection (e) of section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482(e)), as redesignated under subsection (a), is amended by striking ''Each'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), each''.

SEC. ____06. MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS IN POLLING PLACES.

(a) IN GENERAL.—Subtitle C of title III of the Help America Vote Act of 2002, as added by this Act, is amended by adding at the end the following new section:

''SEC. 322. MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS.

''(a) IN GENERAL.—Each State shall provide for the minimum required number of voting systems and poll workers for each polling place on the day of any Federal election and on any days during which such State allows early voting for a Federal election in accordance with the standards determined under section 299A.

''(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.''.

(b) STANDARDS.—Subtitle E of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 299. STANDARDS FOR ESTABLISHING THE MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS.

''(a) IN GENERAL.—The Commission shall issue standards regarding the minimum number of voting systems and poll workers required in each polling place on the day of any Federal election and on any days during which early voting is allowed for a Federal election.

''(b) DISTRIBUTION.—The standards described in subsection (a) shall provide for a uniform and nondiscriminatory geographic distribution of such systems and workers.

''(c) DEVIATION.—The standards described in subsection (a) shall permit States, upon providing adequate public notice, to deviate from any allocation requirements in the case of unforseen circumstances such as a natural disaster, terrorist attack, or a change in voter turnout.''.

SEC. ____07. ELECTION DAY REGISTRATION.

(a) REQUIREMENT.—Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 323. ELECTION DAY REGISTRATION.

''(a) IN GENERAL.—

''(1) REGISTRATION.—Notwithstanding section 8(a)(1)(D) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6), each State shall permit any individual on the day of a Federal election—

''(A) to register to vote in such election at the polling place using the form established by the Election Assistance Commission pursuant to section 297; and

''(B) to cast a vote in such election.

''(2) EXCEPTION.—The requirements under paragraph (1) shall not apply to a State in which, under a State law in effect continuously on and after the date of the enactment of this section, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.

''(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) on and after January 1, 2009.''.

(b) ELECTION DAY REGISTRATION FORM.—Subtitle E of title II of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 299A. ELECTION DAY REGISTRATION FORM.

''The Commission shall develop an election day registration form for elections for Federal office.''.

SEC. ____08. INTEGRITY OF VOTER REGISTRATION LIST.

Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 324. REMOVAL FROM VOTER REGISTRATION LIST.

''(a) PUBLIC NOTICE.—Not later than 45 days before any Federal election, each State shall provide public notice of all names which have been removed from the voter registration list of such State under section 303 since the later of the most recent election for Federal office or the day of the most recent previous public notice provided under this section.

''(b) NOTICE TO INDIVIDUAL VOTERS.—

''(1) IN GENERAL.—No individual shall be removed from the voter registration list under section 303 unless such individual is first provided with a notice which meets the requirements of paragraph (2).

''(2) REQUIREMENTS OF NOTICE.—The notice required under paragraph (1) shall be—

''(A) provided to each voter in a uniform and nondiscriminatory manner;

''(B) consistent with the requirements of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.); and

''(C) in the form and manner prescribed by the Election Assistance Commission.

''(c) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.''.

SEC. ____09. EARLY VOTING.

(a) IN GENERAL.—Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 325. EARLY VOTING.

''(a) IN GENERAL.—Each State shall allow individuals to vote in an election for Federal office not less than 15 days prior to the day scheduled for such election in the same manner as voting is allowed on such day.

''(b) MINIMUM EARLY VOTING REQUIREMENTS.—Each polling place which allows voting prior to the day of a Federal election pursuant to subsection (a) shall—

''(1) allow such voting for no less than 4 hours on each day (other than Sunday); and

''(2) have uniform hours each day for which such voting occurs.

''(c) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.''.

(b) STANDARDS FOR EARLY VOTING.—Subtitle E of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 299B. STANDARDS FOR EARLY VOTING.

''(a) IN GENERAL.—The Commission shall issue standards for the administration of voting prior to the day scheduled for a Federal election. Such standards shall include the nondiscriminatory geographic placement of polling places at which such voting occurs.

''(b) DEVIATION.—The standards described in subsection (a) shall permit States, upon providing adequate public notice, to deviate from any requirement in the case of unforseen circumstances such as a natural disaster, terrorist attack, or a change in voter turnout.''.

SEC. ____10. ACCELERATION OF STUDY ON ELECTION DAY AS A PUBLIC HOLIDAY.

(a) IN GENERAL.—Section 241 of the Help America Vote Act of 2002 (42 U.S.C. 15381) is

amended by adding at the end the following new subsection:

''(d) REPORT ON ELECTION DAY.—

''(1) IN GENERAL.—The report required under subsection (a) with respect to election administration issues described in subsection (b)(10) shall be submitted not later than 6 months after the date of the enactment of the Voting Enhancement and Technology Accuracy Rights Act of 2006.

''(2) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated under section 210 for fiscal year 2007, $100,000 shall be authorized solely to carry out the purposes of this subsection.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. ___11. IMPROVEMENTS TO VOTING SYSTEMS.

(a) IN GENERAL.—Subparagraph (B) of section 301(a)(1) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(1)(B)) is amended by striking '', a punch card voting system, or a central count voting system''.

(b) CLARIFICATION OF REQUIREMENTS FOR PUNCH CARD SYSTEMS.—Subparagraph (A) of section 301(a)(1) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(1)(A)) is amended by inserting ''punch card voting system,'' after ''any''.

SEC. ___12. VOTER REGISTRATION.

(a) IN GENERAL.—Paragraph (4) of section 303(b) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(4)) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION.—On and after January 1, 2009—

''(i) in lieu of the questions and statements required under subparagraph (A), such mail voter registration form shall include an affidavit to be signed by the registrant attesting both to citizenship and age; and

''(ii) subparagraph (B) shall not apply.''.

(b) INTERNET REGISTRATION.—Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 326. INTERNET REGISTRATION.

''(a) INTERNET REGISTRATION.—Each State shall establish a program under which individuals may access and submit voter registration forms electronically through the Internet.

''(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.''.

(c) STANDARDS FOR INTERNET REGISTRATION.—Subtitle E of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 299C. STANDARDS FOR INTERNET REGISTRATION PROGRAMS.

''The Commission shall establish standards regarding the design and operation of programs which allow electronic voter registration through the Internet.''.

SEC. ___13. ESTABLISHING VOTER IDENTIFICATION.

(a) IN GENERAL.—

(1) IN PERSON VOTING.—Clause (i) of section 303(b)(2)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(2)(A)(i)) is amended by striking ''or'' at the end of subclause (I) and by adding at the end the following new subclause:

''(III) executes a written affidavit attesting to such individual's identity; or''.

(2) VOTING BY MAIL.—Clause (ii) of section 303(b)(2)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(2)(A)(ii)) is amended by striking ''or'' at the end of subclause (I), by striking the period at the end of subclause (II) and inserting ''; or'', and by adding at the end the following new subclause:

''(III) a written affidavit, executed by such individual, attesting to such individual's identity.''.

(b) STANDARDS FOR VERIFYING VOTER INFORMATION.—Subtitle E of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 299D. VOTER IDENTIFICATION.

''The Commission shall develop standards for verifying the identification information required under section 303(a)(5) in connection with the registration of an individual to vote in a Federal election.''.

SEC. ___14. IMPARTIAL ADMINISTRATION OF ELECTIONS.

Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 327. ELECTION ADMINISTRATION REQUIREMENTS.

''(a) NOTICE OF CHANGES IN STATE ELECTION LAWS.—Not later than 15 days prior to any Federal election, each State shall issue a public notice describing all changes in State law affecting the administration of Federal elections since the most recent prior election.

''(b) OBSERVERS.—

''(1) IN GENERAL.—Each State shall allow uniform and nondiscriminatory access to any polling place for purposes of observing a Federal election to—

''(A) party challengers;

''(B) voting rights and civil rights organizations; and

''(C) nonpartisan domestic observers and international observers.

''(2) NOTICE OF DENIAL OF OBSERVATION REQUEST.—Each State shall issue a public notice with respect to any denial of a request by any observer described in paragraph (1) for access to any polling place for purposes of observing a Federal election. Such notice shall be issued not later than 24 hours after such denial.

''(c) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.''.

SEC. ___15. STRENGTHENING THE ELECTION ASSISTANCE COMMISSION.

(a) BUDGET REQUESTS.—Part 1 of subtitle A of title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by inserting after section 209 the following new section:

''SEC. 209A. SUBMISSION OF BUDGET REQUESTS.

''Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of such estimate or request to the Congress and to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.''.

(b) EXEMPTION FROM PAPERWORK REDUCTION ACT.—Paragraph (1) of section 3502 of title 44, United States Code, is amended by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively, and by inserting after subparagraph (A) the following new subparagraph:

''(B) the Election Assistance Commission;''.

(c) RULEMAKING.—Section 209 of the Help America Vote Act of 2002 (42 U.S.C. 15239) is amended—

(1) by striking ''The Commission'' and inserting the following:

''(a) IN GENERAL.—Except as provided in subsection (b), the Commission'', and

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

''(b) EXCEPTION.—On and after January 1, 2009, subsection (a) shall not apply to any authority granted under subtitle E of this title or subtitle C of title III.''.

(d) NIST AUTHORITY.—Subtitle E of title II of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 299E. TECHNICAL SUPPORT.

''At the request of the Commission, the Director of the National Institute of Standards and Technology shall provide the Commission with technical support necessary for the Commission to carry out its duties under this title.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 210 of the Help America Vote Act of 2002 (42 U.S.C. 15330) is amended by striking ''for each of fiscal years 2003 through 2005 such sums as may be necessary (but not to exceed $10,000,000 for each such year)'' and inserting ''$23,000,000 for fiscal year 2006 (of which $3,000,000 are authorized solely to carry out the purposes of section 299E) and such sums as may be necessary for succeeding fiscal years''.

SEC. ___16. AUTHORIZATION OF APPROPRIATIONS.

Subsection (a) of section 257 of the Help America Vote Act of 2002 (42 U.S.C. 15408(a)) is amended by adding at the end the following new paragraphs:

''(4) For fiscal year 2006, $2,000,000,000.

''(5) For each fiscal year after 2006, such sums as are necessary.''.

SEC. ___17. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in section __10 and subsection (b), the amendments made by this title shall take effect on January 1, 2009.

(b) PROVISIONAL BALLOTS.—The amendments made by sections __05, __15, and __16, shall take effect on January 1, 2007.

SA 4164. Mr. COBURN 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. ___. REDUCTION IN IMMIGRANT VISAS.

(a) ESTIMATE OF BIRTHS TO ILLEGAL ALIENS.—The Secretary, in consultation with the Commissioner of Social Security, shall annually estimate the number of children who were born, during the most recently concluded calendar year, to a mother who was unlawfully present in the United States at the time of the birth if the child's father is not a citizen of the United States.

(b) REPORT.—The Secretary shall annually submit a report to Congress that contains the estimate described in subsection (a) and an explanation of the methods used to create such estimate.

(c) VISA REDUCTION.—The Secretary shall reduce, for each fiscal year, the number of family-sponsored immigrants authorized under section 201(c) of the Immigration and Nationality Act (8 U.S.C. 1151(c)) by a number equal to the number estimated under subsection (a) for the most recently concluded calendar year.

SA 4165. 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:

On page 107, strike lines 15 through 18.

SA 4166. Mr. BYRD (for himself and Mr. GREGG) 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 370, strike line 14 and all that follows through page 371, line 14, and insert the following:

''(3) ADDITIONAL AMOUNTS OWED.—Prior to the adjudication of an application for adjustment of status filed under this section, the alien shall pay an amount equaling $2,500, but such amount shall not be required from an alien under the age of 18.

''(4) USE OF AMOUNTS COLLECTED.—The Secretary of Homeland Security shall deposit payments received under this subsection in the Immigration Examinations Fee Account, and these payments in such account shall be available, without fiscal year limitation, such that—

''(A) 80 percent of such funds shall be available to the Department of Homeland Security for border security purposes;

''(B) 10 percent of such funds shall be available to the Department of Homeland Security for implementing and processing applications under this section; and

''(C) 10 percent of such funds shall be available to the Department of Homeland Security and the Department of State to cover 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.

''(5) FINES CONTINGENT ON APPROPRIATIONS.—No fine may be collected under this section in excess of $2,000 except to the extent that the expenditures of the fine to pay the costs of activities and services for which the fine in excess of $2,000 is imposed, as described in paragraph (6), is provided for in advance in an appropriations Act.

''(6) DEPOSIT OF COLLECTIONS.—Amounts collected under subsection (5) shall be deposited as an offsetting collection in, and credited to, the accounts providing appropriations—

''(A) to carry out the apprehension and detention of any alien who is inadmissible by reason of any offense covered in section 212(a);

''(B) to carry out the apprehension and detention of any alien who is deportable by reason of any offense under section 237(a);

''(C) for border sensor and surveillance technology;

''(D) for air and marine interdiction, operations, maintenance and procurement;

''(E) for customs and border protection construction;

''(F) for federal law enforcement training;

''(G) for maritime security;

SA 4167. Mr. COLEMAN (for himself, Mr. DORGAN, Ms. COLLINS, Mrs. MURRAY, Ms. CANTWELL, Ms. SNOWE, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, insert the following:

SEC. 133. WESTERN HEMISPHERE TRAVEL INITIATIVE.

(a) FINDINGS.—Congress makes the following findings:

(1) United States citizens make approximately 130,000,000 land border crossings each year between the United States and Canada and the United States and Mexico, with approximately 23,000,000 individual United States citizens crossing the border annually.

(2) Approximately 27 percent of United States citizens possess United States passports.

(3) In fiscal year 2005, the Secretary of State issued an estimated 10,100,000 passports, representing an increase of 15 percent from fiscal year 2004.

(4) The Secretary of State estimates that 13,000,000 passports will be issued in fiscal year 2006, 16,000,000 passports will be issued in fiscal year 2007, and 17,000,000 passports will be issued in fiscal year 2008.

(b) EXTENSION OF WESTERN HEMISPHERE TRAVEL INITIATIVE IMPLEMENTATION DEADLINE.—Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is amended by striking ''January 1, 2008'' and inserting ''the later of June 1, 2009, or 3 months after the Secretary of State and the Secretary of Homeland Security make the certification required in subsection (i) of section 133 of the Comprehensive Immigration Reform Act of 2006.''.

(c) PASSPORT CARDS.—

(1) AUTHORITY TO ISSUE.—In order to facilitate travel of United States citizens to Canada, Mexico, the countries located in the Caribbean, and Bermuda, the Secretary of State, in consultation with the Secretary, is authorized to develop a travel document known as a Passport Card.

(2) ISSUANCE.—In accordance with the Western Hemisphere Travel Initiative carried out pursuant to section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note), the Secretary of State, in consultation with the Secretary, shall be authorized to issue to a citizen of the United States who submits an application in accordance with paragraph (5) a travel document that will serve as a Passport Card.

(3) APPLICABILITY.—A Passport Card shall be deemed to be a United States passport for the purpose of United States laws and regulations relating to United States passports.

(4) VALIDITY.—A Passport Card shall be valid for the same period as a United States passport.

(5) LIMITATION ON USE.—A Passport Card may only be used for the purpose of international travel by United States citizens through land and sea ports of entry between—

(A) the United States and Canada;

(B) the United States and Mexico; and

(C) the United States and a country located in the Caribbean or Bermuda.

(6) APPLICATION FOR ISSUANCE.—To be issued a Passport Card, a United States citizen shall submit an application to the Secretary of State. The Secretary of State shall require that such application shall contain the same information as is required to determine citizenship, identity, and eligibility for issuance of a United States passport.

(7) TECHNOLOGY.—

(A) EXPEDITED TRAVELER PROGRAMS.—To the maximum extent practicable, a Passport Card shall be designed and produced to provide a platform on which the expedited traveler programs carried out by the Secretary, such as NEXUS, NEXUS AIR, SENTRI, FAST, and Register Traveler may be added. The Secretary of State and the Secretary shall notify Congress not later than July 1, 2007, if the technology to add expedited travel features to the Passport Card is not developed by that date.

(B) TECHNOLOGY.—The Secretary and the Secretary of State shall establish a technology implementation plan that accommodates desired technology requirements of the Department of State and the Department, allows for future technological innovations, and ensures maximum facilitation at the northern and southern borders.

(8) SPECIFICATIONS FOR CARD.—A Passport Card shall be easily portable and durable. The Secretary of State and the Secretary shall consult regarding the other technical specifications of the Card, including whether the security features of the Card could be combined with other existing identity documentation.

(9) FEE.—

(A) IN GENERAL.—An applicant for a Passport Card shall submit an application under paragraph (6) together with a nonrefundable fee in an amount to be determined by the Secretary of State. Fees for a Passport Card shall be deposited as an offsetting collection to the appropriate Department of State appropriation, to remain available until expended.

(B) LIMITATION ON FEES.—The Secretary of State shall seek to make such fees as low as possible and less than $24. If the Secretary of State, the Secretary, and the Postmaster General jointly certify to Congress that such fees represent the lowest possible cost of issuing Passport Cards and provide a detailed cost analysis for any such fee that is more than $24, fees may exceed $24 but may not exceed $34.

(C) REDUCTION OF FEE.—The Secretary of State shall reduce the fee for a Passport Card for an individual who submits an application for a Passport Card together with an application for a United States passport.

(D) WAIVER OF FEE FOR CHILDREN.—The Secretary of State shall waive the fee for a Passport Card for a child under 18 years of age.

(E) AUDIT.—In the event that the fee for a Passport Card exceeds $24, the Comptroller General of the United States shall conduct an audit to determine whether Passport Cards are issued at the lowest possible cost.

(10) ACCESSIBILITY.—In order to make the Passport Card easily obtainable, an application for a Passport Card shall be accepted in the same manner and at the same locations as an application for a United States passport.

(11) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting, altering, modifying, or otherwise affecting the validity of a United States passport. A United States citizen may possess a United States passport and a Passport Card.

(d) STATE ENROLLMENT DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—Notwithstanding any other provisions of law, the Secretary of State and the Secretary shall enter into a memorandum of understanding with 1 or more appropriate States to carry out at least 1 demonstration program as follows:

(A) A State may include an individual's United States citizenship status on a driver's license which meets the requirements of section 202 of the REAL ID Act of 2005 (division B of Public Law 109–13; 49 U.S.C. 30301 note).

(B) The Secretary of State shall develop a mechanism to communicate with a participating State to verify the United States citizenship status of an applicant who voluntarily seeks to have the applicant's United States citizenship status included on a driver's license.

(C) All information collected about the individual shall be managed exclusively in the same manner as information collected through a passport application and no further distribution of such information shall be permitted.

(D) A State may not require an individual to include the individual's citizenship status on a driver's license.

(E) Notwithstanding any other provision of law, a driver's license which meets the requirements of this paragraph shall be deemed to be sufficient documentation to permit the bearer to enter the United States

from Canada through not less than at least 1 designated international border crossing in each State participating in the demonstration program.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall have the effect of creating a national identity card.

(3) AUTHORITY TO EXPAND.—The Secretary of State and the Secretary may expand the demonstration program under this subsection so that such program is carried out in additional States, through additional ports of entry, for additional foreign countries, and in a manner that permits the use of additional types of identification documents to prove identity under the program.

(4) STUDY.—Not later than 6 months after the date that the demonstration program under this subsection is carried out, the Comptroller General of the United States shall conduct a study of—

(A) the cost of the production and issuance of documents that meet the requirements of the program compared with other travel documents;

(B) the impact of the program on the flow of cross-border traffic and the economic impact of the program; and

(C) the security of travel documents that meet the requirements of the program compared with other travel documents.

(5) RECIPROCITY WITH CANADA.—Notwithstanding any other provision of law, the Secretary of State and Secretary are authorized to work with appropriate authorities of Canada to certify identification issued by the Government of Canada, including a driver's license, as meeting security requirements similar to the requirements under the REAL ID Act of 2005 (division B of Public Law 109–13) and including a citizenship verification mechanism. To the maximum extent possible, the Secretary shall work to ensure that Canadian identification documents used as described in this paragraph contain the same technology as United States documents and may be accepted using the same document scanners. Notwithstanding any other provision of law, in the event that such certified identity document includes information that shows an individual to be a citizen of Canada, such individual shall be permitted to enter the United States from Canada. The Secretary shall ensure that, at all times, more States are participants in this program than Canadian provinces.

(e) EXPEDITED PROCESSING FOR REPEAT TRAVELERS.—

(1) LAND CROSSINGS.—To the maximum extent practicable, the Secretary shall expand expedited traveler programs carried out by the Secretary to all ports of entry and should encourage citizens of the United States to participate in the preenrollment programs, as such programs assist border control officers of the United States in the fight against terrorism by increasing the number of known travelers crossing the border. The identities of such expedited travelers should be entered into a database of known travelers who have been subjected to in-depth background and watch-list checks to permit border control officers to focus more attention on unknown travelers, potential criminals, and terrorists. The Secretary, in consultation with the appropriate officials of the Government of Canada, shall equip at least 6 additional northern border crossings with NEXUS technology.

(2) SEA CROSSINGS.—The Commissioner of Customs and Border Patrol shall conduct and expand trusted traveler programs and pilot programs to facilitate expedited processing of United States citizens returning from pleasure craft trips in Canada, Mexico, the Caribbean, or Bermuda. One such program shall be conducted in Florida and modeled on the I–68 program.

(f) PROCESS FOR INDIVIDUALS LACKING APPROPRIATE DOCUMENTS.—

(1) IN GENERAL.—The Secretary shall establish a program that satisfies section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note)—

(A) to permit a citizen of the United States who has not been issued a United States passport or other appropriate travel document to cross the international border and return to the United States for a time period of not more than 72 hours, on a limited basis, and at no additional fee; or

(B) to establish a process to ascertain the identity of, and make admissibility determinations for, a citizen described in paragraph (A) upon the arrival of such citizen at an international border of the United States.

(2) GRACE PERIOD.—During a time period determined by the Secretary, officers of the United States Customs and Border Patrol may permit citizens of the United States and Canada who are unaware of the requirements of 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note), or otherwise lacking appropriate documentation, to enter the United States upon a demonstration of citizenship satisfactory to the officer. Officers of the United States Customs and Border Patrol shall educate such individuals about documentary requirements.

(g) TRAVEL BY CHILDREN.—For travel to Canada, the Secretary shall have authority to waive the requirements of section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) for travel by children who are 17 years old or younger traveling in groups of 6 or more, provided that such groups present documents demonstrating parental consent for each child's travel. The Secretary may issue similar regulations for travel to Mexico.

(h) PUBLIC PROMOTION.—The Secretary of State, in consultation with the Secretary, shall develop and implement an outreach plan to inform United States citizens about the Western Hemisphere Travel Initiative and the provisions of this Act, to facilitate the acquisition of appropriate documentation to travel to Canada, Mexico, the countries located in the Caribbean, and Bermuda, and to educate United States citizens who are unaware of the requirements for such travel. Such outreach plan should include—

(1) written notifications posted at or near public facilities, including border crossings, schools, libraries, Amtrak stations, and United States Post Offices located within 50 miles of the international border between the United States and Canada or the international border between the United States and Mexico and other ports of entry;

(2) provisions to seek consent to post such notifications on commercial property, such as offices of State departments of motor vehicles, gas stations, supermarkets, convenience stores, hotels, and travel agencies;

(3) the collection and analysis of data to measure the success of the public promotion plan; and

(4) additional measures as appropriate.

(i) CERTIFICATION.—Notwithstanding any other provision of law, the Secretary may not implement the plan described in section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) until the later of June 1, 2009, or the date that is 3 months after the Secretary of State and the Secretary certify to Congress that—

(1)(A) if the Secretary and the Secretary of State develop and issue Passport Cards under this section—

(i) such cards have been distributed to at least 90 percent of the eligible United States citizens who applied for such cards during the 6-month period beginning not earlier than the date the Secretary of State began accepting applications for such cards and ending not earlier than 10 days prior to the date of certification;

(ii) Passport Cards are provided to applicants, on average, within 4 weeks of application or within the same period of time required to adjudicate a passport; and

(iii) a successful pilot has demonstrated the effectiveness of the Passport Card; or

(B) if the Secretary and the Secretary of State do not develop and issue Passport Cards under this section and develop a program to issue an alternative document that satisfies the requirements of section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004, in addition to the NEXUS, SENTRI, FAST and Border Crossing Card programs, such alternative document is widely available and well publicized;

(2) United States border crossings have been equipped with sufficient document readers and other technologies to ensure that implementation will not substantially slow the flow of traffic and persons across international borders;

(3) officers of the Bureau of Customs and Border Protection have received training and been provided the infrastructure necessary to accept Passport Cards and all alternative identity documents at all United States border crossings; and

(4) the outreach plan described in subsection (g) has been implemented and the Secretary determines such plan has been successful in providing information to United States citizens.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State and the Secretary such sums as may be necessary to carry out this section, and the amendment made by this section.

SA 4168. 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:

On page 397, strike lines 21 through 25 and insert the following:

(7) WORK DAY.—The term ''work day'' means any day in which the individual is employed 5.75 or more hours in agricultural employment.

SA 4169. 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:

On page 398, strike lines 10 through 13, and insert the following:

(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24-month period ending on December 31, 2005;

SA 4170. 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:

On page 400, strike line 14, and insert the following:

or harm to property in excess of $500; or

(iii) the alien fails to perform the agricultural employment required under subsection (c)(1)(A)(i) unless the alien was unable to work in agricultural employment due to the

extraordinary circumstances described in subsection (c)(1)(A)(iii).

SA 4171. 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:

Beginning on page 407, strike line 18, and all that follows through page 408, line 9 and insert the following:

(i) QUALIFYING EMPLOYMENT.—The alien has performed not less than the following agricultural employment:

(I) IN GENERAL.—Except as provided in subclause (II), the alien has performed at least—

(aa) 5 years of agricultural employment in the United States, for at least 100 work days per year, during the 5-year period beginning on the date of enactment of this Act; or

(bb) 3 years of agricultural employment in the United States, for at least 150 work days per year, during the 3-year period beginning on the date of enactment of this Act.

(II) 4-YEAR PERIOD OF EMPLOYMENT.—An alien shall be considered to have met the agricultural employment requirements described in subclause (I) if the alien has performed 4 years of agricultural employment in the Untied States for at least 150 work days during three of the 4 years and at least 100 work days during the remaining year, during the 4-year period beginning on the date of enactment of this Act.

SA 4172. 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:

On page 398, between lines 21 and 22, insert the following:

(D) has not been convicted of a felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

On page 410, strike lines 18 through 20, and insert the following:

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

On page 413, strike lines 22 through 24, and insert the following:

(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

SA 4173. 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:

On page 428, strike lines 8 through 11, and insert the following:

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 and 2008 such sums as may be necessary to carry out this section, including carrying out the initial actions necessary to beginning conferring blue card status to aliens.

SA 4174. 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:

On page 417, line 10, strike ''paragraph (1)(A)(i)(II)'' and insert ''paragraph (1)(A)(ii)''.

On page 429, strike line 8 and all that follows through page 502, line 25, and insert the following:

CHAPTER 2—REFORM OF H–2A WORKER PROGRAM

SEC. 615. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

Section 218 (8 U.S.C. 1188) is amended to read as follows:

''SEC. 218. ADMISSION OF TEMPORARY H–2A WORKERS.

''(a) EMPLOYER APPLICATIONS.—

''(1) APPLICATIONS TO THE SECRETARY OF LABOR.—

''(A) IN GENERAL.—No alien may be admitted to the United States as an H–2A worker, or otherwise provided status as an H–2A worker, unless the employer has filed with the Secretary of Labor an application containing—

''(i) the assurances described in paragraph (2);

''(ii) a description of the nature and location of the work to be performed;

''(iii) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

''(iv) the number of job opportunities in which the employer seeks to employ the workers.

''(B) ACCOMPANIED BY JOB OFFER.—Each application filed under subparagraph (A) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question.

''(2) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in paragraph (1)(A)(i) are the following:

''(A) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is covered under a collective bargaining agreement:

''(i) UNION CONTRACT DESCRIBED.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

''(ii) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

''(iii) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this subparagraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

''(iv) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

''(v) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

''(vi) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

''(B) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

''(i) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

''(ii) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

''(iii) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by subsection (b) to all workers employed in the job opportunities for which the employer has applied under subsection (a) and to all other workers in the same occupation at the place of employment.

''(iv) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

''(v) REQUIREMENTS FOR PLACEMENT OF NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

''(I) the nonimmigrant performs duties in whole or in part at 1 or more work sites owned, operated, or controlled by such other employer;

''(II) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

''(III) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

''(vi) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under clause (v) of an employer if the other employer described in such clause displaces a United States worker as described in such clause.

''(vii) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment, which shall provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

''(viii) EMPLOYMENT OF UNITED STATES WORKERS.—

''(I) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H–2A nonimmigrant is, or H–2A nonimmigrants are, sought:

''(aa) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before

the worker completed the period of employment of the job opportunity for which the worker was hired.

''(bb) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in paragraph (1)(B) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on 'America's Job Bank' or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

''(cc) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

''(dd) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H–2A workers could not reasonably have been foreseen.

''(II) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

''(III) PERIOD OF EMPLOYMENT.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the foreign worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the foreign worker who is in the job was hired has elapsed, subject to the following requirements:

''(aa) PROHIBITION.—No person or entity shall willfully and knowingly withhold United States workers before the arrival of H–2A workers in order to force the hiring of United States workers under this subclause.

''(bb) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of item (aa) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, not later than 36 hours after the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary shall immediately suspend the application of this subclause with respect to that certification for that date of need.

''(cc) PLACEMENT OF UNITED STATES WORKERS.—Before referring a United States worker to an employer during the period described in the matter preceding item (aa), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

''(IV) STATUTORY CONSTRUCTION.—Nothing in this clause shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

''(3) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

''(A) IN GENERAL.—An agricultural association may file an application under paragraph (1) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section.

''(B) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association filing an application under subparagraph (A) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under paragraph (5)(B)(ii) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

''(4) WITHDRAWAL OF APPLICATIONS.—

''(A) IN GENERAL.—An employer may withdraw an application filed under paragraph (1), except that if the employer is an agricultural association, the association may withdraw an application filed under paragraph (1) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application filed under paragraph (1), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

''(B) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

''(C) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H–2A workers under an offer of terms and conditions of employment required as a result of making an application under paragraph (1) is unaffected by withdrawal of such application.

''(5) REVIEW AND APPROVAL OF APPLICATIONS.—

''(A) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, not later than 1 working day after the date on which an application is filed under paragraph (1), at the employer's principal place of business or work site, a copy of each such application (and such accompanying documents as are necessary).

''(B) RESPONSIBILITY OF THE SECRETARY OF LABOR.—

''(i) COMPILATION OF LIST.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under this paragraph. Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

''(ii) REVIEW OF APPLICATIONS.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary shall certify that the intending employer has filed with the Secretary an application described in paragraph (1). Such certification shall be provided not later than 7 days after the application is filed.

''(b) EMPLOYMENT REQUIREMENTS.—

''(1) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—Employers seeking to hire United States workers shall offer the United States workers not less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H–2A workers. A job offer may not impose on United States workers any restrictions or obligations that will not be imposed on the employer's H–2A workers.

''(2) MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Except in cases where higher benefits, wages, or working conditions are required under paragraph (1), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which shall accompany an application under subsection (a)(2)(B) shall include each of the following benefit, wage, and working condition provisions:

''(A) REQUIREMENT TO PROVIDE HOUSING OR A HOUSING ALLOWANCE.—

''(i) IN GENERAL.—An employer applying under subsection (a)(1) for H–2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that subsection and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

''(ii) TYPE OF HOUSING.—In complying with clause (i), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

''(iii) FAMILY HOUSING.—If it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

''(iv) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

''(v) LIMITATION.—Nothing in this subparagraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

''(vi) CHARGES FOR HOUSING.—

''(I) CHARGES FOR PUBLIC HOUSING.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

''(II) DEPOSIT CHARGES.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. An employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

''(vii) HOUSING ALLOWANCE AS ALTERNATIVE.—

''(I) IN GENERAL.—If the requirement under subclause (II) is satisfied, the employer may provide a reasonable housing allowance instead of offering housing under clause (i). Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this subclause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. No housing allowance may be used for housing which is owned or controlled by the employer.

''(II) CERTIFICATION.—The requirement of this subclause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers, and H–2A workers, who are seeking temporary housing while employed at farm work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

''(III) AMOUNT OF ALLOWANCE.—

''(aa) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this clause is a nonmetropolitan county, the amount of the housing allowance under this clause shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2 bedroom dwelling unit and an assumption of 2 persons per bedroom.

''(bb) METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this clause is in a metropolitan county, the amount of the housing allowance under this clause shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2 bedroom dwelling unit and an assumption of 2 persons per bedroom.

''(B) REIMBURSEMENT OF TRANSPORTATION.—

''(i) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

''(ii) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

''(iii) LIMITATION.—

''(I) AMOUNT OF REIMBURSEMENT.—Except as provided in subclause (II), the amount of reimbursement provided under clause (i) or (ii) to a worker or alien shall not exceed the lesser of—

''(aa) the actual cost to the worker or alien of the transportation and subsistence involved; or

''(bb) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

''(II) DISTANCE TRAVELED.—No reimbursement under clause (i) or (ii) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance provided under subparagraph (A)(vii).

''(iv) EARLY TERMINATION.—If the worker is laid off or employment is terminated for contract impossibility (as described in subparagraph (D)(iv)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by clause (ii) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by clause (i).

''(v) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORK SITE.—The employer shall provide transportation between the worker's living quarters and the employer's work site without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

''(C) REQUIRED WAGES.—

''(i) IN GENERAL.—An employer applying for workers under subsection (a)(1) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

''(ii) LIMITATION.—Effective on the date of the enactment of the AgJOBS Act of 2006, and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2003, as established by section 655.107 of title 20, Code of Federal Regulations.

''(iii) REQUIRED WAGES AFTER 3-YEAR FREEZE.—

''(I) FIRST ADJUSTMENT.—If Congress does not set a new wage standard applicable to this subsection before the first March 1 that is not less than 3 years after the date of the enactment of AgJOBS Act of 2006, the adverse effect wage rate for each State beginning on such March 1 shall be the wage rate that would have resulted if the adverse effect wage rate in effect on January 1, 2003, had been annually adjusted, beginning on March 1, 2006, by the lesser of—

''(aa) the 12 month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

''(bb) 4 percent.

''(II) SUBSEQUENT ANNUAL ADJUSTMENTS.—Beginning on the first March 1 that is not less than 4 years after the date of the enactment of the AgJOBS Act of 2006, and each March 1 thereafter, the adverse effect wage rate then in effect for each State shall be adjusted by the lesser of—

''(aa) the 12 month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

''(bb) 4 percent.

''(iv) DEDUCTIONS.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

''(v) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

''(vi) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in 1 or more written statements—

''(I) the worker's total earnings for the pay period;

''(II) the worker's hourly rate of pay, piece rate of pay, or both;

''(III) the hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the 75 percent guarantee described in subparagraph (D);

''(IV) the hours actually worked by the worker;

''(V) an itemization of the deductions made from the worker's wages; and

''(VI) if piece rates of pay are used, the units produced daily.

''(vii) REPORT ON WAGE PROTECTIONS.—Not later than December 31, 2008, the Comptroller General of the United States shall prepare and transmit to the Secretary of Labor, the Committee on the Judiciary of the Senate, and Committee on the Judiciary of the House of Representatives, a report that addresses—

''(I) whether the employment of H–2A or unauthorized aliens in the United States agricultural work force has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

''(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

''(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

''(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

''(V) recommendations for future wage protection under this subsection.

''(viii) COMMISSION ON WAGE STANDARDS.—

''(I) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H–2A program (referred to in this clause as the 'Commission').

''(II) COMPOSITION.—The Commission shall consist of 10 members, of which—

''(aa) 4 shall be representatives of agricultural employers and 1 shall be a representative of the Department of Agriculture, each appointed by the Secretary of Agriculture; and

''(bb) 4 shall be representatives of agricultural workers and 1 shall be a representative of the Department of Labor, each appointed by the Secretary of Labor.

''(III) FUNCTIONS.—The Commission shall conduct a study that addresses—

''(aa) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien

farm workers had not been employed in the United States;

''(bb) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

''(cc) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

''(dd) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

''(ee) recommendations for future wage protection under this subsection.

''(IV) FINAL REPORT.—Not later than December 31, 2008, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under subclause (III).

''(V) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

''(D) GUARANTEE OF EMPLOYMENT.—

''(i) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least 75 percent of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. In this clause, 'the hourly equivalent' means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H–2A worker less employment than that required under this subparagraph, the employer shall pay such worker the amount which the worker would have earned had the worker worked for the guaranteed number of hours.

''(ii) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, if the worker has been offered an opportunity to so work, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

''(iii) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the 75 percent guarantee described in clause (i).

''(iv) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in clause (i) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in clause (i) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in subparagraph (B)(iv).

''(E) MOTOR VEHICLE SAFETY.—

''(i) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

''(I) IN GENERAL.—Except as provided in subclauses (III) and (IV), this subparagraph applies to any H–2A employer that uses or causes to be used any vehicle to transport an H–2A worker within the United States.

''(II) DEFINED TERM.—In this subparagraph, the term 'uses or causes to be used'—

''(aa) applies only to transportation provided by an H–2A employer to an H–2A worker, or by a farm labor contractor to an H–2A worker at the request or direction of an H–2A employer; and

''(bb) does not apply to—

''(AA) transportation provided, or transportation arrangements made, by an H–2A worker, unless the employer specifically requested or arranged such transportation; or

''(BB) car pooling arrangements made by H–2A workers themselves, using 1 of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

''(III) CLARIFICATION.—Providing a job offer to an H–2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H–2A worker by an H–2A employer, shall not constitute an arrangement of, or participation in, such transportation.

''(IV) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subparagraph does not apply to the transportation of an H–2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental to such activities.

''(V) COMMON CARRIERS EXCLUDED.—This subparagraph does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

''(ii) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

''(I) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

''(aa) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

''(bb) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

''(cc) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H–2A worker.

''(II) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required under subclause (I)(cc) shall be determined by the Secretary of Labor pursuant to regulations to be issued under this paragraph.

''(III) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H–2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of clause (ii)(I)(cc) relating to having an insurance policy or liability bond apply:

''(aa) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

''(bb) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

''(3) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided under this subsection, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

''(4) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer's application and job offer described in subsection (a)(1), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

''(5) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

''(c) PROCEDURE FOR ADMISSION AND EXTENSION OF STAY.—

''(1) PETITIONING FOR ADMISSION.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission of an H–2A worker into the United States may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under subsection (a)(5)(B)(ii) covering the petitioner.

''(2) EXPEDITED ADJUDICATION BY THE SECRETARY.—The Secretary shall establish a procedure for the expedited adjudication of petitions filed under paragraph (1). Not later than 7 working days after the receipt of such a petition, the Secretary shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate if the petitioner has indicated that the alien beneficiary or beneficiaries will apply for a visa or admission to the United States.

''(3) CRITERIA FOR ADMISSIBILITY.—

''(A) IN GENERAL.—An H–2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section and the alien is not ineligible under subparagraph (B).

''(B) DISQUALIFICATION.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

''(i) violated a material provision of this subsection, including the requirement to promptly depart the United States when the alien's authorized period of admission under this subsection has expired; or

''(ii) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period

of authorized admission as such a nonimmigrant.

''(C) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

''(i) IN GENERAL.—An alien who has not previously been admitted into the United States pursuant to this subsection, and who is otherwise eligible for admission in accordance with subparagraphs (A) and (B), shall not be deemed inadmissible under section 212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H–2A status, but may not be granted that status in the United States.

''(ii) MAINTENANCE OF WAIVER.—An alien provided an initial waiver of ineligibility pursuant to clause (i) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility under clause (i).

''(4) PERIOD OF ADMISSION.—

''(A) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to subsection (a)(5)(B)(ii), not to exceed 10 months, supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the work site and a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

''(i) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

''(ii) the total period of employment, including such 14-day period, may not exceed 10 months.

''(B) CONSTRUCTION.—Nothing in this paragraph shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

''(5) ABANDONMENT OF EMPLOYMENT.—

''(A) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H–2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

''(B) REPORT BY EMPLOYER.—The employer, or association acting as agent for the employer, shall notify the Secretary not later than 7 days after an H–2A worker prematurely abandons employment.

''(C) REMOVAL BY THE SECRETARY.—The Secretary shall promptly remove from the United States any H–2A worker who violates any term or condition of the worker's nonimmigrant status.

''(D) VOLUNTARY TERMINATION.—Notwithstanding subparagraph (A), an alien may voluntarily terminate the alien's employment if the alien promptly departs the United States upon termination of such employment.

''(6) REPLACEMENT OF ALIEN.—

''(A) IN GENERAL.—Upon notification to the Secretary under paragraph (5)(B), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H–2A worker—

''(i) who abandons or prematurely terminates employment; or

''(ii) whose employment is terminated after a United States worker is employed pursuant to subsection (a)(2)(B)(viii)(III), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

''(B) CONSTRUCTION.—Nothing in this paragraph shall limit any preference required to be accorded United States workers under any other provision of this Act.

''(7) IDENTIFICATION DOCUMENT.—

''(A) IN GENERAL.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify such person's proper identity.

''(B) REQUIREMENTS.—An identification and employment eligibility document may be issued only if it meets the following requirements:

''(i) The document shall be capable of reliably determining whether—

''(I) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

''(II) the individual whose eligibility is being verified is claiming the identity of another person; and

''(III) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H–2A worker.

''(ii) The document shall be in a form that is resistant to counterfeiting and to tampering.

''(iii) The document shall—

''(I) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

''(II) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

''(8) EXTENSION OF STAY IN THE UNITED STATES.—

''(A) EXTENSION OF STAY.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to paragraph (1), shall request an extension of the alien's stay and a change in the alien's employment.

''(B) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition may not be filed for an extension of an alien's stay—

''(i) for a period of more than 10 months; or

''(ii) to a date that is more than 3 years after the date of the alien's last admission to the United States under this subsection.

''(C) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—

''(i) IN GENERAL.—An alien who is lawfully present in the United States may commence the employment described in a petition under subparagraph (A) on the date on which the petition is filed.

''(ii) DEFINITION.—In clause (i), the term 'file' means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition.

''(iii) HANDLING OF PETITION.—The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

''(iv) APPROVAL OF PETITION.—Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

''(D) LIMITATION ON EMPLOYMENT AUTHORIZATION OF ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—An expired identification and employment eligibility document, together with a copy of a petition for extension of stay or change in the alien's authorized employment that complies with the requirements of subparagraph (A), shall constitute a valid work authorization document for a period of not more than 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

''(E) LIMITATION ON AN INDIVIDUAL'S STAY IN STATUS.—

''(i) MAXIMUM PERIOD.—The maximum continuous period of authorized status as an H–2A worker (including any extensions) is 3 years.

''(ii) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—

''(I) IN GENERAL.—Subject to subclause (II), in the case of an alien outside the United States whose period of authorized status as an H–2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H–2A worker unless the alien has remained outside the United States for a continuous period equal to at least 20 percent of the duration of the alien's previous period of authorized status as an H–2A worker (including any extensions).

''(II) EXCEPTION.—Subclause (I) shall not apply if the alien's period of authorized status as an H–2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H–2A worker.

''(9) SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, OR DAIRY WORKERS.—Notwithstanding any provision of the AgJOBS Act of 2006, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a sheepherder, goat herder, or dairy worker—

''(A) may be admitted for an initial period of 12 months;

''(B) subject to paragraph (10)(E), may have such initial period of admission extended for a period of up to 3 years; and

''(C) shall not be subject to the requirements of paragraph (8)(E).

''(10) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, OR DAIRY WORKERS.—

''(A) ELIGIBLE ALIEN.—In this paragraph, the term 'eligible alien' means an alien—

''(i) having nonimmigrant status under section 101(a)(15)(H)(ii)(a) based on employment as a sheepherder, goat herder, or dairy worker;

''(ii) who has maintained such nonimmigrant status in the United States for a cumulative total of 36 months (excluding any period of absence from the United States); and

''(iii) who is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

''(B) CLASSIFICATION PETITION.—In the case of an eligible alien, the petition under section 204 for classification under section 203(b)(3)(A)(iii) may be filed by—

''(i) the alien's employer on behalf of an eligible alien; or

''(ii) the eligible alien.

''(C) NO LABOR CERTIFICATION REQUIRED.—Notwithstanding section 203(b)((3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa for

an eligible alien under section 203(b)(3)(A)(iii).

''(D) EFFECT OF PETITION.—The filing of a petition described in subparagraph (B) or an application for adjustment of status based on the approval of such a petition, shall not constitute evidence of an alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(a).

''(E) EXTENSION OF STAY.—The Secretary shall extend the stay of an eligible alien having a pending or approved classification petition described in subparagraph (B) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

''(F) CONSTRUCTION.—Nothing in this paragraph shall be construed to prevent an eligible alien from seeking adjustment of status in accordance with any other provision of law.

''(d) WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.—

''(1) ENFORCEMENT AUTHORITY.—

''(A) INVESTIGATION OF COMPLAINTS.—

''(i) AGGRIEVED PERSON OR THIRD-PARTY COMPLAINTS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition under subsection (a)(2), or an employer's misrepresentation of material facts in an application under subsection (a)(1). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this clause if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

''(ii) DETERMINATION ON COMPLAINT.—Under such process, the Secretary of Labor shall provide, not later than 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in clause (iii), (iv), (v), or (vii). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, not later than 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this clause on such complaints.

''(iii) FAILURES TO MEET CONDITIONS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of subparagraph (A)(i), (A)(ii), (A)(iv), (A)(vi), (B)(i), (B)(ii), or (B)(vii) of subsection (a)(2), a substantial failure to meet a condition of subparagraph (A)(iii), (A)(v), (B)(iii), (B)(iv), (B)(v), or (B)(viii) of subsection (a)(2), or a material misrepresentation of fact in an application under subsection (a)(1)—

''(I) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

''(II) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

''(iv) WILLFUL FAILURES AND WILLFUL MISREPRESENTATIONS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of subsection (a)(2), a willful misrepresentation of a material fact in an application under subsection (a)(2), or a violation of paragraph (4)(A)—

''(I) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate;

''(II) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of paragraph (4)(A); and

''(III) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 2 years.

''(v) DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of subsection (a)(2) or a willful misrepresentation of a material fact in an application under subsection (a)(1), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under subsection (a)(1) or during the 30-day period preceding such period of employment—

''(I) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

''(II) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 3 years.

''(vi) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under subsection (a)(1) in excess of $90,000.

''(vii) FAILURES TO PAY WAGES OR REQUIRED BENEFITS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under subsection (b)(2), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under subsection (b)(2) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

''(B) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section.

''(2) RIGHTS ENFORCEABLE BY PRIVATE RIGHT OF ACTION.—H–2A workers may enforce the following rights through the private right of action provided in paragraph (3), and no other right of action shall exist under Federal or State law to enforce such rights:

''(A) The providing of housing or a housing allowance as required under subsection (b)(2)(A).

''(B) The reimbursement of transportation as required under subsection (b)(2)(B).

''(C) The payment of wages required under subsection (b)(2)(C) when due.

''(D) The benefits and material terms and conditions of employment expressly provided in the job offer described in subsection (a)(1)(B), not including the assurance to comply with other Federal, State, and local labor laws described in subsection (b)(3), compliance with which shall be governed by the provisions of such laws.

''(E) The guarantee of employment required under subsection (b)(2)(D).

''(F) The motor vehicle safety requirements under subsection (b)(2)(E).

''(G) The prohibition of discrimination under paragraph (4)(B).

''(3) PRIVATE RIGHT OF ACTION.—

''(A) MEDIATION.—

''(i) IN GENERAL.—Upon the filing of a complaint by an H–2A worker aggrieved by a violation of rights enforceable under paragraph (2), and not later than 60 days after the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in clause (iii).

''(ii) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under paragraph (2) between H–2A workers and agricultural employers without charge to the parties.

''(iii) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other non-binding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

''(iv) AUTHORIZATION.—

''(I) IN GENERAL.—Subject to subclause (II), there are authorized to be appropriated to the Federal Mediation and Conciliation Service $500,000 for each fiscal year to carry out this subsection.

''(II) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to subclause (I). Such reimbursement shall be credited to appropriations available at the time of receipt.

''(B) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H–2A worker aggrieved by a violation of rights enforceable under paragraph (2) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this section, not later than 3 years after the date the violation occurs.

''(C) ELECTION.—An H–2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under subparagraph (B) unless a complaint based on the same violation filed with the Secretary of Labor under paragraph (1)(A) is withdrawn before the filing of such action, in which case the rights and remedies available under this paragraph shall be exclusive.

''(D) PREEMPTION OF STATE CONTRACT RIGHTS.—Nothing in this section shall be

construed to diminish the rights and remedies of an H–2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this section.

''(E) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under this section shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this section. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

''(F) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

''(i) If the court finds that the respondent has intentionally violated any of the rights enforceable under paragraph (2), it shall award actual damages, if any, or equitable relief.

''(ii) Any civil action brought under this paragraph shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

''(G) WORKERS' COMPENSATION BENEFITS; EXCLUSIVE REMEDY.—

''(i) IN GENERAL.—Notwithstanding any other provision of this subsection, if the workers' compensation law of a State is applicable and coverage is provided for an H–2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this subsection in the case of bodily injury or death, in accordance with such workers' compensation law.

''(ii) PRECLUSION.—The exclusive remedy prescribed in clause (i) precludes the recovery under subparagraph (F) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

''(I) a recovery under a State workers' compensation law; or

''(II) rights conferred under a State workers' compensation law.

''(H) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H–2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under this paragraph shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H–2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

''(I) PRECLUSIVE EFFECT.—Any settlement by an H–2A worker and an H–2A employer or any person reached through the mediation process required under subparagraph (A) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

''(J) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H–2A employer on behalf of an H–2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under paragraph (1)(A)(ii) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

''(4) DISCRIMINATION PROHIBITED.—

''(A) IN GENERAL.—It is a violation of this subsection for any person who has filed an application under subsection (a)(1), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section subsection (a) or (b), or any rule or regulation pertaining to such subsections, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements such subsections or any rule or regulation pertaining to either of such subsections.

''(B) DISCRIMINATION AGAINST H–2A WORKERS.—It is a violation of this subsection for any person who has filed an application under subsection (a)(1), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H–2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under paragraph (2) or instituted, or caused to be instituted, a private right of action under paragraph (3) regarding the denial of the rights under paragraph (2), or has testified or is about to testify in any court proceeding brought under paragraph (3).

''(5) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H–2A worker who files a complaint regarding a violation of paragraph (4) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

''(6) ROLE OF ASSOCIATIONS.—

''(A) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of subsections (a) and (b), as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

''(B) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this subsection, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

''(e) DEFINITIONS.—In this section:

''(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)), including employment under section 101(a)(15)(H)(ii)(a).

''(2) BONA FIDE UNION.—The term 'bona fide union' means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

''(3) DISPLACE.—The term 'displace', in the case of an application with respect to 1 or more H–2A workers by an employer, means laying off a United States worker from a job for which the H–2A worker or workers is or are sought.

''(4) ELIGIBLE.—The term 'eligible', when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A).

''(5) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

''(6) H–2A EMPLOYER.—The term 'H–2A employer' means an employer who seeks to hire 1 or more H–2A workers.

''(7) H-2A WORKER.—The term 'H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

''(8) JOB OPPORTUNITY.—The term 'job opportunity' means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

''(9) LAYS OFF.—

''(A) IN GENERAL.—The term 'lays off', with respect to a worker—

''(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in subsection (b)(1)(B)(iv)), or temporary layoffs due to weather, markets, or other temporary conditions; but

''(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

''(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

''(10) REGULATORY DROUGHT.—The term 'regulatory drought' means a decision subsequent to the filing of the application under subsection (a) by an entity that is not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

''(11) SEASONAL.—Labor is performed on a 'seasonal' basis if—

''(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

''(B) from its nature, it may not be continuous or carried on throughout the year.

''(12) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

''(13) TEMPORARY.—A worker is employed on a 'temporary' basis where the employment is intended not to exceed 10 months.

''(14) UNITED STATES WORKER.—The term 'United States worker' means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).''.

CHAPTER 3—MISCELLANEOUS PROVISIONS

SEC. 616. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens under this subtitle and the amendments made by this subtitle, and a collection process for such fees from employers participating in the program provided under this subtitle. Such fees shall be the only fees chargeable to employers for services provided under this subtitle.

(b) DETERMINATION OF SCHEDULE.—

(1) IN GENERAL.—The schedule under subsection (a) shall reflect a fee rate based on the number of job opportunities indicated in the employer's application under section 218 of the Immigration and Nationality Act, as added by section 615 of this Act, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ eligible aliens pursuant to this subtitle, to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) PROCEDURE.—

(A) IN GENERAL.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) PUBLICATION AND COMMENT.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) USE OF PROCEEDS.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the alien employment user fees shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out subsections (a) and (c) of the Immigration and Nationality Act, as added by section 615 of this Act, and the provisions of this subtitle.

SEC. 617. REGULATIONS.

(a) REGULATIONS OF THE SECRETARY.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture on all regulations to implement the duties of the Secretary under this subtitle and the amendments made by this subtitle.

(b) REGULATIONS OF THE SECRETARY OF STATE.—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this subtitle and the amendments made by this subtitle.

(c) REGULATIONS OF THE SECRETARY OF LABOR.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this subtitle and the amendments made by this subtitle.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under section 218 of the Immigration and Nationality Act, as added by section 615 of this Act, shall be issued not later than 1 year after the date of the enactment of this Act.

SEC. 618. REPORT TO CONGRESS.

Not later than September 30 of each year, the Secretary shall submit a report to Congress that identifies, for the previous year—

(1) the number of job opportunities approved for employment of aliens admitted under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), and the number of workers actually admitted, by State and by occupation;

(2) the number of such aliens reported to have abandoned employment pursuant to section 218(c)(5)(B) of such Act;

(3) the number of such aliens who departed the United States within the period specified in subsection 218(c)(4) of such Act;

(4) the number of aliens who applied for adjustment of status pursuant to section 613(a);

(5) the number of such aliens whose status was adjusted under section 613(a);

(6) the number of aliens who applied for permanent residence pursuant to section 613(c); and

(7) the number of such aliens who were approved for permanent residence pursuant section 613(c).

SA 4175. Mr. REID 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. ____. SENSE OF CONGRESS ON SOCIAL SECURITY BENEFITS FOR ILLEGAL IMMIGRANTS.

It is the sense of the Congress that—

(1) illegal immigrants should never receive Social Security benefits or federally funded cash welfare, nor should illegal aliens receive the earned income tax credit based on unauthorized employment under any circumstances, and this prohibition should be strictly enforced; and

(2) identity theft should be prosecuted to the fullest extent of the law.

SA 4176. Ms. CANTWELL 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:

At the appropriate place, insert the following:

SEC. _____. RADIATION SOURCE PROTECTION.

(a) TRACKING SYSTEM.—Section 170H of the Atomic Energy Act of 1954 (42 U.S.C. 2210h) is amended—

(1) in subsection c.—

(A) in paragraph (1)(B)—

(i) by inserting ''and the Secretary of Homeland Security'' after ''Secretary of Transportation'' the first place it appears; and

(ii) by inserting ''or the Secretary of Homeland Security'' after ''Secretary of Transportation'' the second place it appears; and

(B) in paragraph (2)(A), by inserting ''and each license holder'' after ''unique identifier''; and

(2) by adding at the end the following:

''h. LICENSE VERIFICATION FOR EXPORTS AND IMPORTS.—The Commission shall—

''(1) assist the Bureau of Customs and Border Protection of the Department of Homeland Security in verifying any documentation or authorization issued by the Commission associated with the export or import of a radiation source regulated under this section, including allowing the Department of Homeland Security access to the tracking system established under subsection c.; and

''(2) require any individual transporting radiation sources that are exported from or imported into the United States to possess the applicable and required documentation issued by the Commission.''.

(b) CUSTOMS REVENUE FUNCTION.—Section 415 of the Homeland Security Act of 2002 (6 U.S.C. 215) is amended by adding at the end the following:

''(9) Verifying the authorizations issued by the Nuclear Regulatory Commission to possess and transport radiation sources when individuals pass through United States ports of entry.''.

SA 4177. Mr. GRASSLEY (for himself, Mr. OBAMA, Mr. BAUCUS, 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, 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 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 fails to comply with the requirements of subsections (c) and (d).

''(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) in the case of an individual who is a national of the United States—

''(I) a United States passport; or

''(II) a 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 that satisfies the requirements of division B of Public Law 109–13 (119 Stat. 302);

''(ii) in the case of an alien lawfully admitted for permanent residence in the United States, a permanent resident card, as specified by the Secretary;

''(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) in the case of an individual who is unable to obtain a document described in clause (i), (ii), or (iii), a document designated 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; 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—

''(A) 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 RECORDKEEPING 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.

''(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 not less than $400,000,000 have been appropriated and made available 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 individuals employed as of, or hired 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 and, if the individual was born in the United States, the State in which such individual was born;

''(II) the individual's social security account number;

''(III) the employment identification number of the individual's employer during any one of the 5 most recently completed calendar years; and

''(IV) 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.

''(iii) EIN REQUIREMENTS.—

''(I) REQUIREMENT TO PROVIDE.—An employer shall provide the employer identification number issued to such employer to the individual, upon request, for purposes of providing the information under clause (i)(III).

''(II) REQUIREMENT TO AFFIRMATIVELY STATE A LACK OF RECENT EMPLOYMENT.—An individual providing information under clause (i)(III) who was not employed in the United States during any of the 5 most recently completed calendar years shall affirmatively state on the form described in subsection (c)(1)(A)(i) that no employer identification number is provided because the individual was not employed in the United States during such period.

''(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 provide 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 that not less than $400,000,000 have been appropriated and made available to the Secretary to implement this subsection, 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 nonconfirmation notice issued for an individual was not caused by an act or omission of the individual, the Secretary shall compensate the individual 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 compensate the individual 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 that not less than $400,000,000 have been appropriated and made available to the Secretary to implement this subsection, 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, waive operation of this subsection, 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 debarment 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, employer identification number, 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) a 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(l)(3) (8 U.S.C. 1324b(l)(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 that is 180 days after the date of the enactment of this Act and shall apply to violations occurring on or after such date.

Subsection (b) of section 402 is amended to read as follows:

(b) EFFECTIVE DATE AND APPLICATION.—

(1) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 18 months after the date that not less than $400,000,000 have been appropriated and made available to the Secretary to implement the Electronic Employment Verification System established under 274A(d) of the Immigration and Nationality Act, as amended by section 301(a), with respect to aliens, who, on such effective date, are outside of the United States.

SA 4178. Mr. BAUCUS (for himself, Mr. CRAIG, Ms. CANTWELL, and Mr. BURNS) 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 12, line 1, strike ''(e)'' and insert the following:

(e) UNMANNED AERIAL VEHICLE PILOT PROGRAM.—During the 1-year period beginning on the date on which the report is submitted under subsection (c), the Secretary shall conduct a pilot program to test unmanned aerial vehicles for border surveillance along the international border between Canada and the United States.

(f)

SA 4179. 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. _____. ACCESS FOR SHORT-TERM STUDY.

(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.

(c) LANGUAGE TRAINING PROGRAMS.—

(1) REQUIREMENT FOR ACCREDITATION.—Section 101(a)(15)(F)(i) (8 U.S.C. 1101(a)(15)(F)(i)) is amended by striking ''a language'' and inserting ''an accredited language''.

(2) REQUIREMENT FOR REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall issue regulations to carry out the amendment made by paragraph (1). Such regulations shall—

(A) except as provided in subparagraphs (C) and (D), require that an accredited language training program described in section 101(a)(15)(F)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)(i)) be accredited by an accrediting agency recognized by the Secretary of Education;

(B) require that if such an accredited language training program provides intensive language training, the head of such program provide the Secretary with documentation regarding the specific subject matter for which the program is accredited;

(C) permit an alien admitted as a nonimmigrant under such section 101(a)(15)(F)(i) to participate in a language training program that is not accredited as described in subparagraph (A) during the 2-year period beginning on the date of the enactment of this Act; and

(D) permit a language training program established after the date of the enactment of this Act and that is not accredited as described in subparagraph (A) to qualify as an accredited language training program under such section 101(a)(15)(F)(i) during the 2-year period beginning on the date such language training program is established.

SA 4180. Mr. FRIST submitted an amendment intended to be proposed by him to the bill S. 2611, to provide comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end, add 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.''.

SEC. ___. EXCLUSION OF ILLEGAL ALIENS FROM CONGRESSIONAL APPORTIONMENT TABULATIONS.

In addition to any report under this act the Director of the Bureau of Census shall submit to Congress a report on the impact of illegal immigration on the apportionment of Representatives of Congress among the several states, and any methods and procedures that the Director determines to be feasible and appropriate, to ensure that individuals who are found by an authorized Federal agency to be unlawfully present in the United States are not counted in tabulating population for purposes of apportionment of Representatives in Congress among the several States.

SEC. ___. REFORM OF THE DIVERSITY VISA PROGRAM.

(a) WORLDWIDE LEVEL OF IMMIGRANTS WITH ADVANCED DEGREES.—Section 201 (8 U.S.C. 1151) is amended—

(1) in subsection (a)(3), by inserting ''and immigrants with advanced degrees'' after ''diversity immigrants''; and

(2) by amending subsection (e) to read as follows:

''(e) WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS AND IMMIGRANTS WITH ADVANCED DEGREES.—

''(1) DIVERSITY IMMIGRANTS.—The worldwide level of diversity immigrants described in section 203(c)(1) is equal to 18,333 for each fiscal year.

''(2) IMMIGRANTS WITH ADVANCED DEGREES.—The worldwide level of immigrants with advanced degrees described in section 203(c)(2) is equal to 36,667 for each fiscal year.''.

(b) IMMIGRANTS WITH ADVANCED DEGREES.—Section 203 (8 U.S.C. 1153(c)) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking ''paragraph (2), aliens subject to the worldwide level specified in section 201(e)'' and inserting ''paragraphs (2) and (3), aliens subject to the worldwide level specified in section 201(e)(1)'';

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

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

''(2) ALIENS WHO HOLD AN ADVANCED DEGREE IN SCIENCE, MATHEMATICS, TECHNOLOGY, OR ENGINEERING.—

''(A) IN GENERAL.—Qualified immigrants who hold a master's or doctorate degree in the life sciences, the physical sciences, mathematics, technology, or engineering from an accredited university in the United States, or an equivalent foreign degree, shall be allotted visas each fiscal year in a number not to exceed the worldwide level specified in section 201(e)(2).

''(B) ECONOMIC CONSIDERATIONS.—Beginning on the date which is 1 year after the date of the enactment of this paragraph, the Secretary of State, in consultation with the Secretary of Commerce and the Secretary of Labor, and after notice and public hearing, shall determine which of the degrees described in subparagraph (A) will provide immigrants with the knowledge and skills that are most needed to meet anticipated workforce needs and protect the economic security of the United States.'';

(D) in paragraph (3), as redesignated, by striking ''this subsection'' each place it appears and inserting ''paragraph (1)''; and

(E) by amending paragraph (4), as redesignated, to read as follows:

''(4) MAINTENANCE OF INFORMATION.—

''(A) DIVERSITY IMMIGRANTS.—The Secretary of State shall maintain information on the age, occupation, education level, and other relevant characteristics of immigrants issued visas under paragraph (1).

''(B) IMMIGRANTS WITH ADVANCED DEGREES.—The Secretary of State shall maintain information on the age, degree (including field of study), occupation, work experience, and other relevant characteristics of immigrants issued visas under paragraph (2).''; and

(2) in subsection (e)—

(A) in paragraph (2), by striking ''(c)'' and inserting ''(c)(1)'';

(B) by redesignating paragraph (3) as paragraph (4); and

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

''(3) Immigrant visas made available under subsection (c)(2) shall be issued as follows:

''(A) If the Secretary of State has not made a determination under subsection (c)(2)(B), immigrant visas shall be issued in a strictly random order established by the Secretary for the fiscal year involved.

''(B) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have a degree selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is greater than the worldwide level specified in section 201(e)(2), the Secretary shall issue immigrant visas only to such immigrants and in a strictly random order established by the Secretary for the fiscal year involved.

''(C) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have degrees selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is not greater than the worldwide level specified in section 201(e)(2), the Secretary shall—

''(i) issue immigrant visas to eligible qualified immigrants with degrees selected in subsection (c)(2)(B); and

''(ii) issue any immigrant visas remaining thereafter to other eligible qualified immigrants with degrees described in subsection (c)(2)(A) in a strictly random order established by the Secretary for the fiscal year involved.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006.

SEC. ___. ADMISSION OF TEMPORARY GUEST WORKERS.

(a) IN GENERAL.—Chapter 2 of title II (8 U.S.C. 1181 et seq.), as amended by title IV and title VI, is further amended by inserting after section 218H 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.

''(l) 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.''.

SEC. ____. BLUE CARD PROGRAM.

(a) WORK DAY DEFINED.—Notwithstanding paragraph (7) of section 612 of this Act, for the purposes of the AgJOBS Act of 2006, as added by subtitle B of title VI, the term ''work day'' shall mean any day in which the individual is employed 8 or more hours in agriculture.

(b) DEFINITIONS.—The definitions of terms defined in section 612 of this Act, as applied by subsection (a), shall apply to such terms in this section.

(c) BLUE CARD PROGRAM.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary may confer blue card status upon an alien who qualifies under this subsection if the Secretary determines that the alien—

(A) has performed agricultural employment in the United States for at least 150 work days per year during the 24-month period ending on December 31, 2005;

(B) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act; and

(C) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under subsection (g)(2).

(2) AUTHORIZED TRAVEL.—An alien in blue card status has the right to travel abroad (including commutation from a residence abroad) in the same manner as an alien lawfully admitted for permanent residence.

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

(4) TERMINATION OF BLUE CARD STATUS.—

(A) IN GENERAL.—The Secretary may terminate blue card status granted under this subsection only upon a determination under this section or AgJOBS Act of 2006, as added by subtitle B of title VI, that the alien is deportable.

(B) GROUNDS FOR TERMINATION OF BLUE CARD STATUS.—Before any alien becomes eligible for adjustment of status under subsection (e), the Secretary may deny adjustment to permanent resident status and provide for termination of the blue card status granted such alien under paragraph (1) if—

(i) the Secretary finds, by a preponderance of the evidence, that the adjustment to blue card status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (g)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(5) RECORD OF EMPLOYMENT.—

(A) IN GENERAL.—Each employer of a worker granted status under this subsection shall annually—

(i) provide a written record of employment to the alien; and

(ii) provide a copy of such record to the Secretary.

(B) SUNSET.—The obligation under subparagraph (A) shall terminate on the date that is 6 years after the date of the enactment of this Act.

(6) REQUIRED FEATURES OF BLUE CARD.—The Secretary shall provide each alien granted blue card status and the spouse and children of each such alien residing in the United States with a card that contains—

(A) an encrypted, machine-readable, electronic identification strip that is unique to the alien to whom the card is issued;

(B) biometric identifiers, including fingerprints and a digital photograph; and

(C) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

(7) FINE.—An alien granted blue card status shall pay a fine to the Secretary in an amount equal to $1,000.

(8) MAXIMUM NUMBER.—The Secretary may issue not more than 1,500,000 blue cards during the 5-year period beginning on the date of the enactment of this Act.

(d) RIGHTS OF ALIENS GRANTED BLUE CARD STATUS.—

(1) IN GENERAL.—Except as otherwise provided under this subsection, an alien in blue card status shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien in blue card status shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the Secretary confers blue card status upon that alien.

(3) TERMS OF EMPLOYMENT FOR ALIENS ADMITTED UNDER THIS SECTION.—

(A) PROHIBITION.—No alien granted blue card status may be terminated from employment by any employer during the period of blue card status except for just cause.

(B) TREATMENT OF COMPLAINTS.—

(i) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens granted blue card status who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(ii) INITIATION OF ARBITRATION.—If the Secretary finds that a complaint has been filed in accordance with clause (i) and there is reasonable cause to believe that the complainant was terminated without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal

Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

(iii) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including, but not limited to, reinstatement, back pay, or front pay to the affected employee. Within 30 days from the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated an alien granted blue card status without just cause, the Secretary shall credit the alien for the number of days or hours of work lost for purposes of the requirement of subsection (e)(1).

(v) TREATMENT OF ATTORNEY'S FEES.—The parties shall bear the cost of their own attorney's fees involved in the litigation of the complaint.

(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

(C) CIVIL PENALTIES.—

(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted blue card status has failed to provide the record of employment required under subsection (c)(5) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(e) ADJUSTMENT TO PERMANENT RESIDENCE.—

(1) AGRICULTURAL WORKERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall adjust the status of an alien granted blue card status to that of an alien lawfully admitted for permanent residence if the Secretary determines that the following requirements are satisfied:

(i) QUALIFYING EMPLOYMENT.—The alien has performed at least—

(I) 5 years of agricultural employment in the United States, for at least 100 work days or 575 hours, but in no case less than 575 hours per year, during the 5-year period beginning on the date of the enactment of this Act; or

(II) 3 years of agricultural employment in the United States, for at least 150 work days or 863 hours, but in no case less than 863 hours per year, during the 5-year period beginning on the date of the enactment of this Act.

(ii) PROOF.—An alien may demonstrate compliance with the requirement under clause (i) by submitting—

(I) the record of employment described in subsection (c)(5); or

(II) such documentation as may be submitted under subsection (f)(3).

(iii) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement under clause (i)(I), the Secretary may credit the alien with not more than 12 additional months to meet the requirement under clause (i) if the alien was unable to work in agricultural employment due to—

(I) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

(II) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

(III) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

(iv) APPLICATION PERIOD.—The alien applies for adjustment of status not later than 7 years after the date of the enactment of this Act.

(v) FINE.—The alien pays a fine to the Secretary in an amount equal to $1,000.

(vi) ENGLISH LANGUAGE.—The alien has demonstrated an understanding of the English language, as required under section 312(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(1)).

(B) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien adjustment to permanent resident status, and provide for termination of the blue card status granted such alien, if—

(i) the Secretary finds by a preponderance of the evidence that the adjustment to blue card status was the result of fraud or willful misrepresentation, as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided under subsection (g)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(III) is convicted of a single misdemeanor for which the actual sentence served is 6 months or longer.

(C) GROUNDS FOR REMOVAL.—Any alien granted blue card status who does not apply for adjustment of status under this subsection before the expiration of the application period described in subparagraph (A)(iv), or who fails to meet the other requirements of subparagraph (A) by the end of the applicable period, is deportable and may be removed under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(D) PAYMENT OF INCOME TAXES.—

(i) IN GENERAL.—Not later than the date on which an alien's status is adjusted under this subsection, the alien shall establish the payment of all Federal income taxes owed for employment during the period of employment required under paragraph (1)(A) 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.

(ii) IRS COOPERATION.—The Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all income taxes required under this paragraph.

(2) SPOUSES AND MINOR CHILDREN.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted status under paragraph (1), including any individual who was a minor child on the date such alien was granted blue card status, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

(B) TREATMENT OF SPOUSES AND MINOR CHILDREN BEFORE ADJUSTMENT OF STATUS.—

(i) REMOVAL.—The spouse and any minor child of an alien granted blue card status may not be removed while such alien maintains such status, except as provided in subparagraph (C).

(ii) TRAVEL.—The spouse and any minor child of an alien granted blue card status may travel outside the United States in the same manner as an alien lawfully admitted for permanent residence.

(iii) EMPLOYMENT.—The spouse of an alien granted blue card status may apply to the Secretary for a work permit to authorize such spouse to engage in any lawful employment in the United States while such alien maintains blue card status.

(C) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS AND REMOVAL.—The Secretary may deny an alien spouse or child adjustment of status under subparagraph (A) and may remove such spouse or child under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) if the spouse or child—

(i) commits an act that makes the alien spouse or child inadmissible to the United States under section 212 of such Act (8 U.S.C. 1182), except as provided under subsection (g)(2);

(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(iii) is convicted of a single misdemeanor for which the actual sentence served is 6 months or longer.

(f) APPLICATIONS.—

(1) TO WHOM MAY BE MADE.—The Secretary shall provide that—

(A) applications for blue card status may be filed—

(i) with the Secretary, but only if the applicant is represented by an attorney or a non-profit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(ii) with a qualified designated entity (designated under paragraph (2)), but only if the applicant consents to the forwarding of the application to the Secretary; and

(B) applications for adjustment of status under subsection (e) shall be filed directly with the Secretary.

(2) DESIGNATION OF ENTITIES TO RECEIVE APPLICATIONS.—

(A) IN GENERAL.—For purposes of receiving applications under subsection (c), the Secretary—

(i) shall designate qualified farm labor organizations and associations of employers; and

(ii) may designate such other persons as the Secretary determines are qualified and have substantial experience, demonstrate competence, and have traditional long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245 of the Immigration and Nationality Act, Public Law 89–732, Public Law 95–145, or the Immigration Reform and Control Act of 1986.

(B) REFERENCES.—Organizations, associations, and persons designated under subparagraph (A) are referred to in this subtitle as ''qualified designated entities''.

(3) PROOF OF ELIGIBILITY.—

(A) IN GENERAL.—An alien may establish that the alien meets the requirement of subsection (c)(1)(A) or (e)(1)(A) through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(B) DOCUMENTATION OF WORK HISTORY.—

(i) BURDEN OF PROOF.—An alien applying for status under subsection (c)(1) or (e)(1) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days (as required under subsection (c)(1)(A) or (e)(1)(A)).

(ii) TIMELY PRODUCTION OF RECORDS.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of those records under regulations to be promulgated by the Secretary.

(iii) SUFFICIENT EVIDENCE.—An alien can meet the burden of proof under clause (i) to establish that the alien has performed the work described in subsection (c)(1)(A) or (e)(1)(A) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

(4) TREATMENT OF APPLICATIONS BY QUALIFIED DESIGNATED ENTITIES.—Each qualified designated entity shall agree to forward to the Secretary applications filed with it in accordance with paragraph (1)(A)(i)(II) but shall not forward to the Secretary applications filed with it unless the applicant has consented to such forwarding. No such entity may make a determination required by this section to be made by the Secretary. Upon the request of the alien, a qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien.

(5) LIMITATION ON ACCESS TO INFORMATION.—Files and records prepared for purposes of this subsection by qualified designated entities operating under this subsection are confidential and the Secretary shall not have access to such files or records relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to paragraph (6).

(6) CONFIDENTIALITY OF INFORMATION.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, neither the Secretary, nor any other official or employee of the Department, or a bureau or agency of the Department, may—

(i) use the information furnished by the applicant pursuant to an application filed under this section, the information provided to the applicant by a person designated under paragraph (2)(A), or any information provided by an employer or former employer, for any purpose other than to make a determination on the application, or for enforcement of paragraph (7);

(ii) make any publication whereby the information furnished by any particular individual can be identified; or

(iii) permit anyone other than the sworn officers and employees of the Department, or a bureau or agency of the Department, or, with respect to applications filed with a qualified designated entity, that qualified designated entity, to examine individual applications.

(B) REQUIRED DISCLOSURES.—The Secretary shall provide the information furnished under this section, or any other information derived from such furnished information, to—

(i) a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, if such information is requested in writing by such entity; or

(ii) an official coroner, for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(C) CONSTRUCTION.—

(i) IN GENERAL.—Nothing in this paragraph shall be construed to limit the use, or release, for immigration enforcement purposes or law enforcement purposes of information contained in files or records of the Department pertaining to an application filed under this section, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(ii) CRIMINAL CONVICTIONS.—Information concerning whether the applicant has at any time been convicted of a crime may be used or released for immigration enforcement or law enforcement purposes.

(D) CRIME.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this paragraph shall be subject to a fine in an amount not to exceed $10,000.

(7) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

(A) CRIMINAL PENALTY.—Any person who—

(i) files an application for status under subsection (c) or (e) and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

(ii) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

(B) INADMISSIBILITY.—An alien who is convicted of a crime under subparagraph (A) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(8) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for adjustment of status under this section.

(9) APPLICATION FEES.—

(A) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

(i) shall be charged for the filing of applications for status under subsections (a) and (c); and

(ii) may be charged by qualified designated entities to help defray the costs of services provided to such applicants.

(B) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under subparagraph (A)(ii) for services provided to applicants.

(C) DISPOSITION OF FEES.—

(i) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the ''Agricultural Worker Immigration Status Adjustment Account''. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under subparagraph (A)(i).

(ii) USE OF FEES FOR APPLICATION PROCESSING.—Amounts deposited in the ''Agricultural Worker Immigration Status Adjustment Account'' shall remain available to the Secretary until expended for processing applications for status under subsections (c) and (e).

(g) WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR INADMISSIBILITY.—

(1) NUMERICAL LIMITATIONS DO NOT APPLY.—The numerical limitations of sections 201 and 202 of the Immigration and Nationality Act (8 U.S.C. 1151 and 1152) shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

(2) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's eligibility for status under subsection (c)(1)(C) or an alien's eligibility for adjustment of status under subsection (e)(1)(B)(ii)(I), the following rules shall apply:

(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) WAIVER OF OTHER GROUNDS.—

(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may waive any other provision of such section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or if otherwise in the public interest.

(ii) GROUNDS THAT MAY NOT BE WAIVED.—Paragraphs (2)(A), (2)(B), (2)(C), (3), and (4) of such section 212(a) may not be waived by the Secretary under clause (i).

(iii) CONSTRUCTION.—Nothing in this subparagraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

(C) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for status under this section by reason of a ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

(h) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

(1) BEFORE APPLICATION PERIOD.—Effective on the date of enactment of this Act, the Secretary shall provide that, in the case of an alien who is apprehended before the beginning of the application period described in subsection (c)(1)(B) and who can establish a nonfrivolous case of eligibility for blue card status (but for the fact that the alien

may not apply for such status until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for blue card status, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an ''employment authorized'' endorsement or other appropriate work permit for such purpose.

(2) DURING APPLICATION PERIOD.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for blue card status during the application period described in subsection (e)(1)(B), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an ''employment authorized'' endorsement or other appropriate work permit for such purpose.

(i) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(1) IN GENERAL.—There shall be no administrative or judicial review of a determination respecting an application for status under subsection (c) or (e) except in accordance with this subsection.

(2) ADMINISTRATIVE REVIEW.—

(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(B) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(3) JUDICIAL REVIEW.—

(A) LIMITATION TO REVIEW OF REMOVAL.—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(B) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such 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.

(j) DISSEMINATION OF INFORMATION ON ADJUSTMENT PROGRAM.—Beginning not later than the first day of the application period described in subsection (c)(1)(B), the Secretary, in cooperation with qualified designated entities, shall broadly disseminate information respecting the benefits that aliens may receive under this section and the requirements to be satisfied to obtain such benefits.

(k) REGULATIONS.—The Secretary shall issue regulations to implement this section not later than the first day of the seventh month that begins after the date of enactment of this Act.

(l) EFFECTIVE DATE.—This section shall take effect on the date that regulations are issued implementing this section on an interim or other basis.

(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $40,000,000 for each of fiscal years 2007 through 2010.

(n) APPLICATION OF OTHER PROVISIONS.—Section 613 of this Act is null and void.

SEC. ___. CONFIDENTIALLY OF INFORMATION SUBMITTED FOR EARNED ADJUSTMENT OF STATUS.

Notwithstanding section 601(b) of this Act, subsection (e) of section 245B of the Immigration and Nationality Act, as added by such section 601(b), is amended to read as follows:

''(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.''.

SEC. ___. EFFECTIVE DATE FOR NEW NONIMMIGRANT TEMPORARY WORKER CATEGORIES.

Notwithstanding subsection (b) of section 402 of this Act, the amendments made by subsection (a) of such section 402 shall take effect on the date that is 18 months after the date that a total of not less than $400,000,000 has been appropriated and made available to the Secretary to implement the Electronic Employment Verification System established under 274A(d) of the Immigration and Nationality Act, as amended by section 301(a) of this Act, with respect to aliens, who, on such effective date, are outside of the United States.

SEC. ___. ELIGIBILITY FOR THE EARNED INCOME TAX CREDIT.

Notwithstanding section 601(b) of this Act, subsection (g) of section 245B of the Immigration and Nationality Act, as added by such section 601(b), is amended to read as follows:

''(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 who is unlawfully present in the United States, or an alien who receives an adjustment of status under subsection (n) of section 245 who was illegally present in the United States prior to January 7 2004, this section, section 245C, or section ___(e) of the Comprehensive Immigration Reform Act of 2006, shall not be eligible for the Earned Income Tax Credit. With respect to benefits other than the Earned Income Tax Credit, 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 the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1601 et seq.).''.

SA 4181. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

Notwithstanding any other provisions of this act the language in Title V Sec. 501 under the heading ''(2) VISAS FOR SPOUSES AND CHILDREN'' is null and void and the following shall be applicable in lien thereof.

''(2) VISAS FOR SPOUSES AND CHILDREN.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), immigrant visas issued on or after October 1, 2004, to spouses and children of employment-based immigrants shall not be counted against the numerical limitation set forth in paragraph (1).

''(B) NUMERICAL LIMITATION.—The total number of visas issued under paragraph (1)(A) and paragraph (2), excluding such visas issued to aliens pursuant to section 245B or section 245C of the Immigration and Nationality Act, may not exceed 650,000 during any fiscal year.

''(C) CONSTRUCTION.—Nothing in this paragraph may be construed to modify the requirement set out in 245B(a)(1)(I) or 245C(i)(2)(A) that prohibit an alien from receiving an adjustment of status to that of a legal permanent resident prior to the consideration of all applications filed under section 201, 202, or 203 before the date of enactment of section 245B and 245C.

SA 4182. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

Notwithstanding any other provisions of this act the language in Title V Sec. 501 under the heading ''(2) VISAS FOR SPOUSES AND CHILDREN'' is null and void and the following shall be applicable in lien thereof.

''(2) VISAS FOR SPOUSES AND CHILDREN.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), immigrant visas issued on or after October 1, 2004, to spouses and children of employment-based immigrants shall not be counted against the numerical limitation set forth in paragraph (1).

''(B) NUMERICAL LIMITATION.—The total number of visas issued under paragraph (1)(A) and paragraph (2), excluding such visas issued to aliens pursuant to section 245B or

section 245C of the Immigration and Nationality Act, may not exceed 650,000 during any fiscal year.

''(C) CONSTRUCTION.—Nothing in this paragraph may be construed to modify the requirement set out in 245B(a)(1)(I) or 245C(i)(2)(A) that prohibit an alien from receiving an adjustment of status to that of a legal permanent resident prior to the consideration of all applications filed under section 201, 202, or 203 before the date of enactment of section 245B and 245C.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, June 1st, 2006 at 9:30 a.m. in the Grand Junction City Hall Auditorium located at 250 North 5th Street in Grand Junction, Colorado.

The purpose of the hearing is to receive testimony on the implementation of the oil shale provisions of the Energy Policy Act of 2005.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Dick Bouts at 202–224–7545 or Sara Zecher at 202–224–8276.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 23, 2006, at 10 a.m., to conduct a hearing on ''Improving Financial Literacy in the United States.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. HUTCHISON. Mr. President. I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, May 23, 2006, at 10 a.m. on price gouging.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, May 23 at 10 a.m.

The purpose of this hearing is to receive testimony on 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.''

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to hold a Business Meeting on May 23, 2006 at 9:30 am to consider the following agenda:

S. 2735 To amend the National Dam Safety Program Act to reauthorize the national dam safety program, and for other purposes.

S. 2832 The Appalachian Regional Development Act Amendments of 2006.

S. 2430 Great Lakes Fish and Wildlife Restoration Act of 2006 with amendment.

S. 1509 Captive Primate Safety Act.

S. 2041 Ed Fountain Park Expansion Act.

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 Audubon Society's 100th Anniversary with amendment.

S. 2781 Wastewater Treatment Works Security Act of 2006.

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.''

S.____ Great Lakes Coordination and Oversight Act of 2006.

S. 2023 To amend the oil pollution act of 1990 to improve that act, and for other purposes.

GSA Resolutions: To authorize the majority of the General Services Administration's FY 2007 Capital Investment and Leasing Program; To authorize seven new courthouse construction projects.

Army Corps Study Resolutions: Committee Resolution on Cedar River, Time Check Area, Cedar Rapids, Iowa; Committee Resolution on Pawcatuck River, Little Narragansett Bay, and Watch Hill Cove, Rhode Island and Connecticut; Committee Resolution on Kansas River Basin, Kansas, Colorado, and Nebraska; and Committee Resolution on Port of San Francisco, San Francisco, California.

Nominations: Molly O'Neill to be an Assistant Administrator—EPA; Dr. Dale Klein to be a member of the Nuclear Regulatory Commission; Dr. Gregory Jaczko to be a member of the Nuclear Regulatory Commission; and Dr. Peter Lyons to-be a member of the Nuclear Regulatory Commission.

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

COMMITTEE ON FINANCE

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, May 23, 2006, at 2:30 p.m., in 215 Dirksen Senate Office Building, to hear testimony on ''Encouraging Economic Self-Determination in Indian Country''.

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 23, 2006, at 2:15 p.m. to hold a business meeting.

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

SELECT COMMITTEE ON INTELLIGENCE

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 23, 2006, at 2:30 p.m. to hold a closed mark-up.

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

SUBCOMMITTEE ON INTELLECTUAL PROPERTY

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittee on Intellectual Property be authorized to meet to conduct a hearing on ''Perspectives on Patents: Post-Grant Review Procedures and Other Litigation Reforms'' on Tuesday, May 23, 2006, at 2 p.m. in room 226 of the Dirksen Senate Office Building.

Witness List: Panel I: Andrew Cadel, Managing Director, Associate General Counsel and Chief Intellectual Property Counsel, JP Morgan Chase, New York, NY; Philip S. Johnson, Chief Patent Counsel, Johnson & Johnson, Newbrunswick, NJ; Nathan P. Myhrvold, Chief Executive Officer, Intellectual Ventures, Bellevue, WA; John R. Thomas, Professor of Law, Georgetown University Law Center, Washington, DC; and Mark Chandler, Senior Vice President and General Counsel, Cisco Systems, Inc., San Jose, CA.

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Tod Bowman, a member of my staff, be granted floor privileges for the duration of today's session.

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

Mr. KENNEDY. Mr. President, I ask unanimous consent that James Walsh, a detailee on my staff, be given floor privilege for the remainder of the Senate session. I also ask unanimous consent that Carol Wolchak, an attorney on my staff, be given floor privileges for the remainder of this bill.

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

LOBBYING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006

Mr. FRIST. Mr. President, I ask that the Chair lay before the Senate the House message to accompany S. 2349 to provide greater transparency in the legislative process.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 2349

Resolved, That the bill from the Senate (S. 2349) entitled ''An Act to provide greater transparency in the legislative process'', do pass with amendments.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate disagree with the House amendments, request a conference with the House, and the Chair be authorized to appoint conferees at a ratio of 3 to 2.

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

The Chair appointed Mr. LOTT, Mr. STEVENS, Mr. MCCONNELL, Mr. DODD, and Mr. INOUYE conferees on the part of the Senate.

NATIONAL SAFETY MONTH

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to S. Res. 450.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 450) to designate June 2006 as National Safety Month.

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 450) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 450

Whereas the mission of the National Safety Council is to educate and influence citizens of the United States to adopt safety, health, and environmental policies, practices, and procedures that prevent and mitigate human suffering and economic losses arising from preventable causes;

Whereas the National Safety Council works to protect lives and promote health with innovative programs;

Whereas the National Safety Council, founded in 1913, is celebrating its 93rd anniversary in 2006 as the premier source of safety and health information, education, and training in the United States;

Whereas the National Safety Council was chartered by Congress in 1953, and is celebrating its 53rd anniversary in 2006 as a congressionally-chartered organization;

Whereas even with advancements in safety that create a safer environment for the people of the United States, such as new legislation and improvements in technology, the unintentional-injury death toll is still unacceptable;

Whereas the National Safety Council has demonstrated leadership in educating citizens of the United States on how to prevent injuries and deaths to senior citizens as a result of falls;

Whereas citizens deserve a solution to nationwide safety and health threats;

Whereas such a solution requires the cooperation of all levels of government, as well as the general public;

Whereas the summer season, traditionally a time of increased unintentional-injury fatalities, is an appropriate time to focus attention on both the problem and the solution to such safety and health threats; and

Whereas the theme of ''National Safety Month'' for 2006 is ''Making Our World A Safer Place'': Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2006 as ''National Safety Month''; and

(2) recognizes the accomplishments of the National Safety Council and calls upon the citizens of the United States to observe the month with appropriate ceremonies and respect.

RELATIVE TO THE DEATH OF FORMER SENATOR LLOYD BENTSEN

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 489, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 489) relative to the death of Lloyd Bentsen, distinguished member of the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, the distinguished elder statesman, Senator Lloyd Bentsen, passed away today in his family home in Houston at the age of 85. He leaves behind his wife Beryl Ann and his three children, Lloyd III, Lan and Tina, and seven beloved grandchildren. He also leaves behind almost four decades of dedicated public service on behalf of Texas and the American people.

Alternately described as elegant, courtly, smooth, and collegial, Lloyd Bentsen of Rio Grande Valley was the picture of a Senator. A shrewd legislator with finely honed negotiating skills, he was able to work with both sides of the aisle and gain the trust and cooperation of his colleagues.

Senator Bentsen began his life in public service in 1942 when, fresh out of the University of Texas Law School, he enlisted in the U.S. Army. The war was on, and he was eager to serve his country.

After a brief stint as a private in intelligence, the young Bentsen became a combat pilot. He began flying B–24 missions over an embattled Europe. By the time he was done, he had flown 50 missions and earned the Distinguished Flying Cross and the Air Medal with three oakleaf clusters. He retired a colonel in the Air Force Reserves.

Still a young man in his early twenties, he returned to his hometown, where he practiced law for a year. He then became a county judge at the age of 25, and in 1948 he ran for Congress, where he served for three consecutive terms. He took a 16-year hiatus from elected office to become a successful financier. Then, in 1970, Lloyd Bentsen ran for the Senate, where he rose to national prominence. In 1988, Democratic Presidential nominee Michael Dukakis selected the distinguished 67-year-old as his running mate, and in 1993, President Clinton nominated Senator Bentsen to serve the Department of Treasury. He led that Department and he retired in 1994, nearly 30 years in public office.

Over his long career, Senator Bentsen earned the respect of his colleagues and of the American people. He was an old-school gentleman who could don his partisan hat and share a respite from the day-to-day battles on the Senate floor. I came across a quotation of his, not as famous as another but one which I think sums up his lifetime in public service and one which is a valuable motto for us all:

It should be clear by now that serious problems cannot be solved by public relations; they can only be solved by public responsibility.

Lloyd Bentsen's words.

On behalf of the Senate and the American people, our hearts go out to the Bentsen family. We join them in mourning the passing of a noteworthy statesman. May God bless them, and may God bless America.

Mrs. HUTCHISON. Mr. President, today we mourn the loss of a great Texan and a true American hero. Lloyd Bentsen passed away this morning, and I rise to pay tribute to the life and legacy of a great statesman.

Senator Bentsen served this Nation in numerous capacities. Everyone in Texas knew who Lloyd Bentsen was during all of the time that I was in my early years of public service. Many in this body also served with him and knew him well. He put his stamp on Texas, and he put his stamp on our country.

Lloyd Bentsen was born in Mission, TX, in 1921, in the southernmost part of our State. He attended public schools and graduated from the University of Texas Law School in 1942. Upon graduation, he served in the U.S. Army Air Forces during World War II. He flew more than 200 bombing missions to liberate Europe from the Nazi grasp. For his heroic service, he was awarded the Air Medal with three oak leaf clusters, as well as the Distinguished Flying Cross for valor in combat. He retired with the rank of colonel from the Air Force Reserve.

After the war, Lloyd Bentsen returned home to his native Rio Grande Valley. There he began his career as a public servant. As everyone who worked with him will attest, Lloyd Bentsen was a natural. His first office was county judge of Hidalgo County. He was then elected to represent Texas in the U.S. House of Representatives in 1948, serving 6 years before leaving Congress to go into business. He moved to Houston and started a business that was very successful, and after some number of years in business, he decided he wanted to do what he liked doing best, and that was to have an office and serve the public. He was elected to the Senate in 1970.

I have to say that is when I really got to know Lloyd Bentsen a little bit because I was a cub news reporter at KPRC–TV in Houston, and I covered that race. It was the battle of the titans. This was a race between George H.W. Bush and Lloyd Bentsen for the U.S. Senate seat in 1970. I remember me and all the reporters saying at the time that this is what a Senate race should be. These are two high-quality individuals. They are the kind of people you would want in public service, and certainly the kind of people you would want elected to public office. Lloyd Bentsen won that race for the Senate. But George H.W. Bush also had an illustrious career to follow.

Lloyd Bentsen stayed in the Senate and became a leader. He was here for 22 years. Everyone in Texas knew him, but he was also a national figure. Lloyd Bentsen ran for President in 1976. He was the Democratic candidate for Vice President in 1988. His illustrious public career concluded with his service to our Nation as Secretary of the Treasury. He served under President Clinton from 1993 to 1994. It was then that I was able to run for and win the seat that he had held.

I have to say that when I was covering that Senate race in 1970, it would never have occurred to me that I would succeed the man who won that seat. I do remember that he came to my swearing in ceremony, which I thought was very gracious of him, and I thought it was so nice of him to wish me well. He wanted also to make sure I felt comfortable here, which, of course, I did. I have gotten to know Lloyd and B.A. Bentsen, his beautiful wife, who has been by his side all of these years—in the good days of public service when he was one of our country's great leaders, and during the time that he was so ill for so long. I saw B.A. at his side every time I saw Senator Bentsen, either in Houston or Austin or someplace in Texas.

He was awarded the Presidential Medal of Freedom on August 11, 1999. Later today, I will introduce a joint resolution with Senator CORNYN honoring the life and legacy of Lloyd Bentsen.

When people think of Lloyd Bentsen, if you talk to anybody on this floor who served with him, or if you talk to anybody in Texas who was one of his friends, or someone he knew, they always describe him as a gentleman, a person of the highest quality, exactly the kind of person you want in public service—someone with integrity, always there doing the right thing as he saw it, and always spending the time to do a great job for our country.

Our thoughts and prayers go out today to B.A. Bentsen and to Lloyd Bentsen III and Lan Bentsen, the two sons of this great American. We will introduce a resolution later today to pay tribute to him. I want his family to know that our thoughts and prayers in this Senate are with him and with them today.

Mr. CORNYN. Mr. President, I wish to join my voice with those of my colleagues in celebrating the life, and mourning the death, of one of the political giants of our time: Lloyd Bentsen fellow Texan, son, husband, father, friend, honored veteran, lawyer, county judge, Congressman, businessman, Senator, and at the peak of his career in public service, U.S. Secretary of the Treasury.

It is difficult to capture in one brief statement the weight and the impact of one man's life. But we can all be confident that the legacy left by Lloyd Bentsen is one of which his family, his State, and his country can be remarkably proud.

Perhaps one important way to capture the meaning of his influence is to listen to those who have known or served with him or those who have had the honor of calling him a friend. Today, the chorus of their voices reminds us.

Texas State Comptroller Carole Keeton Strayhorn said: ''Sen. Lloyd Bentsen was a true Texas icon and a friend. He put Texans above politics. He lifted all Texans.''

His former aide, and State Representative Richard Raymond said: ''He didn't pass the buck. That's one of the things that stuck with me.''

We should all be fortunate as to be remembered so fondly, and so well.

It is clear that Lloyd Bentsen lived a life of purpose; he certainly wasted no time making his mark on our country. Born in Mission, TX, on February 11, 1921, Bentsen received his law degree from University of Texas Law School at Austin.

He served as a pilot in the U.S. Army Air Forces from 1942 to 1945, and reportedly flew 35 B–24 missions during 18 months of heavy combat. He was put in charge of 600 men at the young age of 23, and was promoted to the rank of major. For his heroic service, Bentsen was awarded the Distinguished Flying Cross, and the Air Medal with three oak leaf clusters. By the end of his military service, he had reached the rank of colonel.

Bentsen returned from the war to serve as county judge in Hidalgo from 1946 to 1948; then was elected in 1948 to the U.S. House of Representatives, where he served three terms. He then went on to pursue a career in business, which he did for 16 years in Houston before being elected to the U.S. Senate in 1971.

His career, of course, also notably includes his party's nomination for Vice President in 1988 a remarkable achievement, to be sure, as was his tenure as the 69th U.S. Secretary of the Treasury, where he served with distinction from January 1993 to December 1994.

Mr. President, today our country both celebrates the life and mourns the death of this distinguished American, a great Texan, who dedicated his life to public service. He was a powerful voice for the people he served, and he will be deeply missed.

Mr. HATCH. Mr. President, I rise today to express my sadness in learning of the passing of our esteemed former colleague from Texas, Senator Lloyd Millard Bentsen, Jr. I am certain that I join all of our colleagues in grieving the loss of this great American, and especially those of us who had the honor to have served in this body with him.

Lloyd Bentsen was a good and a great man, and I had the opportunity to work with him closely many times over the 16 years we served here together. When I joined the Finance Committee in 1991, Senator Bentsen was the chairman. As a new member of the committee, I appreciated the way Chairman Bentsen ran Finance in a bipartisan and fair way that reflected positively on the long and distinguished history of that panel and the spirit of which continues until today.

Many of us knew Senator Bentsen as a man of his word, and as a superb communicator. He was not a man of many words, but when he spoke, people everywhere stopped to listen. He spoke slowly and with great meaning, and he connected with those who heard him, whether they were a group of schoolchildren from Texas, his colleagues from his long years of service in the House and the Senate, the financial markets that listened to his every word as chairman of the Finance Committee and as Secretary of the Treasury, or the world's financial leaders, with whom he consorted as the President's main economic spokesman.

Lloyd Bentsen was a hero, to his family, his constituents, his State, and to his country. As a young man, he served as a combat pilot in the European theater during World War II, and he flew 35 missions in B–24s. Lloyd was awarded the Air Medal with three Oak Leaf Clusters and the Distinguished Flying Cross. By the time he left military service, was promoted to a full colonel in the Air Force Reserve.

Lloyd Bentsen's natural leadership ability was evident early in life. As a young man he earned the rank of Eagle Scout, and he graduated from the University of Texas Law School by the time he was 21 years old. He then joined the Army Air Corps and rose from a private to the rank of major and was given command of a squadron of

600 men at the age of 23. Our friend and colleague was truly a remarkable man.

After serving our country so valiantly during the war, Lloyd returned to his native Rio Grand Valley in Texas where he became a county judge and then ran successfully for the House, where he served for three terms. In 1955, he decided to leave public service temporarily and began an impressive career in business and finance in Houston, which ended in 1970 when he decided to run for the Senate.

Mr. President, Lloyd Bentsen was one of the modern giants of the Senate. Of course, I did not always agree with him, or him me. However, I respected him. He was respected on both sides of the aisle, and by all who came to know him.

Many words come to my mind when I think of Senator Bentsen. He was bright. He was fair. He was serious. He was dedicated. He was dignified. The State of Texas and all America have lost a great son.

My heart goes out to Lloyd's wife, Beryl, and to their children, grandchildren and other family members. May they find peace and joy in their memories and in knowing of the great contribution Lloyd gave to his country.

Mr. AKAKA. I join my colleagues in tribute to my dear friend and tremendous public servant, Congressman, Senator, and Secretary Lloyd Bentsen, on his recent passing. His tenure in Federal service is notable and well documented three terms in the House of Representatives and four terms in the Senate representing the people of Texas and 2 years as Secretary of the Treasury under former President Bill Clinton.

I remember Lloyd as a giant in the Senate leadership when I first came to this body in 1990. He wielded the gavel at the Finance Committee and had already ascended to national recognition as a formidable Vice Presidential nominee in 1988. He was a Senator who worked hard every day to benefit the people of Texas and of this country.

As a distinguished World War II veteran, Lloyd was always supportive of our veterans and fulfilling their urgent needs. He fought to preserve and protect women's rights, including the Equal Rights Amendment. He understood the needs of America's entrepreneurs and business owners and carried his acumen in economic policy from the Senate into the Clinton administration.

Millie and I remember Lloyd and his wife B.A., from our years in the Senate together, with fondness. We join others in extending to his family our warmest wishes in this difficult time. We say farewell to a true statesman. This Nation is richer for his life and poorer for his loss.

Mr. FRIST. 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 resolution (S. Res. 489) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 489

Whereas Lloyd Bentsen was born in Mission, Texas, on February 11, 1921, to the children of first generation citizens of the United States;

Whereas Lloyd Bentsen began his service to the United States as a pilot in the Army Air Forces during World War II;

Whereas, at the age of 23, Lloyd Bentsen was promoted to the rank of Major and given command of a squadron of 600 men;

Whereas, because of his heroic efforts during World War II, Lloyd Bentsen was awarded the Distinguished Flying Cross, the highest commendation of the Air Force for valor in combat, and the Air Medal with 3 Oak Clusters;

Whereas, after his service in the military, Lloyd Bentsen returned to Texas to serve as a judge for Hidalgo County and was then elected to 3 consecutive terms in the House of Representatives;

Whereas, after a successful business career, Lloyd Bentsen desired to return to public life;

Whereas, in 1970, Lloyd Bentsen was elected to serve as a Senator from Texas, and did so with distinction for 22 years;

Whereas the illustrious career of Lloyd Bentsen also included a Vice Presidential nomination in 1988;

Whereas Lloyd Bentsen retired from the Senate in 1993 to serve as the 69th Secretary of the Treasury;

Whereas Lloyd Bentsen was awarded the Presidential Medal of Freedom in 1999 for his meritorious contributions to the United States;

Whereas the record of Lloyd Bentsen demonstrates his outstanding leadership and his dedication to public service; and

Whereas Lloyd Bentsen will be remembered for his faithful service to Texas and the United States; Now, therefore, be it

Resolved, that the Senate honors the life and legacy of Lloyd Bentsen;

Resolved, that the Senate extends its warmest sympathies to the family members and friends of Lloyd Bentsen;

Resolved, that when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Lloyd Bentsen.

SENATE LEGAL COUNSEL AUTHORIZATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 490 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 490) to authorize representation by the Senate Legal Counsel in the case of Lannak v. Biden, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, this resolution concerns a pro se civil action filed against all three members of the Delaware congressional delegation, Senator JOSEPH R. BIDEN, JR., Senator THOMAS R. CARPER, and Representative MICHAEL N. CASTLE. Plaintiff complains that the defendants violated his rights under the Age Discrimination Act, by not actively assisting him in his quest to have the National Institutes of Health analyze and prove his research regarding the cause of a spine condition he terms ''equilibrium scoliosis.'' Plaintiff seeks damages for this alleged failure to help him in his dealings with the National Institutes of Health.

This suit is subject to dismissal on various grounds, including failure to state a claim against the defendants under the Age Discrimination Act. This resolution authorizes the Senate Legal Counsel to represent the Senator defendants in this suit and to move for its dismissal.

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 resolution (S. Res. 490) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 490

Whereas, in the case of Lannak v. Biden, et al., No. 06–CV–0180, pending in the United States District Court for the District of Delaware, the plaintiff has named as defendants Senators Joseph R. Biden, Jr. and Thomas R. Carper;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members, officers, and employees of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, that the Senate Legal Counsel is authorized to represent Senators Joseph R. Biden, Jr. and Thomas R. Carper in the case of Lannak v. Biden, et al.

APPOINTMENT OF COMMITTEE TO ESCORT HIS EXCELLENCY EHUD OLMERT, PRIME MINISTER OF ISRAEL

Mr. FRIST. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency Ehud Olmert, Prime Minister of Israel, into the House Chamber for the joint meeting tomorrow.

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

ORDERS FOR WEDNESDAY, MAY 24, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 8:30 a.m. on Wednesday, May 24, 2006. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time of the two leaders be

reserved, and the Senate resume consideration of S. 2611 as under the previous order; provided further that second-degree amendments be filed no later than 10 a.m. under rule XXII.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow morning we will be debating Senator MCCONNELL's amendment related to ballots. That vote will occur at approximately 9:30 a.m., and that will be the first vote of the day. That will be followed by the cloture vote on the immigration bill. We have an agreement in place that will allow other amendments to be offered, and therefore everyone can expect another lengthy day of votes. I do thank everyone for allowing us to line up amendments as agreed to over the course of the day. I expect that cloture will be invoked tomorrow morning and that we will then finish this bill later on Wednesday or Thursday at the latest.

ORDER FOR ADJOURNMENT

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment as a further mark of respect for our former colleague, Senator Lloyd Bentsen, following the remarks of Senator SESSIONS.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

IMMIGRATION REFORM

Mr. SESSIONS. Mr. President, I am going to take some time tonight to inform my colleagues about some of the problems with the legislation before us. It is worse than you think, colleagues. The legislation has an incredible number of problems with it. Some, as I will point out tonight, can only be considered deliberate. Whereas on the one hand it has nice words with good sounding phrases in it to do good things, on the second hand it completely eviscerates that, oftentimes in a way that only the most careful reading by a good lawyer would discover. So I feel like I have to fulfill my duty. I was on the Judiciary Committee. We went into this. We tried to monitor it and study it and actually read this 614-page bill, and I have a responsibility and I am going to fulfill my responsibility.

I think the things I am saying tonight ought to disturb people. They ought to be unhappy about it. It ought to make them consider whether they want to vote for this piece of legislation that, in my opinion, should never, ever become law.

I would also just point out I will be offering tomorrow, or soon, an amendment to deal with the earned-income tax credit situation that is raised by this legislation, focusing on the amnesty in the bill and what will happen after amnesty is granted, before they become a full citizen. The Congressional Budget Office has concluded that the earned-income tax credit will pay out to those who came into our country illegally $29 billion over 10 years. The earned-income tax credit has been on the books for some time. It is a good bit larger than most people think. The average recipient of it receives $1,700. Lowerincome people get a larger amount. Over half the people who we expect will receive amnesty are without a high school degree. They are receiving lower wages. They will be the ones who will particularly qualify for this. This is a score that has been given to us by the group that is supposed to score it—$29 billion will be paid out.

If they go all the way and become a citizen they will be entitled to this like any other citizen, and they will be entitled to get it under my amendment. But I do not believe we should award people who have entered our country illegally, submitted a false Social Security number, worked illegally—I do not believe we should reward them with $29 billion of the taxpayers' money. That is a lot of money.

I will also be offering a budget point of order, I or one of my colleagues will, in the next day or so. We have been working on that. We asked for a report. The Congressional Budget Office has concluded that the budget point of order lies in the first 10 years of this bill. It also concludes that it lies under the long-term provisions of the budget points of order for expenditures in the outyears. They didn't give us those numbers, but they said, without much work—they didn't have to do much work—the numbers are going to be much worse in the outyears. It clearly would be a detriment to the Government and these figures would exceed the budget, and a budget point of order would lie.

At the Heritage Foundation, Mr. Robert Rector, who is the expert who dealt with welfare, studied this. He was the architect of welfare reform who has done so much to improve America's welfare system and improve incomes for low-income families. It really worked beautifully. He was the architect of it. He says this bill represents the greatest increase in welfare in 35 years. With the provisions and benefits that will be in it, he estimates that year 10 through year 20, the cost could be $50 to $60 billion a year to the taxpayers because it takes some time for the people who are adjusting and becoming citizens and/or legal permanent residents to really begin to make the claims.

CBO admits the numbers are going to surge in the outyears. He says it is $50 billion a year. If that is so—and he is not exaggerating the numbers, because that is based solely on the amnesty provisions, not the provisions that will allow 3 times to 4 times as many people to come into the country legally in the next 20 years as come in today, and many of them will go on welfare because that whole system is not based on identifying people with skills and educational levels that would indicate they would be more than low-wage workers—so it could really be more than that. But $50 billion a year over 10 years is $500 billion. That is a half a trillion dollars, and that is why Mr. Rector said this legislation is a fiscal catastrophe. This is a man whose opinions and ideas and research this Congress, and particularly the Republicans, utilized to hammer away, time and time again, year after year, to get welfare reform.

It finally happened. It worked just like he said. The predictions of disaster made against his recommendations proved to be false.

He is saying that about this. So this is not a technical point of order. It represents an attempt to save the fiscal soundness of the budget of the United States.

I want to take some moments here to deal with some problems with the legislation. The American people are suspicious of us. They were promised in 1986, after years of urging the Government, the President and the Congress, promised to fix our borders and end illegal immigration. In exchange for that they acquiesced and went along with amnesty in 1986. They said there were a million, 2 million here who would claim it. It turned out 3 million claimed amnesty after 1986. That ought to give us some pause about the projections that we would have. We have 11 million people here now and only 8 or so will seek amnesty under it. That ought to give us some pause there. It may well be above the number.

So the American people are suspicious and they are dubious and they are watching us carefully, and they should. Let me tell you some of the things that are in the legislation that indicate a lack of respect for the American people, really. Some of these are some of the reasons I said the other day the Senate should be ashamed of itself, the way we are moving this bill.

My staff, working up some of these comments, came up with a title—maybe at my suggestion—''Sneaky Lawyer Tricks'' that are in the bill. I will let you decide if that is a fair description of what is in it. I will go down through some of the matters that are important. There are others I could complain about for which we will not have time.

First, the legislation talks about title IV of the bill. That title IV of the

bill defines the new H2–C program as a temporary guest worker program. Those are in big print in the bill: Temporary guest workers.

That sounds like a temporary worker, doesn't it? It sounds like a guest, like somebody who stays in your bedroom for a weekend, a guest, temporary guest.

Interesting, section 408 sets out the temporary guest worker visa program task force. So a little further down it has what is called a temporary guest worker visa program task force. So you would think they are writing in this section, would you not, something about the task force. But this, down in that section, this task force establishes the number of H2C visas that may be issued annually and subsection (h) is where the writers of the bill hid the provision that actually transforms these so-called temporary workers into legal, permanent residents. OK? So all the big print, ''temporary guest workers,'' ''temporary guest worker task force,'' and then you read in that section down there that it effectively converts them from temporary workers to legal permanent residents, granting them a green card.

It is tucked away in a title that has nothing to do with substance of that matter. So I am pleased that my staff and others who have been reading the bill have discovered that. It wasn't discovered early on in the process.

Family members of H–2C visa holder need not be healthy. Under current law, aliens must prove that they are admissible and meet certain health standards. Many times, visa applicants must have a medical exam to show that they do not have a communicable disease. They have to be up-to-date on immunizations, and cannot have mental disorders. Spouses and children of H–2C visa holders, however, are not required to have a medical exam before receiving a visa. I have an amendment to fix this that I hope is accepted.

The work requirement for a blue card can be satisfied in a matter of hours. Under the AgJOBS component of the substitute, illegal alien agricultural workers who have worked 150 ''workdays'' in agriculture over the last 2 years will receive a ''blue card,'' allowing them to live and work permanently in the U.S. However, because current law defines an agricultural ''workday'' as 1 hour of work per day—the bill language restates that definition on page 397—an alien who has worked for as little as 150 hours—there are 168 hours in a week—in agriculture over the last 2 years will qualify for a blue card.

Blue card aliens can only be fired for just cause, unlike an American citizen worker who is likely under an employment at will agreement with the agricultural employer.

> No alien granted blue card status may be terminated from employment by any employer during the period of blue card status except for just cause.

Because blue card aliens are not limited to working in agriculture, this employment requirement will follow the alien at their second and third jobs as well. The bill goes as far as setting up an arbitration process for blue card aliens who allege they have been terminated without just cause. Furthermore, the bill requires the Secretary of Homeland Security to pay the fee and expenses of the arbitrator. American citizens do not have a right to this arbitration process, why are we setting up an arbitration process for blue card aliens paid for by the American taxpayer.

Regarding free legal counsel, the AgJOBS amendment goes further than paying for arbitrators, it also provides free legal counsel to illegal aliens who want to receive this amnesty. The AgJOBS amendment specifically states that recipients of ''funds under the Legal Services Corporation Act'' shall not be prevented ''from providing legal assistance directly related to an application for adjustment of status under this section.'' Interestingly, page 414 of the bill requires the alien to have an attorney file the application for him. Not only will AgJOBS give amnesty to 1.5 million illegal aliens, it would have the American taxpayer pay the legal bills of those illegal aliens. This is unbelievable and unacceptable. We should not be rewarding illegal aliens who break our laws with free legal counsel and a direct path to citizenship.

Under this bill a temporary worker is eligible for a green card if they, in part, maintained their H–2C status. In order to maintain this status the ''temporary'' worker may not be unemployed for a period of 60 continuous days. This means that a temporary worker only has to work 1 day in every 59 days to maintain status. This employment requirement only requires that they work about 1 day every 2 months.

In this bill, an alien who has been here between 2 and 5 years is not eligible for asylum if they have persecuted others on account of race, religion, nationality, membership in a particular social group, or political opinion. However, an alien here more than 5 years who has persecuted others on account of race, religion, nationality, membership in a particular social group, or political opinion gets amnesty under this bill. There is no specific ineligibility for such conduct. Since it is included under the ''mandatory deferred departure'' section, a court will interpret this to mean we purposefully left it out of the ''earned amnesty.'' I cannot imagine why the drafters of this bill would allow persecutors to benefit from amnesty.

The bill's future flow ''guest worker'' program in title IV leaves no illegal alien behind—it is not limited to people outside the United States who want to come here to work in the future, but includes illegal aliens currently present in the United States that do not qualify for the amnesty programs in title VI, including aliens here for less than 2 years. Under the bill language, you can qualify for the new H–2C program to work as a low-skilled permanent immigrant, even if you are unlawfully present inside the United States today. The bill specifically says:

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

By waving these grounds of inadmissibility, the new H–2C program is specifically intended to apply to illegal aliens who were already removed from the United States and illegally reentered.

The bill tells DHS to accept ''just and reasonable inferences'' from day labor centers and the alien's ''sworn declaration'' as evidence that the alien has met the amnesty's work requirement. Under the bill, the alien meets the ''burden of proving by a preponderance of the evidence that the alien has satisfied the [work] requirements'' if the alien can demonstrate employment ''as a matter of just and reasonable inference.'' An alien can present ''conclusive evidence'' of employment in the United States by presenting documents from social security, IRS, employer, or a ''union or day labor center.'' The bill then states that:

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

If these lax standards can't be met, the bill makes sure that the alien can get what they need by allowing them to submit ''sworn declarations for each period of employment.'' Putting these together the alien must prove it is more likely than not that there is a just and reasonable inference that the alien was employed. I don't know what this means other than DHS will have to accept just about anything as proof of employment.

Regarding in-State tuition for illegal aliens, current law provides that:

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

The DREAM Act would eliminate this provision and allow illegal alien college and university students to be eligible for in-state tuition without affording out-of-state citizen students the same opportunity. Thus, the University of Alabama could offer in-state tuition to illegal alien students while requiring citizens residing in Mississippi to pay the much higher out-of-state tuition rates.

Allowing all illegal aliens enrolled in college to receive in-state tuition rates means that while American citizens from 49 other states have to pay out-of-state tuition rates to send their kids to

UVA, people who have illegally immigrated to this country might not. Out-of-state tuition rates range from 2 to 3½ times the in-state resident tuition rate.

Regarding Federal financial aid for illegal aliens, while the Pell grants provision was removed from the bill, Stafford student loans and work study remains in.

Under title IV of the Higher Education Act of 1965, as amended, legal permanent residents and certain other eligible non-citizens are eligible to compete with American citizens for certain types of higher education assistance.

The DREAM Act makes illegal aliens eligible for several types of higher education assistance offered under the Higher Education Act—including Stafford student loans and work study programs.

There is another matter, another sleight of hand I suggest.

Amnesty both for legal aliens who have been here for more than 5 years, and those in the next category who are here from 2 to 5 years, don't really require that those aliens have to be continuously present in the United States. That is what it says in plain language.

It starts off that you have to be continuously present in the United States. But, once again, is that what it really means?

The bill allows these aliens to depart and to return after a brief departure. This allows illegal aliens who broke our laws by entering the United States and who have left and returned illegally perhaps multiple times—and each time violating our laws by entering the United States—to qualify for this amnesty.

I am not sure how these departures and illegal entries can be considered innocent since the illegal aliens broke U.S. laws by reentering. But it will absolve them from any of these multiple violations. That is a huge loophole.

This is even more important. An alien may not have had deep roots in our country. They may have spent a lot of their time away from our country. But they heard about this amnesty, and if they can get in the country, then they will say they have been here continuously, perhaps.

Somebody says: No. We found out you were back home.

He says: That was brief. I want my amnesty.

We object. I am going to take you to court, or you prove it, or I say I have been here. That is what I say. It is going to be very difficult to prove that.

There are provisions in the bill that deal with U.S. worker protections. The bill purports to protect U.S. workers from the flood of cheap labor that might occur by requiring employers to prove to the Department of Labor that good-faith efforts have been taken, first, to recruit U.S. workers for a job before they go out and hire someone from outside of our country. They ought to at least find out if there are American workers who want the job.

Then they are supposed to notify the Secretary of Labor and the Department of Homeland Security when one of these H–2C workers is ''separated from employment.''

I am quoting that—''separated from employment'' requires notice.

We heard defenders of the bill say: Well, if you are not continuously working, they will notify the Department of Labor and you have to leave the country.

Have you heard that? You have to be continuously working, you can't be not working, or else you are not entitled to the benefits of this H–2C provision. The separation from employment notification is supposed to help the Department of Labor and Homeland Security know which people have been out of work, and if they are out of work under the bill for more than 60 days, their visas are supposed to be revoked.

OK. That is supposed to be a provision that makes sure people who come here are really working. Sounds good. But under the provisions of the bill, the term ''separation from employment''—you can find that on page 236. As defined, the term means virtually zero.

As defined, ''separation from employment is anything other than discharged for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or expiration of a grant or contract.''

Furthermore, it does not include those situations where the worker is offered—even if they do not take it—another position by the same employer.

Is that what I just read to you? It is hard to believe—that you are supposed to notify them, except you don't need to notify them if they have left work, if they left work because they were discharged for inadequate performance, fired, or violation of workplace rules, or for just cause, or involuntary departure, involuntary retirement, or expiration of the contract. You don't have to notify them about those things.

What would you notify them for, pray tell? That is ''flabber'' written. I submit whoever wrote this bill—it was not the Senators, I can assure you of that—ought to be ashamed of themselves.

That was a deliberate evisceration of what on the surface sounds like a legitimate provision, totally unenforceable. There is no way under this provision DHS or the Department of Labor will be provided information about people who have been terminated from employment.

Protections for U.S. workers—that is one of the goals the bill says it reaches. Under the bill, employers must prove that hiring an H–2C worker will not adversely affect the wages and working conditions of workers in the United States, and that they did not and will not cause separation from employment of a U.S. worker employed by an employer within the 180-day period beginning 90 days before this H–2C petition is filed.

Employers must also prove that they made good-faith efforts to recruit U.S. workers before they can hire an H–2C worker. That sounds good but, once again, things are not what they seem.

As defined on page 263 of the bill, a U.S. worker includes not only citizens, it includes legal alien workers. And, amazingly, it also includes aliens who are ''otherwise authorized under this act to be employed in the United States.''

In other words, this provision provides protection for those who have been given legal status under amnesty, over and above, and provides them the same protection we provide to American citizens who are supposed to be given some protection against the flood of foreign labor.

You have heard the deal. You have heard it said that the people who come to get amnesty—this is almost humorous—have got to pay their taxes. That is part of some sort of punishment. They make it sound like, in some way, you earned the right to be forgiven of your crime by paying your taxes.

Everybody is supposed to pay their taxes. For heaven's sake, we are all supposed to pay taxes. This is nothing but doing what you would expect any American to do. But under the bill, things are, once again, not quite what their sponsors have said, or what the language might lead you to believe. You have to read it carefully.

Under the bill, an illegal alien who is getting amnesty only has to pay back taxes for the period of employment required in the INA, section 245(B)(A)(1)(d).

This is on page 347 of the bill, if people would like to look. These are actually just 3 of the 5 years between April 5, 2001, and April 5, 2002.

So the plain language of the bill doesn't require them to pay all their back taxes at all. They get an option to pick and choose which 3 years they want to pay their taxes. Presumably, they can forget and not pay the taxes for the high years. How silly is that?

This is really important. I think most Americans are pretty sophisticated. They know how the system works and the massive numbers we are talking about—the burden of proving payment of back taxes is on the Internal Revenue Service, pages 351 and 411. They have to prove it. How are they going to prove it? The IRS must prove that they owe the taxes. How will the IRS know if an illegal alien has worked off the books thereby avoiding paying any taxes?

This is really an utter joke. It is a promotion put forth by those in support of the bill that I have heard repeatedly—that somehow it is supposed to make us believe that people have earned their right to be forgiven for violating the law, and they only have to pay back 3 of the last 5 years in taxes.

What about American citizens? Do you think you can go down to Uncle

Sam, Mr. President, and have 5 years of income and then be able to pick and choose which years you pay and you only pay 3 out of your last 5 years? Why don't we let every American citizen have this benefit? Why do we only give it to people who entered the country illegally? You tell me.

What about background checks? The bill requires the Department of Homeland Security to do them on illegal aliens. That is going to be exceedingly difficult. They are required to do it within 90 days. They have to protect our homeland. They have to handle all these provisions. I don't think it can ever be done. That may sound like something important is going to happen, that all the people here illegally will have their backgrounds checked promptly, but the truth is that is not going to get done in that timeframe.

How about fines? Let me state who they want to fine. A Federal agent, trying to do his duty to enforce the law and investigate fraudulent information provided by an illegal alien in their amnesty application, for law enforcement purposes, what happens to them if they take the amnesty application and actually examine it and find out it is fraudulent? What do they do? The agent would be fined $10,000. That fine, I note, is five times the amount the alien is able to post, $2,000, to get his amnesty from his illegal acts.

There is no reason in the world Federal law enforcement officers should be barred from investigating and utilizing amnesty applications to prosecute criminal activities in America. There is no reason this ought to be protected other than it looks to me that some clever lawyer has realized if they can get this in the bill people can file false amnesty applications all day and no one will ever be able to investigate. Isn't that horrible? That is what it looks like to me. Is that a sneaky lawyer trick? I ask you to make that judgment. It does not sound good to me.

Page 363 of the bill. Look it up.

How about the employers? They get tax amnesty. Employers of aliens applying for adjustment of status—amnesty—''shall not be subject to civil and criminal tax liability relating directly to the employment of such an alien.'' That means a business that hired illegal workers does not have to pay the taxes they should have paid. Why? This encourages employers to violate our tax laws and not pay what they owe the Federal Government. They are excusing these employers and giving them amnesty from not withholding taxes. That is a very bad thing. Every American business knows they have to pay their withholding taxes.

What about two small businesses, one hiring illegal aliens not paying Social Security, not paying withholding to the Government, and paying some low wage, and another one across the street doing all the right things, hiring American citizens, perhaps paying higher wages and withholding money and sending his Social Security money to the Federal Government, what message does that send to the good guy, to give complete amnesty to the guy who has manipulated the system and gotten away perhaps with tens of thousands of dollars in benefits that his competitor did not get?

You cannot play games with the law like this. You cannot pick and choose people and allow them unilaterally to not have to pay their taxes.

What about illegal alien protection? The alien and their families who file applications for amnesty ''shall not be detained, determined inadmissible, deported, or removed until their applications are finally adjudicated, unless they commit a future act that renders them ineligible with amnesty.'' With tens of millions of applications, this amnesty, this provision essentially guarantees an illegal alien years of protection in the United States, even if they do not qualify for the amnesty.

We hear they have to pay the fine, the $2,000 fine, but it is not due right away. For those in the amnesty program, illegal aliens are supposed to pay a fine of $2,000. However, the way the bill is written, many illegal aliens may not have to pay the fine for 8 years. The bill says that the $2,000 fine has to be paid ''prior to adjudication.'' It is not required at the first. If it is left the way it is, the illegal alien can live, work and play in our country and not pay a cent of his fine for years. Perhaps they may even decide they do not want to pay it at all. This puts a financial burden on local taxpayers for the health, education, and the infrastructure costs that are not reimbursed for about 5 or 10 years.

There are a number of other items. However, it is late; I will make these remarks part of the RECORD and will not belabor these points.

It is clear the people who drafted this legislation had an agenda and the agenda was not to meet the expectations of the American people. The agenda was to create a facade and appearance of enforcement, an appearance of toughness in some instances. When you get into the meat of the provisions and get into the bill and study it, tucked away here and there are laws that eviscerate and eliminate the real effectiveness of those provisions. It was carefully done and deliberately done. This is a bill that should not become law. It is a bill that will come back to be an embarrassment to our Members who have supported it. I wish it were not so. I know how these things happen. You do not always have time to do everything you want to do. You try to do something you think is right, but ultimately in a bill as important as this one that has tremendous impact on the future of our country and our legal system and our commitment to the rule of law, we ought to get it right. We ought not to let this one slide by. It is not acceptable to say, let's just pass something and we will send it to the House and maybe the House of Representatives will stand up and stop it and fix it. That is not acceptable for the great Senate of the United States.

I strongly believe we are not ready to pass the bill. We are not ready to give it final consideration. I strongly believe it is a horrendous violation of the Committee on the Budget and that it is, as Mr. Rector said, a fiscal catastrophe if passed, and as such we ought not to waive the Budget Act but pull the bill from the floor and fix it.

I yield the floor.

ADJOURNMENT UNTIL 8:30 A.M TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 8:30 a.m., Wednesday, May 24, 2006.

Thereupon, the Senate, at 8:28 p.m., adjourned until Wednesday, May 24, 2006, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 23, 2006:

DEPARTMENT OF STATE

RICHARD E. HOAGLAND, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ARMENIA.

CLIFFORD M. SOBEL, OF NEW JERSEY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATIVE REPUBLIC OF BRAZIL.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT AS PERMANENT COMMISSIONED REGULAR OFFICERS IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be commander

MAX A. CARUSO, 0000

To be lieutenant

JOSH L. BAUER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant (junior grade)

MARK MOLAVI, 0000
ANDREW G. SCHANNO, 0000

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PAUL ANTONIOU, 0000
PETER J. VARJEEN, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

RICHARD J. HAYES, JR., 0000
KENNETH L. HEGTVEDT, 0000
MICHAEL N. SELBY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

DAVID W. ACUFF, 0000
TIMOTHY H. ATKINSON, 0000
TIMOTHY K. BEDSOLE, SR., 0000
CARLETON W. BIRCH, 0000
RANDY L. BRANDT, 0000
PETER M. BRZEZINSKI, 0000
JASON E. DUCKWORTH, 0000
GRANT E. JOHNSON, 0000
ROBERT F. LAND, 0000
MITCHELL I. LEWIS, 0000
ARLEY C. LONGWORTH, JR., 0000
TERRY L. MCBRIDE, 0000
WILLIAM C. MCCOY, 0000
THOMAS G. MCFARLAND, 0000

JOHN C. MOLINA, 0000
RICKEY L. MOORE, 0000
JOHN F. OGRADY, 0000
DOUGLAS J. PETERSON, 0000
MARSHALL H. PETERSON, 0000
MARK E. ROEDER, 0000
ROBERT E. ROETZEL, 0000
JOHN W. SHEDD, 0000
DAVID K. SHURTLEFF, 0000
LANCE A. SNEATH, 0000
DARRELL E. THOMSEN, JR., 0000
DAVID A. VANDERJAGT, 0000
JEFFREY D. WATTERS, 0000
ROBERT H. WHITLOCK, 0000
MACKBERTH E. WILLIAMS, 0000
MICHAEL E. YARMAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

*MANUEL CASTILLO, 0000
*MICHAEL E. DINOS, 0000
*VESNA ELE, 0000
*ANA L. GARDNER, 0000
*MICHAEL K. GREGORY, 0000
*RAJDEEP S. GURAYA, 0000
*ERIC A. HALL, 0000
*JAE I. HWANG, 0000
*SIMUEL L. JAMISON, 0000
*HEKYUNG L. JUNG, 0000
*ANTHONY MAIORANA, 0000
*ANDREW D. PALALAY, 0000
*DAVID E. PALO, 0000
*DONG S. PARK, 0000
*KIMBERLEY L. PERKINS, 0000
*THOMAS K. SCHREIBER, 0000
*JON D. STINEMAN, 0000
*RICARDO J. VENDRELL, 0000
*JOSE R. VILLANUEVA, 0000
*ANDREW J. WARGO, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

*TODD S. ALBRIGHT, 0000
CLETUS A. ARCIERO, 0000
*AMY J. ASATO, 0000
KAREN C. BAKER, 0000
VINCENT J. BARNHART, 0000
JOHN P. BARRETT, 0000
*TIMOTHY P. BARRON, 0000
JAMES D. BARRY, 0000
*WILLIAM K. BAXTER, 0000
ANTHONY A. BEARDMORE, 0000
*DOUGLAS B. BEECH, 0000
*PHILIP J. BELMONT, 0000
*PAUL D. BENNE, 0000
*MARK E. BOSELEY, 0000
*BARBARA L. BOWSHER, 0000
*STEVEN M. BRADY, 0000
*STEPHEN J. BROWN, 0000
*RICHARD F. BURROUGHS, 0000
*THOMAS E. BYRNE, 0000
*TIMOTHY J. CAFFREY, 0000
JEFFREY S. CAIN, 0000
*ARTHUR B. CAJIGAL, 0000
*SEAN T. CARROLL, 0000
*VICTORIA W. CARTWRIGHT, 0000
*KAO B. CHOU, 0000
*DAVID S. COBB, 0000
JOHN J. COMBS, 0000
*AMY B. CONNORS, 0000
*ELLIS O. COOPER III, 0000
*GEORGE L. COPPIT III, 0000
*DONALD M. CRAWFORD, 0000
SCOTT M. CROLL, 0000
*GEORGE H. CUMMINGS, JR., 0000
*TIMOTHY M. CUPERO, 0000
*SHELTON A. DAVIS, 0000
*TROY M. DENUNZIO, 0000
*PETER G. DEVEAUX, 0000
JOHN S. EARWOOD, 0000
MARY E. EARWOOD, 0000
*MARSHALL E. EIDENBERG, 0000
*JAY C. ERICKSON, 0000
*ANDRE FALLOT, 0000
JOHN W. FAUGHT, 0000
*TOMAS M. FERGUSON, 0000
ROGER K. FINCHER, 0000
*LOUIS N. FINELLI, 0000
*CHARLES J. FOX, 0000
DOMINIC R. GALLO, 0000
*KEVIN J. GANCARCZYK, 0000
*ROGER L. GELPERIN, 0000
*BARNETT T. GIBBS, 0000
JOHN F. GILLMAN, 0000
*BENJAMIN S. GONZALEZ, 0000
*CHARLES M. GOODEN, 0000
*CHRISTOPHER G. GORING, 0000
*ANDREW C. GORSKE, 0000
JAMES D. GRADY, 0000
*JOHN GREEN III, 0000
*MARK E. GREEN, 0000
SCOTT D. GREENWALD, 0000
*KATHLEEN R. GROOM, 0000
MELANIE L. GUERRERO, 0000
*THOMAS S. GUY, 0000
*MARK I. HAINER, 0000
*MICHAEL C. HARNISCH, 0000
*STEPHEN A. HARRISON, 0000
JOHN P. HARVEY, 0000
MICHAEL A. HELWIG, 0000
*MICHAEL D. HENRY, 0000
*DEMETRICE L. HILL, 0000
*JOHN V. HIRSCH, 0000
KURTIS R. HOLT, 0000
MICHAEL D. HUBER, 0000
*CHRISTY W. JONES, 0000
*JENNIFER S. JURGENS, 0000
SHAWN F. KANE, 0000
SEAN KEENAN, 0000
*LLOYD H. KETCHUM, 0000
GINA J. KIMAHN, 0000
*ELIZABETH R. KINZIE, 0000
CHRISTOPHER KLEM, 0000
*ROBERT P. KNETSCHE, 0000
STACEY G. KOFF, 0000
*MARY V. KRUEGER, 0000
*MARKIAN G. KUNASZ, 0000
*GEORGE M. KYLE, 0000
*JACK E. LEWI, 0000
*KRISTEN M. LINDELL, 0000
ANTHONY C. LITTRELL, 0000
*KRISTIE J. LOWRY, 0000
*MIGDALIA MACHADO, 0000
*CARLINA MADELAIRE, 0000
JAMIL A. MALIK, 0000
*MARYANN MASONE, 0000
*PHILLIP L. MASSENGILL, 0000
*PARNELL C. MATTISON, 0000
*TAMARIN L. MCCARTIN, 0000
*EDWARD L. MCDANIEL, 0000
*MYRON B. MCDANIELS, 0000
*MARK K. MCPHERSON, 0000
MICHAEL S. MEYER, 0000
*JEANNE P. MITCHELL, 0000
*TIMOTHY P. MONAHAN, 0000
*JAIME L. MONTILLASOLER, 0000
KEVIN E. MOORE, 0000
KIMBERLY A. MORAN, 0000
DAN S. MOSELY, 0000
JOSEPH A. MUNARETTO, 0000
*NHAT NGUYENMINH, 0000
*ALEXANDER S. NIVEN, 0000
*RICARDO C. ONG, 0000
*JOSEPH R. ORCHOWSKI, 0000
*JOHN M. PAGE, 0000
NEIL E. PAGE, 0000
*DOUGLAS W. PAHL, 0000
*JAMES L. PERSSON, 0000
*ANDREW C. PETERSON, 0000
*CECILY K. PETERSON, 0000
SHEAN E. PHELPS, 0000
*CHRISTOPHER R. POWERS, 0000
MAXIMILIAN PSOLKA, 0000
*MITCHELL J. RAMSEY, 0000
JOHN C. RAYFIELD, 0000
MARK T. REED, 0000
*SCOTT T. REHRIG, 0000
*MIN S. RO, 0000
*DONALD W. ROBINSON, 0000
*JORGE L. ROMEU, 0000
*SCOTTIE B. ROOFE, 0000
*RICHARD C. ROONEY, 0000
*MICHAEL K. ROSNER, 0000
*RONALD D. ROSS, 0000
*MICHAEL C. ROYER, 0000
*ROBERTO J. SARTORI, 0000
SAMUAL W. SAUER, 0000
*BRETT J. SCHNEIDER, 0000
STEPHEN R. SEARS, 0000
JAMES A. SEBESTA, 0000
ELIZABETH C. SHANLEY, 0000
*SCOTT B. SHAWEN, 0000
*CLAYTON D. SIMON, 0000
DARRELL E. SINGER, 0000
*JOHN F. SLOBODA, 0000
*MICHAEL E. SMITH, 0000
*BRIAN J. SONKA, 0000
*PHILIP C. SPINELLA, 0000
*JAMES J. STEIN, 0000
*CHARLES A. STILLMAN, 0000
*BRAD STRUMWASSER, 0000
*PREM S. SUBRAMANIAN, 0000
*RYUNG SUH, 0000
*JAN S. SUNDE, 0000
*STEVEN J. SVOBODA, 0000
STEVEN J. TANKSLEY, 0000
*DAVID E. THOMAS, 0000
*ALVIN Y. TIU, 0000
STEVEN K. TOBLER, 0000
RAYMOND F. TOPP, 0000
*ERNESTO TORRES, 0000
ROLANDO TORRES, 0000
LADD A. TREMAINE, 0000
DAWN C. UITHOL, 0000
DAVID M. WALLACE, 0000
MICHAEL J. WALTS, 0000
*CHARLES W. WEBB, 0000
*ALDEN L. WEG, 0000
ROBERT B. WENZEL, 0000
*ROBERT R. WESTERMEYER II, 0000
BRADFORD P. WHITCOMB, 0000
JASON S. WIEMAN, 0000
RONALD N. WOOL, 0000
*EYAKO K. WURAPA, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE TEMPORARY GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER ARTICLE II, SECTION 2, CLAUSE 2 OF THE CONSTITUTION:

To be lieutenant colonel

BRENT A. HARRISON, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MICHAEL H. JOHNSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MICHAEL A. HOFFMANN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

RICHARD M. BURKE, JR., 0000
FREDERICK L. CANBY, 0000
CHARLES R. FAHNCKE, 0000
PETER M. MURPHY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

FREDERICK C. DAVIS, 0000
ENRIQUE FLORES, JR., 0000
LEON W. HERRING, 0000
ANITA M. KOBUSZEWSKI, 0000
STEVEN R. MEDINA, 0000
HIRAM M. PATTERSON, 0000
ELEANOR J. SMITH, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

CLAUDE R. SUGGS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

MATTHEW C. HELLMAN, 0000
DEREK A. TAKARA, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

ANGELA J. BAKER, 0000
HAROLD S. ZALD, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

LOUIS V. CARIELLO, 0000
ROBERT O. FETTER, 0000
WILLIAM E. FINN, 0000
JOHN V. HECKMANN, JR., 0000
MARK W. JACKSON, 0000
JOHN W. KORKA, 0000
PETER S. LYNCH, 0000
BEN D. PINA, 0000
JORGE P. RIOS, 0000
ALLAN M. STRATMAN, 0000
PAUL F. WEBB, 0000
JAMES M. WINK, 0000
GREGORY J. ZIELINSKI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

GEORGE E. ADAMS, 0000
RONDALL BROWN, 0000
DOYLE W. DUNN, 0000
IRVING A. ELSON, 0000
MARGARET G. KIBBEN, 0000
DEBRA E. MCGUIRE, 0000
DIANA L. MEEHAN, 0000
CONRAD A. TARGONSKI, 0000
GARY P. WEEDEN, 0000
ROBERT T. WILLIAMS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ANTHONY P. BRAZAS, 0000
GRISELL F. COLLAZO, 0000
ARTHUR L. COTTON III, 0000
DWIN C. CROW, 0000
JOSEPH F. DUNN, 0000
MICHAEL L. FULTON, 0000
STUART S. JONES, 0000
MARY A. KASPRZAK, 0000
ROBERT J. KILPATRICK, JR., 0000
BRIAN H. MALLADY, 0000
JOHN G. MEIER III, 0000
DAVID C. MEYERS, 0000
ANDREW S. MORGART, 0000
RANDAL J. ONDERS, 0000

JAMES K. PATTON, 0000
DAVID R. PIMPO, 0000
CHARLES T. RACE, 0000
JAMES M. REICH, 0000
ELLEN E. ROBERTS, 0000
DONALD L. SINGLETON, 0000
JAMES W. SMART, 0000
BARRY R. SMITH, 0000
GLEN T. STAFFORD, 0000
BRETT A. STURKEN, 0000
WILLIAM J. TERRY, 0000
ROBERT F. TUCKER, 0000
SCOTT R. VANDERMAR, 0000
PAUL J. VERRASTRO, 0000
FRANCIS K. VREDENBURGH, JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

COLLETTE J. B. ARMBRUSTER, 0000
THOMAS C. ARMEL, 0000
ANNETTE BEADLE, 0000
HOLLY S. BENNETT, 0000
ANDREW R. BIEGNER, 0000
KAREN K. BIGGS, 0000
JODY K. BLONIEN, 0000
SHIRLEY M. BOWENS, 0000
BONNIE A. BULACH, 0000
ALICE A. CAGNINA, 0000
DAWN M. CAVALLARIO, 0000
TINA A. DAVIDSON, 0000
BRENDA DAVIS, 0000
ANNE M. DIGGS, 0000
PATRICIA W. DORN, 0000
DAWNE C. GABRIELSON, 0000
THERESA S. GEE, 0000
WILLIAM L. GOODMAN, 0000
KIMBERLY M. HARLOW, 0000
PATRICIA A. W. KELLEY, 0000
MARK S. LARSEN, 0000
DEBORAH S. MCCAIN, 0000
PATRICIA MCDONALD, 0000
KATHLEEN A. MICHEL, 0000
TINA L. ORTIZ, 0000
ROCHELLE A. OWENS, 0000
DEBRA A. PENNINGTON, 0000
MAGGIE L. RICHARD, 0000
DENISE L. SMITH, 0000
TERESA E. SNOW, 0000
ANN M. UETZ, 0000
MARY K. VANN, 0000
JENNIFER L. VEDRALBARON, 0000
SUSAN W. WOOLSEY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

GREGORY P. BELANGER, 0000
STUART W. BELT, 0000
THOMAS L. COPENHAVER, 0000
PATRICK M. MCCARTHY, 0000
MICHAEL T. PALMER, 0000
CHRISTIAN L. REISMEIER, 0000
ROBERT P. TAISHOFF, 0000
TAMMY P. TIDESWELL, 0000
BRENDAN F. WARD, 0000
BRIAN S. WILSON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

DALE P. BARRETTE, 0000
TED F. CARRELL, 0000
DAVE E. GIBSON, 0000
GARY L. HOOK, 0000
STEVEN L. KEENER, 0000
JAMES J. KING, 0000
KENNETH A. LAUBE, 0000
SUSAN E. LICHTENSTEIN, 0000
MICHAEL J. MACINSKI, 0000
PAULA H. MCCLURE, 0000
JAMES J. PELLACK, 0000
THOMAS J. PETRILAK, 0000
CAREY M. SILL, 0000
STEPHANIE M. SIMON, 0000
MICHAEL A. SOKOLOWSKI, 0000
GINA M. SPLEEN, 0000
GARY D. WERTZ, 0000
SILVA P. D. WESTERBECK, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JAMES A. BLUSTEIN, 0000
JOHN P. BROWNING, 0000
TED J. CAMAISA, 0000
JAMES T. CASTLE, 0000
JOSEPH I. GLIKSMAN, 0000
JONATHAN L. HAUN, 0000
CORNELIOUS T. LYNCH, 0000
STUART O. MILLER, 0000
LINDA P. NIEMEYER, 0000
JEFFERY S. NORDIN, 0000
NASREEN S. QADER, 0000
ROBERT D. RUPPRECHT, 0000
KYLE J. SCHMIDT, 0000
PATRICK J. STEINER, 0000
RICHARD W. STEVENS, 0000
JOSEPH C. K. YANG, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ROBERT A. ALONSO, 0000
JAMES K. AMSBERRY, 0000
CLAUDE D. ANDERSON, 0000
BEN J. BALOUGH, 0000
JEFFREY P. BLICE, 0000
CRAIG L. BONNEMA, 0000
ERIC A. BOWER, 0000
JAMES L. CARUSO, 0000
STEWART W. COMER, 0000
MICHAEL A. FERGUSON, 0000
PRESTON S. GABLE, 0000
RICHARD GREEN, 0000
KRISTINA E. HART, 0000
DANIEL E. HUHN, 0000
THOMAS M. JOHNSON, 0000
KENNETH J. KELLY, 0000
TREYCE S. KNEE, 0000
DAVID LEONARD, 0000
RONALD L. LINFESTY, 0000
CRAIG T. MALLAK, 0000
PETER A. MARCO, 0000
ANDREW A. NELSON, 0000
JOSEPH PASTERNAK, 0000
MICHAEL M. QUIGLEY, 0000
JOSEPH F. RAPPOLD, 0000
JOEL A. ROOS, 0000
JOHN B. SHAPIRA, 0000
TIMOTHY C. SORRELLS, 0000
BRUCE A. STINNETT, 0000
MICHAEL R. WAGNER, 0000
LAWRENCE E. WALTER, 0000
MYRON YENCHA, 0000
KENNETH S. YEW, 0000
KRISTEN C. ZELLER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

VIRGINIA T. BRANTLEY, 0000
MICHAEL G. CASEY, 0000
PETERSEN N. DECKER, 0000
THOMAS M. ELAM, 0000
WILLIAM D. GRAF, 0000
DEAN W. HILF, 0000
VIRGINIA R. KURTZ, 0000
JAMES R. MCNEAL, 0000
ERIC C. NIEMANN, 0000
DUANE R. PITCHER, 0000
DAVID W. POLLOCK, 0000
MARK J. SPARLING, 0000
ROBERT S. STRAUS, 0000
PETER A. VANLOON, 0000
SCOTT A. VERMILYEA, 0000
MARON D. WYLIE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DOUGLAS E. ALEXANDER, 0000
BRET C. GEAN, 0000
DEAN A. GOULD, 0000
ROBERT P. HARRIS, 0000
LEWIS G. HARRISON, JR., 0000
MARK R. JENKINS, 0000
MICHAEL A. MORELLI, 0000
DANNY L. MOTLEY, 0000
KATHLEEN ONEILL, 0000
MICHAEL S. REDMAN, 0000
JAMES H. SCHROEDER, JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

PAUL I. BURMEISTER, 0000
KENNETH C. CIENIK, 0000
BARRY N. CRANE, 0000
MICHAEL J. DOYLE, 0000
CHARLES N. GOLDSBOROUGH, 0000
GREGORY C. HORN, 0000
RONALD E. HOWARD, 0000
GERALD F. HUTCHINSON, 0000
WILLIAM N. MOQUIN, JR., 0000
VAN T. NGUYEN, 0000
CLYDE C. REYNOLDS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

PHILIP P. ALFORD, 0000
DONALD E. BITTNER, 0000
MARTHA W. CARTER, 0000
WILLIAM B. CARTER, 0000
JOSEPH P. COSTABILE, 0000
DONALD A. DREW, 0000
CHAD ELSNER, 0000
THOMAS B. FAULKNER, 0000
JAMES F. FLAHERTY, 0000
JOSEPH A. GREENLEE III, 0000
TIMOTHY J. HANNON, 0000
MARK G. HOFFMAN, 0000
GREGG A. KASTING, 0000
TERESITA P. MENDOZA, 0000
CAROL A. MOORE, 0000
MARILYN S. NORTON, 0000
CHARLES B. PASQUE, 0000
SAMUEL J. PIERCE, 0000
ROBERT J. ROOKSTOOL, 0000
TIMOTHY A. SCHNEIDAU, 0000
LISA A. SWANN, 0000
JAMES F. THORNTON, 0000
JEFFREY J. TOMLIN, 0000
LOUIS C. TRIPOLI, 0000
EDWIN D. TURNER, 0000
ROBERT L. YARRISH, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

MICHAEL S. ARNOLD, 0000
TODD A. BAHL, 0000
MARY K. BONILLA, 0000
ANN M. CAMPBELL, 0000
ANN M. CARLIN, 0000
ANN M. DALTER, 0000
ANNETTE M. DAVIS, 0000
PAMELA R. DENNIS, 0000
JAMES W. FLOOD, 0000
LILLY E. FOTIADIS, 0000
GAIL L. FRIEDT, 0000
JOANNE M. GREENE, 0000
CLEM E. GRITSAVAGE, 0000
BONNIE J. HALDERSON, 0000
BONNIE L. HAND, 0000
MARY K. JACOBSEN, 0000
SUSAN C. LABHARD, 0000
GEORGIA G. LEAVER, 0000
MARTIN A. LISZEWSKI, 0000
GINA S. LONG, 0000
MARY K. LOVE, 0000
MYRNA E. MAMARIL, 0000
SCHALLMOSER L. D. MARTINEZ, 0000
MARGARET O. MCKAVITT, 0000
SUSAN R. MCKINLEY, 0000
JULIE L. MILLER, 0000
MARY P. MILLER, 0000
HILARY S. MORGAN, 0000
GAYLE E. MYERS, 0000
ANNA M. OSHEASMITH, 0000
JOAN T. REISDORFER, 0000
DOROTHY S. ROBERTSON, 0000
ANDREA J. RUSSELL, 0000
BELEN M. SARWACINSKI, 0000
DOROTHY J. SHVEIMA, 0000
DEBORAH A. VACEK, 0000
IRENE K. WEAVER, 0000
EVELYN M. WEBB, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

GREGORY BRIDGES, 0000
TODD M. CABELKA, 0000
DAVID M. CARON, 0000
RICHARD B. COWAN, 0000
EUGENE B. DAVIS, JR., 0000
BRENT G. FILBERT, 0000
DAMIAN J. HANSEN, 0000
BRIAN L. HOWELL, 0000
MARY R. MCCORMICK, 0000
WILLIAM J. MORRISON III, 0000
WILLIAM T. PURDUE, 0000
NEIL A. SHEEHAN, 0000
WILLIAM R. SPRANCE, 0000
WILLIAM M. WHEELER, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

HONORATO AGUILA, 0000
KERMIT R. BOOHER, 0000
LEWIS E. BROWN, 0000
JOSE C. DELAPENA, 0000
ROBERT L. DENNISON, JR., 0000
WILLIAM D. DEVINE, 0000
JAMES J. DIBELKA, JR., 0000
RICHARD M. DIBELLA, 0000
HARRY D. ELSHIRE III, 0000
KARL K. FUNG, 0000
DARRELL R. GALLOWAY, 0000
RICHARD L. HAMILTON, 0000
STEPHEN J. HENSKE, 0000
TERENCE C. HILGER, 0000
ELWOOD W. HOPKINS, 0000
CHARLES HOUSE, 0000
ROBERT E. HOYT, 0000
PHILLIP D. HUNT, 0000
JEFFEREY R. JERNIGAN, 0000
ELLEN M. JEWETT, 0000
KENNETH S. KELLEHER, 0000
GERALD N. KERR, 0000
DAVID LEIVERS, 0000
EVERETT F. MAGANN, 0000
LLOYD W. MARLAND, 0000
STEPHEN F. MCCARTNEY, 0000
JESSE MONESTERSKY, 0000
MARK F. MORRIS, 0000
JACKIE D. NANNY, 0000
BENJAMIN G. NEWMAN, 0000
JESUS A. M. OLCESE, 0000
FRANK A. PUGLIESE, 0000
ALAN L. RIDNOUR, 0000
WILLIAM J. STARSIAK, JR., 0000
DANA STOMBAUGH, 0000
FELIX R. TORMES, 0000

JEFFREY B. WHITING, 0000
GERALD L. WILKS, 0000
THOMAS M. WILLIAMS, 0000
JOSEPH H. WILLOUGHBY, 0000

To be commander

ANGELA ALEXANDER, 0000
STEPHEN G. ALFANO, 0000
JEFFREY M. ALVES, 0000
WILLIAM M. ANDERSON, 0000
JOSEPH C. AQUILINA, 0000
JOHN B. BACCUS III, 0000
RICHARD D. BARROW II, 0000
JOHN L. BASTIEN, 0000
ANTHONY G. BATTAGLIA, 0000
MARY F. BAVARO, 0000
MARY BECKETT, 0000
BRYAN L. BELL, 0000
STEPHANIE A. BERNARD, 0000
STEVEN J. BLIVIN, 0000
BENEDICT J. BROWN, 0000
TROY H. BRUNHART, 0000
BRYAN S. BUCHANAN, 0000
KEVIN D. BUCKLEY, 0000
LLOYD G. BURGESS, 0000
WAYNE A. CAROLEO, 0000
PETER R. CATALANO, JR., 0000
MILDRED R. CHERNOFSKY, 0000
JOSE L. CISNEROS, 0000
BRIAN D. CLEMENT, 0000
ROYCE E. CLIFFORD, 0000
EUGENIO G. CONCEPCION II, 0000
KENNETH D. COUNTS, 0000
CARL R. COWEN, 0000
ROBERT J. COYLE, 0000
STEPHEN W. CRAWFORD, 0000
LESLIE D. CUNNINGHAM, 0000
MARIO H. DIAZ, 0000
MARK L. DICK, 0000
RICHARD R. DOBHAN, 0000
JOHN C. ELKAS, 0000
JUDITH E. EPSTEIN, 0000
SEAN R. FINDLAY, 0000
ALLAN M. FINLEY, 0000
CHARLES A. FROSOLONE, 0000
MICHELE L. GASPER, 0000
THOMAS G. GAYLORD, 0000
TIMOTHY S. GORMLEY, 0000
MARK M. GOTO, 0000
DANIEL L. GRAMINS, 0000
TIMOTHY W. HALENKAMP, 0000
THOMAS P. HALL, 0000
SCOTT E. HALUSKA, 0000
CARY E. HARRISON, 0000
JEANETTE L. HEBEL, 0000
J P. HEDGES, JR., 0000
RICHARD C. HESS, 0000
ROBERT P. HINKS, 0000
NICHOLAS M. HOLMES, 0000
DARRYL K. ITOW, 0000
JENNIFER M. JAGOE, 0000
SCOTT L. JOHNSTON, 0000
MAURICE S. KAPROW, 0000
CHAND B. KATHURIA, 0000
FRANCES G. KELLER, 0000
MICHAEL T. KELLEY, 0000
DENNIS F. KELLY, 0000
BRIAN S. KING, 0000
BARBARA E. KNOLLMANNRITSCHEL, 0000
CHRISTOPHER A. KURTZ, 0000
TRI H. LAC, 0000
BENJAMIN K. LEE, 0000
CHARLES L. LEVY, 0000
ROBERT J. LIPSITZ, 0000
ARTHUR H. LOGAN, 0000
ROBERT R. LOWE, JR., 0000
JOHN W. LYLE, 0000
ROBERT O. MARTSCHINSKE, 0000
PAUL D. MCADAMS, 0000
JONIE L. MCBEE, 0000
LISA M. MCGOWAN, 0000
MICHAEL L. MEADOWS, 0000
MELANIE J. MERRICK, 0000
ERIC A. MILLER, 0000
DAVID A. MUDD, 0000
JANET N. MYERS, 0000
DIPAK D. NADKARNI, 0000
LORRAINE S. NADKARNI, 0000
MEENAKSHI A. NANDEDKAR, 0000
AMY L. OBOYLE, 0000
ROBERT E. OBRECHT, 0000
PHILIP M. OCONNELL, 0000
ANTHONY J. OPILKA, 0000
SCOTT T. OZAKI, 0000
DAVID PALMER, 0000
MICHAEL G. PENNY, 0000
TONY L. PETERSON, 0000
LEE A. PIETRANGELO, 0000
VISWANADHAM POTHULA, 0000
ANDREW POTTS, 0000
ANTHONY V. POTTS, 0000
RODNEY C. PRAY, 0000
RICHARD R. REED, 0000
JOHN J. RICHARD, 0000
MATTHEW C. RINGS, 0000
THOMAS D. ROBINSON, 0000
ANTHONIO RODRIGUEZ, 0000
JUAN A. ROSARIOCOLLAZO, 0000
MICHAEL J. RYAN, 0000
HERMAN M. SACKS, 0000
ASHLEY A. SCHROEDER, 0000
ERIC L. SCHWARTZMAN, 0000
JOSEPH A. SCORDO, 0000
CHRISTINE L. G. SEARS, 0000
DAVID M. SERBER, 0000
SOHAIL A. SIDDIQUE, 0000
AMANDA J. SIMSIMAN, 0000
JONATHAN T. SKARDA, 0000
LLOYD W. SLOAN, 0000
STUART D. SMITH, 0000
IFEOLUMIPO O. SOFOLA, 0000
CHRISTOPHER T. SOSA, 0000
MARC T. STEINER, 0000
JONATHAN F. STINSON, 0000
JAMES A. STOREY, 0000
ROGER L. SUR, 0000
MICHAEL H. TAI, 0000
BRUCE J. TAYLOR, JR., 0000
JAMES D. THOMPSON, 0000
JAMES E. TOLEDANO, 0000
ELVIRA TOMESCU, 0000
RONALD D. TOMLIN, 0000
JIM T. TRAN, 0000
ANTHONY M. TRAPANI, 0000
ANDREW F. VAUGHN, 0000
TERESE M. WARNER, 0000
EDWARD T. WATERS, 0000
KIMBERLY S. WYATT, 0000
JAMES C. YOUNG, 0000
CRAIG M. ZELIG, 0000

To be lieutenant commander

CHARLES D. ADAMS, 0000
MICHAEL L. ADAMS, 0000
TIM K. ADAMS, 0000
SUE A. ADAMSON, 0000
EROL AGI, 0000
MIGUEL A. AGUILERA, JR., 0000
JOEL A. AHLGRIM, 0000
IK J. AHN, 0000
PETER S. AIREL, 0000
BRIAN M. AKER, 0000
ROGER S. AKINS, 0000
OLADAPO A. AKINTONDE, 0000
MARIA C. ALBERTO, 0000
DENNIS J. ALBINO, 0000
ERIC J. ALDERMAN, 0000
HORACE D. ALEXANDER, 0000
KRISTINE E. ALEXANDER, 0000
BELINA R. ALFONSO, 0000
ADDIE ALKHAS, 0000
GWENDOLYN A. ALLANSON, 0000
JAY E. ALLARD, 0000
ANDRE K. ALLEN, 0000
CALLIOPE E. ALLEN, 0000
DAVID E. ALLEN, 0000
TERESA M. ALLEN, 0000
JENNIFER M. ALMY, 0000
ADNAN A. ALSEIDI, 0000
MANUEL F. ALSINA, 0000
LUIS A. ALVAREZ, 0000
ERSKINE L. ALVIS, 0000
PAUL B. ALVORD, 0000
ERIC C. AMESBURY, 0000
MICHAEL R. ANCONA, 0000
CHRISTOPHER D. ANDERSON, 0000
ERIC L. ANDERSON, 0000
PAUL S. ANDERSON, 0000
PAUL A. ANDRE, 0000
JOSEPH E. ANDREWS, 0000
JEFFREY G. ANT, 0000
JARED L. ANTEVIL, 0000
ARTHUR C. ANTHONY, 0000
JEFFREY M. APPLE, 0000
ANDREW M. ARCHILA, 0000
MONICA J. ARELLANO, 0000
JUAN C. ARGUELLO, 0000
ANTHONY A. ARITA, 0000
STEPHEN P. ARLES, 0000
GLEN M. ARLUK, 0000
RODNEY A. ARMAND, 0000
ADAM W. ARMSTRONG, 0000
DAVID ARNOLD, 0000
MATTHEW J. ARNOLD, 0000
SARAH J. ARNOLD, 0000
ERICK A. ARROYO, 0000
ANTHONY R. ARTINO, JR., 0000
SCOTT ASHBY, 0000
WILLIAM C. ASHBY, 0000
DAVID C. ASSEFF, 0000
DEREK J. ATKINSON, 0000
DAVID A. AUSTIN, 0000
KENNETH R. AUSTIN, 0000
ANDREW J. AVILLO, 0000
CHAD M. BAASEN, 0000
JOSEPH W. BABB, 0000
DAVID J. BACHAND, 0000
RODERICK A. BACHO, 0000
REBECCA L. BACZUK, 0000
PHILIP D. BAILEY, JR., 0000
RAY A. BAILEY, 0000
ALBERT J. BAINGER, 0000
LEE G. BAIRD, 0000
ALFREDO E. BAKER, 0000
JONATHAN G. BAKER, 0000
MARK E. BAKER, 0000
ROCKNE T. BAKER, 0000
RANDY L. BALDWIN, 0000
ANTHONY G. BALDWINVOEKS, 0000
ROBIN M. BALL, 0000
ERIN K. BALOG, 0000
LUKE H. BALSAMO, 0000
SEAN P. BARBABELLA, 0000
ROBERT C. BARBEE, 0000
WILLIAM J. BARD, 0000
MICHAEL J. BARKER, 0000
JOHN J. BARNETT, 0000
MATTHEW R. BARR, 0000
JOSEPH P. BARRION, 0000
GLEN W. BARRISFORD, 0000
STEVEN R. BARSTOW, 0000
TIMOTHY S. BARTLETT, 0000
JOEL D. BASHORE, 0000
JOHN T. BASSETT, 0000
MAXWELL C. BASSETT, 0000
RAYMOND R. BATZ, 0000
THOMAS C. BAUGH, 0000
SALVATORE K. BAVUSO, 0000
MICHAEL R. BAYDARIAN, 0000
JEFFREY A. BAYLESS, 0000
DAVID S. BAYLEY, 0000
JOEL R. BEALER, 0000
ESTHER R. BEALLANDIS, 0000
JENNIFER F. BEATTY, 0000
BRIAN L. BECK, 0000
CHARMAGNE G. BECKETT, 0000
WILLIAM A. BECKMAN, 0000
ANTHONY V. BEER, 0000
MATTHEW J. BEHIL, 0000
ROBERT E. BELK, 0000
STEVEN M. BELKNAP, 0000
DEDRA A. BELL, 0000
STEPHEN J. BELL, 0000
LAURA J. BENDER, 0000
SANDRA M. BENDER, 0000
CARL D. BENDIXEN, 0000
GERARD M. BENECKI, 0000
RODD J. BENFIELD, 0000
JOHN R. BENJAMIN, 0000
JASON H. BENNETT, 0000
JOHN O. BENNETT, 0000
DAVID B. BENSON, 0000
ANTHONY A. BENTLEY, 0000
MARK D. BENTON, 0000
RICHARD C. BENTS, 0000
ANTONY BERCHMANZ, 0000
TOR L. BERG, 0000
ERIK W. BERGMAN, 0000
LYNN A. BERGMAN, 0000
JERRY L. BERMAN, 0000
KAREN BERRIOS, 0000
MICHAEL S. BERRY, 0000
DANIEL C. BERTEAU, 0000
WILLIAM R. BERTUCCI, 0000
ANTHONY BESSONE, 0000
ROBERT J. BETTENDORF, 0000
DONALD E. BEYERS, 0000
MICHAEL M. BEZOUSKA, 0000
BERNARD A. BEZY, 0000
ANTHONY C. BIASCAN, 0000
MICHAEL A. BIDUS, 0000
JOHN C. BIERY, 0000
ROBIN BIGBY, 0000
RICHARD L. BIGGS, 0000
ROGER L. BILLINGS, 0000
TRACY R. BILSKI, 0000
JONATHAN L. BINGHAM, 0000
JOHN K. BINI, 0000
LYNN R. BINKLEY, 0000
MICHAEL C. BIONDI, 0000
ARTHUR P. BIRCHUM, 0000
RON A. BIRNBAUM, 0000
AMY L. BIRTELSMITH, 0000
JOHN F. BISCHOF, 0000
DARREL T. BISHOP, 0000
JAMES A. BISHOP, 0000
JULLIAN C. BISHOP, 0000
JOHN E. BISSELL, 0000
LARRY D. BLACK, 0000
JOHN R. BLACKBURN, 0000
STEVEN M. BLACKWELL, 0000
GERARD F. BLAKE, 0000
PENELOPE M. BLALACK, 0000
MICHAEL L. BLANSCET, 0000
FLINT M. BLASER, 0000
PAUL L. BLASKOWSKI, 0000
BENJAMIN G. BLAZADO, 0000
DAVID L. BLAZES, 0000
NISKA A. BLEVINS, 0000
PETER M. BLEYER, 0000
DAVID C. BLOOM, 0000
TAMMY L. K. BLOOM, 0000
CARLEN P. BLUME, 0000
BRYAN L. BLYTHE, 0000
LYNELLE M. BOAMAH, 0000
MAJOR K. BOATENG, 0000
WILLIAM V. BOBO, 0000
ANTHONY C. BOGANEY, 0000
MARCIA C. BOGLE, 0000
IAN H. BOHNE, 0000
MATTHEW E. BOLAND, 0000
ERIC G. BONENBERGER, 0000
MARK R. BOONE, 0000
MICHAEL S. BOOTH, 0000
RACHEL BOOTH, 0000
PRODROMOS G. BORBOROGLU, 0000
BARBARA J. BOROWY, 0000
ROBERT L. BOSWORTH, 0000
WAYNE C. BOUCHER, 0000
RONDA D. BOUWENS, 0000
TONI A. BOWDEN, 0000
PAUL D. BOWDICH, 0000
MATTHEW J. BOWEN, 0000
DANIEL L. BOWER, 0000
RONALD J. BOYD, 0000
DENNIS P. BOYLE, 0000
RODNEY D. BOYUM, 0000
ELEANOR M. BRACKEN, 0000
CHARLES S. BRACKNEY, 0000
CHAD BRADFORD, 0000
DOUGLAS A. BRADLEY, 0000
KEVIN R. BRADSHAW, 0000
MATTHEW F. BRADY, 0000
SCOTT J. BRADY, 0000
MARY A. BRAFFORD, 0000
TRUPTI N. BRAHMBHATT, 0000
CHRISTOPHER J. BRAINARD, 0000
BRIAN M. BRAITHWAITE, 0000
RUSTY C. BRAND, 0000

FREDERICK R. BRANDON, 0000
ALFRED H. BRANSDORFER, 0000
AMY H. BRANSTETTER, 0000
MICHAEL D. BRASSEUR, 0000
THOMAS M. BRAXTON, JR., 0000
KELVIN R. BRAY, 0000
BRECK C. BREGEL, 0000
CELESTEANN T. BREMER, 0000
ANTHONY R. BREYER, 0000
GARY T. BRICE, 0000
GEORGE D. BRICKHOUSE III, 0000
ROBERT S. BRIDGES, JR., 0000
MATTHEW T. BRIGGER, 0000
LAWRENCE J. BRIGGS, 0000
PRESTON C. BRIGGS, 0000
BRADEN O. BRILLER, 0000
JON D. BRISAR, 0000
JORGE L. BRITO, 0000
TIMOTHY E. BRODERICK, 0000
MARK F. BRODIE, 0000
CHRISTOPHER D. BROGA, 0000
CASEY C. BRONAUGH, 0000
DANIEL M. BROOKES, 0000
JARED L. BROOKS, 0000
JOHN E. BROTEMARKLE, 0000
ABE J. BROWN, JR., 0000
DANIEL A. BROWN, 0000
DAVID R. BROWN, 0000
DOUGLAS E. BROWN, 0000
EDWARD C. BROWN III, 0000
KEVIN J. BROWN, 0000
LESLIE M. BROWN, 0000
MATTHEW W. BROWN, 0000
MICHAEL D. BROWN, 0000
SHAUN S. BROWN, 0000
WILLIAM M. BROWN, 0000
ROBERT M. BRUCE, 0000
ERIC P. BRUMWELL, 0000
PIERRE A. BRUNEAU, 0000
GARY W. BRUNETTE, 0000
DAVID J. BRUNKHORST, 0000
EDWIN F. BRUSH III, 0000
CYNTHIA M. BRYANT, 0000
JAMES T. BUEHLER, 0000
ANN M. BUFF, 0000
KIRK L. BUKER, 0000
BRADLEY L. BUNTEN, 0000
JAMES T. BURATTO, 0000
THERESE J. BURATYNSKI, 0000
RONALD B. BURBANK, 0000
CASEY J. BURG, 0000
TIMOTHY H. BURGESS, 0000
REX D. BURKETT, 0000
JAMES K. BURNHAM, 0000
CAROL A. BURROUGHS, 0000
LARRY C. BURTON, 0000
JEANNE M. BUSCH, 0000
WILLIAM S. BUSHNELL, 0000
JEFFREY D. BUSS, 0000
ALEXANDER I. BUSTAMANTE, 0000
RALPH E. BUTLER, 0000
ERIC M. BUUS, 0000
MATTHEW C. BYARS, 0000
ANGELA L. BYRDGLOSTER, 0000
MICHAEL C. CABASSA, 0000
RAMON A. CABUNGCAL, 0000
MICHAEL CACKOVIC, 0000
TODD W. CAHOON, 0000
JAMIE A. CALABRESE, 0000
DANIEL W. CALDWELL, 0000
JAMES E. CALLAN, 0000
CURTIS S. CALLOWAY, 0000
JAMES R. CAMPBELL III, 0000
RAYMOND D. CAMPBELL, 0000
ERIC S. CAMPENOT, 0000
RICHARD C. CAMPIN, 0000
MATTHEW R. CAMUSO, 0000
JOHN K. CAPOS, 0000
THOMAS A. CAPOZZA, 0000
MICHAEL E. CARDENAS, 0000
NICHOLAS M. CARDINALE, 0000
WAYNE A. CARDONI, 0000
KEVIN L. CAREY, 0000
REBECCA S. CARLIN, 0000
HERBERT W. CARLOCK III, 0000
ERIC B. CARLSON, 0000
NICOLE L. CARLSON, 0000
SCOTT J. CARLSON, 0000
ADAM T. CARLSTROM, 0000
RICHARD W. CARNICKY, 0000
GREGORY R. CARON, 0000
GENE A. CARPENTER, 0000
LEWIS T. CARPENTER, 0000
ROBERT J. CARPENTER III, 0000
CHRISTOPHER CARR, 0000
MICHAEL R. CARR, 0000
RUSSELL B. CARR, 0000
WALTER S. CARR, 0000
KENICHI CARRIGAN, 0000
EDWIN M. CARROLL, 0000
WILLIAM D. CARROLL, 0000
KATHERINE R. CARSON, 0000
MICHAEL M. CARSON, 0000
KERI L. CARSTAIRS, 0000
JOHN W. CARTER, 0000
LUTHER I. CARTER, 0000
MEREDITH L. CARTER, 0000
HENRY F. CASEY III, 0000
RICHARD CASEY, 0000
GREGORY R. CASKEY, 0000
GARY B. CASON, 0000
JOHN B. CASON, 0000
JEFFREY A. CASSIDY, 0000
DERRICK B. CASTRO, 0000
ROGER C. CASTRO, 0000
STEVEN CASTRO, 0000
ROBERT A. CATANIA, 0000
GREGORY C. CATHCART, 0000
MICHAEL R. CATHEY, 0000
KYLE A. CAUDLE, 0000
ROBERT M. CAVAGNOL, 0000
JEFFREY J. CAVENDISH, 0000
RAMON F. CESTERO, 0000
JEFFERY F. CHANDLER, 0000
ALEXANDER B. CHAO, 0000
WILLIE S. CHAO, 0000
IAN J. CHAPEL, 0000
WILLIAM J. CHARAMUT II, 0000
WAYNE X. CHARDON, 0000
ADRIENNE K. CHASEN, 0000
JEANNE M. CHATELAIN, 0000
CHUN W. CHEN, 0000
KATRINA A. CHENEVERT, 0000
JACKY P. CHENG, 0000
KEVIN E. CHESHURE, 0000
CLAYTON CHEUNG, 0000
BRIAN J. CHEYKA, 0000
NORAK P. CHHIENG, 0000
GENOLA C. CHILDS, 0000
EDWARD H. CHIN, 0000
WILLIAM K. CHIN, 0000
CYNTHIA CHINH, 0000
CHRISTOPHER B. CHISHOLM, 0000
ARRON A. CHO, 0000
HYUNMIN W. CHO, 0000
BOEU M. CHON, 0000
REBECCA L. CHRISTENSEN, 0000
JAMES W. CHRISTOPHER, 0000
HELEN M. CHUN, 0000
BRETT M. CHUNG, 0000
THOMAS S. CHUNG, 0000
NANCY CHUROSH, 0000
JUDITH A. CIESLA, 0000
BENJAMIN W. CILENTO, 0000
BELINDA T. CLANOR, 0000
DUWAYNE F. CLARK, 0000
GEORGE W. CLARK III, 0000
PERRIN C. CLARK, 0000
SUSAN C. CLARK, 0000
THOMAS H. CLARK, 0000
WILLIAM CLARK, 0000
DEBRA A. CLARKE, 0000
DOUGLAS D. CLARKE, 0000
MICHAEL J. CLARY, 0000
NANCY M. CLAYTON, 0000
DOYNE D. CLEM, 0000
PAUL D. CLIFFORD, 0000
DAVID L. CLINE, 0000
RICHARD W. CLINE, 0000
PATRICK W. CLYDE, 0000
STEVEN T. COBERY, 0000
MICHAEL L. COE, 0000
JOSEPH L. COFFEY, 0000
LOUIS T. COHEN, 0000
EMILY E. COLE, 0000
STEPHANIE M. COLE, 0000
CRAIG S. COLEMAN, 0000
JOELLE M. COLETTA, 0000
JOHN P. COLLINS, 0000
CHRISTINA J. COLLURABURKE, 0000
SCOTT A. COLQUHOUN, 0000
DANIEL J. COMBS, 0000
ALFONSO J. CONCHA, 0000
JOHN P. CONERY, 0000
CAMERON H. CONKIN, 0000
ANTHONY M. CONLEY, 0000
WILLIAM T. CONNELL, 0000
JORGE L. CONTRERAS, 0000
CHRIS C. COOK, 0000
WILLIAM T. COOK, 0000
WILLIAM W. COOK, 0000
JOHN A. COOLEY, 0000
RONALD A. COOLEY, 0000
THOMAS COONEY, 0000
DANIEL E. COOPER, 0000
ERICA V. COOPER, 0000
JOSEPH S. COOPER, 0000
OSWALDO CORNEJO, 0000
CHRISTOPHER B. CORNELISSEN, 0000
GRAHAM C. CORNWELL, 0000
MARK D. CORRIERE, 0000
NICHOLE M. CORRY, 0000
ANTHONY A. CORSINI, 0000
GREGORY B. COTTEN, 0000
FREDERICK D. COTTS, 0000
RICHARD G. COURTNEY, 0000
DARREN J. COUTURE, 0000
DENIS N. COX, 0000
TERESA M. COX, 0000
ALLISON A. CRAIN, 0000
BENJAMIN M. CRANDALL, 0000
TED L. CRANDALL, 0000
CHRISTOPHER E. CRANE, 0000
JAMES W. CRATE, 0000
CHARLES E. CRAVEN, 0000
DAVID M. CRAWFORD, 0000
CHRISTOPHER E. CRECELIUS, 0000
PHILIP B. CREIDER, 0000
FRANCES L. CRESPO, 0000
SAMUEL D. CRITIDES, JR., 0000
THOMAS E. CRONLEY, 0000
JOHN E. CROSS, 0000
DAVID R. CRUMBLEY, 0000
BRENT J. CRUMPTON, 0000
GILBERT M. CSUJA, 0000
ANDREW M. CUMISKEY, 0000
JOSEPH E. CUMMINGS, 0000
CRAIG A. CUNNINGHAM, 0000
TODD A. CURRAN, 0000
VALENTINE W. CURRAN, 0000
WILSON J. CURRENT, 0000
DAVID L. CUTE, 0000
JEFFREY CYR, 0000
RUSSELL A. CZACK, 0000
STEPHANIE A. DABULIS, 0000
NANA E. K. DADSON, 0000
WALTER W. DALITSCH, 0000
CRAIG L. DALLE, 0000
MICHAEL S. DANFORTH, 0000
STACIE R. DANIELS, 0000
DAVID C. DANISH, 0000
JUAN C. DAPENA, 0000
MARCELO C. DARABOS, 0000
ANDREW R. DARNELL, 0000
SURJYA P. DAS, 0000
JOHN W. DATKA, 0000
JEREMY B. DAVIDSON, 0000
PORNCHAI DAVIDSON, 0000
JOHN M. DAVIS, 0000
KIMBERLY D. DAVIS, 0000
KONRAD L. DAVIS, 0000
LISA A. DAVIS, 0000
LLOYD V. DAVIS, 0000
ROGER D. DAVIS, JR., 0000
STEPHEN C. DAVIS, 0000
WILLIAM M. DAVIS, 0000
GRAY N. DAWSON, 0000
AMADO A. DAYLO, 0000
MARK L. DEARDEN, 0000
VINCENT L. DECICCO, 0000
SCOTT M. DEEDS, 0000
KEVIN J. DEELEY, 0000
GARY T. DEEN, 0000
STEVEN M. DEFREITAS, 0000
JOHN B. DEGRAFTJOHNSON, 0000
JOSEPH N. DEHOOGH, 0000
LOUIS H. DELAGARZA, 0000
BRIAN E. DELANEY, 0000
MICHAEL W. DELANEY, 0000
NANCY R. DELANEY, 0000
ARNEL I. DELAPENA, 0000
ERNESTO DELATORRE, 0000
LUIS J. DELGADO, 0000
MARIA L. DELIMA, 0000
DONALD C. DELISI, 0000
GERALD T. DELONG, 0000
LARRY D. DELONG, JR., 0000
RUBEN DELPILAR, 0000
GERARD DEMERS, 0000
PAUL J. DEMIERI, 0000
ANDREW P. DEMONTE, 0000
WILLIAM M. DENISTON, 0000
WILLIAM R. DENNIS, 0000
BRENDA M. DEPAOLA, 0000
DWAYNE R. DEPRY, 0000
MICHAEL R. DERESPINIS, 0000
WILLIAM R. DERMOTT, 0000
ALTA J. DEROO, 0000
JEFFREY J. DERR, 0000
AMY E. DERRICKFROST, 0000
CHARLES F. DETWILER, 0000
JAMES T. DEUEL, 0000
MICHAEL L. DEVAN, 0000
PAUL A. DEVEREUX, 0000
BROOK DEWALT, 0000
ALTHEA C. DEWAR, 0000
CHRISTOPHER B. DEWING, 0000
MICHAEL D. DIALWARD, 0000
MARC G. DICONTI, 0000
FLORENCIO A. DICTADO, 0000
MARIE E. DIERKS, 0000
SHANE C. DIETRICH, 0000
FREDERICK M. DILLARD, 0000
TROY A. DINKEL, 0000
SCHULTZ A. P. DION, 0000
RANDOLF D. DIPP, 0000
BRUNO DISCALA, 0000
ANDREW R. DITTMER, 0000
KATHLEEN E. DITTO, 0000
RICHARD J. DIXON, JR., 0000
VINH D. DOAN, 0000
BRIAN K. DODSON, 0000
EDWIN C. DOE, 0000
JOSEF F. DOENGES, 0000
MICHAEL J. DOHERTY, 0000
CHRISTOPHER K. DOLAN, 0000
SHAWN C. DOMINGUEZ, 0000
ILLY DOMINITZ, 0000
EVA S. DOMOTORFFY, 0000
KIM M. DONAHUE, 0000
TIMOTHY F. DONAHUE, 0000
ANTHONY H. DONALDSON, 0000
ANDREA B. DONALTY, 0000
GERALD F. DONOVAN, 0000
SEAN P. DONOVAN, 0000
HARLAN F. DOREY, 0000
COLLEEN A. DORRANCE, 0000
JOHN W. DORUNDA, 0000
FRANK M. DOSSANTOS, 0000
TROY L. DOTSON, 0000
RICHARD K. DOUGHERTY, 0000
TRENT D. DOUGLAS, 0000
BRADLEY S. DOWLING, 0000
DORMAN C. DOWLING, 0000
JOYCE M. DOYLE, 0000
BRENDON G. DREW, 0000
RITA W. DRIGGERS, 0000
RUTH H. DUDA, 0000
JASON S. DUELGE, 0000
JEFFREY R. DUFAULT, 0000
JOSEPH E. DUFOUR, 0000
DOUGLAS H. DUMAS, 0000
RAYMOND N. DUMONT, 0000
THERESA M. DUNBARREID, 0000
DOUGLAS D. DUNCAN, 0000
JAMES E. DUNCAN, 0000
MARK R. DUNCAN, 0000
STEVEN L. DUNDAS, 0000
STEVEN M. DUPONT, 0000
BRYAN S. DUPREE, 0000
PAUL B. DURAND, 0000

DAVID W. DURKOVICH, 0000
WILLIAM D. DUTTON, 0000
TIMOTHY W. DWYER, 0000
ANGELA S. EARLEY, 0000
SEAN P. EASLEY, 0000
MARK E. EATON, 0000
JENNIFER K. EAVES, 0000
MICHAEL B. EBERHARDT, 0000
GREGORY D. EBERHART, 0000
DEBRA S. EDSON, 0000
DARNELL S. EDWARDS, 0000
JAMES M. EDWARDS, 0000
MARK R. EHLERMANN, 0000
PETER J. EHLERS, 0000
KAREN F. ELGIN, 0000
KENNETH F. ELKERN, JR., 0000
CHRISTOPHER I. ELLINGSON, 0000
KATHRYN ELLIOTT, 0000
JOHN B. ELLIS, 0000
DON C. ELLZEY, 0000
JAMES A. ELLZY, 0000
ERIC A. ELSTER, 0000
TERESITA S. Y. ELSTER, 0000
CHRISTIAN C. ENTENZA, 0000
MICHAEL E. EPPERLY, 0000
DAVID K. EPSTEIN, 0000
DAVID W. ERIKSEN, 0000
REYNALDO F. ESPINO, 0000
VICTOR ESPINOZA, 0000
JACQUELINE M. ETHERIDGE, 0000
ROBERT J. ETHERIDGE, 0000
JACQUELINE EUBANY, 0000
MICHAEL S. EUWEMA, 0000
ERIC S. EVANS, 0000
GUY H. EVANS, 0000
MICHAEL R. EVANS, 0000
RICHARD A. EVANS, 0000
WILLIS E. EVERETT, 0000
PAUL H. EVERS, 0000
DANIEL M. EVES, 0000
REGINALD S. EWING III, 0000
MARTHA E. FAGAN, 0000
DANIEL S. FAHEY, 0000
SCOTT D. FAIRBANK, 0000
PATRICK N. FAIRLEY, 0000
DENNIS J. FAIX, 0000
CARL H. FARMER, 0000
JAMES M. FARMER, 0000
SUSAN C. FARRAR, 0000
MAUREEN E. FARRELL, 0000
MICHAEL A. FAVATA, 0000
JAMES R. FEELEY, 0000
MARTHA FEENAGHTY, 0000
MARK R. FEGLEY, 0000
ERIK A. FEIDER, 0000
MICHAEL P. FEIGHTNER, 0000
CLARE E. FEIGL, 0000
JOSHUA D. FELDMAN, 0000
ERIN A. FELGER, 0000
MICHAEL E. FENTON, 0000
BRETT A. FEREDAY, 0000
BRIDGET M. FERGUSON, 0000
CYNTHIA T. FERGUSON, 0000
JUAN G. FERNANDEZ II, 0000
LUIS FERNANDEZ, 0000
CHRISTOPHER L. FIELD, 0000
JACQUELINE M. FIGNAR, 0000
RAYNESE S. FIKES, 0000
JOHN FILOSTRAT, 0000
LISA M. FINLAYSON, 0000
JOSEPH C. FINLEY, 0000
BENJAMIN P. FISCHER, 0000
STEPHEN L. FISCHER, 0000
MICHELLE A. FISCHERKEANE, 0000
ASHLEY W. FISH, 0000
CAMERON H. FISH, 0000
TIMOTHY J. FISHER, 0000
BRIAN T. FITZGERALD, 0000
JOHN FITZWILLIAM, 0000
MARK E. FLEMING, 0000
DOUGLAS W. FLETCHER, 0000
EUGENE H. FLETCHER, 0000
MARIA C. FLYNN, 0000
EVANDER F. FOGLE, 0000
FRANCIS P. FOLEY, 0000
RICHARD V. FOLGA, 0000
GRETCHEN S. FOLK, 0000
ROBERT B. FOLK, 0000
JERRY R. FOLTZ, 0000
ROSS A. FONTANA, 0000
KAREN J. FOOTE, 0000
CLIFFORD A. FORD, 0000
PATRICK J. FORD, 0000
STEPHEN L. FOSTER, 0000
TIMOTHY A. FOSTER, 0000
WILLIAM L. FOSTER, 0000
GEOFFREY W. FOURNIER, 0000
MARK J. FOWLER, 0000
CHRISTEN P. FRAGALA, 0000
BRODY L. FRAILEY, 0000
GREGORY M. FRANCISCO, 0000
MIGUEL A. FRANCO, 0000
MALCOLM B. FRANKLIN, 0000
EARL A. FRANTZ, 0000
BENJAMIN J. FRAVEL, 0000
KEVIN M. FRENCH, 0000
TIMOTHY M. FRENCH, 0000
EDWARD J. FRICK, 0000
KELLY K. FRIEDMAN, 0000
TODD M. FRIEDMAN, 0000
THOMAS G. FRIEDRICH, 0000
TRACY A. FRITZ, 0000
RICHARD G. FRODERMAN, 0000
JOHN J. FROIO, 0000
JOHN M. FRYZLEWICZ, 0000
ROBERT A. FUEHRER, 0000
DANIEL B. FUGAZZI, 0000
JONATHAN B. FUGITT, 0000
TAMARA N. FULLEREDDINS, 0000
DAVID M. FURLONG, 0000
CURTIS W. GABALL, 0000
DANIEL W. GABIER, 0000
DANA E. GAFFNEY, 0000
ROBERT J. GAINES, JR., 0000
KENNETH J. GALECKAS, 0000
MARK T. GALIANO, 0000
ROGER M. GALINDO, 0000
MICHAEL S. GALITZ, 0000
JAMES R. GALYEAN IV, 0000
MEREDITH I. GAMBLIN, 0000
RONNIE L. GARCIA, 0000
THOMAS J. GARCIA, 0000
A.B. GARDNER, 0000
GLENN J. GARGANO, 0000
AMY Y. GARRETT, 0000
MICHAEL P. GARVEY, 0000
KIRK P. GASPER, 0000
GAVIN M. GASSEN, 0000
JOHN P. GAZE, 0000
TADEUSZ J. GEGOTEK, 0000
SCOTT T. GEHRING, 0000
KURT M. GEISEN, 0000
JAY GEISTKEMPER, 0000
GREGG W. GELLMAN, 0000
RICHARD T. GENGLER, 0000
CHRISTOPHER E. GENTCHOS, 0000
BARRY C. GENTRY, 0000
ADRIAN R. GERVACIO, 0000
SAMAN GHARAI, 0000
SAMAN R. GHARIB, 0000
SANJIV J. GHOGALE, 0000
DEAN T. GIACOBBE, 0000
DONALD A. GIBB, 0000
LAWRENCE M. GIBBONS, 0000
MICHAEL S. GIBSON, 0000
WILLIAM M. GILL, 0000
YOLANDA L. A. GILLEN, 0000
DIANE M. GILLILAND, 0000
RONALD W. GIMBEL, 0000
GEORGE A. GINER, 0000
JULIE A. GINOZA, 0000
PAUL J. GIRARD, 0000
ALBERT M. GIRIMONTE, 0000
SHANE M. GJESDAL, 0000
TODD D. GLEESON, 0000
ALFRED J. GLORIA, 0000
DENNIS E. GLOVER, 0000
HEATHER L. GNAU, 0000
CARLOS D. GODINEZ, 0000
FERMIN S. GODINEZ, 0000
ADAM N. GOETZ, 0000
BENNET B. GOFF, 0000
JON P. GOGGIN, 0000
ELIZABETH B. GOHL, 0000
MAURICE L. GOINS, 0000
RUTH E. GOLDBERG, 0000
YEVSEY M. GOLDBERG, 0000
ALEXANDER GONZALEZ, 0000
HERMANN F. GONZALEZ, 0000
JASON E. GOODALL, 0000
JAMES A. GOODBOW, 0000
MARK E. GOODEN, 0000
FRED L. GOODMAN, 0000
GEORGE J. GOODREAU II, 0000
DEBORAH L. GOODWIN, 0000
ROBERT H. GOODWIN, 0000
MARY E. GOOLSBY, 0000
SEAN E. GORETZKE, 0000
GREGORY H. GORMAN, 0000
TADD H. GORMAN, 0000
MONIQUE C. GOURDINE, 0000
COLETTE M. GRABILL, 0000
MARY G. GRACIA, 0000
RUSSELL P. GRAEF, 0000
ERINNE A. GRAHAM, 0000
ADOLFO J. GRANADOS, 0000
SCOTT F. GRANGER, 0000
FRANK T. GRASSI, 0000
WILLIAM E. GRAVES, JR., 0000
ELIZABETH A. GRAY, 0000
BRUCE G. GREEN, 0000
DONALD J. GREEN, 0000
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CURTIS J. GREGORY, 0000
ERIK W. GREVE, 0000
HERBERT L. GRIFFIN, JR., 0000
SAMANTHA GRILLO, 0000
JAMES R. GRIMES, 0000
MATTHEW E. GRIMES, 0000
JAMES M. GRIMSON, 0000
MARILEE C. GRISWOLD, 0000
WILLIAM GROFF, 0000
MATTHEW E. GROHOWSKI, 0000
DANIEL E. GROSSMAN, 0000
JAY R. GROVE, 0000
PATRICK N. GROVER, 0000
LAURA K. GRUBB, 0000
JAMES M. GRUESKIN, 0000
ROBERT A. GUARDIANO, 0000
SHERRY A. GUARDIANO, 0000
JOSEPH H. GUERREIN III, 0000
GEORGE M. GUISE, 0000
JACK T. GULBRANSON, 0000
JAMES B. GUNDY, 0000
TODD A. GUTH, 0000
FRANCISCO J. GUTIERREZ, 0000
PERRY D. HAAGEN, 0000
CHRISTOPHER B. HAAS, 0000
SCOTT J. HABAKUS, 0000
CAROL J. HADDOCK, 0000
TIMOTHY W. HAEGEN, 0000
CATHERINE E. HAGAN, 0000
RODNEY S. HAGERMAN, 0000
JOE D. HAINES, 0000
JOHN M. HAKANSON, 0000
PETER C. HAKEWESSELL, 0000
FRANCIS X. HALL, 0000
THOMAS J. HALL, JR., 0000
TUANH C. HALQUIST, 0000
SANDRA M. HALTERMAN, 0000
HATIM A. HAMAD, 0000
HARRY W. HAMILTON, 0000
JADA L. HAMILTON, 0000
RICHARD S. HAMILTON, 0000
KELLY R. HAMON, 0000
JEFFREY T. HAN, 0000
JOHN T. HANNIGAN, 0000
MATTHEW P. HANNON, 0000
GREGORY W. HANSON, 0000
GREGORY P. HARBACH, 0000
ANGELA A. HARBER, 0000
ELIZABETH HARBISON, 0000
MICHAEL A. HARBISON, 0000
MITCHELL A. HARDENBROOK, 0000
BRANDON W. HARDIN, 0000
RONALD R. HARDING, JR., 0000
NADJMEH M. HARIRI, 0000
DALE R. HARMAN, 0000
JAMES V. HARMON, JR., 0000
MARSHAL F. HARPE, 0000
RANDOLPH S. HARRILL, 0000
JAMES F. HARRIS, 0000
GLENDA J. HARRISON, 0000
DIRK J. HART, 0000
RONDA L. HARTZEL, 0000
PAMELA C. HARVEY, 0000
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PAUL G. HAUERSTEIN, 0000
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LEILA HAVADTOY, 0000
JON J. HAVENSTRITE, 0000
JERALD B. HAWK, 0000
JEREMY J. HAWKER, 0000
DANIEL B. HAWLEY, 0000
DAVID W. HAYNES, 0000
RUSSELL B. HAYS, JR., 0000
MICHAEL K. HAYTAIAN, JR., 0000
STEPHEN E. HAZZARD, 0000
ANTHONY B. HEADRICK, 0000
JEFFREY L. HEAMES, 0000
SHEILA C. HECHT, 0000
JUSTIN W. HEIL, 0000
MARK E. HEIM, 0000
NEAL A. HEIMER, 0000
DAVID D. HEIN, 0000
ERICH R. HEINZ, 0000
CHRISTOPHER J. HEJMANOWSKI, 0000
LEE W. HELLWIG, 0000
ROBERT S. HEMPERLY, 0000
DAVID A. HEMPFLING, 0000
JOSE HENAO, 0000
BEULAH I. HENDERSON, 0000
BRYN J. HENDERSON, JR., 0000
MARK R. HENDRICKSON, 0000
PATRICK J. HENNESSEY, 0000
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LEONARD R. HENRY, 0000
DAVID A. HENSLEY, 0000
ROSEMARY HENSON, 0000
MICHAEL E. HERMAN, 0000
JOHN M. HERNANDEZ, 0000
JOSE A. HERNANDEZ, 0000
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STEVEN P. HERNANDEZ, 0000
JOE D. HERRE, 0000
MARK E. HERRERA, 0000
MARC D. HERWITZ, 0000
JOHN D. HEWITT, 0000
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TURHAN I. HIDALGO, 0000
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TAMMY N. HILL, 0000
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THOMAS B. HINES, JR., 0000
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DIANE K. HITE, 0000
SUSAN HLAD, 0000
TUAN N. HOANG, 0000
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ANDREW B. HOCKLEY, 0000
CHARLES E. HODGES, 0000
DEAN L. HOELZ, 0000
ELISE R. HOFF, 0000
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DANIEL J. HOHMAN, 0000
EILEEN M. HOKE, 0000
WARREN L. HOLBERT, JR., 0000
WILLIAM J. HOLIMAN, JR., 0000
JASON W. HOLLENSBE, 0000
KEITH G. HOLLEY, 0000
JASON C. HOLLIER, 0000
EWELL M. HOLLIS, 0000
WILLIAM J. HOLLIS, 0000
KARINE M. HOLLISPERRY, 0000
JARROD P. HOLMES, 0000

KELLY J. HOLMES, 0000
KYLE I. HOLSTINE, 0000
DANNY J. HOLTZCLAW, 0000
RACHEL A. HOLY, 0000
JEFFREY P. HOLZER, 0000
JOHN O. HONEMANN, 0000
ERIC R. HOOG, 0000
CARINA C. HOPEN, 0000
ROY S. HORNBACK, 0000
TODD N. HORTON, 0000
KAY A. HOSKEY, 0000
THOMAS J. HOUGHTON, 0000
JOHN W. HOUSE, 0000
CHRISTOPHER E. HOWSE, 0000
GARY B. HOYT, 0000
AMY S. HUBERT, 0000
MICHELE C. HUDDLESTON, 0000
CHADLEY R. HUEBNER, 0000
BARBARA L. HUFF, 0000
JANEEN M. HUGHES, 0000
CHRISTOPHER M. HULTS, 0000
BYRON J. HUMBLE, 0000
JENNIFER J. HUMPHREY, 0000
ANDREW R. HUNT, 0000
DARNELL W. HUNT, 0000
DAN C. HUNTER, 0000
ANDREW S. HUTTULA, 0000
CHRIS B. HYUN, 0000
ROMEO C. IGNACIO, 0000
SCOTT L. ITZKOWITZ, 0000
BRIAN T. IVEY, 0000
CHRISTOPHER M. JACK, 0000
HAYDEN O. JACK, 0000
THOMAS M. JACKS, 0000
KEVIN M. JACKSON, 0000
TIMOTHY C. JACKSON, 0000
MICHAEL B. JACOBS, 0000
GEOFFREY S. JACOBY, 0000
ALAN D. JACOVICH, 0000
RICHARD H. JADICK, 0000
CHRISTOPHER L. JAMES, 0000
KIMBERLY L. JAMES, 0000
MOLLY A. JENKINS, 0000
PAUL J. JENNINGS, 0000
ELAN JEREMITSKY, 0000
JEANNE C. JIMENEZ, 0000
NISHITH K. JOBANPUTRA, 0000
JOEL A. JOCO, 0000
JOHN T. JOHNS, 0000
CHRISANNA JOHNSON, 0000
DAVID P. JOHNSON, 0000
DENNIS W. JOHNSON, 0000
ERIC JOHNSON, 0000
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JOHN C. JOHNSON, JR., 0000
KENNETH D. JOHNSON, 0000
LAWRENCE P. JOHNSON, 0000
RAYMOND W. JOHNSON, 0000
SHANNON J. JOHNSON, 0000
STEVIN S. JOHNSON, 0000
TARAH L. JOHNSON, 0000
TERENCE E. JOHNSON, 0000
THEODORE R. JOHNSON, 0000
VIVIANA V. JOHNSON, 0000
WENDY L. JOHNSON, 0000
WILLIAM JOHNSON, 0000
PAUL D. JOHNSTONE, 0000
DAVID W. JONES, 0000
JACQUELINE R. JONES, 0000
LISA M. JONES, 0000
SAMUEL W. JONES, 0000
SCOTT A. JONES, 0000
SEON JONES, 0000
THOMAS B. JORDAN, 0000
JEFF B. JORDEN, 0000
HERBERT L. JOSEY, 0000
JOSEPH C. JOYCE, 0000
MICHAEL L. JULIANO, 0000
DAVID M. JUNKER, 0000
STACEY E. JUSTESEN, 0000
STEPHEN S. KACZYNSKI, 0000
MARK S. KAHLER, 0000
KEVIN M. KAHN, 0000
STEVEN B. KAILES, 0000
JOHN A. KALANTZIS, 0000
MAILE E. KALINOWSKI, 0000
JINU P. KAMDAR, 0000
MOHAMMAD KAMIL, 0000
CHRISTOPHER S. KAMMER, 0000
HENRY S. KANE, 0000
SONG K. KANG, 0000
PHILLIP A. KANICKI, 0000
CHRISTOPHER S. KAPLAFKA, 0000
ERIC E. KAROLI, 0000
BRADLEY J. KAROVIC, 0000
MICHAEL KASELIS, 0000
JULIAN P. KASSNER, 0000
KEVIN A. KASYCH, 0000
KATY L. KAZEL, 0000
MICHAEL D. KAZEL, 0000
JANET R. KEAIS, 0000
KRISTIAN P. KEARTON, 0000
DAVID A. KEATING, 0000
JULIANNA P. L. KECK, 0000
JOHN J. KEELING, 0000
MARIA KELCHNER, 0000
DARREN B. KELLER, 0000
KEVIN F. KELLEY, 0000
STEVEN D. KELLEY, 0000
LISA A. KELTY, 0000
DORAN T. KELVINGTON, 0000
DANIEL J. KEMPER, 0000
MICHAEL J. KEMPER, 0000
JAY K. KENNARD, 0000
CARRIE H. KENNEDY, 0000
DOUGLAS E. KENNEDY, 0000
JAMES M. KENNEDY, 0000
BRIAN P. KEOGH, 0000
LISA M. KERNEN, 0000
GRACE L. KEY, 0000
JEFFREY J. KEYTE, 0000
MATHIAS J. KILL, 0000
BRADLEY J. KILLENBECK, 0000
DERMOT N. KILLIAN, 0000
JEONG H. KIM, 0000
JOHN C. KIM, 0000
JOHN J. KIM, 0000
JONG M. KIM, 0000
MIN K. KIM, 0000
MYUNG B. KIM, 0000
SANDRA L. KIMMER, 0000
TYPHANIE A. KINDER, 0000
AARON A. KING, 0000
BRIAN S. KING, 0000
HEATHER C. KING, 0000
JULIE S. KING, 0000
NATHAN J. KING, 0000
PHILIP D. KING, 0000
RICHARD C. KING, 0000
ERIC N. KINN, 0000
DANIEL P. KINSTLER, 0000
DANIEL E. KIRKWOOD, 0000
KARL A. KISH, 0000
ZACHARY J. KITCHEN, 0000
PAUL E. KLIMKOWSKI, 0000
ARNETT KLUGH, 0000
STEVEN T. KNAUER, 0000
KENNETH R. KNECHT, 0000
EILEEN M. KNOBLE, 0000
BRIAN C. KNOLL, 0000
JOSEPH KOCH, 0000
CHRISTOPHER KOCHER, 0000
TARAS J. KONRAD, 0000
JOSEPH V. KOSHIOL, 0000
SHAWN D. KOSNIK, 0000
MARK KOSTIC, 0000
ERNEST P. KOTSOS, 0000
BUDDY G. KOZEN, 0000
MADELYN P. KOZUB, 0000
PAMELA L. KRAHL, 0000
ANA C. KRAKUSIN, 0000
TIMOTHY P. KRAY, 0000
SHYAM KRISHNAN, 0000
SEAN J. KRISPIN, 0000
STEVEN M. KRISS, 0000
JOHN S. KROENER, 0000
KORTNEY A. KROPP, 0000
JULIE A. KRUMREICH, 0000
ZOE S. KUGEARES, 0000
LAURENCE J. KUHN, 0000
JOHN R. KULAS, 0000
ANAND R. KUMAR, 0000
TIMOTHY A. KUNKEL, 0000
JAYDE E. KURLAND, 0000
LEONARD J. KUSKOWSKI, 0000
ALLEN R. KUSS, 0000
ANGELINE A. KUZNIA, 0000
CHRISTOPHER T. KUZNIEWSKI, 0000
LARRY L. LABOSSIERE, 0000
DAVID W. LABRIE, 0000
JULIA K. LACUNZA, 0000
BRETT T. LAGGAN, 0000
NEIL J. LAHURD, JR., 0000
RICHARD A. LAING, 0000
DUANE E. LAMBERT, 0000
EDWARD W. LAMBERT III, 0000
MARK E. LAMBERT, 0000
JULIE K. LANDECKER, 0000
JEFFREY T. LANDERS, 0000
JAMES D. LANDREAU, 0000
CLAYTON J. LANG, 0000
BRET J. LANGENBERG, 0000
ROBERT J. LANGENFELD, 0000
JANE E. LANHAM, 0000
MICHAEL D. LAPPI, 0000
GILBERT E. LARA, 0000
TODD R. LAROCK, 0000
ROBB N. LARSEN, 0000
CURTIS G. LARSON, 0000
JOHN E. LARSON, JR., 0000
MARK A. LARUSSO, 0000
DAVID J. LASH, 0000
KERRY C. LATCH, 0000
KELLY M. LATIMER, 0000
GARY W. LAUCK, 0000
MARY K. LAUNDON, 0000
RENE LAVERDE, 0000
ERIC A. LAVERY, 0000
BRIAN D. LAWENDA, 0000
JAMES V. LAWLER, 0000
DUANE M. LAWRENCE, 0000
GARY A. LAWSON, 0000
KEVIN D. LAYE, 0000
WILLIAM T. LAYTON, 0000
COREY P. LAZARE, 0000
KHANG T. LE, 0000
MANUEL D. LEAL, 0000
MICHAEL D. LEBU, 0000
WILLIAM G. LECHUGA, 0000
EDITH R. LEDERMAN, 0000
ANABELA S. LEE, 0000
CHAD A. LEE, 0000
DONG H. LEE, 0000
GABRIEL LEE, 0000
JEFFERY S. LEE, 0000
KWANGMYUNG S. LEE, 0000
REES L. LEE, 0000
STEPHEN M. LEE, 0000
TERRENCE H. C. LEE, 0000
MICHAEL B. LEHMAN, 0000
CLINT A. LEMAIRE, 0000
GREGORY J. LENNOX, 0000
ALAN W. LENZ, 0000
PETER R. LEO, 0000
WILLIAM D. LEONARD, 0000
ALEXANDER W. LESKO, 0000
JAMES O. LESPERANCE, 0000
JENNIFER D. LETTERMAN, 0000
RAYMOND C. LEUNG, 0000
CHRISTOPHER T. LEWIS, 0000
KRISTEN M. LEWIS, 0000
KRISTIAN E. LEWIS, 0000
ROBIN M. LEWIS, 0000
ALISON M. LEX, 0000
JANIE C. LIAO, 0000
FREDERICK R. LICKFOLD, 0000
CHRISTOPHER J. LIEDQUIST, 0000
BENJAMIN H. LIEN, 0000
JONATHAN M. LIESKE, 0000
MARK D. LIGNELL, 0000
MATTHEW L. LIM, 0000
PAUL I. LIM, 0000
VICTOR S. LIN, 0000
RACHEL J. V. LIND, 0000
KARL A. M. LINDBLAD, 0000
JAMES R. LINDERMAN, 0000
JAMIE M. LINDLY, 0000
CURTIS S. LINDSAY, 0000
FRED W. LINDSAY, 0000
ROBIN W. LINDSAY, 0000
DANIEL E. LINK, 0000
ALLEN G. LINN, 0000
GEORGE P. LINVILLE, 0000
MICHAEL D. LIPKE, 0000
SCOTT W. LISSON, 0000
MICHAEL E. LITTLE, 0000
LANNY F. LITTLEJOHN, 0000
JEFFREY D. LITZINGER, 0000
MARK Y. LIU, 0000
JEFFREY LOGAN, 0000
ROYAL A. LOMBLOT, 0000
BRIAN D. LONG, 0000
RICHARD A. LOPES, 0000
ARLENE G. LOPEZ, 0000
DAVID C. LOPRESTI, 0000
JOHN A. LOVIER, JR., 0000
MICHAEL A. LOWE, 0000
CHRISTOPHER C. LUCAS, 0000
REBECCA M. LUCAS, 0000
RODERICK L. LUCAS, 0000
BRUCE B. LUDWIG, JR., 0000
EUGENIO LUJAN, 0000
WILFRED A. LUMBANG, 0000
GUY L. LUND, 0000
BRYAN C. LUNDGREN, 0000
ERIK J. LUNDQUIST, 0000
JOHN R. LUNDSTROM, 0000
WILLIAM B. LUTES, 0000
TODD J. LUYBER, 0000
SCOTT A. LUZI, 0000
CHRISTOPHER G. LYNCH, 0000
JAMES LYNCH, 0000
RICHARD O. LYNCH, 0000
JOHN A. LYNOTT, 0000
COREY J. LYON, 0000
JAMES J. LYONS, 0000
WILLIAM M. LYTKOWSKI, 0000
RICHARD P. MACCABE, 0000
BRYAN D. MACK, 0000
THOMAS J. MACK, 0000
JOSEPH R. MACKAY, 0000
STEVEN M. MACKAY, 0000
DRU A. MACPHERSON, 0000
PAUL A. MADDOX, 0000
CHARLES E. MADER, 0000
NAPOLEON B. MAGPANTAY III, 0000
LLOYD B. MAGRUDER IV, 0000
KIMBERLY L. MAINO, 0000
JONI M. MAKAR, 0000
JUDY T. MALANA, 0000
HEINZ E. MALON, 0000
CHRISTOPHER S. MALONE, 0000
ROSEMARY C. MALONE, 0000
SCOTT M. MALONEY, 0000
KENNETH MANGANO, 0000
WILLIAM MANN, 0000
MICAH D. MANNINGHAM, 0000
WILLIAM T. MANSKE, 0000
TASHA E. MANTERNACH, 0000
ANTOINETTE M. MARENGO, 0000
CHARLES G. MARGUET, 0000
ROBERT G. MARIETTA, 0000
DAVID S. MARKELL, 0000
NATHANIEL R. MARLER, 0000
LUIS E. MARQUEZ, 0000
TIMOTHY E. MARRA, 0000
ERIC J. MARSH, 0000
JAMES C. MARSH, 0000
JAMES J. MARSH, 0000
ERIK R. MARSHBURN, 0000
AMY H. MARTIN, 0000
CAROLYN J. MARTIN, 0000
JOSEPH J. MARTIN, 0000
KRISTEN O. MARTIN, 0000
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GILBERT MARTINEZ, 0000
RANDY L. MARTINEZ, 0000
TODD R. MARZANO, 0000
KEVIN J. MASON, 0000
BENJAMIN B. MASSIGLIA, 0000
GERALD A. MASTAW, JR., 0000
RYAN P. MATHERNE, 0000
JAMES MATHES, 0000
STEVEN A. MATIS, 0000
DEAN C. MATOUSEK, 0000
THOMAS C. MATT, JR., 0000
MICHAEL J. MATTEUCCI, 0000
KAREN L. MATTHEWS, 0000
KARLWIN J. MATTHEWS, 0000
TIMOTHY E. MATTISON, 0000
THOMAS L. MATTOX, 0000

GREGORY N. MATWIYOFF, 0000
DAVID R. MATZAT, 0000
CARTER J. MAURER, 0000
RYAN C. MAVES, 0000
TODD J. MAY, 0000
CHARLES D. MAYFIELD, 0000
THOMAS A. MAYS, 0000
JAMES B. MAZOCK, 0000
MARY C. MCALLISTER, 0000
DAVID L. MCBETH, 0000
MOLLY MCCABE, 0000
CHRISTOPHER M. MCCALLUM, 0000
MARY H. MCCARTHY, 0000
RAYMOND W. MCCLARY III, 0000
SCOTT D. MCCLELLAN, 0000
SCOTT C. MCCLELLAND, 0000
WILLIAM D. MCCORMICK II, 0000
BRIAN P. MCCOY, 0000
KELLY L. MCCOY, 0000
HENRY V. MCCRACKING, 0000
JEFFREY MCCREARY, 0000
WILLIAM P. MCCULLOUGH, 0000
FRITZI J. MCDONALD, 0000
SHANNON M. MCDONNELL, 0000
MARC A. MCDOWELL, 0000
MICHAEL P. MCDOWELL, 0000
JOEL T. MCFARLAND, 0000
JEFFRY D. MCGRATH, 0000
EDWIN T. MCGROARTY, 0000
PATRICK E. MCGROARTY, 0000
VICTOR E. MCINNIS, 0000
DANIEL J. MCINTYRE, 0000
NICOLE K. MCINTYRE, 0000
DANIEL E. MCKAY, 0000
JAMES M. MCKEE, 0000
JOHN B. MCKELVY, 0000
REBECCA A. MCKNIGHT, 0000
JOHN D. MCLAUGHLIN, 0000
PATRICK J. MCLAUGHLIN, 0000
ROBERT N. MCLAY, 0000
DAVID B. MCLEAN, 0000
FRANCIS V. MCLEAN, 0000
MATTHEW D. MCLEAN, 0000
MICHAEL P. MCNALLY, 0000
DAVID A. MCNUTT, 0000
JOSEPH R. MCPHEE IV, 0000
CECIL L. MCQUAIN, 0000
DANIEL S. MCSEVENEY, 0000
HUGH K. MCSWAIN IV, 0000
VALERIE H. MEADE, 0000
BRIAN W. MECKLENBURG, 0000
BRYANT A. MEDEIROS, 0000
ERIC T. MEIER, 0000
MICHAEL J. MEIER, 0000
KYLE A. MENZEL, 0000
CHRISTOPHER MERRIS, 0000
ASHLEY G. MERRITT, 0000
DAVID H. MESMER, 0000
DREW C. MESSER, 0000
SCOTT J. MESSMER, 0000
MICHAEL J. METZ, 0000
BARRY A. METZGER, 0000
CHRISTOPHER T. MEYER, 0000
ROBERT J. MEYER, 0000
TODD A. MEYER, 0000
FAYE P. MEYERS, 0000
SAMIRA MEYMAND, 0000
THOMAS J. MEZZANOTTE, 0000
PHILIP A. MICELI, 0000
TRACY L. MICHAUD, 0000
ADAM S. MICHELS, 0000
GEORGE W. MIDDLETON, 0000
MARK A. MIDDLETON, 0000
WILLIAM E. MIDDLETON, 0000
STEPHEN J. MILBACK, 0000
EDMUND A. MILDER, 0000
CHERYL E. MILLER, 0000
DOUGLAS C. MILLER, 0000
IVO A. MILLER, 0000
MARK W. MILLER, 0000
MATTHEW A. MILLER, 0000
STEVEN R. MILLER, 0000
VINSON W. MILLER, 0000
CATHLEEN S. MILLS, 0000
TAVONYA S. MINER, 0000
CHRISTOPHER E. MINETTE, 0000
JOHN M. MINNICH, 0000
PHILIP T. MINSHEW, 0000
AMIR MIODOVNIK, 0000
DANIEL K. MISHLER, 0000
ERIC S. MITCHELL, 0000
LAURA N. MODZELEWSKI, 0000
ROBIN K. MOELLER, 0000
ARASH MOHTASHAMIAN, 0000
JOHN J. MOLL, JR., 0000
DANIEL P. MOLONEY, 0000
STACEY M. MONACO, 0000
ANN B. MONASKY, 0000
STEPHEN E. MONGOLD, 0000
MICHAEL J. MONSOUR, 0000
JUNG H. MOON, 0000
FREDERICK D. MOORE, 0000
JENNIFER L. MOORE, 0000
JOHN E. MOORE, 0000
SLADE C. MOORE, 0000
THOMAS W. MOORE, 0000
TODD M. MOORE, 0000
ENRIQUE M. MORALES, 0000
ELIZABETH A. MORAN, 0000
PETER A. MORAWIECKI, 0000
KENNETH F. MORE, 0000
MICHAEL P. MORENO, 0000
JAMES M. MORGAN, 0000
ROBERT A. MORGAN, 0000
CRAIG A. MORGENSTERN, 0000
THOMAS G. MORIARITY, 0000
KRISTINA V. MOROCCO, 0000
JOHN W. MORONEY, 0000
DEVIN J. MORRISON, 0000
MICHELE P. MORRISON, 0000
PAMELA L. MORRISON, 0000
RICHARD B. MORRISON, 0000
KEVIN D. MORSE, 0000
JOEL S. MORTON, 0000
MARK M. MORTON, 0000
ZACHARY V. MOSEDALE, 0000
SHEILA J. MOSELEY, 0000
NORMAN K. MOSER, 0000
KENNETT J. MOSES, 0000
STEVEN R. MOSES, 0000
THOMAS A. MOSKO, 0000
CARLSON D. MOSS, 0000
DONALD R. MOSS, 0000
THOMAS P. MOSSEY, 0000
ERIC C. MOSTOLLER, 0000
TIMOTHY F. MOTT, 0000
EMILE G. MOURED, 0000
CHRISTOPHER G. MOURSUND, 0000
MEDGAR M. MOYA, 0000
AMY L. MRUGALA, 0000
KURT H. MUELLER, 0000
WILLIAM J. MUHM, 0000
FRANK E. MULLENS, 0000
MATTHEW S. MULLER, 0000
TIMOTHY D. MULLER, 0000
ANDREW D. MULLINS, 0000
SCOTT T. MULVEHILL, 0000
DANIEL D. MUNN, 0000
ENCHANTA L. MURPHY, 0000
MANUEL A. MURPHY, 0000
SEAN J. MURPHY, 0000
MICHELE L. MURRAY, 0000
RACHEL MYAINGMISFELDT, 0000
JOHN C. MYERS, 0000
RICHARD A. MYERS, 0000
CHRISTIAN W. MYRAH, 0000
DEREK F. NALEWAJKO, 0000
BENFORD O. NANCE, 0000
GEORGE P. NANOS III, 0000
SANDEEP K. NARANG, 0000
ISRAEL NARVAEZ, 0000
MICHAEL D. NASH, 0000
TRAVIS D. NASH, 0000
CHRISTOPHER S. NASIN, 0000
MICHAEL L. NASON, 0000
JOEL NATIONS, 0000
PRASHANTH S. NAVARAN, 0000
GUILLERMO A. NAVARRO, 0000
GAUTAM S. NAYAK, 0000
KESHAV R. NAYAK, 0000
SONJA F. NAZARETH, 0000
WILLIAM P. NEIS, 0000
BRENDA L. NELSON, 0000
THOMAS J. NELSON, 0000
TIFFANY S. NELSON, 0000
ELIZABETH A. NEPTUNE, 0000
STEVEN W. NEWELL, 0000
KELLEY A. NEWMAN, 0000
MATTHEW W. NEWMAN, 0000
MICHAEL T. NEWMAN, 0000
TIMOTHY B. NEWSOM, 0000
GEORGE A. NEWTON, 0000
KEITH B. NEWTON, 0000
KRISTY L. NEWTON, 0000
DAVID K. NG, 0000
BENJAMIN V. NGUYEN, 0000
KHANH K. NGUYEN, 0000
MARK M. NGUYEN, 0000
MINH Q. NGUYEN, 0000
BRICE R. NICHOLSON, 0000
MICHAEL W. NIELSEN, 0000
JANIS L. NOBLE, 0000
MUHIYYALDIN M. M. NOEL, JR., 0000
KRIST D. NORLANDER, 0000
CRAIG D. NORRIS, 0000
JENNIFER E. NUSSBAUM, 0000
SHAWN P. OBANNON, 0000
JAMES P. OBERMAN, 0000
MARGARET P. OBERMAN, 0000
ROBERT J. OBRIAN, 0000
COLIN OBRIEN, 0000
COLIN J. OBRIEN, 0000
DAVID D. OBRIEN, 0000
JOSEPH G. OBRIEN, 0000
SEAN P. OBRIEN, 0000
ANTONIO J. OCHOA, 0000
ELOY OCHOA, 0000
TODD J. OCHSNER, 0000
KEVIN M. OCONNOR, 0000
MARTIN OCONNOR, 0000
MITCHELL K. OCONNOR, 0000
DAVID M. ODEN, 0000
TIMOTHY R. OELTMANN, 0000
CHRISTOPHER P. OGRADY, 0000
BRIAN C. OHAIR II, 0000
SHEILA F. OLEARY, 0000
DAVID M. OLIVER, 0000
ODETTE OLIVERAS, 0000
KENDAL R. OLVEY, 0000
WILLIAM P. OMEARA, 0000
BRIAN A. ONEAL, 0000
ROBERT E. ONEIL III, 0000
JOSEPH S. OPP, 0000
JAMES B. OROS, 0000
LANCE M. ORR, 0000
STEVEN T. ORREN, 0000
CHRISTOPHER A. ORSELLO, 0000
REBECCA M. ORTENZIO, 0000
KENNETH J. ORTIZ, 0000
TIMOTHY J. OSWALD, 0000
DAVID M. OVERCASH, 0000
JOHN B. OWEN, 0000
JASON H. OWENS, 0000
CHRISTOPHER G. PACE, 0000
BOYD F. PADFIELD, 0000
CECILIA C. PAIRO, 0000
EDWARD S. PAK, 0000
HENRY F. PALLATRONI, 0000
ADAM D. PALMER, 0000
VIVIANNA F. PALOMO, 0000
THOMAS R. PALUSKA, 0000
STEPHEN J. PANCHYSHYN, 0000
CHARLES G. PAQUIN, 0000
CHAN W. PARK, 0000
JAMES Y. PARK, 0000
PETER J. PARK, 0000
DORIAN R. PARKER, 0000
JACK S. PARKER, 0000
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SUZANNE N. PARKER, 0000
TODD A. PARKER, 0000
TRUDI PARKER, 0000
ERIC C. PARLETTE, 0000
JORGE H. PARRABETANCOURT, 0000
ORBITO I. PATANGAN, 0000
RICHARD A. PATE, 0000
SAYJAL J. PATEL, 0000
SUGAT K. PATEL, 0000
MATTHEW B. PATTERSON, 0000
JACQUELYN M. PAYKEL, 0000
CRAIG M. PAYNE, 0000
MARK D. PAYSON, 0000
JONATHAN P. PEARL, 0000
THOMAS W. PEATMAN, 0000
GEOFFREY A. PECHINSKY, 0000
MATTHEW S. PEDERSON, 0000
JOSE G. PEDROZA, 0000
TERRY S. PEERY, 0000
WILLIAM D. PEFFLEY, 0000
ANDREW J. PELCZAR, 0000
PHILIP J. PELIKAN, 0000
RICHARD F. PELL IV, 0000
PIERRE A. PELLETIER, 0000
JAY J. PELOQUIN, 0000
CHARLES O. PELTON, 0000
ARTHUR S. PEMBERTON, 0000
LEON PENDERGRAPH, 0000
YAOHSIEN PENG, 0000
TAMMY J. PENHOLLOW, 0000
STEVEN A. PENLEY, 0000
SCOTT D. PENNINGTON, 0000
SONJA A. PENSON, 0000
JOSEPH F. PENTA, 0000
MICHELLE M. PERELLO, 0000
MARLOW PEREZ, 0000
RAFAEL C. PEREZ, 0000
SHELLEY K. PERKINS, 0000
CHRISTOPHER M. PERRY, 0000
JOHVIN PERRY, 0000
CHARLES D. PETERS, JR., 0000
CARL E. PETERSEN, 0000
CHRISTIAN T. PETERSEN, 0000
KYLE PETERSEN, 0000
THOMAS A. PETERSEN, 0000
BRUCE E. PETERSON, 0000
DOUGLAS E. PETERSON, 0000
LYNN E. PETERSON, 0000
ROBERT J. PETERSON, 0000
SHAUN N. PETERSON, 0000
ANTON PETRICH, 0000
CAROL G. PETRIE, 0000
TODD O. PETTIBON, 0000
TRAVIS M. PETZOLDT, 0000
DONALD M. PHILLIPS, JR., 0000
TIMOTHY J. PHILLIPS, 0000
MICHAEL E. PICIO, 0000
DAVID J. PICKEN, 0000
CLINTON A. PICKETT III, 0000
SHERI D. PIEL, 0000
FLETCHER N. PIERCE, 0000
JAMES C. PIERCE, 0000
JENNIFER L. PIERCE, 0000
GUILLERMO PIMENTEL, 0000
ANGELA E. PINKERTON, 0000
JOHN T. PITTA, 0000
JAMES H. PITTMAN, 0000
JOSE D. PLANAS, 0000
SCOTT A. PLAYFORD, 0000
SPRING L. PLIHCIK, 0000
JONI M. PLOURD, 0000
PAUL A. PLOWCHA II, 0000
ROBERT D. POERSCHMANN, 0000
MATTHEW M. POGGI, 0000
PHILIP D. POLEN, 0000
WINNIE M. J. POLEN, 0000
KEVIN J. POLICKY, 0000
NICHOLAS D. POLLARD, 0000
JOHN P. PORTER, 0000
STEVEN J. PORTER, 0000
MATTHEW R. POTHIER, 0000
LAWRENCE H. POTTER, 0000
ERIC G. POTTERAT, 0000
BLAINE M. POWELL, 0000
TIMOTHY B. POWELL, 0000
TIMOTHY M. POWELL, 0000
TIMOTHY J. POWER, 0000
CASEY J. POWERS, 0000
SUSAN C. POWERS, 0000
THEODORE C. PRATT, 0000
GREGORY PRICE, 0000
MARK A. PRICER, 0000
DAVID E. PROCTOR, 0000
MATTHEW T. PROVENCHER, 0000
NICOLE B. PRUITT, 0000
TODD T. PUCKETT, 0000
CHARLES M. PUMPHREY, 0000
RONALD T. PURCELL, 0000
DANNY B. PURVIS, 0000
SCOTT J. PUSATERI, 0000
TERRANCE L. PYLES, 0000

DANIEL E. QUANCE, 0000
CARLOS E. QUEZADA, 0000
ALISSA G. QUIN, 0000
CYRUS N. RAD, 0000
ROBERT T. RADEL, 0000
SCOTT B. RADER, 0000
SCOTT L. RADETSKI, 0000
ANN E. RADFORD, 0000
MATTHEW C. RADIMER, 0000
SHARON A. RAGHUBAR, 0000
ANDREA T. RAHN, 0000
SEPEHR RAJAEI, 0000
DANIEL A. RAKOWSKI, 0000
ALFREDO R. RAMIREZ, 0000
MARIA B. RAMOS, 0000
KATHLEEN A. RAMSEY, 0000
CRAIG J. RANDALL, 0000
DANIEL J. RANDALL, 0000
WILLIAM M. RANNEY, 0000
TARIQ M. RASHID, 0000
LESLIE H. RASSNER, 0000
CAMERON P. RATKOVIC, 0000
TRAVIS M. RAUCH, 0000
JOHN M. RAY, 0000
QUENTIN P. RAY, 0000
MARK J. RAYBECK, 0000
SHAY S. RAZMI, 0000
MARGARET M. READ, 0000
PRASHANT M. REDDY, 0000
AMY L. REDMER, 0000
BITHIAH R. REED, 0000
MICHAEL A. REED, 0000
PAUL L. REED, 0000
SHARON B. REED, 0000
AMY M. REESE, 0000
JAMES J. REEVES, 0000
CHRISTOPHER O. REGISTER, 0000
EDITH M. REICHERT, 0000
GEORGE G. REICHERT, 0000
LLOYD R. REINHOLD, 0000
DANIEL W. REMINGTON, 0000
CHARLES W. RENINGER III, 0000
MARK C. RESCHKE, 0000
DELORES Y. RHODES, 0000
BRANDT E. RICE, 0000
CAROLYN C. RICE, 0000
DARIAN C. RICE, 0000
GEORGE M. RICE, 0000
GLENN R. RICHARD, 0000
JOHN D. RICHARD, 0000
BROWYN P. RICHARDS, 0000
SCOTT A. RICHARDS, 0000
MARK S. RIDDLE, 0000
RICARDO L. RIEGODEDIOS, 0000
JASON L. RIGGS, 0000
JAY K. RIGSBEE, 0000
BRIAN A. RILEY, 0000
PATRICK RILEY, 0000
SUZANNE D. RIMMER, 0000
WADE W. RINDY, 0000
TODD D. RING, 0000
GRETCHEN B. RISS, 0000
ALLISON E. RITSCHER, 0000
ARNALDO L. RIVERA, 0000
BRIAN D. RIVERA, 0000
ERNESTO A. RIVERA, 0000
LOUIS RIVERA, 0000
DENNIS J. RIVET, 0000
DEMETRIUS P. RIZOS, 0000
PAUL B. ROACH, 0000
LYMON N. ROAN, 0000
CARRI A. ROBBINS, 0000
JILL D. ROBBINS, 0000
DAVID E. ROBERTS, 0000
ERIN M. ROBERTS, 0000
SHARON J. ROBERTS, 0000
TIMOTHY A. ROBERTS, 0000
TED E. ROBERTSON, 0000
DEBORAH E. ROBINSON, 0000
JAMES A. ROBINSON, 0000
JOEL C. ROBINSON, 0000
MATTHEW T. ROBINSON, 0000
MICHAEL A. ROBINSON, 0000
DAVID M. ROCKABRAND, 0000
DAVID L. RODDY, 0000
TINA RODRIGUE, 0000
CARLOS J. RODRIGUEZ, 0000
JAIME E. RODRIGUEZ, 0000
JUAN J. RODRIGUEZ, 0000
NANETTE L. ROLLENE, 0000
MARK D. ROLLINS, 0000
KIMBERLY W. ROMAN, 0000
CHRISTINE ROMASCAN, 0000
STEVEN C. ROMERO, 0000
LOREN P. ROMEUS, 0000
TIMOTHY B. ROONEY, 0000
JEANETTE D. ROSEBERRY, 0000
ROBERT E. ROSENBAUM, 0000
DAVID B. ROSENBERG, 0000
DAVID R. ROSETTER, 0000
DAVID C. ROSKA, 0000
JAMES B. ROSS, 0000
RONALD B. ROSS, 0000
MICHAEL T. ROTHERMICH, 0000
JOHN R. ROTRUCK, 0000
MATHEW J. ROYAL, 0000
RICHARD C. RUCK, 0000
MICHAEL E. RUDISILE, 0000
MATTHEW S. RUDOLPH, 0000
JOHN P. H. RUE, 0000
STEVEN RUIZ, 0000
KRIS E. RUNAAS, 0000
SEAN X. RUSH, 0000
ANDREW A. RUSNAK, 0000
ANTHONY J. RUSSO, 0000
MICHAEL B. RUSSO, 0000
DONALD H. RUTH II, 0000
NATHANIEL J. RUTTIG, 0000
JIMMY L. RYALS, 0000
DANIEL K. RYAN, JR., 0000
THOMAS J. RYDER, 0000
FARZANEH SABI, 0000
SHAWN D. SAFFORD, 0000
SHERMA R. SAIF, 0000
ABUHENA M. SAIFULISLAM, 0000
KOICHI SAITO, 0000
VINCENT A. SALAMONI, 0000
RICHARD SAMS, 0000
JOAQUIN A. SANCHEZ, 0000
JOSEPH M. SANCHEZ, 0000
MARLENE L. SANCHEZ, 0000
DEREK O. SANDERS, 0000
ALICIA R. SANDERSON, 0000
THOMAS M. SANDOVAL, 0000
FREDERICK M. SANT, 0000
CELESTE C. SANTANA, 0000
PATCHO N. SANTIAGO, 0000
RAOUL H. SANTOS, 0000
ADAM K. SAPERSTEIN, 0000
AARON P. SARATHY, 0000
CHADWICK M. SARGENT, 0000
JAMEY A. SARVIS, 0000
FREDERICK J. SATKOWIAK, 0000
BETH A. SAULS, 0000
KENNETH P. SAUSEN, 0000
BETTINA M. SAUTER, 0000
MCHUGH L. A. SAVOIA, 0000
ELIZABETH K. SAYRE, 0000
PRISCILLA SCANLON, 0000
JAMES W. SCHAFFER, 0000
CORY D. SCHEMM, 0000
ANTHONY J. SCHERSCHEL, 0000
ANDREW W. SCHIEMEL, 0000
MARK A. SCHIFFNER, 0000
DAVID D. SCHILLING, 0000
MARK A. SCHMIDHEISER, 0000
NANCY E. SCHMIDT, 0000
GERALD N. SCHMUKER, 0000
WILLIAM B. SCHNEIDER, 0000
BRIAN R. SCHNELL, 0000
JAMES S. SCHOEB, 0000
ERIC F. SCHOENEBECK, 0000
DAVID L. SCHOO, 0000
DAVID T. SCHRODER, 0000
ARTHUR M. SCHUELER III, 0000
TRENT A. SCHUENEMAN, 0000
JASON R. SCHUH, 0000
CARY T. SCHULTZ, 0000
ERIK J. SCHWEITZER, 0000
CHRISTOPHER D. SCIBELLI, 0000
MARTIN N. SCOTT, 0000
RODNEY V. SCOTT, 0000
MARTHA S. SCOTTY, 0000
WILLIAM T. SCOUTEN, 0000
RUTH E. SCRANO, 0000
VERNON F. SECHRIEST, 0000
GILBERT SEDA, 0000
JAMES A. SEELYE, 0000
JOSHUA E. SEGAL, 0000
SCOTT D. SEGAL, 0000
JON A. SELBYG, 0000
CRAIG S. SELF, 0000
KATHRYN C. SELF, 0000
ARVO SEPP, 0000
JOSEPH M. SEWARDS, 0000
ANDREW J. SEXTON, 0000
MICHAEL SEXTON, 0000
ROBERT P. SHAFER, 0000
NIKHIL K. SHAH, 0000
DAVID SHAPIRO, 0000
DAVID P. SHAPIRO, 0000
PAUL J. SHAUGHNESSY, 0000
TODD A. SHEER, 0000
INGRID V. SHELDON, 0000
ALAN G. SHELHAMER, 0000
MARK E. SHELLY, 0000
AARON D. SHELTON, 0000
BOBBY L. SHELTON II, 0000
FOREST R. SHEPPARD, 0000
LAMAL D. SHEPPARD, 0000
CRAIG D. SHEPPS, 0000
JOSEPH T. SHIELDS, 0000
WILLIAM H. SHIH, 0000
WILLIAM T. SHIMEALL, 0000
JEANETTE F. SHIMKUS, 0000
JOHN M. SHIMOTSU, 0000
DAVID A. SHIRK, 0000
ANDREW P. SHOLTES, 0000
JAMES A. SHOMOCK, 0000
MARSHALL S. SHOOK, 0000
DEVIN M. SHOQUIST, 0000
BRIAN P. SHORTAL, 0000
KEITH J. SHULEY, 0000
PETER R. SHUMAKER, 0000
MICHAEL P. SHUSKO, 0000
KATERINA R. SHVARTSMAN, 0000
ALFRED F. SHWAYHAT, 0000
LARRY A. SIDBURY, 0000
BRETT H. SIEGFRIED, 0000
ELISABETH SIEGLER, 0000
ANTHONY N. SILVETTI, 0000
STEPHEN E. SIMMS, 0000
DANA F. SIMON, 0000
LESLIE V. SIMON, 0000
JOHN C. SIMS, 0000
BRIAN A. SINGLETON, 0000
STEVEN A. SIRINEK, 0000
EILEEN M. SIROIS, 0000
JOHN W. SISSON, 0000
SEAN C. SKELTON, 0000
SHANNON D. SKIDMORE, 0000
RICHARD W. SKINNER, 0000
TRACY T. SKIPTON, 0000
BERET A. SKROCH, 0000
ASHLEY L. SLAPPY, 0000
CHRISTOPHER T. SLAYMAN, 0000
MARGUERITE I. SLINGLUFF, 0000
CHARLES R. SMALLING, JR., 0000
RANDY M. SMARGIASSI, 0000
DANIEL J. SMELIK, 0000
CLAYTON M. SMILEY, 0000
KURT D. SMILEY, 0000
BRADFORD L. SMITH, 0000
BRADLEY J. SMITH, 0000
BRYAN D. SMITH, 0000
CLIFFORD L. SMITH, 0000
DAVID J. SMITH, 0000
DET R. SMITH, 0000
JACK D. SMITH, 0000
JAMES P. SMITH, 0000
JONATHAN M. SMITH, 0000
MICHAEL P. SMITH, 0000
PATRICK W. SMITH, 0000
RACHELLE M. SMITH, 0000
SCOTT A. SMITH, 0000
STEVEN C. SMITH, 0000
TARA N. SMITH, 0000
BRIAN A. SMOLEY, 0000
MICHAEL W. SNEATH, 0000
ANDREA N. SNITCHLER, 0000
JOHN H. SNYDER, JR., 0000
KURT M. SNYDER, 0000
JEREMY B. SOKOLOVE, 0000
CAROL SOLOMON, 0000
DANIEL J. SOLOMON, 0000
KENNETH Y. SON, 0000
SUNG W. SONG, 0000
MICHAEL J. SORNA, 0000
BRETT V. SORTOR, 0000
STEVEN L. SOUDERS, 0000
CATHERINE E. SOUTH, 0000
BEVERLY A. SOUTHERLAND, 0000
MATTHEW W. SOUTHWICK, 0000
JOSEPH M. SPAHN, 0000
BRYAN M. SPALDING, 0000
J W. SPARKS, 0000
WILLIAM H. SPEAKS, 0000
GEORGE A. SPENCER, 0000
GLYNN S. SPENCER, JR., 0000
LINDA K. SPENCER, 0000
JANET W. SPIRA, 0000
MARY M. SPOLYAR, 0000
MICHAEL T. SPOONER, 0000
DONNA M. SPORRER, 0000
JOSEPH J. SPOSATO, 0000
STUART E. SQUIRE, 0000
COURTNEY L. STAADECKER, 0000
KIMBERLY M. STACK, 0000
CHRISTOPHER M. STAFFORD, 0000
PAULINE M. STAJNER, 0000
RONALD P. STAKE, 0000
STEVE L. STALLINGS, 0000
JOHN B. STAPLETON, 0000
HARRY F. STATIA, 0000
ERIC T. STEDJELARSEN, 0000
GEORGE STEFFIAN, 0000
HEATHER L. STEIN, 0000
ORVILLE J. STEIN, JR., 0000
FREDERICK M. STELL, 0000
JAMES E. STEPENOSKY, 0000
BERNHARD STEPKE, 0000
Q R. STERLING, 0000
STEPHEN J. STERLITZ, 0000
NICOLE L. STERNITZKY, 0000
KRISTIN R. STEUERLE, 0000
DAVID M. STEVENS, 0000
MATTHEW T. STEVENS, 0000
SONJA L. STEVENSON, 0000
DAVID J. STEWART, 0000
THOMAS R. STEWART, 0000
ELEANOR P. STEWARTGARBRECHT, 0000
GLENN A. STOCKMAN, 0000
RICHARD A. STOEBNER, 0000
STEVEN M. STOKES, 0000
JEFFERY A. STONE, 0000
KIMBERLY J. STONE, 0000
MICHELLE R. STONEKING, 0000
ERIK J. STORLIE, 0000
BUFFY STORM, 0000
VALERIE S. STRANG, 0000
ROBERT A. STRANGE, 0000
ROBERT G. STRANGE, JR., 0000
JENNIFER R. STRATTON, 0000
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THEODORE M. TREVINO, 0000
BRENDAN T. TRIBBLE, 0000
HIEN T. TRINH, 0000
KERRY N. TRIPP, 0000
ARVIN W. TRIPPENSEE, 0000
GERALD W. TRKULA, 0000
JOSE F. TROCHE, 0000
CARL E. TROST, 0000
CHARLES S. TROTTER, 0000
APRIL A. TRUETT, 0000
CATHERINE TSAI, 0000
JACK W. L. TSAO, 0000
BRENDAN W. TULLY, 0000
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JOSEPH W. VANDELAC, 0000
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ALAN J. VANDERWEELE, JR., 0000
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LORI L. VANSCOY, 0000
JOHN VANSLYKE, 0000
TRICIA E. VANWAGNER, 0000
GABRIEL A. VARELA, 0000
KEITH K. VAUX, 0000
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BRAD W. VETTING, 0000
RICHARD J. VIDRINE, 0000
MARY N. VIETEN, 0000
MAURICIO A. VILES, 0000
ALCHRISTIAN C. VILLARUZ, 0000
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STACY L. VOLKERT, 0000
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ANDREW WASIELEWSKI, 0000
ROSS T. WATERFIELD, 0000
SONYA N. WATERS, 0000
MATTHEW J. WAUSON, 0000
CHRISTOPHER H. WAY, 0000
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CHAD E. WEBSTER, 0000
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ERICH F. WEDAM, 0000
LAURA L.V. WEGEMANN, 0000
JEFFREY P. WEIGLE, 0000
STEVEN E. WEINSTEIN, 0000
TAMMY L. WEINZATL, 0000
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JEFFREY W. WINTERS, 0000
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PAUL W. WITT, 0000
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DONALD WOLFE, 0000
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CRAIG M. WOMELDORPH, 0000
DARYL S. WONG, 0000
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ANTHONY M. WOOLF, 0000
BYRON E. WRIGHT, 0000
DONALD A. WRIGHT, 0000
GEOFFREY A. WRIGHT, 0000
DAVID A. WYCKOFF, 0000
BELINDA M. WYCOFF, 0000
JOHN WYLAND, 0000
MICHAEL J. YABLONSKY, 0000
STEVEN T. YADEN, 0000
JOHN M. YAKUBISIN, 0000
SCOTT Y. YAMAMOTO, 0000
SEUNG C. YANG, 0000
LAGENA K.G. YARBROUGH, 0000
CATHERINE M. YATES, 0000
MEREDITH L. YEAGER, 0000
LAWRENCE J. YENNI, 0000
FREDERICK E. YEO, 0000
DOUGLAS YIM, 0000
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JI H. YOO, 0000
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SCOT A. YOUNGBLOOD, 0000
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HOLLY A. YUDISKY, 0000
DAVID N. YUE, 0000
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JEFFREY G. ZELLER, 0000
BRACKEN M.A. ZEPEDA, 0000
TARA J. ZIEBER, 0000
AARON J. ZIELINSKI, 0000
RICHARD L. ZIMMERMANN, 0000
BENJAMIN D. ZITTERE, 0000
GORDON J. ZUBROD, 0000
KIMBERLY A. ZUZELSKI, 0000

QA LIST OF NOMINATIONS RECEIVED

DEPARTMENT OF STATE

PN1596 RICHARD E. HOAGLAND

DEPARTMENT OF STATE

PN1597 CLIFFORD M. SOBEL

IN THE COAST GUARD

PN1598 MAX A. CARUSO, 0000 THROUGH JOSH L. BAUER, 0000

PN1599 MARK MOLAVI, 0000 THROUGH ANDREW G. SCHANNO, 0000

IN THE ARMY

PN1600 PAUL ANTONIOU, 0000 THROUGH PETER J. VARJEEN, 0000

PN1601 RICHARD J. HAYES, JR., 0000 THROUGH MICHAEL N. SELBY, 0000

PN1602 DAVID W. ACUFF, 0000 THROUGH MICHAEL E. YARMAN, 0000

PN1603 MANUEL CASTILLO, 0000 THROUGH ANDREW J. WARGO, 0000

PN1604 TODD S. ALBRIGHT, 0000 THROUGH EYAKO K. WURAPA, 0000

IN THE MARINE CORPS

PN1605 BRENT A. HARRISON, 0000

IN THE NAVY

PN1606 MICHAEL H. JOHNSON, 0000

PN1607 MICHAEL A. HOFFMAN, 0000

PN1608 RICHARD M. BURKE, JR., 0000 THROUGH PETER M. MURPHY, 0000

PN1609 FREDERICK C. DAVIS, 0000 THROUGH ELEANOR J. SMITH, 0000

PN1610 CLAUDE R. SUGGS, 0000

PN1611 MATTHEW C. HELLMAN, 0000 THROUGH DEREK A. TAKARA, 0000

PN1612 ANGELA J. BAKER, 0000 THROUGH HAROLD S. ZALD, 0000

PN1613 LOUIS V. CARIELLO, 0000 THROUGH GREGORY J. ZIELINSKI, 0000

PN1614 GEORGE E. ADAMS, 0000 THROUGH ROBERT T. WILLIAMS, 0000

PN1615 ANTHONY P. BRAZAS, 0000 THROUGH FRANCIS K. VREDENBURGH, JR., 0000

PN1616 COLLETTE J.B. ARMBRUSTER, 0000 THROUGH SUSAN W. WOOLSEY, 0000

PN1617 GREGORY P. BELANGER, 0000 THROUGH BRIAN S. WILSON, 0000

PN1618 DALE P. BARRETTE, 0000 THROUGH SILVA P.D. WESTERBECK, 0000

PN1619 JAMES A. BLUSTEIN, 0000 THROUGH JOSEPH C.K. YANG, 0000

PN1620 ROBERT A. ALONSO, 0000 THROUGH KRISTEN C. ZELLER, 0000

PN1621 VIRGINIA T. BRANTLEY, 0000 THROUGH MARON D. WYLIE, 0000

PN1622 DOUGLAS E. ALEXANDER, 0000 THROUGH JAMES H. SCHROEDER, JR., 0000

PN1623 PAUL I. BURMEISTER, 0000 THROUGH CLYDE C. REYNOLDS, 0000

PN1624 PHILIP P. ALFORD, 0000 THROUGH ROBERT L. YARRISH, 0000

PN1625 MICHAEL S. ARNOLD, 0000 THROUGH EVELYN M. WEBB, 0000

PN1626 GREGORY BRIDGES, 0000 THROUGH WILLIAM M. WHEELER, 0000

PN1627 HONORATO AGUILA, 0000 THROUGH KIMBERLY A. ZUZELSKI, 0000

EXTENSIONS OF REMARKS

2006 NATIONAL OSTEOPOROSIS AWARENESS AND PREVENTION MONTH

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. BURGESS. Mr. Speaker, I rise today to recognize that the 2006 National Osteoporosis Awareness and Prevention Month will be observed this May.

There are currently 44 million Americans, age 50 or older, who have osteoporosis. In addition, an estimated 1.5 million fractures are attributed to this disease every year. Although this disease has commonly been associated with women, it is prevalent in men as well. Nearly two million men currently live with osteoporosis, millions of others are at risk and one in eight men older than 50 years will have an osteoporotic fracture.

Furthermore, the risk for osteoporosis does increase with age. However, it is important to adopt good diet with calcium and vitamin D during childhood and adolescence to prevent a person from being diagnosed with low bone mass later on.

As we observe the National Osteoporosis Awareness Month, I would like to urge providers and individuals to discuss osteoporosis and carry out bone mineral density diagnostic tests when necessary.

In addition, I would like to commend the National Osteoporosis Foundation for bringing awareness to this debilitating disease, providing educational material on this issue, and supporting a search for a cure since 1984. They have entitled this year's campaign "Osteoporosis . . . it matters" and will be hosting events throughout the nation.

Mr. Speaker, it is with great honor that I stand here today to promote the National Osteoporosis Awareness Month and honor the National Osteoporosis Foundation staff for all of their hard work.

PERSONAL EXPLANATION

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. GIBBONS. Mr. Speaker, I rise today to explain how I would have voted on May 22, 2006 during rollcall votes #177 and #178 during the second session of the 109th Congress. The first vote was for S. 1235, the Veterans' Benefits Improvement Act of 2005. The second vote was for H.R. 3858, the Pets Evacuation and Transportation Standards Act of 2005.

If present, I would have voted "yes" on these rollcall votes.

PALESTINIAN-ANTI TERRORISM ACT OF 2006

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, as someone with a great interest in Israel, Middle Eastern affairs, and world peace, I believe that we should remain cognizant of the importance of open communication, peaceful dialogue, and positive debate. I have a sincere affection and respect for both people and I pray for a peaceful resolution of deep seeded differences. We are living in historic times, and we have an opportunity to play a significant part in the Arab-Israeli peace process.

This legislation rightly calls upon Hamas to renounce terrorism, and recognize Israel as an independent, sovereign, Jewish and democratic state. I too recognize the need for a secure Israel and the need for a peaceful resolution for the Israel and Palestinian people. For many, peace is a long awaited dream and I am certain that with time, they will eventually realize this dream. I also advocate for cessation of aid to a Hamas led government of Palestinian Authority since they have refused to renounce violence and terrorism as part of their military tactics. I am certain a government that refuses to curtail their terrorist ideals can run the gamut on outrageous and purposefully unrealistic demands.

I am concerned that some of the provisions of H.R. 4681 directly undermine the goal of securing peace.

I question the prudence in ostracizing Hamas from the international community and forbidding contact with the Palestinian Authority and the Palestinian Legislative Council when some of its members do not belong to Hamas or any foreign terrorist organization. Many of these members have in fact renounced terrorism, recognized Israel and negotiated the prior agreements. I am concerned that these tactics will only hurt relationships with moderate Palestinian leaders whose support and cooperation are vital to ensuring peace.

I am not resigned to the notion that impoverishing a country and hence a people falls within the scope of our duties in ensuring a peaceful resolution. These people are already suffering tremendous poverty and unemployment increases.

We must find a way to punish the evil doers without victimizing their innocent neighbors. I am certain that this legislation surpasses the formation of a militaristic strategy and enters the venue of instilling punitive economic and diplomatic sanctions against the Palestinian people. We cannot restrict U.S. humanitarian aid and potentially eliminate entire U.S. aid projects, such as vital infrastructure and small business development. We cannot threaten to withhold a portion of U.S. dues to the United Nations because it allows bodies to advocate for Palestinian human rights. I am concerned about the innocent people who will suffer the consequences in denouncing the provisions of the U.S. free trade agreement with the West Bank and Gaza.

I know that refusing visas to members of the Palestinian Legislative Council, including those who belong to political parties that the United States does not classify as "foreign terrorist organizations," will deter ensuring a peaceful resolution. I am concerned that negating visas to members of the PLO diplomats at the United Nations and threatening to close the PLO's office in Washington will close the channels of communication.

Madam Speaker, I have long been an advocate for peace and I pray for a peaceful resolution of the Arab and Israeli people. It is in that spirit, and with that faith, that I will continue to work with the administration to ensure the United States remains firm in its commitment to the security of Israel and to those principles necessary to guarantee the success of the Arab-Israeli peace process.

The wording of this Resolution changed to include much of the negative language after I signed on as a co-sponsor.

TRIBUTE TO MR. JOACHIM MATTHEW CHAVEZ

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. GRIJALVA. Mr. Speaker, I rise today to commend Mr. Joachim Matthew Chavez, a life-long teacher and strong advocate of public education.

Mr. Chavez will retire this year from a 30 year career as a public school educator. Originally from Yuma, Arizona, he graduated from Yuma High School, home of the Criminals and later attended Arizona Western College and Northern Arizona University. He started his career teaching History and English in Parker, Arizona and later moved to Somerton, Arizona where he spent most of his professional career. He created and developed the district's first Biliteracy Program where students learned to use their native language skills as a base for English instruction. He later served as the District Director of the Bilingual Programs. He was named Somerton's Teacher of the Year in 1988 and again in 1990.

His dedication did not stop at the school gate but he also committed himself to teaching Adult English as a Second Language (ESL) courses in the evenings and weekends to farmworkers in the Yuma Valley. An active member of the religious community, he taught religious education for over 25 years. As an involved parent, he was a Little League Baseball and Youth Soccer Coach, Ballet Folkloric sponsor, a parent Band Booster, and a supporter of the Cibola Thespian Group.

He and his wife Annette have become role models and mentors to many young teaching

professionals. Fully bilingual themselves, they provided area families an opportunity to learn about how parents can have a lasting impact in their children's education.

Mr. Chavez has been credited with elevating the district's English Language Learning program to a level of significant academic achievement among students.

I would like to personally commend Mr. Joachim Matthew Chavez for his tireless commitment to our community. His life and work are examples of service and of hope.

IN MEMORY OF MAJOR MATTHEW W. WORRELL

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. BURGESS. Mr. Speaker, I rise today in memory of MAJ Matthew W. Worrell from my hometown of Lewisville, TX, located in the 26th Congressional District of Texas, for serving our country during Iraqi Freedom. Major Worrell died Sunday, May 14, after insurgents shot down his U.S. helicopter during a raid against Al Qaeda militants in Iraq. He was 34 years old.

MAJ. Matthew W. Worrell was assigned to the 1st Battalion, 160th Special Operations Aviation Regiment at Fort Campbell, KY, better known as the ''Night Stalkers.'' The 160th is an elite avian unit deployed in nearly every conflict and transports Special Forces units around the world by night in specially modified helicopters.

I would like to recognize and celebrate MAJ Matthew W. Worrell's life today. Major Worrell spent 11 years in the Army and served as a platoon leader for the special operations group after previously servicing in the 101st Airborne Division.

MAJ Matthew W. Worrell was a dedicated soldier who earned the respect of those around him. COL Kevin Mangum, the commander of the 160th Special Operations Aviation Regiment, said in a written statement, ''They were warriors, heroes, fellow Night Stalkers and our friends,'' of Major Worrell and his fellow officer killed in the battle.

Major Worrell's family said he never doubted why he was there.

Today, I celebrate the life of MAJ Matthew W. Worrell. He was truly a soldier, a husband, a father and an American who understood his duty. It was my honor to represent MAJ Matthew W. Worrell, and I extend my deepest sympathies to his family and friends. He will be deeply missed and his service was greatly appreciated.

TRIBUTE TO SANDRA S. WALKER

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. VAN HOLLEN. Mr. Speaker, I rise today to pay tribute to Mrs. Sandra S. Walker, principal of Rock Creek Forest Elementary School in Chevy Chase, MD, who is retiring after a long and distinguished career with the Montgomery County Public Schools.

Mrs. Walker attended Montgomery County public schools as a student and has now spent more than 30 years working for MCPS as a teacher and administrator.

For the past 18 years Mrs. Walker has been principal at a very challenging and complex school. Rock Creek Forest Elementary School has both an English community program and a countywide Spanish immersion magnet program. The school also blends a student body of great ethnic and economic diversity. Mrs. Walker has served this school with dedication and distinction.

On behalf of the students, parents, teachers and staff of Rock Creek Forest Elementary School, I am privileged to extend my gratitude and appreciation to Sandra Walker for her service to our children and our community. Congratulations on an exemplary career. You have my best wishes for an enjoyable retirement. You will be missed at Rock Creek Forrest.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on Monday, May 22, 2006, I was unavoidably absent due to a previously scheduled official commitment. Had I been present and voting, I would have voted as follows:

(1) Rollcall No. 177: ''yes'' on S. 1235—Veterans' Benefits Improvement Act of 2005.

(2) Rollcall No. 178: ''yes'' on H.R. 3858—Pets Evacuation and Transportation Standards Act of 2005.

PALESTINIAN ANTI-TERRORISM ACT OF 2006

SPEECH OF

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. MCDERMOTT. Madam Speaker, it is not very often that JIM MCDERMOTT rises to support this President, but that is precisely what I am doing now.

The President does not want his hands tied by the passage of H.R. 4681. I couldn't agree more.

H.R. 4681, the Palestinian Anti-Terrorism Act of 2006, will not make Israel safer, will not meet the urgent humanitarian needs of the Palestinian people, and will not give our diplomats the tools they need to help find a path to peace in the Mideast.

For all of these reasons, I oppose it, and I urge my colleagues to reconsider.

I believe in diplomacy as a means to correct injustice around the world. I believe gifted diplomats can accomplish as much with words and deeds as the military can with guns and soldiers.

There is no question that the United States must take all appropriate steps to ensure that terrorists like Hamas are denied access to our financial aid. Not a penny should go to those who do not renounce terrorism.

Hamas is responsible for the deaths of hundreds of innocent Israelis before coming to power. Since then, they have neither renounced the use of violence nor recognized Israel. This is unacceptable.

By all means, we must deny Hamas dollars that would buy hatred, but we must remember that Hamas and the Palestinian people are not one and the same.

Even as we deny any and all assistance to Hamas, we must not hurt those Palestinians who are working for peace. If we fail to support them, I have no doubt that Israel will pay the ultimate price: more instability in the West Bank and Gaza, more desperation, and more terrorism.

America's leadership is on the line in the Middle East, and more instability is something we need to avoid at all cost. We still have 130,000 American soldiers in harm's way in Iraq; we can't afford to make any more poor choices related to that region.

But, that's exactly what we will do if we pass this bill. It doesn't make sense for the United States to limit political and economic aid to moderates, like Palestinian Authority President Mahmoud Abbas.

He and others have met our government's requirements by recognizing Israel, renouncing violence and terrorism against Israel, and accepting all previously signed Israeli-Palestinian agreements. What happens if we turn our back on leaders trying to heal a millennium of hate?

And what can we expect if we turn our backs on the real and growing humanitarian needs of the Palestinian people? It doesn't make sense to put restrictions on funding the NGOs that provide the Palestinian people with hospitals and schools.

As a medical doctor, I am gravely concerned about the fate of millions of innocent Palestinians who rely on international aid for food, health care, and for developing their economy and businesses.

Recent news reports say that international sanctions are preventing hospitals in Gaza from providing dialysis machines for patients, and they may not be able to supply immunizations to children.

The World Health Organization sees a ''rapid decline of the public health system . . . towards a possible collapse.'' If left untreated, these conditions will nurture a breeding ground for more hatred, more violence, and more terrorism.

This bill will only increase the restrictions on aid to the Palestinians and that will make the already dire situation even worse.

As a doctor I took an oath to heal. As a nation, we took an oath to lead. Allowing innocent Palestinians to go hungry, while denying them medical treatment cannot possibly correct injustice, or lead to peace.

If passed, this bill will be seen as anti-Palestinian, and the resulting chaos and animosity can only threaten the relative calm that Israel has enjoyed for the past year and a half. This bill does not help Israel.

Many of the Israeli leaders I've spoken to, think this bill goes too far by punishing all Palestinians, not just Hamas. They understand that a radicalized population will show more support for Hamas, not less.

During a recent trip to Israel and the Palestinian territories, I saw how both sides deeply yearn for peace. And I saw firsthand how they need the United States to do all it can to help them make peace. The Palestinian Anti-Terrorism Act will make this task enormously difficult.

The harsh restrictions, and cutting off contacts with moderate Palestinians, will severely complicate our ability to assume an active role in helping both sides resolve the conflict.

If we cannot engage with moderates, and those trying to develop the Palestinian economy and build civil society, we forfeit our ability to nurture and strengthen the positive elements in Palestine.

We need a bill that allows us the utmost flexibility to help moderate Palestinians, to quickly get economic and humanitarian aid to places that need it, like hospitals and health clinics, and helps prevent the resumption of terrorism. This bill does not meet these criteria.

We need to isolate and weaken Hamas, and hopefully their tenure at the head of the PA will be a short one. But if we cannot distinguish between Hamas and the majority of the Palestinian people, we cannot possibly expect to have a role in creating what comes next.

Israelis and Palestinians realize that in the end, their fates are tied. When Palestinians' lives get worse, so do those of Israelis.

It's time to help the majorities on both sides reach their mutual goal—a peaceful two-state solution—rather than standing in the way by punishing one side.

Give our State Department an opportunity to nurture peace, or we will surely have to ask our military to counter more terrorism. Vote against H.R. 4681.

PALESTINIAN ANTI-TERRORISM ACT OF 2006

SPEECH OF

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. CROWLEY. Madam Speaker, I rise today in strong support of H.R. 4681 Palestinian Anti-Terrorism Act of 2006.

As an original cosponsor, I fully support this bill and would like to thank my friend from Florida, Congresswoman ROS-LEHTINEN and my Ranking Member TOM LANTOS for introducing this important bipartisan legislation.

This bill sends a clear message to Hamas that the United States will never support a terrorist organization cloaked as a democratically elected party.

The support Hamas, a designated terrorist organization by the United States, received shows many Palestinian people do not want peace with Israel and will continue to support terrorist operations on innocent civilians.

Hamas officials continue to endorse recent suicide bombing and continued violence against Israel, the only true democracy in the Middle East.

As long as Hamas chooses to continue down the path of terrorism, it will meet with financial and diplomatic isolation from the United States and our allies.

I have read the statements of several groups opposed to this legislation because this will create a road block towards negotiations. What I want to know is how do you negotiate with a government who is hell bent on your destruction.

Would any member of this House negotiate with al Qaeda? I would hope not. Hamas must be isolated, not coddled, and that is what this legislation will do.

Hamas would rather cling to the impossible dream of the destruction of Israel than work towards a two-state solution that will bring prosperity and an end to the bloodshed that has tainted this region for so many years.

This bill rightly ends direct aid to the Hamas-controlled government. Hamas refuses to change so they must be treated like the terrorists they are.

But I want to make clear that the goal of this legislation is not to cause a humanitarian catastrophe but to isolate this terrorist led government, this legislation will allow funding for the basic health needs of the Palestinian people.

I'm sure like me, my colleagues would rather be supporting a Palestinian Authority-led government working towards a peaceful two-state solution but instead we face the realities of a Hamas-led government bent on the destruction of Israel.

Until this Hamas-led government recognizes Israel's right to exist as a Jewish State, renounces violence, dismantles its terrorist infrastructure, and halts all anti-Israel incitement the United States should never provide assistance to the Palestinian-led government of Hamas.

VETERANS' HOUSING OPPORTUNITY AND BENEFITS IMPROVEMENT ACT OF 2006

SPEECH OF

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. MICHAUD. Mr. Speaker, I rise today to express my support for S. 1235, the Veterans' Benefits Improvement Act of 2005.

This legislation will improve the benefits provided to our veterans and their families.

During war and equally importantly, after our soldiers come home and take off the uniform, we as a nation must support them fully. The Veterans' Benefits Improvement Act of 2005 contains many provisions that will help us achieve this goal.

I would like to point out one particular provision that is similar to a bill, H.R. 821, which I have introduced.

Like H.R. 821, the Veterans' Benefits Improvement Act will amend title 38 to extend the requirement for reports from the Secretary of Veterans Affairs on the disposition of cases recommended to the Secretary for equitable relief due to administrative error. Extending this reporting requirement will assist the VA in its efforts to properly care for our veterans and their families.

Adminstrative error should not prevent a veteran or their loved one from receiving the benefits they have fully earned.

I would like to thank and congratulate Chairman BUYER and Ranking Member EVANS as well as the other chairmen and ranking members from our committee who have worked so hard to move this important legislation forward.

It is my hope that we will also be moving a health bill forward with the same bipartisan spirit our veterans have come to expect from our committee.

I support this legislation and I urge all of my colleagues to do the same.

PERSONAL EXPLANATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. COLE of Oklahoma. Mr. Speaker, on Wednesday, May 17, 2006, I was unavoidably detained due to a prior obligation.

Had I been present and voting, I would have voted as follows: Rollcall No. 148: "no" (On Agreeing to the DeFazio of Oregon Amendment to H.R. 4200).

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. BECERRA. Mr. Speaker, on Monday, May 22, 2006, I was unable to cast my floor vote on rollcall Nos. 177 and 178. The votes I missed included a motion to suspend the rules and pass S. 1235, the Veterans' Benefits Improvement Act of 2005, and a motion to suspend the rules and pass H.R. 3858, the Pets Evacuation and Transportation Standards Act of 2005.

Had I been present for the votes, I would have voted "aye" on rollcall votes 177 and 178.

TRIBUTE TO TELACU FOR ITS COMMITMENT TO SERVICE, ADVANCEMENT, AND EMPOWERMENT IN THE LATINO COMMUNITY

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. BACA. Mr. Speaker, the people of this great Nation share a common spirit and heritage. Whether born on the soil of this land or having chosen to come here in search of a better life—one free of political, social, and economic oppression, we are a nation of pioneers. We believe in the American dream, and the promise that through our labors we can achieve educational and economic success. No barrier is too imposing, no obstacle to tall that it should stand in the way of pursuing this dream.

Two of my congressional predecessors, Senators Robert F. Kennedy and Jacob Javits, advanced legislation in the 1960s that promoted this dream by laying the foundation for an organization called TELACU. Since its founding in 1968, TELACU has become the largest community and economic development corporation in the United States. TELACU is a pioneering institution committed to service, empowerment, advancement and the creation of self-sufficiency. Brought to life through a small investment appropriated by Congress, TELACU has grown to become an organization with nearly $500 million in assets, creating thousands of jobs, affordable homes, loans to small business people, and most importantly, numerous educational opportunities for young people and veterans.

In 1983, TELACU established the LINC TELACU Education Foundation. For 23 years, the foundation has partnered with corporate donors, private individuals, and a vast network of colleges and universities, providing the driving force behind one of the most effective national institutions ever to impact the educational needs of the Latino community.

In conceiving the foundation, TELACU discovered that while financial assistance is vital for college students to achieve academic success, other factors are also important. Students who are the first in their families ever to attend college often lack the support system necessary to achieve their dream. Socioeconomic factors, family responsibilities, cultural identity and financial stress create very real conflicting challenges to academic life.

The LINC TELACU Education Foundation has accepted this challenge head on, combining important financial assistance with highly effective programs that ensure college completion. The foundation supports 600 college students and serves 2,000 elementary, middle and high school students and veterans each year. The success of this extraordinary foundation is best summarized by the numbers: Its scholar retention and college graduation rates are an astounding 100 percent.

Mr. Speaker, I join today with community leaders throughout my State in expressing our Nation's gratitude to TELACU and the LINC TELACU Education Foundation for believing in the dream of higher education for America's next generation of pioneers and helping to make it possible.

PERSONAL EXPLANATION

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Ms. HERSETH. Mr. Speaker, on May 22, 2006, I missed rollcall vote No. 177 on S. 1235, the Veterans Benefits Improvement Act, and rollcall vote No. 178 on H.R. 3858, the Pets Evacuation and Transportation Standards Act. I was unable to vote because I was participating in a House Agriculture Subcommittee field hearing and post-hearing meetings with automobile industry executives in Rochester, MI, on the role that industry can play in promoting renewable energy technology in the United States. Had I been present and voting, I would have voted "yea" on S. 1235 and "yea" on H.R. 3858.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. SMITH of Washington. Mr. Speaker, I was unable to vote on rollcall No. 173: On ordering the previous question. Had I been present, I would have voted "no."

Mr. Speaker, I was unable to vote on rollcall No. 174: On agreeing to H. Res. 821, the rule providing for consideration H.R. 5385. Had I been present, I would have voted "no."

Mr. Speaker, I was unable to vote on rollcall No. 175: On the Blumenauer amendment to H.R. 5385. Had I been present, I would have voted "aye."

Mr. Speaker, I was unable to vote on rollcall No. 176: On final passage of H.R. 5385. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. BLUMENAUER. Mr. Speaker, on rollcall No. 168, the Chabot-Andrews amendment to the Interior and Environment Appropriations, though I intended to vote aye, I accidentally voted nay. The Chabot-Andrews amendment would prohibit the Forest Service from building more roads for private timber in the Tongass National Forest in Alaska. The timber program in the Tongass costs taxpayers approximately $40 million each year. I have long been a supporter of reforming the road building program in the Tongass, and have supported this amendment in the past. I am pleased that the amendment ultimately passed, and I sincerely regret that I accidentally voted against it.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. GALLEGLY. Mr. Speaker, on Monday, May 22, 2006, I was unable to be present, to vote on the motions to suspend the rules and pass as amended S. 1235 the Veterans Benefits Improvement Act (rollcall No. 177) and H.R. 3858, the Pets Evacuation and Transportation Standards Act (rollcall No. 178). Had I been present, I would have voted "yea" on both measures.

COAL-TO-LIQUIDS TRANSPORTATION FUELS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. RAHALL. Mr. Speaker, for decades this Nation has been researching, debating, drafting, and redrafting national energy policy. Unfortunately, the long gas lines of the 1970's that motivated the kind of original thought needed to end our dependency on foreign oil slipped from our memories as supplies increased and prices dropped. Today, we are punished with oil prices floating in the range of $75 a barrel, record prices at the pump, and an unstable world market for the foreseeable future.

At the same time, according to the Department of Energy, $35–$45 a barrel oil is attainable from a source within our borders. It is our most abundant domestic energy resource—coal. With technology that has been around for decades, coal can be liquefied and turned into a liquid fuel, and eventually sold for approximately half of what we are paying now per barrel.

The true value of coal is misunderstood and many ignore its potential to free us from foreign oil at our own peril. We risk stepping into the same trap that has caught so many promising energy policy advances by the ankle for decades.

Research has brought us a long, long way from the days of smokestacks and gray skies. True, there remain many less efficient, older generation power plants in this Nation, but largely because, while the Government draped oil companies in rich tax advantages, it devoted mere dribbles of money to providing incentives for clean burning coal plants.

Thirty years of government and private-sector research and development has created a product, according to the Department of Energy, that is cleaner than required under EPA Tier II fuel standards. And with this Nation's refinery capacity operating on all cylinders, these fuels would fit right into our energy mix as they would require very little additional processing. Coal-to-liquids can curb our appetite for foreign fuel.

Dtsturbingly, however, for all of our Nation's pride in our competitiveness and innovation, we stand behind a number of other countries in liquefying coal to end our foreign oil dependence.

For instance, these fuels represent about one-third of the consumption in South Africa, which began its production and use in the 1950's using the Fischer-Tropsch process developed during the 1920's by two German researchers. China, India, and Indonesia, recognizing the problems of relying on foreign sources of oil, are all aggressively pursuing coal liquefaction as key components of their energy production. For the U.S., our continued myopia about coal liquefaction is particularly numb-headed, since coal is our most abundant natural energy resource.

In order to catch up to the rest of the world, a position to which the U.S. is unaccustomed, we must invest in our future and Congress began to travel down this road with the reauthorization of the Nation's surface transportation laws last year by including two new excise tax credits aimed at promoting the use of alternative transportation fuels, including liquid fuel derived from coal.

While a helpful first step, due to the restrictive nature of the existing tax credit, I am pleased to join my colleague JOHN SHIMKUS and others in introducing legislation aimed at helping far-sighted firms better afford their foray into coal liquefaction. Our bill would reduce some of the risk that these firms and their investors take as they try to lead our Nation into a new energy frontier.

Simply put, our legislation would extend until 2020 the 50 cents per gallon tax credit for liquid fuel derived from coal that is set to expire in 2009. The legislation does not address other alternative transportation fuels, just coal-to-liquids.

The aim is to provide a level of predictability for a number of years to those willing to put money into coal-to-liquids production. It would help to smooth out some of the ups and downs associated with fluctuating oil prices and the gamble investors make in the financing of these high-tech energy ventures.

Unfortunately, while other governments have been footing the bill for this kind of research and development for decades, our Government has been "playing footsie" with Big Oil. In comparison to the big tax giveaways enjoyed by the oil industry, precious

few U.S. budgetary resources have been devoted over the years to cutting-edge coal technologies. This is mind-boggling policy, given coal's abundance on our own shores.

The United States will never drill its way out of our oil dependency. But using proven, coal-to-liquid technology and American initiative, we could revolutionize our way to a new energy era. This bill helps to level out Federal tax policy that has long been tilted against the public in favor of rich oil companies.

VERMONT WOMAN WINS NATIONAL HONOR FOR HELPING WOMEN IN BUSINESS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. SANDERS. Mr. Speaker, for almost two decades Janet Bullard has been the program manager and office manager for the Vermont Commission on Women. Her tireless and inspired work for the Commission, work done for the betterment of the conditions in which women in the State of Vermont live and for the expansion of opportunities available to women, has recently been recognized by a signal honor.

On April 12 in Washington, DC, Janet Bullard was recognized by the Small Business Administration as the National Women in Business Champion of the Year. The competition for this award was nationwide. Janet first won the Vermont State award, then the New England Regional Award, and finally prevailed over a group of remarkably qualified women nationally. The SBA's award is bestowed on a person who has been an advocate for the women-owned business community, who has expanded the business and financial opportunities for women, and who has helped strengthen the role played by business owners in the community.

Janet, a resident of Chelsea, Vermont, has worked for the Vermont Commission of Women for 19 years, almost half of its existence. Established in 1964 by Governor Phil Hoff, the Commission has been an advocate for women and their rights and opportunities for 42 years. It consistently, and with great success, has been the primary advocate in the State of Vermont for the economic, social and political equality of women.

Janet Bullard has championed the rights of women, opened new doors for women, helped bring women together so that they can learn and strategize and about how to succeed in an economic world formerly dominated almost exclusively by men. And her involvement is concrete and financial as well: she has helped women get loans so they can establish businesses. In addition, for the last 10 years she has also worked to get funding for Vermont domestic violence and sexual assault programs.

Society changes more through dedicated work than through speeches, more by enduring commitments than by public appearances. For 19 years, Janet Bullard has worked tirelessly—a labor of love—to improve the status and business opportunities of women in the State of Vermont. Her dedication, and her remarkable ability to get things done, has left its mark on generations of women in our State.

I want to call particular attention to her work with Vermont's community action agencies, her unceasing effort to develop ways to help women start businesses with the aid of microloans. She has helped, time and again, leverage State and independent organization funds, and Federal funds, to help women—and especially low-income women—get a start in business.

Here is how Wendy Love, Executive Director of the Vermont Commission on Women described Janet's work the other day: "Janet has an outstanding history with the Commission for almost 20 years, and has shown great dedication to the Commission and to helping women. She has really been a major voice for women's economic opportunity in Vermont. Every time we talk about doing something, she is five steps ahead. Janet has been a glue, helping bind together the folks who work at the community action agencies in micro-business development, and the people who work for the Federal Government at the Small Business Development Center."

We in Vermont are delighted with the honor bestowed upon Janet Bullard: It is richly deserved.

PERSONAL EXPLANATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. OXLEY. Mr. Speaker, I was absent from the House floor during Friday's rollcall votes on H.R. 5385, the 2007 Military Construction, Military Quality of Life, and Veterans Affairs Appropriations Act.

Had I been present, I would have voted against the Blumenauer Amendment (rollcall No. 175) and in favor of final passage (rollcall No. 176).

HONORING GARRISON CSM GARY DAVIS

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay public tribute to Garrison Command Sergeant Major Gary Davis of Fort Knox, Kentucky, retiring June 2 after more than 33 years of military service.

A native of Spokane, Washington, Garrison CSM Davis first enlisted in 1972, completing a 6 year tenure with the Washington State National Guard. After a brief assignment with the Montana State National Guard, he joined the Active Army in May 1980, attending unit training at the United States Army Armor Center at Fort Knox.

Prior to his current assignment at Fort Knox, Garrison CSM Davis served as an instructor at the United States Sergeants Major Academy, Fort Bliss, TX; and completed numerous other assignments leading soldier divisions in Kentucky, Georgia, Arkansas, Hawaii, Louisiana and Germany.

During his time at Fort Knox, Garrison CSM Davis's leadership inspired officers and civilians to be good neighbors, making Fort Knox and its surrounding communities a better place to live and work. In this capacity, he oversaw critical improvements to the Garrison, including the modernizing of residential facilities, enhancing the quality of life of Fort Knox soldiers and their families.

Garrison CSM Davis was a tireless advocate of Fort Knox's military value and future viability in the months leading up to last year's Base Realignment and Closure consideration. Because of his efforts, Fort Knox remains open, adapting to a new mission as a vital multi-functional home to operational army forces and various administrative commands.

Garrison CSM Davis's awards and decorations include the Legion of Merit Award, Meritorious Service Medal, Army Commendation Medal, Army Achievement Medal, Armed Forces Service Medal, Overseas Service Ribbon, United Nations Service Ribbon, Global War on Terrorism and the Superior Unit Award.

It is my great privilege to recognize Garrison Command Sergeant Major Gary Davis today, before the entire U.S. House of Representatives, for his lifelong example of leadership and service. I would like to thank him personally for his exemplary stewardship at Fort Knox during a time of war and administrative transition. His unique achievements and dedication to the men and women of the U.S. Army make him an outstanding American worthy of our collective honor and respect.

HONORING THE CANYON HIGH SCHOOL COWBOY FOOTBALL TEAM

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. MCKEON. Mr. Speaker, before the Santa Clarita Valley school term ends this year, I wish to recognize the coaches and athletes of the Canyon High School's football program for their outstanding performance during the 2005 high school football season. Canyon High School's varsity football team completed their season by defeating cross-town rival Hart High School with a score of 21–13 to clinch the CIF—California Interscholastic Federation—Southern Section Division II title. Canyon High School finished its season with an impressive record of 13–1.

MaxPreps, a California-based national high school sports information Web site, lauded Canyon High School's football program. MaxPreps recently ranked Canyon High School's football program as the 14th best in the Nation. This ranking was achieved amongst a field of over 15,000 schools nationwide. MaxPreps presented head coach Harry Welch with a trophy engraved: "2005 MaxPreps Tour of Champions, presented by the Army National Guard to Canyon High School Head Coach Harry Welch." Only 10 such trophies were presented nationally.

Th California Interscholastic Federation also bestowed individual honors upon various members of the team. Honors include, but are not limited to, All Section First-team Defense—Tyler Hawkins, Garrett Leary, All Section Second Team Defense—J.J. DiLuigi, Richard Wirthlin, Division II Offensive Players of the Year—Austin Civita, J.J. DiLuigi, Division II Defensive Players of the Year—Matt

Brown, Garrett Leary, Division II Coach of the Year—Harry Welch, Division II Offense—Nick Peterson, Nick Madia, Richard Wirthlin, Phillip Malinoski, and Division II Defense—Chris Kinsbury, Tyler Hawkins.

The level of dedication and tenacity displayed by coaches and players of Canyon High School's football program deserves great praise. The ethos of this tightly knit team should serve as an example to all those aspiring for greatness.

Mr Speaker, I would like to recognize the individual members of Canyon High School's champion football team. Coach Harry Welch, Jean P. Curvey, Ben Longshore, Richard Wirthlin, Stephen Wirthlin, Anthony Arriaga, Amir Rafeh, Mark Urbina, John DiLuigi, Austin Civita, Sean Ward, Zane Enright, Phillip Malinoski, Christopher Chapman, David Pyne, Sean Gavin, Randal Rigg, Michael Montano, Christopher Kingsbury, Michael Cooper, Kenny Suber, Daniel Garza, Jr., Leon Henderson, Tyler Hawkins, Keith Martin, Josh Parrick, Jordan Ferguson, C.R. Maldonado, Mike Loucks, Michael Pyne, Raymond Maldonado, Jonathan Hammock, Nick Jurado, Deric Blas, Matthew Brown, Randy Lemus, Joseph Dellibovi, Grant Higgins, Garrett Leary, Michael Blanco, Ryan Schurke, Andrew Martinez, Justin Wallace, Andrew Suarez, Nick Peterson, Hacob Karaoglanian, Mike Harker, Damian Ozuna, A.J. Wallerstein, Nicholas Madia, Mark Valdez, Sean Rowlett, Fares Albichara, Britt Briscoe, Ben Armbruster, and Troy Curvey.

The late Vince Lombardi once said that football is like life—it requires perseverance, self-denial, hard work, sacrifice, dedication and respect for authority. Through their triumphant season, the Canyon Cowboys have developed a winning attitude that will serve them well for their entire life. I commend the team for their ability, commitment, and steadfast determination and I wish them the best of luck in all of their future endeavors.

HONORING MS. EMMA KOLB

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. MORAN of Kansas. Mr. Speaker, I rise today to honor Emma Kolb, who has recently finished her 69th year of service to students and parents in western Kansas. She has gone above the call of duty and made her teaching career of 47 years into a passion by volunteering for 22 years after her retirement.

Ms. Kolb began teaching in 1937 in Rush County, KS, and for the next 15 years worked in several other country schools. In 1951 she started at Lincoln Elementary School in Hays. For the next 33 years Emma taught grades second through sixth until she retired in 1984.

If Emma's story stopped there it would still be praiseworthy, but she didn't stop there. She went on to volunteer for 22 more years in the same school building.

The length of her tenure may only be overshadowed by the amount of joy she gave to those she worked with and worked for. During a recent party Lincoln Elementary School staff showed their appreciation for Emma's amazing work by celebrating her commitment to students and her 88th birthday.

I too would like to express my gratitude for Emma's 69 years of service to Kansas students. Ms. Kolb said that during her many years of work inside the school system that ''any changes that were made were for the good . . . and that we have a good school system here.''

Mr. Speaker, I ask that my colleagues join me in thanking and honoring Emma Kolb for being a part of those positive changes in the lives of so many students and their schools.

PERSONAL EXPLANATION

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. McINTYRE. Mr. Speaker, on May 18, 2006, during consideration of H.R. 5386, I mistaken voted ''no'' on rollcall vote No. 167, the Hinchey Amendment. It was my intention to vote ''yes'' on the Hinchey Amendment.

CURRENCY PROTECTION BILL

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. MANZULLO. Mr. Speaker, I wish to call your attention to H. Con. Res. 390, a resolution I introduced on April 26, 2006.

We are currently living in an environment where prevention of terrorism is at the forefront of the American mind. It is important to remember that although the U.S. dollar is not typically viewed as a vessel of major catastrophic events, mass counterfeiting of the dollar will undermine the U.S. economy and ultimately destroy the security of our Nation. We have come a long way in protecting our highly visible assets since September 11, 2001. Now we must also extend that to our currency.

H. Con. Res. 390 calls upon the U.S. government to ensure the protection of the U.S. dollar and defend its integrity throughout the world. Our Nation must deter counterfeiting of our currency in order to preserve the strength of the U.S. dollar and protect America from a economic disaster.

Recent global politics illustrate the necessity of H. Con. Res. 390. A few months ago, the United States accused the Democratic People's Republic of Korea (North Korea) of counterfeiting the U.S. dollar. In retaliation, North Korea claimed that the CIA had counterfeited the U.S. dollar and planted the counterfeit bills in North Korea. Despite North Korea's claim of innocence, it is estimated that at least $45 million counterfeit U.S. dollar are in circulation and have originated from North Korea.

A timely CRS report released March 22, 2006, correctly states that any act of counterfeiting the U.S. dollar is a direct attack on the United States. We must not allow our adversaries the option of using counterfeit U.S. dollars to cause harm against our Nation or economy. That is why H. Con. Res. 390 is so necessary.

This is not just a threat against the United States. The U.S. dollar is the world's reserve currency. Undermining the value of the dollar will negatively affect our allies and the nations that are dependent on our currency. Counterfeiting of the U.S. dollar weakens our own ability to protect the U.S. and also pads the arsenals of those who wish to engineer our destruction.

It is time to step up and put a stop to the obvious counterfeiting of the U.S. dollar by foreign nations. I am proud to introduce H. Con. Res. 390 in the House, and I hope my colleagues will join me in support of this measure. We must protect our most important national asset—the U.S. dollar.

TRIBUTE TO CHRIS CARDUCCI, GARTH EPPLEY, GEORGINA JOSHI, ZACHARY NOVAK AND ROBERT SAMELS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. VISCLOSKY. Mr. Speaker, the community of classical vocal music artists and listeners suffered a great loss on April 20, 2006, when a light plane carrying five outstanding graduate students from Indiana University's Bloomington campus School of Music crashed just short of its destination. We join those grieving the loss of these talented musicians—Chris Carducci of Monroe, MI; Garth Eppley of Wabash, IN; Georgina Joshi of South Bend, IN; Zachary Novak of Anderson, IN; and Robert Samels of Medina, OH—for their accomplishments, for the great promise they held, and for the people they were. We will remember them today:

Chris Carducci—born April 18, 1978, in Monroe, MI, a graduate of Monroe High School, he received a bachelor of arts degree in music education in 2002 from Bowling Green State University—BGSU, Bowling Green, OH. He earned a master's degree in music from Indiana University, Bloomington, in 2005. He was a life member of St. John Catholic Church, where he was baptized, confirmed, and educated at its school. He was a former member and past president of the BGSU Men's Chorus. His opera career included an appearance at Carnegie Hall, where he sang selections from Wolf's Italienisches Liederbuch for the Marilyn Horne Foundation's ''The Song Continues . . . 2005.'' A baritone, Mr. Carducci performed with Toledo Opera, Michigan Opera Works, BGSU Opera Theater and IU Opera Theater. In 2005, he created the role of Pontius Pilate in ''Pilatus,'' a new opera by Robert Samels. Last year, he was recognized by the Metropolitan Opera National Council's Indiana District with an Encouragement Award. He also was a two-time winner of the Conrad-Peatee Art Song Competition.

Zachary Joseph Novak—Born Sept. 17, 1980, in Anderson, IN, graduated Highland High School in 1999. He went on to Anderson University and received a bachelor's degree in 2004, graduating summa cum laude with honors in music. Zach received the Anderson University music department's Voice Performance Award and won the Senior Men category and State National Association of Teachers of Singing Awards. He was due to graduate in early May with a master of music degree in choral conducting with a minor in voice from Indiana University in Bloomington. During his years at Indiana University he studied under

the direction of Dr. William Gray, professor of chorale conducting, who was instrumental in Zach's participation in the Lafayette & Carmel Bach Chorale. The Jacobs School of Music at IU continued to foster and enrich his gift of music. Numerous teachers, professors, and ministers had a positive influence on Zach throughout his life. While in Bloomington, Zach was the worship coordinator at First United Methodist Church where he directed the Wesley Choir and Children's Choir. During his time in Anderson, he was the choir director at Bethel United Methodist and choir director and organist at St. Ambrose Catholic Church, where he was a member. He touched so many with his musical talents. Zach received numerous awards during his life, including the American Legion Award twice, the Arion Music Award, Best Male Vocalist 1999, and Who's Who Among American High School & College Students. Scholarships include: The Theodore Presser Music Award, The Lilly Foundation, Anderson University Academic Honors, AU Music Award, AU Trustee Award, Tri Kappa Award, Student Exploratory Teaching, AFT Teacher's Award, and the Herman and Anne Leaf Award.

Robert Samels—Born June 2, 1981, in Akron, OH. Robert taught as an associate instructor in the IU Jacobs School of Music Theory Department with the same zeal he approached all his other professional activities. He was in charge of T231 and was loved and admired by his students. As a bass-baritone he had recently appeared as Mr. Gibbs in the world premiere of ''Our Town'' by Ned Rorem, as Marco in the collegiate premiere of William Bolcom's ''A View from the Bridge,'' as well as Joseph and Herod in the collegiate premiere of ''El Nino'' by John Adams. In September 2005, he conducted the premiere of his own opera, ''Pilatus.'' As a member of the Wolf Trap Opera Company for 2006, he would have added three roles this summer, including Bartolo in ''Le nozze di Figaro,'' Friar Laurence in ''Romeo et Juliette,'' and Pluto in Telemann's ''Orpheus.'' Other opera credits included the title roles of ''Don Pasquale'' and ''Il Turco in Italia,'' as well as Leporello in ''Don Giovanni,'' Falstaff in ''Merry Wives of Windsor,'' and Bottom in ''A Midsummer Night's Dream.'' In the summer of 2004, Samels performed Creon in the New York premiere of John Eaton's ''Antigone.'' He also frequently performed in the oratorio repertoire. In the spring of 2005, he was selected as a semifinalist in the annual competition of the Oratorio Society of New York. He began his vocal studies with Alfred Anderson at the University of Akron and Andreas Poulimenos at Bowling Green State University. He was a doctoral student in choral conducting at the Indiana University Jacobs School of Music and had studied voice with Giorgio Tozzi and Costanza Cuccaro. Robert was an announcer as well as host and producer of ''Cantabile'' with public radio station WFIU. A soloist with Aguava New Music Studio, he recently performed a concert at the Library of Congress.

Georgina Joshi—Born October 21, 1981, in Elkhart, IN and embarked on a life filled with beautiful music. Georgina started singing at a very early age and studied violin from the age of 3. Georgina's first stage appearance was in Canton, OH, where she appeared with Players Guild of Canton in a production of the musical, Oliver. Her operatic debut was as Amahl in Indiana Opera North's production of Amahl and the Night Visitors. Georgina graduated from John Adams High School where she was a member of the 1999 State Champion Mock Trial Team. During high school she was a member of the IUSB Philharmonic and the South Bend Chamber Singers, concertmistress of South Bend Youth Symphony, and participated in summer music programs at Interlochen, Tanglewood Music Center and Aspen Music School. She received numerous awards, including the YWCA Young Woman of the Year. Georgina attended the Royal College of Music, London, England, where she studied with Eiddwen Harrhy, receiving a bachelor of music, honors, degree in 2001. Since that time she has been a student at the IU Jacobs School of Music where she studied with Alan Bennet. While at IU, Georgina appeared as a soloist in various concert works including Haydn's Creation, Handel's Solomon, the B-Minor Mass of Bach, Britten's Hymn to St. Cecilia, Mendelssohn's Psalm 42, Schubert's Mass in A Flat Major, Mozart's Litenae Lauritenae K.195, the Mozart Requiem, and the Brahms Deutsches Requiem. She also appeared with IU Opera Theatre as Clorinda in Cenerentola and Despina in Cosi fan Tutte. She collaborated with other musicians such as the Catacoustic Consort, the Bath Street Studio, and was a member of the Carmel Bach Festival Chorale. Outside the USA she appeared as a soloist in England, Wales, Romania, and Greece.

Garth Eppley—Garth was born on Feb. 7, 1981, in Wabash, IN, graduated Wabash High School. He graduated from Anderson College in 2003 with a degree in music performance, and was a student at Indiana University Jacobs School of Music. He attended Giest Christian Church, Fishers, and was a member of the BMW Motorcycle Owners of America, Yankee Beamers, and Rounders No. 7. Eppley had a bachelor's degree in voice performance with honors in performance from Anderson University. A tenor, Eppley studied under Fritz Robertson while at Anderson. His IU Opera Theater roles included Lysander in ''A Midsummer Night's Dream,'' the second man in ''The Magic Flute,'' and the lawyer in ''Peter Grimes.'' He was a frequent soloist with the Indiana University Contemporary Vocal Ensemble, with which he recently sang the role of Pilatus in Arvo Part's ''Passio.'' Eppley also was a frequent soloist with the Lafayette Bach Chorale, where he had performed in such programs as Handel's ''Solomon,'' Rachmaninoffs ''Vespers'', and the Festival of Sacred Choral Music under the baton of guest conductor Craig Jessup of the Mormon Tabernacle Choir. Last summer, Eppley was a participant, along with other singers from the United States and Canada, in the Charley Creek Vocal Workshop, an intense program of aria and song study. He was a master's student at IU, studying with Peru native Timothy Noble.

They are mourned across the country—from Carmel, CA, to New York's Carnegie Hall, to the Wolftrap Farm Park Summer Opera in northern Virginia, to all over the Midwest and Indiana. May we never forget.

TRIBUTE TO MS. CHRISTINE L. GALLO

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. MORAN of Virginia. Mr. Speaker, I rise today to pay tribute to Ms. Christine L. Gallo, who retired from the Defense Logistics Agency (DLA) Fort Belvoir, Virginia on April 29, 2006. Her distinguished government career spans 38 years, and her record of achievement during this period reflects greatly upon herself and upon the organizations with which she has served. Her contributions to the National Defense will be missed as she moves on to new and exciting opportunities.

Ms. Gallo was a member of the Senior Executive Service and had received numerous awards over her 38-year career. These include the 1998 Presidential Rank Award (Meritorious), the United States Army Association of Quartermasters ''The Distinguished Order of St. Martin,'' the DLA Exceptional Civilian Service Award, the DLA Meritorious Civilian Service Award, and the Department of the Navy Meritorious Civilian Service Award.

Beginning her Federal career as a planning assistant with the Navy in 1968, Ms. Gallo held progressively responsible logistics planning and management positions with the Naval Supply Systems Command before joining the General Services Administration as Director of Distribution for Federal Supply and Services. After joining DLA in December of 1986, she served as Director of the Defense Spares Initiatives Office, Director for Systems Planning for the Assistant Secretary of Defense for Production and Logistics, Executive Director for Readiness and Customer Support, Executive Director for Business Modernization and Integration, and Director for DLA Enterprise Support (DES).

Mr. Speaker, I am honored to ask my colleagues to join me in congratulating Ms. Christine Gallo on her retirement from Federal Civil Service. She epitomizes the dedication and professionalism that make our Federal government a model all over the world.

HONORING THE CONTRIBUTIONS OF JEWISH AMERICANS DURING JEWISH AMERICAN HERITAGE MONTH

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. AL GREEN of Texas. Mr. Speaker, today I am honored to recognize the contributions Jewish Americans have made throughout our Nation's history as we celebrate Jewish American Heritage Month. In 1654, the first Jewish settlers arrived in the New World searching for a place to practice their faith free from persecution and live in liberty. Since then, the United States has continued to serve as a haven for Jewish settlers seeking refuge from waves of anti-Semitic repression and persecution in Europe and around the world. Jewish American Heritage Month should serve to educate all Americans about the rich cultural heritage of the Jewish people and their important contributions to American culture and history.

The United States is better and stronger as a result of Jewish people from around the world choosing to become American citizens. Jewish Americans made invaluable contributions to our Nation's labor movement in the late 19th and early 20th centuries. Thousands of Jewish immigrants and their children who arrived in the United States during this time period earned their livings in sweatshops and factories in New York City, often working under horrific conditions. Many Jewish Americans played a key role in improving the working conditions for laborers, which led to collective bargaining and other advancements in the labor movement. Samuel Gompers, one of the founders and first president of the American Federation of Labor, earned his living in the crowded slums of New York as a cigar maker upon his arrival in the United States in 1863. Becoming highly skilled at his trade and earning the respect of his peers, he eventually moved up the ranks of the existing labor organization, transforming the structurally weak and ineffective Federation of Organized Trades and Labor Councils to the American Federation of Labor in 1886, which grew to represent over one million workers 6 years later.

Many individuals within the American Jewish community also made important contributions to the Civil Rights movement. Jewish philanthropist Julius Rosenwald, who funded dozens of primary schools, secondary schools, and colleges for black youth, led the Jewish community in contributing to some 2,000 schools for black Americans, including Howard, Dillard and Fisk universities. At one time, 40 percent of southern blacks were attending these schools. In addition, Jewish Americans like Abraham Joshua Heschel, a writer, rabbi and professor of theology at the Jewish Theological Seminary of America was outspoken on the subject of civil rights and marched arm-in-arm with Dr. Martin Luther King, Jr. in Selma. Professor Ernst Borinski, a refugee from the Holocaust who came to America to teach at Taugaloo University, organized dinners at which blacks and whites sat next to each other, a simple act challenging segregation. Joel Elias Spingarn, a Jewish-American educator and literary critic, was a founder and one of the first Jewish leaders of the National Association for the Advancement of Colored People (NAACP). In 1913, as the organization's chairman of the board, he established the Spingarn medal, awarded annually for outstanding achievement by an African American. In addition, organizations such as the American Jewish Committee, American Jewish Congress, and Anti-Defamation League have actively promoted civil rights over the years.

Mr. Speaker, it is my hope that all Americans observe Jewish-American Heritage Month by initiating programs and activities that commemorate these and the many other significant contributions Jewish Americans have made throughout our Nation's history. Over the centuries, Jewish Americans have achieved great success in business, medicine, the arts, science and technology, and many other professions. These achievements have strengthened our country and helped shape our way of life. In their commitment to family, faith, and community, the Jewish people have made America a stronger and more democratic society.

AC TRANSIT VOTED THE ''BEST OF THE BEST''

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. STARK. Mr. Speaker, I rise today to recognize the Alameda County Transit Agency, AC Transit, headquartered in Oakland, California. For the sixth time in 9 years, AC Transit has been recognized as the Nation's most outstanding public bus agency at the American Public Transportation Association, APTA, meeting in Anaheim, California. At its annual ''Bus Roadeo'' in which bus operators and maintenance teams demonstrate their driving skills and knowledge, APTA has crowned AC Transit's drivers and mechanics as the ''Best of the Best.''

In addition AC Transit also won first place for its Customer Service in a special competition to evaluate bus operators' courtesy, patience and know-how.

The ''Best of the Best'' award came after grueling tests of competition involving more than 40 transit agencies with teams of drivers and mechanics from virtually every State in the country. Drivers were tested on their abilities to smoothly stop and maneuver their coaches in and out of tightly constricted spaces, avoiding mishaps and pedestrians. Mechanics were tested on their ability to quickly troubleshoot vehicle malfunctions by quickly diagnosing problems and instituting immediate repairs.

The competition is the ''Super Bowl'' for transit agencies, offering some of the world's top professionals an opportunity to display their driving skills, reflexes, judgment and superior workshop intelligence.

The ''Best of the Best'' designation represents the highest combined scores of the operator and maintenance team. AC Transit's team—operator Jesse DelaCruz and mechanics, Carlos Leyva, Grant Pinkston and Donald Righter—was deemed number one in the Nation. AC Transit operator Patricia Lock won first place for Customer Service.

Congratulations to AC Transit on winning this prestigious ''Best of the Best'' award.

RECOGNIZING THE HEALTH OCCUPATIONS STUDENTS OF AMERICA

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. SHAW. Mr. Speaker, I rise today to recognize the 30th anniversary of the Health Occupations Students of America (HOSA).

HOSA is a national career and technical student organization endorsed by the U.S. Department of Education and the Health Occupations Education Division of the Association for Career and Technical Education. HOSA provides a unique program of leadership development, motivation, and recognition exclusively for middle school, secondary, postsecondary, adult and collegiate students.

HOSA is not a club to which a few students in school join. Rather, HOSA is a powerful instructional tool that works best when it is integrated into the health science curriculum and classroom. Health Occupations instructors are committed to the development of the total person. Those who join the Health Science-HOSA Partnership recognize the importance of providing students with training far beyond the basic technical skills needed for entry into the health care field. The rapidly changing health care system needs dedicated workers who, in addition to their technical skills, are people-oriented and capable of playing a leadership role as a member of a health care team.

Nationally, HOSA has grown to over 78,000 members in almost every state, and soon, over 5,000 HOSA members will gather in Anaheim, California, for their annual leadership conference. This opportunity provides tours of health care facilities, exhibits presented by professional health care associates, as well as an Educational Symposium—workshops presented by professional partners that provide information about current health care issues.

The members of HOSA, through a student-led pipeline, are making a significant contribution to overcoming the shortage of health care workers in our country, guiding more than 1 million students into health professions. I am proud to say that the Florida HOSA has the fourth largest membership at more than 6,700 members.

Mr. Speaker, I would like to congratulate the Health Occupations Students of America on celebrating their 30th anniversary, and I wish them luck on their continued success.

CONGRATULATIONS TO THE PLUMBERS LOCAL UNION 210 GRADUATING CLASS OF 2006

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. VISCLOSKY. Mr. Speaker, it is with great sincerity and respect that I offer congratulations of several of Northwest Indiana's most talented, dedicated, and hardworking individuals. On Friday, June 9, 2006, the Plumbers Local Union 210 will honor the graduating class of 2006 at the Annual Apprentice Graduation Banquet, which will be held at the Patio Banquet Hall in Merrillville, Indiana.

At this year's banquet, the Plumbers Local Union 210 will recognize and honor the 2006 Apprentice Graduates. The individuals who have completed the apprentice training in 2006 are: Nino Arredondo, Joseph Butcher, Robert DePyssler, Lloyd James, Jr., Michael Klaich, Todd Knight, Paul Lacy, William Lawrence, Eric Longoria, Milutin Miljus, Greg Monnier, Eugene Pazdur, Derrick Poper, Jason Powers, Luis Quintana, Sean Severson, Daniel Smith, Bertram Wagner, Adam Westlund, Robert White, and Raymond Zack.

Northwest Indiana has a rich history of excellence in its craftsmanship and loyalty by its tradesmen. These graduates are all outstanding examples of each. They have mastered their trade and have demonstrated their loyalty to both the union and the community through their hard work and selfless dedication.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating these dedicated and hardworking individuals. Along with the other men and women

of Northwest Indiana's unions, these individuals have committed themselves to making a significant contribution to the growth and development of the economy of the First Congressional District, and I am very proud to represent them in Washington, DC.

PALESTINIAN ANTI-TERRORISM ACT OF 2006

SPEECH OF

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. MORAN of Virginia. Madam Speaker, I rise today to voice my opposition to the Palestinian Anti-Terrorism Act of 2006.

Madam Speaker, this bill claims that its goal is to ensure that no United States funding goes to support Hamaas, a foreign terrorist organization that has terrorized thousands and seeks the destruction of Israel. Were this what the bill in fact does, I would support it. However, the bill before us today goes much further than what is needed to achieve its stated, goal.

First, H.R. 4681 severely restricts U.S. funding to the many non-governmental organizations that provide critical aid and services to the Palestinian people, and allows for such funding without a presidential waiver for the most basic of services, such as food and shelter. This serves no good purpose. Limiting NGO funding in this manner will only increase the hardship of the Palestinian people. Yes, it is possible that this increased hardship may drive Palestinians to turn against the Hamas-controlled Palestinian government. At the same time, however, the cause of this additional hardship—the termination in U.S. humanitarian aid—will provide a ready excuse to Hamas, allowing it to blame the United States, and others, for its failure. This is not in our interest.

We must not give this ''out'' to Hamas. Instead, we must ensure that, when Hamas fails in its attempt to govern, as it certainly will, it will not be able to blame the United States or any other party for its inability to deliver what the Palestinian people expected.

Second, restricting United States aid to NGOs in this manner will hurt the very people we should be assisting. The Palestinian people are facing an economic crisis that goes beyond basic food and shelter, and includes education, public health, economic development and physical infrastructure. It is in the United States' interest to provide such assistance if we are in fact in support of a two-state solution and peace in the Middle East.

Third, placing tight restrictions and sanctions on those parts of the Palestinian Authority that are not controlled by Hamas is a serious mistake, for it precludes our executive branch from working with governmental officials who may be viable options to Hamas. Other provisions in the bill—restricting the ability of all Palestinian Authority representatives to travel in the United States, interfering with the participation of Palestinian Authority representatives in international organizations, and refusing assistance to the Pestinian judiciary—are petty actions that will not, in any way, advance peace in the Middle East.

There is a high likelihood that as a result of this bill, Hamas and the Palestinian Authority will turn around and seek the support from wealthy Arab and Muslim states, as well as extremist governments, like Iran and Syria. The message that this bill sends will push the Palestinian people away from us and quite possibly, the peace process. It will isolate them and force them to become more dependent on Hamas and their extremist supporters. This is not in our interest.

Madam Speaker, it is clear that the purpose of our every response to the Hamas electoral victory and to the fact that it now controls the Palestinian Authority must be (i) to deny any form of direct assistance until Hamas renounces its terrorist traditions and policy, (ii) to assist in the delivery of humanitarian aid and relief to the Palestinian people, and (iii) at least for as long as Hamas does not actively engage in or support violence, to refrain from any actions that will deepen the divide between the Palestinian people and this country, thereby allowing some room for progress to occur. The bill under consideration fails to meet two of these criteria. For these reasons, I will not support it.

PALESTINIAN ANTI-TERRORISM ACT OF 2006

SPEECH OF

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. AL GREEN of Texas. Madam Speaker, I rise in support of H.R. 4681, The Palestinian Anti-Terrorism Act of 2006. This legislation promotes the development of democratic institutions in areas under the administrative control of the Palestinian Authority. It comes at a time when the demand for responsible democratic leadership is needed more than ever before in the Middle East. I am proud that I was one of 295 members to co-sponsor this legislation, which would restrict aid to the Hamas-controlled Palestinian Authority until Hamas meets a series of conditions, including renouncing terrorism and accepting Israel's right to exist as a Jewish state.

This legislation explicitly states that it shall be U.S. policy that no U.S. Government officer or employee 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, until such organization recognizes Israel's right to exist, and renounces the use of terrorism. Additionally, any Palestinian government must recognize and accept all previous Israel-PLO agreements and understandings.

Having taken over the government of the Palestinian Authority, PA, Hamas has reiterated its commitment to violence and the destruction of Israel by endorsing suicide attacks on Israelis and appointing a man connected to the murder of Americans in Gaza as the new PA Interior Minister. Hamas' continued dedication to terrorism has already prompted the United States and its allies to end nearly all aid to the PA, with exceptions for humanitarian assistance. However, this bill permits certain assistance to Palestinian President Mahmoud Abbas in recognition of his commitment to a non-violent resolution of the Israeli-Palestinian conflict.

The internationally backed Roadmap for Peace requires that the Palestinian Authority launch ''sustained, targeted, and effective operations aimed at confronting all those engaged in terror.'' The Palestinian Authority cannot call for the destruction of Israel if it is ever to be a serious partner for peace.

Finally, the members of the Palestinian Authority must assure us that they are focused on a better future for the Palestinian people and in order to do so, they must take steps to recognize Israel and its right to exist. The Palestinian Authority must be pressured to realize, that a government that fails to condemn terrorism, or, states its commitment to eliminate a fellow member of the community of nations is a government that cannot be considered a serious partner for peace.

I strongly encourage my colleagues, to vote in support of H.R. 4681, The Palestinian Anti-Terrorism Act of 2006.

PALESTINIAN ANTI-TERRORISM ACT OF 2006

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. STARK. Madam Speaker, I rise in opposition to H.R. 4681 because it inappropriately uses a blunt instrument to clumsily attempt to achieve Middle East peace. If this carelessly written and unnecessary legislation becomes law, it will set the Israeli-Palestinian peace process back further and result in additional Israeli and Palestinian deaths.

H.R. 4681 weakens moderate pro-peace Palestinians. This legislation does not discriminate in imposing sanctions against both Hamas and non-Hamas controlled elements and officials of the Palestinian Authority, PA. H.R. 4681 bans all aid to the Palestinian Legislative Council, PLC, and PA agencies and instrumentalities, including those not controlled by Hamas. Among the officials this bill prohibits from receiving assistance is Palestinian President Mahmoud Abbas, who has been instrumental in counterbalancing Hamas and working toward a peaceful solution to the Israeli-Palestinian conflict.

This legislation undermines diplomatic efforts to achieve a lasting peace in the Middle East. This bill prohibits all members of the PA regardless of their affiliation or non-affiliation with Hamas—from obtaining visas necessary for diplomatic travel. This ill-advised rule will prevent the United States from fully engaging and bolstering moderate Palestinian leaders who recognize and support peace with Israel.

Even as the United Nations reports of an impending humanitarian disaster in the West Bank and Gaza Strip, this bill imposes unnecessarily strict sanctions on providing aid to Palestinian groups and non-government organizations not affiliated with Hamas. Under this legislation, the Palestinian people could receive essential medicine, but funds for democracy assistance, economic development, and sanitation infrastructure would be prohibited. This legislation therefore makes more likely a humanitarian crisis that will increase support for extremism, thereby endangering Israel and further destabilizing the region.

H.R. 4681 also ties the President's hands in dealing with emergency security and humanitarian crises. The bill limits the President's

ability to waive financial sanctions and travel prohibitions. It onerously requires the President to obtain congressional approval for every waiver on a case-by-case basis, complicating and delaying an American response to, for example, new Palestinian elections or a natural disaster.

Moreover, this legislation is unnecessary. Current U.S. law already forbids members of Hamas and other foreign terrorist organizations from obtaining visas or having diplomatic relations with the United States. According to the Bush Administration, the executive branch already has ample authority to impose all of the bill's restrictions. It is a rare but notable occurrence for me to agree with this Administration.

While I believe, that America should not provide aid to Hamas, I oppose this bill's reckless approach to the Middle East peace process. I voted for S. Con. Res. 79, that states that the U.S. should not provide assistance directly to the PA if any representative political party holding a majority of parliamentary seats within the PA maintains a position calling for the destruction of Israel. Unlike the bill before us today, however, that resolution provided the executive branch the flexibility necessary to work with moderate Palestinian groups and permitted foreign aid to go to nongovernmental organizations.

I urge my colleagues to vote against this harmful legislation and to consider a more thoughtful approach to achieving peace in the Middle East.

IN RECOGNITION OF THE BROWARD COUNTY 23RD ANNUAL SENIOR HALL OF FAME BREAKFAST

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. SHAW. Mr. Speaker, on Thursday, May 25, 2006, 11 outstanding Broward elders will be honored at the Annual Senior Hall of Fame Breakfast. These 11 seniors being honored have volunteered in their communities and have contributed countless hours to helping others. Their outstanding character and compassion have truly set them apart. Those being honored are Judith Armstrong, Frieda Kramer, Reverend James Gooden, Helen Landers, Marie Long, Robert Millikan, June Sragow, Shirley Strassler, Jean Thompson, Mayor Joe Varsallone and Sunny Wein.

Judith Armstrong of Fort Lauderdale volunteers with the MediVan Health and Community Services' MediVan Project, providing critically needed primary medical care and prescription medicines to Broward's uninsured, low-income, elderly community. Ms. Armstrong is active on many different senior committees and manages multiple worthwhile projects, making her an incredible asset to the community of Fort Lauderdale.

Frieda Kramer of Coral Springs has dedicated over 20 years of service as a volunteer. She worked as a Medicare counselor with the Jewish Family Service at the Coral Springs Medical Center and with the SHINE (Serving Health Insurance Needs of Elders) Program as a counselor. Frieda's dedication to helping the elderly with Medicare and medical needs goes above and beyond the call of duty. Her contributions of time, talent and energy have inspired all.

Reverend James Gooden of Fort Lauderdale has contributed countless hours to the Broward Schools Bi-racial Committee, the City of Fort Lauderdale Redevelopment Committee, and the Planning Committee for the North Broward Hospital District's Seventh Avenue Family Health Center. Reverend James Gooden is truly dedicated to helping those less fortunate and his love for humanity is demonstrated through all of his actions.

Helen Landers of Fort Lauderdale has dedicated her life's work to improving the status of women in our Nation's history. As chair of the Florida Education and Employment Council for Women and Girls, Ms. Landers has helped improved the status of all females. She is not only an outstanding advocate for women, but also for the environment. Ms. Landers is a Florida and Broward County Women's Hall of Fame Award Member and a valued historian.

Marie Long of Coral Springs is a very youthful 90-year-old volunteer at the Coral Springs Medical Center. Ms. Long has totaled more than 8,000 volunteer hours and has assisted her community through her passion for the latest computer technology. Marie's positive outlook and motivation support her life motto, "Youth is in the mind, not the age." These words come from an inspirational and well respected lady who leaves a legacy everyday in her community.

Robert Millikan of Coconut Creek is the face of the Breakfast Club at the Northwest Focal Point Senior Center. The center is a congregate lunch site, however, thanks to Robert participants have enjoyed breakfast, as well, for 8 years. Robert is beloved by both seniors and staff for his humble service and friendship. His kind heart has been a gift to everyone who has known him.

June Sragow of Hollywood is a retired educator who devotes her time and teaching skills to improving the lives of her peers. For over 8 years she has volunteered at Southeast Focal Point Senior Center teaching American History and Current Affairs, as well as tutoring non-English speaking seniors in the English language. June devotes her free time to Hospice of Southeast Florida. June's enthusiasm and desire to give back are evident by her visible presence in the community.

Shirley Strassler of Tamarac recently celebrated her 96th birthday, making her the hardest and oldest working volunteer. Ms. Strassler averages over 300 hours of service a year. Her work has involved: collecting canned goods, shopping for food and getting clothing to those in need during the holidays, and helping the senior program with various activities. Shirley won Volunteer of the Month in January 2003 for her outstanding dedication and inspiration to South Floridians she has touched along the way.

Jean Thompson of Fort Lauderdale has given countless hours of her time, since 1982, serving the less fortunate and homeless. Jean volunteers her time providing food, clothing, and medical supplies to the homeless of all ages. Jean has given hope to those who have lost their way and changes lives with her unconditional love.

Joe Varsallone of Margate has diligently served the city of Margate as mayor, vice mayor, and commissioner for more than 20 years. Mayor Varsallone continues to assure that the needs of Broward's senior population are met by voting to appropriate funding to the Aging and Disability Resource Center. Joe Varsallone's generosity and grand presence within the community gives Broward County seniors the ability to live in their accustomed environments, without losing their independence.

Sunny Wein of Tamarac has volunteered with the city of Tamarac for approximately 26 years. Ms. Wein began calling and coordinating volunteer drivers to pick up elderly residents for medical and shopping appointments. She also assisted Hall of Famer Helen Sobel in collecting clothing, food and other items for needy families in Tamarc. Sunny is a hard working, dedicated volunteer who loves interacting with people and enjoys helping others.

Mr. Speaker, I would like to again congratulate these 11 outstanding Broward County citizens who are being honored at the Annual Senior Hall of Fame, and thank them for their years of service to their fellow Floridians.

PALESTINIAN ANTI-TERRORISM ACT OF 2006

SPEECH OF

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. BLUNT. Madam Speaker, I would like to thank my friend from Florida, ILEANA ROS-LEHTINEN, for bringing this legislation to the floor. I would also like to thank my other friends, Chairman HENRY HYDE and TOM LANTOS, for their hard work on this bill.

As many of my colleagues have already stated, the need for this bill could not be clearer. In January of this year, the people of the Palestinian Authority elected Hamas, a terrorist entity with decades of experience in killing and maiming Jews, to govern the Palestinian Authority. When we pass this bill, the United States House of Representatives will tell the world that no terrorist organization can expect any support from the American taxpayer.

Some of my colleagues have complained that existing U.S. laws already provide the tools needed to combat Hamas effectively. But the fact is that none of us, during the process of passing those laws already on the books, believed that Hamas, one of the most dangerous groups in the world, would actually seize the reins of power in the Palestinian Authority. The Palestinians must understand that American assistance to others is not an entitlement.

I trust President Bush's instincts on his commitment to Israel. I view this bill as supporting those instincts. I believe, as the President does, that the Hamas government must either completely change its view of Israel and the existence of the Jewish state, or it must fail. Today, the House is acting to say this: Until Hamas changes or it is relieved of its authority to govern by the Palestinian people, American taxpayer dollars will not be used to support it either directly or indirectly. No general waiver authority is needed, in my opinion, to advance this goal.

Of course none of us here want to see the Palestinian people suffer needlessly. This bill does not cut off the stream of humanitarian

funding that some Palestinians unfortunately rely on to survive. But none of us here want to see the Israeli people suffer either. Hamas wants to and will take every opportunity to kill Israelis and Jews of other nationalities. It says so in their charter. And it was demonstrated just weeks ago in the bombing of a Tel Aviv restaurant, in which a close relative of my good friend ERIC CANTOR was murdered.

Leading the world by example is not easy, Mr. Speaker. It requires hard choices, it requires moral courage, and it requires standing on principle. Some of our closest friends overseas may try to take the easy way out by offering incentives to an unreformed Hamas government. But today the House stands with Israel, as we always have, against terrorism. We encourage the Administration to stand firm; and today we give them legislation to help them do just that. I look forward to working with colleagues from the Senate to get this bill to the President's desk. I urge my colleagues to vote yes on H.R. 4681.

PERSONAL EXPLANATION

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. KOLBE. Mr. Speaker, yesterday, I missed the following votes because I was traveling on a congressional delegation to Egypt: S. 1235, on the motion to suspend the rules and pass the Veterans' Benefits Improvement Act, as amended (No. 177). Had I been present, I would have voted ''aye.'' H.R. 3858, on the motion to suspend the rules and pass the Pets Evacuation and Transportation Standards Act (No. 178). Had I been present, I would have voted ''aye.''

PERSONAL EXPLANATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. OXLEY. Mr. Speaker, I was absent from the House floor during yesterday's rollcall votes on S. 1235, the Veterans Benefits Improvement Act, and H.R. 3858, the Pets Evacuation and Transportation Standards Act.

Had I been present, I would have voted in favor of both bills.

LOUISIANA SCHOOL RECEIVES NATIONAL AWARD

HON. BOBBY JINDAL

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. JINDAL. Mr. Speaker, recently more than 1,200 students from across the country participated in the national finals competition of We the People: The Citizen and the Constitution. This is one of the most extensive educational programs in the country developed specifically to educate young men and women about the U.S. Constitution and Bill of Rights. The program is administered by the Center for Civic Education and funded by the U.S. Department of Education. It is my distinct pleasure to announce the competition's Unit 5 Award winner: Grace King High School from Metairie, LA.

The national finals are an arduous 3-day academic competition that simulates a congressional hearing in which the students testify before a panel of judges on constitutional topics. Students from many schools demonstrate their knowledge and understanding of constitutional principles as they evaluate, take, and defend positions on relevant historical and contemporary issues. This year's winner, Grace King High School, is an educational institution known for high standards of academic achievement that has produced many talented students. The winners of this competition have proven through their hard work and meticulous study of our Constitution that they are no exception.

Mr. Speaker, the names of these outstanding students from Grace King High School are as follows:

Aaron Baer-Harsha, Patrick Berrigan, Jaime Bruno, Lily Chen, Caitlyn Clarke, Paulius Donauskas, Janice Fan, Rebecca Felix, Jeremy Finnegan, Alice Ho, Tony Huang, Thomas Lambert, Krysten Le, Donald Leverson, Ali Mahbod, Elise Murphy-Mejia, Jacob O'Neil, Sean Olsen, Veronica Oro, Anna Plaksiy, Rachelle Ross, Olivia Saito, Sara Sands, and Murielle Telio.

I also wish to commend Jamie Staub, the teacher who was responsible for preparing the student class for the national finals competition. Also worthy of special recognition is John Alexander, the State coordinator, who is among those responsible for implementing the program in my district.

Mr. Speaker and my colleagues in the House, please join me in congratulating these young constitutional experts from Louisiana for their outstanding achievement.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. OWENS. Mr. Speaker, I was absent on Monday, May 22, 2006, due to unavoidable circumstances in my congressional district. Had I been present, I would have voted ''yea'' to S. 1235—The Veteran's Benefits Improvement Act of 2005 and ''yea'' to H.R. 3858—The Pets Evacuation and Transportation Standards Act of 2005.

PALESTINIAN ANTI-TERRORISM ACT OF 2006

SPEECH OF

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. GEORGE MILLER of California. Madam Speaker, the January victory of Hamas in parliamentary elections in the Palestinian territories was a shock to observers worldwide and to the many of us in the United States and abroad who have repudiated violence between the Palestinians and the Jews and have repudiated attacks on the state of Israel.

The election was a shock to the peace efforts in the Middle East because its outcome resulted in the Palestinian government being controlled by a party that was legitimately elected by the voters of the Palestinian territories but that also is a party that sponsors terrorist acts against the Israeli-people and whose doctrine is based upon the notion that the existence of Israel is an affront to Islam.

For there to be any progress towards peace under a Hamas-led Palestinian government, Hamas must immediately acknowledge Israel's right to exist; uphold all previous agreements including the Roadmap for Peace; rid itself of all terrorist ties and dismantle its terrorist infrastructure; ensure the continuation of democratic institutions; and how fiscal transparency. If they do not, Hamas cannot expect the support and recognition of the United States and other governments.

However, any actions carried out by the U.S. Government against Hamas must address Hamas specifically and not the Palestinian people generally and must not undermine our goals in the Middle East. The bill being voted on today by the House would undermine the U.S. Government's ability to further the peace process and it would clearly hurt the Palestinian people. It could also lead to chaos in the Palestinian territories, which would be counter to both American and Israeli interests.

I am not alone in saying that denying all aid, except in the most isolated of instances, to the Palestinian people runs counter to both American and Israeli security interests. If we provoke a humanitarian crisis there, it may very well lead to the collapse of the Hamas government but not without potentially severe costs to both law abiding Palestinians and the peace process at the same time. And it could also erode civil order.

We do not and must not ever support terrorists in the Palestinian government. However, the United States must continue to support programs providing the Palestinian people's basic needs such as food, water and medicine; programs supporting democracy, human rights, freedom of the press and non-violence; as well as peaceful co-existence with Israel.

That is why I voted against H.R. 4681. The United States has already cut off direct aid to the Hamas government. This bill would not have brought additional penalties directly to Hamas. That objective has already been achieved. But it would penalize the Palestinian people and greatly limit the Administration's diplomatic options in pursuing peace between Israel and the Palestinians.

I hope that a conference committee with the Senate might produce legislation that addresses my concerns and the concerns of my other colleagues and of many well-regarded organizations and individuals who are deeply pro-Israel and who are great supporters of humanitarian efforts in the Middle East. I look forward to being able to support a revised bill that will send the proper message to Hamas that its violence toward Israel will never be supported and to the Palestinian people that the United States stands ready to work with them to resolve this most difficult and important conflict in peace.

RECOGNIZING THE LEAGUE OF WOMEN VOTERS OF HUMBOLDT COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of the 50th anniversary of the League of Women Voters of Humboldt County, California.

The League of Women Voters is a nonpartisan political organization that has worked since 1920 to improve our governmental systems and impact public policies through citizen education and advocacy. A grassroots organization, working at the national, State and local levels, the League's enduring vitality is a testament to its member's commitment to their communities.

The League of Women Voters of Eureka, California was organized in 1956, and in 1981 became the League of Women Voters of Humboldt County. It has influenced public policy through education and advocacy including supporting local efforts to increase affordable housing and the development and maintenance of a high quality public education system. Additionally the League has advocated for responsible stewardship of the Humboldt Bay and has aided in improving public library facilities in the Humboldt County Library District.

From its inception the League of Women Voters of Humboldt County has provided a comprehensive nonpartisan Voter Service program to the public, including live and televised candidate forums, printed information concerning State ballot measures, voter registration booths and online resources. Since 1980 the League has published and updated "A Citizen's Guide to County Government," an excellent source of current information about local government, distributed to the public free of charge.

Since 1992 the League of Women Voters of Humboldt County has honored 18 individuals and 8 organizations at its State of the Community Luncheon, with Civic Contribution Awards for the recipients' efforts in making democracy work in Humboldt County.

The League of Women Voters of Humboldt County is committed to the mission of encouraging the informed and active participation of citizens in government and has declared 2006 "The Year of the Voter" to commemorate the 50th anniversary of the organization's existence.

Mr. Speaker, it is appropriate at this time that we recognize and commend the League of Women Voters of Humboldt County on the occasion of its 50th anniversary.

IN HONOR OF THE JOURNEY FOR FREEDOM RIDE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of our U.S. Veterans and the men and women motorcyclists of America, many of whom are veterans, whose ride across America in support of our troops overseas and in honor of the service and sacrifice of our U.S. Veterans, is reflected in the rumbling wave of bikes soaring across the highways of America's heartland, echoing the universal sound of freedom, support, unity and peace.

The "Journey For Freedom Ride" began on May 17, 2006 in Tacoma, Washington, and will end in a celebration of nearly half a million riders just outside Washington, DC, on May 26. Conceived by U.S. Veterans and organized by Harley Davidson enthusiast and entrepreneur Dan Harris, founder of Global Biker Films, the "Journey For Freedom Ride" is supported by Harley Davidson Dealerships throughout the Nation, veterans groups and private businesses. The mission of the Ride is as simple and powerful as taking to the open road: To support our enlisted military women and men around the world, until they come home safely; and to ride in tribute of our veterans, especially those who've made the ultimate sacrifice on behalf of our entire Nation.

The "Journey For Freedom Ride" will be captured on film and sent overseas for free distribution to our troops. Global Biker Films is also planning the establishment of the "Journey for Freedom Foundation," an initiative that will provide college scholarships to the loved ones of our fallen servicemen and servicewomen. On May 25, 2006, the band of American freedom riders will roll into Cleveland, Ohio, at the Harley Davidson Sales Company, located on Lorain Avenue. Company owner Dan Schmidt and General Manager Joe Cervelli have offered a warm welcome to the freedom riders and veterans from our community and from the across the country.

Mr. Speaker and colleagues, please join me in honor and recognition of the riders and organizers of the "Journey For Freedom Ride." Their volunteer journey of support will serve to honor our veterans and active military personnel as they rocket down the highways of America, the chrome soul of our Nation shining like a beacon of hope, roaring with the wind, blue sky, and rolling highways, and held aloft by a spirit of unity, freedom and the endless quest for peace, here at home and around the world. Ride on.

CHILDREN'S TRANSPLANT CENTER OF PITTSBURGH CELEBRATES 25 YEARS

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. DOYLE. Mr. Speaker, I rise today to inform my colleagues in the House that June 3 will mark the 25th anniversary of the Children's Transplant Center at the Children's Hospital of Pittsburgh.

The Children's Transplant Center was the first pediatric transplant center in the entire Nation when it was established in 1981. For 25 years, the unprecedented efforts of the surgeons and staff at the Center have continually raised the bar for pediatric transplant surgery and recovery, both nationally and around the globe.

Twenty-five years after the establishment of the Children's Transplant Center under the guidance of transplant pioneer Thomas E. Starzl, MD, PhD, the Children's Hospital of Pittsburgh today is widely recognized as a leader in developing strategies to manage organ rejection. From the first and most successful series of small intestine transplants to its breakthrough work in pediatric multi-organ transplants, Children's has repeatedly achieved major advances in the operating room and laboratory.

I commend the Children's Hospital of Pittsburgh for its commitment to taking on the most challenging and difficult cases—which, by the way, has not prevented its dedicated and hard-working doctors and staff from achieving survival rates that repeatedly exceed national and international averages. I am so very proud to say that these people are the caregivers for my young constituents and for desperately sick children from around the world.

I want to extend my warmest congratulations to the Children's Transplant Center, the Children's Hospital of Pittsburgh, and all of the surgeons and staff that are part of the Center and wish them continued success in the future.

PALESTINIAN ANTI-TERRORISM ACT OF 2006

SPEECH OF

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. HIGGINS. Madam Speaker, I rise in support of H.R. 4681, the Palestinian Anti-Terrorism Act, PATA, which passed the House earlier today. PATA denies all direct aid to the Hamas-run Palestinian Authority until it renounces violence and recognizes Israel's right to exist.

Hamas is a terrorist organization responsible for killing hundreds of innocent men and women, including over two dozen Americans. In fact, in April, a suicide bomber killed 9 and injured over 60 civilians in Tel Aviv, but Hamas has not disavowed the act nor denied complicity.

If Hamas will not agree to fight terrorism, recognize Israel's right to exist as a Jewish state, or accept previous agreements between the Palestinian Authority and Israel, then Hamas is not a partner of the United States, let alone a partner worthy of funding from American taxpayers' hard earned dollars.

Madam Speaker, let me be clear, no one wishes to harm Palestinians or to deny them humanitarian aid. In fact, this bill ensures that humanitarian aid is still able to reach the Palestinian people, while keeping taxpayer dollars out of the hands of terrorists. Unfortunately, since its election 3 months ago, Hamas has consistently made a choice; faced with the option of peace, negotiation, and a path forward, or continued violence and the status quo, Hamas has chosen the latter. As long as Hamas continues to make that decision, the United States and her allies will continue to isolate Rarnas and to deny funding to a terrorist group.

I appreciate that so many of my colleagues share my support for PATA.

TRIBUTE TO THE 14TH AIR SERVICE GROUP AND THE 987TH SIGNAL COMPANY, U.S. ARMY

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. WU. Mr. Speaker, as we celebrate Memorial Day, a day to remember those who have given their lives to preserve democracy in this great Nation, I rise today to honor the heroes of the 14th Air Service Group and the 987th Signal Company of the United States Army. These two units represent the only all-Chinese American units serving in World War II.

Chinese-American servicemembers of World War II primarily served in integrated units, in every branch of the military, and in every theater of war, including Europe, the South Pacific, the North Atlantic, and the China Burma India Theater. The members of the 14th Air Service Group and the 987th Signal Company were exceptions. Serving in segregated units, with a mix of White and Chinese-American officers, they were organized for service in China as part of a war aid package for Chiang Kai-Shek's Chinese Nationalist Government.

Several surviving members of these two units are visiting Washington this week to commemorate Memorial Day, but also to share with me their stories. Both on and off the battlefield, their life histories are a part of our Nation's fabric.

Like all of those who served, these units performed an invaluable service to this country on the battlefield. Under difficult circumstances, these units supported the aerial operations in China and enhanced communications between American and Chinese military organizations, contributing to the Allied victory in World War II.

Off the battlefield, these units and their families represent Chinese America in the 1940's. Half were American born and half were immigrants from Hong Kong and China, some as young as high school and others as old as 36 years of age leaving behind families and established businesses and careers. None foresaw leaving what had become home, returning to the country from which they came and joining a fight to protect the freedoms of their new life in America.

To the members of the 14th Air Service Group and the 987th Signal Company, I thank you for your sacrifice, steadfast bravery and love of country and for coming to share your story.

I extend my deepest gratitude to those of the 14th Air Service Group and the 987th Signal Company who did not return home or who are not with us still today. Their memories will live on through us and all servicemembers who have or will answer the call to serve. I call upon this Congress to join me today in thanking these great Americans.

TRIBUTE TO THE DES MOINES VALLEY HIGH SCHOOL 4 BY 400-METER RELAY TEAM

HON. LEONARD L. BOSWELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. BOSWELL. Mr. Speaker, I rise today to recognize the outstanding results achieved by Iowa students at the Iowa High School State Track Meet held at Drake stadium in Des Moines this past weekend.

I congratulate the Des Moines Valley High School 4 by 400-meter relay team for topping a 36-year-old State record on Friday, May 19. The team of Bryan Collins, Zac Sandvig, Ryan Keairnes, and Brandon McSkimming set the new record finish in 3 minutes 13.8 seconds, crushing the old record of 3 minutes 16.6 seconds. I am proud to say this time is the fifth best high school mark in the Nation for 2006.

Special recognition. also needs to go to Brooke Dinsdale from North Tama High School. Brooke, a sophomore from Traer, broke the State's 25-year-old 800 meter record in 2 minutes 9.6 seconds. Only one high school girl in the United States has run a faster 800 meter race this season.

Mr. Speaker, I am extremely proud of the athletic and academic excellence of these young people from my district. Perhaps Paul "Bear" Bryant, the late, great coach of the Alabama Crimson Tide football team said it best: "If you believe in yourself, have dedication and pride, and never quit, you'll be a winner. The price of victory is high, but so are the rewards." These students have felt victory on the track, and I am confident they will continue to feel victory as they go through life.

PALESTINIAN ANTI-TERRORISM ACT OF 2006

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. UDALL of New Mexico. Madam Speaker, I strongly oppose the manner in which H.R. 4681 was brought to the floor of the House. To bring a bill of this importance up under suspension of the rules, without the opportunity for amendment or full debate, was an unfortunate decision and is a bad way for this body to be legislating. The process should be open, with every chance for members to deliberate and offer substantive and positive change to what is a very complex bill.

H.R. 4681 is well-meaning legislation. Unfortunately, it implements a foreign policy that could potentially reduce future diplomatic options for the U.S. Department of State. While the legislation should specifically target the terrorist group Hamas, it unnecessarily includes nearly all members of the Palestinian Authority—PA—Government, and will punish the entire Palestinian people.

There is no doubt that Hamas firmly believes in terrorism as a means to achieve their goals. The U.S. must continue to denounce the group's ideology. However, H.R. 4681 includes provisions which I believe will make it even more difficult for the PA to find its way back to the roadmap and to achieve peace. This includes expecting Hamas to reach specific benchmarks—benchmarks that no other PA government has been able to achieve—before receiving aid from the U.S. It includes expanding travel restriction and economic sanctions to include all members of the PA Government and all Palestinians, not simply those who are members of Hamas. Also, it includes no national security waiver which would allow the President the flexibility he needs to diplomatically deal with the situation.

Madam Speaker, this legislation is opposed by many non-governmental organizations, including those who are providing health, education, and humanitarian aid throughout the Middle East. It is also opposed by the Bush administration, which believes the legislation to be unnecessary. U.S. Secretary of State Rice has repeatedly spoken of the need for the U.S. to do all it can to be a leader in promoting peace in the Middle East, and she believes that this legislation is not the appropriate way in which to continue that leadership. This opposition from the very individual who is implementing and creating U.S. foreign policy should give us pause, and should give us even more reason not to be bringing this legislation up under suspension.

There is no question that the terrorist actions of Hamas necessitate action by the U.S. and that every Member of this body opposes Hamas. With passage of H.R. 4681, and passage of similar legislation in the Senate, I hope that a conference report takes into account all of the concerns that have been raised and substantively alters the content within this bill to ensure the Palestinian people do not unnecessarily suffer. We must enact smart foreign policy that is strong enough to bring about change, but which does not tie the hands of the President or marginalize moderate Palestinians who desire positive change.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained on May 18, 2006 and missed rollcall vote 172, H.R. 5386. Had I been present, I would have voted "aye" for 172.

TRIBUTE TO CYNTHIA WONG

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Cynthia Wong who recently passed away. Ms. Wong served as a Pacoima middle-school librarian since 1994 and was an active member and officer of several professional organizations, including the California School Library Association.

Ms. Wong possessed an enormous passion for books and through this passion inspired many students. The hard work she put in as a Pacoima librarian has paid many dividends to the community. She was known to engage students through her bookmark and reading

contests and would spend many hours of her own time planning and leading district workshops.

Ms. Wong's work has been so important to the community that her fellow staff members, along with her students, have decided to honor her through the dedication of a Professional Research Center and a Memorial Reading Garden. Both the center and the garden will be built next to the library that Ms. Wong loved for 12 years.

It is my distinct pleasure to ask my colleagues to join with me in saluting Ms. Wong for her outstanding achievements. She was an amazing person and her memory will live on through the Cynthia Wong Research Center and Reading Garden and through the many lives she touched.

CONGRATULATIONS TO MAXINE JAMES, ESSEX COUNTY HALL OF FAME INDUCTEE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. PAYNE. Mr. Speaker, it is with a great deal of pleasure that I ask my colleagues here in the U.S. House of Representatives to join me as I rise to congratulate my Chief of Staff, Ms. Maxine James, on her induction into the Essex County Hall of Fame. This is a well-deserved honor for Ms. James, as she has been a positive force for the betterment of Essex County for many years.

Fortunately for me and the residents of Essex County, Ms. James has always been strongly committed to meeting the needs of her community. It was through her vision and insight that some of the finest public servants in Essex County have been drawn into government service. She has also been responsible for helping to establish long-term, beneficial programs in the County, including the Newark Emergency Services for Families (NESF). NESF provides a life-line for residents of Newark and Essex County who are facing challenging situations including homelessness, a lack of heat, or the need for food to feed their families. She has contributed her time and talent to numerous community-based organizations over the years.

Throughout my years as an elected official, Ms. James has been a staunch supporter, friend and confidante. She is a true professional with a creative genius that has garnered many friends from all walks of life. Before my election to Congress, I had the privilege of working with Ms. James at Prudential Insurance Company in Newark, where she impressed me with her enormous energy, intelligence and tenacity. During my tenure on the Essex County Board of Chosen Freeholders, Maxine generously volunteered her services on several committees doing work to benefit the local community.

When I was elected to the office of Newark Municipal Council in the early 1980's, Maxine joined my team and did an excellent job running my office and providing assistance to the residents of the South Ward over the course of 7 years. In 1988, upon my election to Congress, I selected Ms. James to be my Chief of Staff, and she continues in that role today. Her loyalty is admirable and her dedication is unparalleled. She is indeed "one of a kind" and it is my good fortune to have benefited from that distinction.

Ms. James is the mother of two children, Chris and Brian, and the proud grandmother of two, Olivia and Malcolm.

Mr. Speaker, I know my colleagues join me in extending best wishes to Ms. Maxine James as she is inducted into the Essex County Hall of Fame. I am pleased to congratulate her on this very special award and wish her all the best as she continues her public service.

TRIBUTE TO MR. JOEL M. CARP

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to Mr. Joel M. Carp who will soon retire from the Jewish Federation of Metropolitan Chicago after 28 years of service to that organization. Through the Jewish Federation, Mr. Carp has supported the organization's goals of supporting local, national and international services in regards to human welfare.

Mr. Carp is an advocate for sound public social policy and has written over 30 articles pertaining to social work, social planning and refugee resettlement. Throughout his career, Mr. Carp has collaborated with the City of Chicago Mayor's Task Force on issues from hunger to homelessness. Additionally, Mr. Carp was appointed to work with the City of Chicago on welfare reform.

Previous to his work with the Jewish Federation, Mr. Carp devoted 20 years to the Jewish Community Field Center. Mr. Carp has worked in partnership with various organizations such as HIAS, NYANA and OMB Watch to champion for societal improvements. Moreover, Mr. Carp taught as a social work field-Professor at various universities in their graduate programs.

Mr. Carp is a man of integrity who keeps his word. At the request of my Chief of Staff Richard Boykin and Craig Roberts, Chief of Staff for Representative JOHN SHIMKUS, Mr. Carp organized an Illinois Chiefs of Staff delegation to visit Israel. During the visit, the Illinois Chiefs of Staff learned many interesting things about Israel and had the good fortune of meeting with the current Prime Minister Ehud Olmert.

Mr. Carp is highly esteemed for his social policy work and was recently presented with the Melvin A. Block Award for Professional Distinction. Mr. Carp is a pride to the Chicago community and his many years of work are incredibly appreciated. Mr. Speaker and my colleagues, please join with me and the residents of the Seventh Congressional District in saluting Mr. Carp for his achievements in the Jewish community, the Chicago-land area and the United States.

PALESTINIAN ANTI-TERRORISM ACT OF 2006

SPEECH OF

HON. JIM MARSHALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. MARSHALL. Madam Speaker, I plan to publish additional thoughts elsewhere about why I voted against H.R. 4681, The Palestinian Anti-Terrorism Act of 2006. I expect to be joined in these thoughts by Dr. Bruce Hoffman, a world renowned expert on the subject of terrorism. For now, however, let me simply offer the following brief observations for today's RECORD, particularly because my vote so angered a valued colleague of mine.

In my view, H.R. 4681 passed the House by an overwhelming majority earlier today because my colleagues seek the end of violent jihadist terrorism and are committed to protecting Israel and its citizens. As my words, votes and actions consistently show, I strongly share these objectives. But at this juncture, I would try a different strategy to attain them.

The storied Archibald Wavell, then a young British officer who had served on Allenby's staff in Palestine, offered this prescient bit of irony about the treaties ending World War I: "After the 'war to end war' they seem to have been pretty successful in Paris at making a 'peace to end peace'." That his prediction has come true thus far is of grave concern to the United States and Israel, two fast allies facing violent jihadist enemies with access to ever more sophisticated killing technology. Somehow we must break the cycle of hatred and violence.

Though facially counterintuitive given its history of hatred and violence, I believe Hamas' victory in the Palestinian elections offers a rare, if slim, opportunity to break this cycle, an opportunity well worth exploring given the enormous stakes and intractable nature of the problem. Unfortunately H.R. 4681 squanders that opportunity by rushing to judgment about the added danger of Hamas as a majority legislative party and by merely continuing strategies that have failed for decades to secure a lasting peace. It and the economic embargo already undertaken by Israel and the United States are apt to further radicalize the Palestinian population (and the Arab world generally), accelerating and extending the cycle of violence and broadening the opportunity for Al Qaeda in Palestine.

Hamas, in the short run, cannot credibly agree to the three preconditions set in H.R. 4681. But it can agree to a cessation of violence while diplomacy progresses. With luck, time and diplomatic skill, that might lead to a peace agreement accepted by Hamas and, hence, worth something more than the paper evidencing it. Palestinian Prime Minister Ismail Haniyah has said that Hamas could redefine its position if doing so would further the interests of the Palestinian people. And polls consistently show a majority of Palestinians will accept a two state solution and recognition of Israel.

Hamas now enjoys Ariel Sharon-like strength and credibility among Arabs and Palestinians. No question its election victory at least calls for extra vigilance and caution from Israel and the West. It has committed acts of terrorism which all decent people condemn in

the strongest terms. But Hamas, given time to change and adjust, may have the strength and credibility to break the cycle of hatred and violence on behalf of those it now represents, the Palestinian people. After all, Sharon changed. And who but Sharon could have accomplished the withdrawal from Gaza?

I understand a number of my colleagues voted against H.R. 4681 for humanitarian reasons. These are certainly compelling, but I agree with the vast majority of my colleagues that such issues must take a back seat to the fundamental, long term security issues presented by the Hamas electoral victory. My ''no'' vote is quite narrowly based. I think this situation calls for time and diplomacy. H.R. 4681 offers neither and evidences, yet again, why Congress should not be conducting our foreign policy.

PERSONAL EXPLANATION

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. STUPAK. Mr. Speaker, last week I could not be present for votes on May 17–19 due to my son's graduation from a California law school.

If I had been present on May 17, I would have voted ''no'' on amendments to the Forest Emergency Recovery and Research Act, H.R. 4200 (rollcall votes 147, 148, 149, and 150). As a cosponsor of H.R. 4200, I would have voted ''yes'' on final passage of the bill (rollcall vote 151).

I would have voted ''no'' on the Marshall Rule to consider the budget (rollcall vote 152), ''no'' on the previous question (rollcall vote 153), and ''no'' on the rule to consider the Republican budget (rollcall vote 154). I would have voted ''no'' on the Watt Substitute (rollcall vote 155).

On May 18, I would have voted ''no'' on the Hensarling Substitute (rollcall vote 156).

I would have voted ''yes'' on the Spratt Democratic Substitute, which would have accumulated smaller deficits and less debt than the Republican budget, provided $6.5 billion more for Homeland Security and $8.6 billion more for veterans' health care over the next five years. In addition the substitute, would have provided $150 billion for middle class tax relief such as child tax credit, marriage penalty, and extension of 10% tax bracket (rollcall vote 157).

I would have voted ''no'' on final passage of the irresponsible Republican budget, which passed 218–210 (rollcall vote 158).

I would have voted ''yes'' on H. Res. 740, calling on the Government of the United Kingdom to immediately establish a full, independent public judicial inquiry into the murder of Northern Ireland defense attorney Pat Finucane (rollcall vote 159).

I would have voted against the previous question and rule to consider the Interior Appropriations bill (rollcall votes 160 and 161).

I would have voted for H. Res. 795, which condemns the terrorist attacks in Dahab and Northern Sinai, Egypt (rollcall vote 162).

I would have voted for the Weiner Amendment to reopen the Statue of Liberty to the public, which passed 266–152 (rollcall vote 163). I would have voted ''no'' on the Poe Amendment to open the outer continental shelf to oil and natural gas drilling (rollcall vote 164). I would have voted for the Pallone Amendment to prohibit the EPA from finalizing changes to the Toxins Release Inventory, which collects and reports information on toxic substances (rollcall vote 165). I would have voted ''no'' on the Beauprez Amendment (rollcall vote 166). I would have voted ''yes'' on the Hinchey Amendment, which would require that any new leases for offshore oil and gas drilling include royalty payments if the price of oil or gas is over a certain threshold (rollcall vote 167).

I would have voted against the Chabot Amendment, which would prohibit funds for new logging roads in the Tongass National Forest in Alaska (rollcall vote 168).

I would have voted for the Oberstar Amendment to prohibit the EPA from enforcing guidelines set 3 years ago that significantly limit the applicability of the Clean Water Act to streams, ponds, and wetlands (rollcall vote 169).

I would have voted ''yes'' on the Putnam/Capps amendment to reinstate the bipartisan moratorium on drilling in the Outer Continental Shelf (rollcall vote 170).

I would have voted ''no'' on the Hefley Amendment, which would provide a one percent across-the-board cut to all programs funded in the Interior Appropriations bill (rollcall vote 171).

I would have voted for final passage of the Interior Appropriations bill given the significant improvements made to the bill by the passage of the Hinchey, Oberstar, and Putnam/Capps amendments (rollcall vote 172).

On May 19, I would have voted ''no'' on the Previous Question and passage of the rule for consideration of the Military Construction and Quality of Life Appropriations bill (rollcall votes 173 and 174). I would have voted ''no'' on the Blumenauer Amendment which would have cut $440 million from the BRAC Base Closure account (rollcall vote 175).

I would have voted for final passage of the Military Construction and Quality of Life Appropriations bill (rollcall vote 176).

JEWISH AMERICAN HERITAGE MONTH

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. WAXMAN. Mr. Speaker, it is an honor and pleasure to rise in recognition of Jewish American Heritage Month, which was inaugurated this year to be celebrated annually during the month of May.

Jewish American Heritage Month is a special opportunity to celebrate Judaism not only as a religion, but a culture that is rich in history, tradition, and flavor. The American Jewish Community has made significant contributions to our society and has helped weave the fabric of American life.

In 1833, it was a Jewish immigrant, Emma Lazarus, who composed the poem ''The New Colossus'' as part of a fundraising campaign to erect the Statue of Liberty. The monument was later inscribed with her words, ''Give me your tired, your poor, your huddled masses yearning to breathe free.'' These words have come to symbolize America's role as a haven for all who seek opportunities and freedom from persecution, including hundreds of thousands of Jewish immigrants who arrived at our shores.

My own grandparents came in the early 1900s from what is now Maldova after escaping hardship and pogroms. They settled in a working-class Jewish neighborhood in Los Angeles much like other communities that sprang up in major cities around the country. They lived amid a tight-knit community of kosher butchers, synagogues, and Jewish businesses, where Yiddish was often heard on the streets.

Although sometimes criticized for their insularity, these ethnic neighborhoods epitomized the values of charity and community service, building a safety net long before Medicaid, Medicare and Social Security came into existence. In this regard, Jewish Los Angeles has an impressive history. The Jewish Family Service of Los Angeles (JFS), established in 1854, was one of the first umbrella organizations of its kind to support comprehensive support services like a food pantry, care for the elderly, and assistance for the unemployed.

The community in Los Angeles also earned distinction for its openness and diversity. A special milestone being celebrated in my district this year is the 100th anniversary of Sinai Temple, which is the oldest Conservative congregation west of the Mississippi. L.A. is now home to the University of Judaism, Hebrew Union College, and an array of synagogues and schools from all streams of Jewish religious practice.

Of course, Jewish Los Angeles is perhaps best recognized for the many Jewish entrepreneurs and entertainers who have taken on prominent roles as producers, actors, recording artists and media personalities. Jewish Americans also made their mark in education, science, economics, literature and many other arenas. More than a third of U.S. Nobel Prize winners in science or economics have been Jewish. There have been 18 Jewish Recipients of the Congressional Medal of Honor. While Jews in the United States have also suffered periods of discrimination and anti-Semitism, the community has persevered as a champion of civil rights, tolerance and religious freedom. It is often said that Jews living in America are freer, safer, and more prosperous than at any time or place in Jewish history.

One reason it is particularly fitting that this month has been chosen to honor Jewish American Heritage Month is that May 5th is the anniversary of the founding of the State of Israel. The United States was the first major country to officially recognize the fledgling Jewish State. Our relationship has been cemented through robust economic ties and strong military cooperation, and an enduring partnership based on democratic values.

Although Jews account for barely two percent of the population, there are today more Jews living in the United States than any other country outside of Israel. I welcome the designation of Jewish American Heritage Month and the opportunity for all Americans to learn about the contributions made by one of our nation's most vocal and vibrant minorities.

AGRICULTURE APPROPRIATIONS ACT FOR FISCAL YEAR 2007

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. HOLDEN. Mr. Chairman, I am greatly concerned about cuts that have been made to Farm Bill programs through this agriculture appropriations bill. I believe that using mandatory Farm Bill money to pay for an annual spending bill is unacceptable, and it's simply not fair to our farmers.

Appropriators and authorizers have long fought over mandatory and discretionary dollars; however, since 2004, we've seen a large increase in the amount of mandatory money used to pay for programs in the appropriations bill. We all worked very hard during the last Farm Bill. We agreed and put together a safety net for all farmers, and dedicated money to conservation, rural development, and other programs, but have since witnessed a significant portion of our annual funding be redirected.

With falling farm income because of higher energy and production costs, along with lower farm gate prices, now is the worst time to cut this funding for our agricultural producers. I'm worried about dropping the bottom out from underneath our agricultural producers and rural citizens through cuts to conservation and rural development programs, which have already taken disproportionate reductions in funding.

Conservation programs assist our farmers and ranchers in strengthening their environmental stewardship, which is so important for looking after land and water that we will pass on to our future generations. By investing in enhanced environmental protection of land and water, the public benefits from an overall improved quality of life; affordable food, cleaner, safer, and more dependable water supplies; reduced damages caused by floods and other natural disasters; abundant wildlife; scenic landscapes and an enhanced natural resource base. Cutting important conservation programs while we're facing a huge backlog of producers waiting to participate in these programs will hinder these efforts.

I am especially concerned about cuts to the Farm and Ranch Lands Protection program. Since 1996, the program, in partnership with state and local governments and nongovernmental organizations, has kept over 440,000 acres of productive farmland in agricultural uses. FRPP is an excellent way of preserving farmland for many years to come, and helps provide a means for maintaining a viable rural economy.

Additionally, rural development programs are vital to ensuring that our traditionally-agriculturally based communities do not simply vanish because of farm and job loss. I am concerned about cuts to an important rural development program that assists farmers in adding value to their products. Rural development initiatives help to advance our rural communities, develop new markets, and provide economic growth.

Mr. Chairman, I respect the appropriators in the difficult task they have been given in this tight budget climate, but I ask that they respect the funding amounts put forth in the Farm Bill, and not make cuts to mandatory programs.

PALESTINIAN ANTI-TERRORISM ACT OF 2006

SPEECH OF

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. FARR. Madam Speaker, as a Member of Congress who's served in the Peace Corps, I've always considered myself a man of peace.

I strongly support current U.S. law that prevents any funding from going to Hamas, which he State Department has rightly classified as a Foreign Terrorist Organization. A Hamas controlled Palestinian Authority is antithetical to a peaceful Middle East or a two-state solution.

On May 23 the House approved H.R. 4681, the Palestinian Anti-Terrorism Act of 2006. If I was convinced that passage of this bill would foster peace in the Middle East, I would have voted for it. Unfortunately, I felt compelled to oppose the bill because I do not believe it will help Israel, our only democratic ally in the region, or improve grassroots efforts to reach a peace agreement. In particular, H.R. 4681 would make it nearly impossible to fund nongovernmental organization (NGO) reconciliation programs that work to build peace. By funding NGOs that work towards reconciliation and peace we undermine the ideology of hate that Hamas perpetuates. The Senate version of this bill, S. 2370, specifically includes an exception that allows for funding for coexistence and reconciliation activities: "(2) ASSISTANCE TO PROMOTE DEMOCRACY—Assistance to promote democracy, human rights, freedom of the press, non-violence, reconciliation, and peaceful co-existence, provided that such assistance does not directly benefit Hamas or other foreign terrorist organizations." If the joint House-Senate conference agrees to include the above Senate language in the conference report, I will support H.R. 4681.

A secure Israel and a two-state solution are the cornerstones to achieving peace in the region, and grassroots conflict prevention is the critical first step of the foundation for peace.

STATEMENT ON H.R. 4681, PALESTINIAN ANTI-TERRORISM ACT OF 2006

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Ms. LEE. Madam Speaker, today, the House considers H.R. 4681, legislation that I'm sad to say is both overbroad in its reach and misses the mark by penalizing the Palestinian people without compelling Hamas to abandon its anti-Israeli rhetoric, its rejectionist policies and its support for terror and violence.

First of all, Madam Speaker, I want to be clear: I have always and continue to unequivocally denounce and condemn any and all terrorist acts, whether committed by Hamas or any other terrorist group.

That is why I voted for S. Con. Res 79 in February which declared that that no U.S. assistance should be provided directly to the Palestinian Authority if any representative political party holding a majority of parliamentary seats within the Palestinian Authority maintains a position calling for the destruction of Israel.

My position on Hamas's responsibilities in light of its having attained a majority of seats in the Palestinian Legislive Council, and thus its assumption of power as the governing party of the Palestinian Authority, has been clear:

Hamas must recognize Israel; Hamas must renounce violence and terrorism; Hamas must abide by previous peace agreements, like the Oslo accord, and act in accordance with the Roadmap; and

Hamas must return the Palestinians to the negotiating table with Israel, and reach the mutually agreeable peace agreement that is called for in the Roadmap and the earlier agreements.

This is Hamas's responsibility of governance. I believe the United States should do everything that it can to both insist upon and to facilitate Hamas taking up this burden of responsibility, and we should not rest until the goal of a negotiated settlement is achieved. Moreover, we should not slow the Middle East peace process by making these targets preconditions for our engagement in the process. As the assassinated Israeli Prime Minister Yitzak Rabin reminded us: I do not need to make peace with my friends.

Madam Speaker, I urge my colleagues to understand that engagement and negotiation for peace is a process not an event, and it necessarily involves the belligerents to a conflict not those whom we would aspire to put at the negotiating table.

I agree that we should not fund Hamas, but not at the expense of average Palestinians which is the end result of this legislation. Among other things, this legislation obstructs a

PALESTINIAN ANTI-TERRORISM ACT OF 2006

SPEECH OF

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. LARSON of Connecticut. Madam Speaker, I regret that because of a family medical emergency I could not be present when the House voted today and I would like to submit this statement for the record in support of H.R. 4681, the Palestinian Anti-Terrorism Act.

Hamas' continued refusal to recognize the existence of Israel, enforce existing peace agreements and renounce terrorism represents a real threat to progress in the Middle East peace process. It is therefore critical that the United States send the strongest possible signal to Hamas that a government based on fear and intolerance is unacceptable. H.R. 4681 is an important step towards addressing the extreme and unproductive positions currently held by Hamas-led Palestinian Authority. However, there are some in Connecticut and across the country that remain concerned that the bill goes too far in restricting the financial assistance the Palestinian people rely on or may have far-reaching and unintended consequences. To this end, I look forward to

working with my colleagues to ensure that this bill achieves our common shared goal of fostering a Palestinian government that is a full partner in achieving a peaceful solution to the Israeli-Palestinian conflict.

HONORING RICHARD SHOEMAKER

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. LEVIN. Mr. Speaker, this June will witness the retirement of Richard Shoemaker after an unusually illustrious career in the American labor movement.

He rose from an eighteen-year-old worker at John Deere in Illinois to serve three terms as vice-president of the United Auto Workers.

He rose up the ranks on the basis of his strong talents of mind and spirit. No matter what rung he was on, he never forgot where he started.

The result was an exceptional dedication to work for the well-being of his fellow and sister workers. He was proud that the labor movement, of which he was a vital part, was playing a key role in creating a strong middle class in America, one that gave workers a chance to obtain what many of their parents dreamed for their children to have, and which so many did not possess before the labor movement—a truly decent wage, decent health care, some security for their retirement, and educational opportunity for their children.

That was infused in his work as a President of his local at the age of 27, as an international representative appointed at the age of 30 by Walter Reuther, and in key administrative posts for UAW vice president Steve Yokich and President Owen Bieber.

He was called upon to tackle tough issues. Some years ago it was the effort to resolve a long conflict in labor management relations at Caterpillar.

Greater challenges still lay ahead. The American auto industry is now tackling perhaps the most dramatic challenges in its history. As vice-president of the UAW for GM and Delphi, Dick Shoemaker is in the very center of the storm, using his deep talents, intelligence and experience to work toward answers that can sustain the domestic auto industry that he loves and helped build, while remaining faithful to the workers to whom he has dedicated his life's work.

Dick Shoemaker also learned early on the lesson that what goes on in the public sector and government can vitally affect any efforts and gains obtained in negotiations in the private sector. So he assumed a variety of major political responsibilities on behalf of the Union and in the Democratic Party. During these decades of unusual challenge, commitment, and achievement, Dick has been blessed by a wonderful partner, his wife Mary.

This Thursday, May 25, there will be a dinner held to give full tribute on his retirement to Dick Shoemaker. Mr. Speaker, I speak not only for myself as an admirer and friend, but I know for many, many others who say to Dick Shoemaker—congratulations on an illustrious career leaving its major mark on many yesterdays, and for many tomorrows.

Daily Digest

HIGHLIGHTS

The House passed H.R. 5384, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2007.

Senate

Chamber Action

Routine Proceedings, pages S4923–S5043

Measures Introduced: Sixty-nine bills and three resolutions were introduced, as follows: S. 2925–2993, S. Res. 489–490, and S. Con. Res. 96. **Pages S4965–67**

Measures Reported:

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. Res. 469, condemning the April 25, 2006, beating and intimidation of Cuban dissident Martha Beatriz Roque.

S. 633, to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2125, to promote relief, security, and democracy in the Democratic Republic of the Congo.

S. 2784, to award a congressional gold medal to Tenzin Gyatso, the Fourteenth Dalai Lama, in recognition of his many enduring and outstanding contributions to peace, non-violence, human rights, and religious understanding.

S. 2803, to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining, with an amendment in the nature of a substitute. **Page S4963**

Measures Passed:

National Safety Month: Committee on the Judiciary was discharged from further consideration of S. Res. 450, designating June 2006 as National Safety Month, and the resolution was then agreed to. **Page S5027**

Relative to Death of Former Senator Lloyd Bentsen: Senate agreed to S. Res. 489, relative to the death of Lloyd Bentsen, distinguished member of the United States Senate. **Page S5027–29**

Senate Legal Representation: Senate agreed to S. Res. 490, to authorize representation by the Senate Legal Counsel in the case of Lannak v. Biden, et al. **Pages S5029**

Comprehensive Immigration Reform Act: Senate continued consideration of S. 2611, to provide for comprehensive immigration reform, taking action on the following amendments proposed thereto: **Pages S4924–60**

Adopted:

By 58 yeas to 40 nays (Vote No. 140), Grassley Amendment No. 4177, to provide a substitute to title III, Unlawful Employment of Aliens. **Pages S4943–46, S4952–54**

Rejected:

By 37 yeas to 61 nays (Vote No. 138), Feinstein/Harkin Modified Amendment No. 4087, to modify the conditions under which aliens who are unlawfully present in the United States are granted legal status. **Pages S4924–36**

Leahy Amendment No. 4117, to amend section 212 of the Immigration and Nationality Act regarding restrictions on the admission of aliens. (By 79 yeas to 19 nays (Vote No. 139), Senate tabled the amendment.) **Pages S4938–43, S4951–52**

Kennedy Amendment No. 4106, to enhance the enforcement of labor protections for United States workers and guest workers. (By 56 yeas to 41 nays (Vote No. 141), Senate tabled the amendment.) **Pages S4947–48, S4954**

Durbin Amendment No. 4142, to authorize the waiver of certain grounds of inadmissibility or removal where denial of admission or removal would result in hardship for a spouse, parent, or child who is a citizen or permanent resident alien. (By 63 yeas

to 34 nays (Vote No. 142), Senate tabled the amendment.) **Pages S4948–50, S4954–55**

A unanimous-consent agreement was reached providing for consideration of certain first-degree amendments; provided further, that if cloture is invoked on the bill, and if any of the amendments have not been offered prior to the expiration of time under rule XXII, then it be in order to call up any such amendment prior to third reading of the bill; and that it be in order to consider a manager's amendment, which has been cleared by both managers. **Pages S5029–30**

A unanimous-consent agreement was reached providing for further consideration of the bill at 8:30 a.m., on Wednesday, May 24, 2006, that Senator McConnell be recognized to offer amendment No. 4085, with the time until 9:30 a.m., equally divided between Senators McConnell and Reid or his designee, followed by a vote in relation to the amendment, with no second-degree amendments in order prior to the vote; that following that vote, Senate proceed to vote on the motion to invoke cloture on the bill; provided further, that following the vote on the motion to invoke cloture on the bill, the next first degree amendment in order be Lieberman Amendment No. 4036. **Pages S5029–30**

A unanimous-consent agreement was reached providing that second-degree amendments be filed no later than 10 a.m., on Wednesday, May 24, 2006, under rule XXII. **Pages S5029–30**

Legislative Transparency and Accountability: Senate disagreed to the amendments of the House to S. 2349, to provide greater transparency in the legislative process, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Lott, Stevens, McConnell, Dodd, and Inouye. **Page S5027**

Escort Committee—Agreement: A unanimous-consent agreement was reached providing that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency, Ehud Olmert, Prime Minister of Israel, to the House Chamber for the joint meeting on Wednesday, May 24, 2006. **Page S5029**

Nominations Received: Senate received the following nominations:

Richard E. Hoagland, of the District of Columbia, to be Ambassador to the Republic of Armenia.

Clifford M. Sobel, of New Jersey, to be Ambassador to the Federative Republic of Brazil.

Routine lists in the Army, Coast Guard, Marine Corps, Navy. **Pages S5042–43**

Messages From the House: **Page S4962**

Measures Referred: **Page S4962**

Executive Communications: **Pages S4962–63**

Executive Reports of Committees: **Pages S4963–65**

Additional Cosponsors: **Pages S4967–68**

Statements on Introduced Bills/Resolutions: **Pages S4968–72**

Amendments Submitted: **Pages S4972–S5026**

Notices of Hearings/Meetings: **Page S5026**

Authorities for Committees to Meet: **Page S5026**

Privileges of the Floor: **Pages S5026–27**

Record Votes: Five record votes were taken today. (Total—142) **Pages S4936, S4952, S4953–54, S4954, S4955**

Adjournment: Senate convened at 9:45 a.m., and as a further mark of respect to the memory of the late Lloyd Bentsen, former United States Senator from the State of Texas, in accordance with S. Res. 489, adjourned at 8:38 p.m., until 8:30 a.m., on Wednesday, May 24, 2006. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S5030.)

Committee Meetings

(Committees not listed did not meet)

BIODEFENSE AND PANDEMIC INFLUENZA

Committee on Appropriations: Subcommittee on Homeland Security concluded a hearing to examine biodefense and pandemic influenza preparedness issues, after receiving testimony from John M. Clerici, McKenna Long, and Aldridge, LLP, and Frank J. Cilluffo, George Washington University Homeland Security Policy Institute, both of Washington, D.C.; Scott R. Lillibridge, University of Texas Health Science Center at Houston School of Public Health; and Paul Offit, Children's Hospital of Philadelphia, Philadelphia, Pennsylvania.

FINANCIAL LITERACY

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the status of financial literacy and financial education in the United States, focusing on the importance of financial literacy, both as a source of better decision-making by consumers and as a means of improving the functioning of financial markets, including initiatives to promote financial education and address opportunities and challenges that policymakers and financial educators face as they seek to improve financial literacy, after receiving testimony from Senator Akaka; Ben S. Bernanke, Chairman, Board of

Governors of the Federal Reserve System; Christopher Cox, Chairman, U.S. Securities and Exchange Commission; M. Cindy Hounsell, Women's Institute for a Secure Retirement, and Stephen Brobeck, Consumer Federation of America, both of Washington, D.C.; and Sarah Teslik, Certified Financial Planner Board of Standards, Inc., Denver, Colorado.

NOMINATION

Committee on the Budget: Committee ordered favorably reported the nomination of Robert J. Portman, of Ohio, to be Director of the Office of Management and Budget.

GASOLINE PRICE GOUGING

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine if the price of gasoline is being artificially manipulated by reducing refinery capacity or by any other form of market manipulation or price gouging practices, including recommendations for Congress's consideration in its ongoing efforts to protect consumers in petroleum markets, after receiving testimony from Deborah Platt Majoras, Chairman, Federal Trade Commission; Nariman Behravesh, Global Insight, Lexington, Massachusetts; and Bob Slaughter, National Petrochemical and Refiners Association, and Mark Cooper, Consumer Federation of America, both of Washington, D.C.

BUREAU OF RECLAMATION

Committee on Energy and Natural Resources: Committee concluded a hearing 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, after receiving testimony from William E. Rinne, Acting Commissioner, Bureau of Reclamation, Department of the Interior; New Mexico State Senator H. Diane Snyder, Albuquerque, on behalf of the American Council of Engineering Companies; Lloyd A. Duscha, Reston, Virginia, on behalf of the National Research Council; Dan Keppen, Family Farm Alliance, Klamath Falls, Oregon; and Thomas F. Donnelly, National Water Resources Association, and Scott Yates, Trout Unlimited, both of Arlington, Virginia.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the following business items:

S. 2781, to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works, with an amendment;

S. 2023, to amend the Oil Pollution Act of 1990 to improve that Act, with an amendment in the nature of a substitute;

S. 2735, to amend the National Dam Safety Program Act to reauthorize the national dam safety program, with an amendment in the nature of a substitute;

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, with an amendment;

S. 2912, to establish the Great Lakes Interagency Task Force, to establish the Great Lakes Regional Collaboration, with an amendment;

S. Res. 301, commemorating the 100th anniversary of the National Audubon Society, with an amendment;

S. 2832, to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965;

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. 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"; and The nominations of Molly A. O'Neill, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency, and 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.

TRIBAL ECONOMIC DEVELOPMENT

Committee on Finance: Subcommittee on Long-Term Growth and Debt Reduction held a hearing to examine the ability of tribal governments to implement long-term, self-sustaining economic development, focusing on Tribal tax-exempt bond issues, receiving testimony from Raymond C. Etcitty, Navajo Nation Office of Legislative Counsel, Window Rock, Arizona; Lenor A. Scheffler, Best and Flanagan LLP, Minneapolis, Minnesota; Gavin Clarkson, University

of Michigan School of Information, School of Law, and Native American Studies, Ann Arbor; Scott Schickli, Orrick, Herrington and Sutcliffe LLP, Portland, Oregon; and Wayne A. Shammel, Cow Creek Band of Umpqua Tribe of Indians, Roseburg, Oregon.

Hearing recessed subject to the call.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following business items:

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, with amendments;

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. Res. 469, condemning the April 25, 2006, beating and intimidation of Cuban dissident Martha Beatriz Roque;

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, with amendments;

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, with amendments;

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, with amendments;

S. 2566, to provide for coordination of proliferation interdiction activities and conventional arms disarmament, with an amendment in the nature of a substitute;

S. 2697, to establish the position of the United States Ambassador for ASEAN, with amendments;

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), with one declaration and one condition; and

The nominations of Rajkumar Chellaraj, of Texas, to be an Assistant Secretary of State for Administration, Patricia P. Brister, of Louisiana, for the rank of Ambassador during her tenure of service as the U.S. Representative on the Commission on the Status of Women of the Economic and Social Council of the United Nations, Warren W. Tichenor, of Texas, to be U.S. Representative to the Office of the United Nations and Other International Organizations in Geneva, with the rank of Ambassador, Mark C. Minton, of Florida, to be Ambassador to Mongolia, Robert F. Godec, of Virginia, to be Ambassador to the Republic of Tunisia, Robert S. Ford, of Maryland, to be Ambassador to the People's Democratic Republic of Algeria, David M. Robinson, of Connecticut, to be Ambassador to the Co-operative Republic of Guyana, Lisa Bobbie Schreiber Hughes, of Pennsylvania, to be Ambassador to the Republic of Suriname, Anne E. Derse, of Maryland, to be Ambassador to the Republic of Azerbaijan, William B. Taylor, Jr., of Virginia, to be Ambassador to Ukraine, Daniel S. Sullivan, of Alaska, to be an Assistant Secretary of State for Economic and Business Affairs, Goli Ameri, of Oregon, to be a U.S. Representative to the Sixtieth Session of the General Assembly of the United Nations, Duane Acklie, of Nebraska, to be an Alternate U.S. Representative to the Sixtieth Session of the General Assembly of the United Nations, Robert C. O'Brien, of California, to be an Alternate U.S. Representative to the Sixtieth Session of the General Assembly of the United Nations, Michael D. Kirby, of Virginia, to be Ambassador to the Republic of Moldova, John A. Cloud, Jr., of Virginia, to be Ambassador to the Republic of Lithuania, April H. Foley, of New York, to be Ambassador to the Republic of Hungary, Tracey Ann Jacobson, of the District of Columbia, to be Ambassador to the Republic of Tajikistan, Michael Wood, of the District of Columbia, to be Ambassador to Sweden, Robert Anthony Bradtke, of Maryland, to be Ambassador to the Republic of Croatia, and certain Foreign Service Officer promotion lists.

PATENT REFORM

Committee on the Judiciary: Subcommittee on Intellectual Property concluded a hearing to examine post-grant review procedures and other litigation reforms relating to patents, after receiving testimony from Mark Chandler, Cisco Systems, San Jose, California; Philip S. Johnson, Johnson and Johnson, New Brunswick, New Jersey; Nathan P. Myhrvold, Intellectual Ventures, Bellevue, Washington; John R. Thomas, Georgetown University Law Center, Washington, D.C.; and Andrew Cadel, JP Morgan Chase, New York, New York, on behalf of the Financial Services Roundtable.

BUSINESS MEETING

Select Committee on Intelligence: Committee met in closed session and ordered favorably reported the following business items:

An original bill to authorize appropriations for fiscal year 2007 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System; and

The nomination of General Michael V. Hayden, United States Air Force, to be Director of the Central Intelligence Agency.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 12 public bills, H.R. 5452–5463; and 4 resolutions, H. Con. Res. 413–414; and H. Res. 833–834, were introduced. **Page H3137**

Additional Cosponsors: **Pages H3137–38**

Reports Filed: Report was filed today as follows:

H. Res. 832, providing for consideration of H.R. 5427, making appropriations for energy and water development for the fiscal year ending September 30, 2007 (H. Rept. 109–479). **Page H3137**

Speaker: Read a letter from the Speaker wherein he appointed Representative Chocola to act as Speaker pro tempore for today. **Page H3019**

Recess: The House recessed at 9:18 a.m. and reconvened at 10 a.m. **Page H3021**

Discharge Petition: Representative Costello moved to discharge the Committee on Rules from the consideration of H. Res. 814, providing for the consideration of H.R. 4755, to amend title 49, United States Code, to modify the mediation and implementation requirements of section 40122 regarding changes in the Federal Aviation Administration personnel management system (Discharge Petition No. 13).

Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006: The House disagreed to the Senate amendment to H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and agreed to a conference. **Page H3030**

Appointed as conferees: Representatives Lewis of California, Young of Florida, Regula, Rogers of Kentucky, Wolf, Kolbe, Walsh, Taylor of North Carolina, Hobson, Bonilla, Knollenberg, Obey, Murtha, Sabo, Mollohan, Olver, Visclosky, Lowey, and Edwards. **Page H3030**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on Monday, May 22nd:

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, by a ⅔ yea-and-nay vote of 361 yeas to 37 nays with nine voting "present", Roll No. 181. **Page H3032**

Legislative Transparency and Accountability Act of 2006: The House passed by unanimous consent S. 2349, amended, to provide greater transparency in the legislative process. **Pages H3032–39**

Agreed to strike all after the enacting clause of S. 2349 and insert in lieu thereof the provisions of H.R. 4975, as engrossed by the House. **Page H3038**

Agreed to amend the title so as to read: "To provide greater transparency with respect to lobbying activities, to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes.". **Page H3038**

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2007: The House passed H.R. 5384, to make appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, by a yea-and-nay vote of 378 yeas to 46 nays, Roll No. 193, after agreeing to order the previous question. **Pages H3039–79, H3080–H3118**

Later, agreed to limit the number of amendments made in order for debate and the time limit for debate on each amendment. **Page H3079**

Agreed to:

Butterfield amendment to increase funding (by offset) for Rural Community Advancement Program account by $5 millon; **Page H3058**

Holt amendment (No. 18 printed in the Congressional Record of May 22nd) would increase the funding for Organic Transitions Program from $1.855 million to $5 million; **Pages H3059–61**

Baca amendment that increases funding (by offset) for minority education and farming programs under the USDA; **Pages H3064–65**

Faleomavaega amendment to increase funding (by transfer) for resident instruction grants for insular areas by $200,000; **Pages H3065–66**

Ryan of Ohio amendment prohibit funds made available by this Act made availabe that closure of any local or county office of the Farm Service Agency; **Pages H3069–70**

Lucas amendment strikes the $810,000 appropriation for salaries and expenses for the Office of the Under Secretary for Natural Resources and Environment; **Pages H3070–71**

Sanders amendment directs attention to funding levels for Rural Community Advancement Programs; **Page H3071**

Bonilla amendment adds a new section at the end of the bill which states that the limitation in section 721 shall not apply below a program level of $1,127,000,000; **Page H3080**

Boren admendment prohibits the use of funds from being made available for the Agricultural Research Service to reprogram programs and resources currently operating at Lane, Oklahoma; **Page H3082**

Gordon amendment prohibits the use of funds from being available in contravention of the Federal buildings performance and reporting requirements of Executive Order 13123, the National Energy Conservation Policy Act, and the Energy Policy Act of 2005; **Page H3087**

Carter amendment prohibits not more than $3,600,000 of the funds made available in the Act under section 522(e) of the Federal Crop Insurance Act for program compliance integrity under section 515 of such Act; **Page H3087**

Engel amendment, as modified, prohibits the use of funds from being made available to acquire a motor vehicle other than an alternative fueled vehicle; **Page H3088**

Slaughter amendment to redirect $1 million in section 753 to the Center for Veterinary Medicine for application review activities to assure the safety of animal drugs with respect to antimicrobial resistance, pursuant to section 512 of the Federal Food, Drug and Cosmetic Act, in addition to all other allocations for such purpose made from such total amount; **Page H3093**

Weiner amendment to increase (by offset) the funding for Animal and Plant Health Inspection Service by $23 million (by a recorded vote of 234 ayes to 184 noes, Roll No. 182); **Pages H3055–58, H3095**

Kennedy of Minnesota amendment (No. 17 printed in the Congressional Record of May 22nd) increases funding (by offset) for the Animal and Plant Health Inspection Services account by $500,000 (by a recorded vote of 345 ayes to 76 noes, Roll No. 183); **Pages H3061–63, H3095–96**

Garrett amendment to prohibit any of the funds made available in the Act from being used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States and that of the funds made available in the Act to any Federal department or agency, not more than $8,167,978, may be obligated or expended by such department or agency for the purpose of sending or otherwise paying for employees from such department or agency to attend conferences occurring outside the United States; **Pages H3101–02**

Garrett amendment to prohibit any of the funds provided in Act from being expended in contravention of section 213a of the Immigration and Nationality Act (8 U.S.C. 1183a) (by a recorded vote of 266 ayes to 153 noes, Roll No. 189); **Pages H3103, H3115–16**

Rejected:

Paul amendment (No. 4 printed in the Congressional Record of May 16th) that sought to prohibit funds made available in this Act may be used to implement or administer the National Animal Identification System (by a recorded vote of 34 ayes to 389 noes, Roll No. 184); **Pages H3080–83, H3096–97**

Chabot amendment (No. 12 printed in the Congressional Record of May 16th) that sought to eliminate the Market Access Program (MAP) which subsidizes the overseas marketing and promotion of agricultural products (by a recorded vote of 79 ayes to 342 noes, Roll No. 185); **Pages H3086–87, H3097–98**

Hefley amendment (No. 8 printed in the Congressional Record of May 16th) that sought to reduce the bill's total discretionary spending by 1 percent (by a recorded vote of 99 ayes to 322 noes, Roll No. 186); **Pages H3088–89, H3098–99**

Blumenauer amendment (No. 6 printed in the Congressional Record of May 16th) which sought to prohibit the use of funds from being made available to pay the salaries and expenses of personnel who make loans available under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 to processors of domestically grown sugarcane at a rate in excess of 17 cents per pound for raw cane sugar or to processors of domestically grown sugar beets at a rate in excess of 21.6 cents per

pound for refined beet sugar (by a recorded vote of 135 ayes to 281 noes, Roll No. 187);

Pages H3090–93, H3099

Gutknecht amendment (No. 13, printed in the Congressional Record of May 16th) that sought to prohibit any of the funds made available in the Act from being used to implement the limitation in section 720 of the Act (by a recorded vote of 185 ayes to 235 noes, Roll No. 188);

Pages H3093–95, H3099–H3100

Flake admendment that sought to prohibit any of the funds made available by the Act from being used from funding the Fruit and Vegetable Market Analysis, Arizona and Missouri grant from funding the Fruit and Vegetable Market Analysis, Arizona and Missouri grant; **Pages H3105–06**

Flake admendment that sought to prohibit use of funds in the bill for the Food Marketing Policy Center, Connecticut grant; **Pages H3106–08**

Flake admendment that sought to prohibit use of funds in the bill for research and education activities for greenhouse nurseries in Ohio; **Pages H3108–09**

Flake admendment that sought to prohibit use of funds in the bill for aquaculture in Ohio;

Pages H3109–10

Flake admendment that sought to prohibit use of funds in the bill for the Wood Utilization grant;

Pages H3112–14

Flake admendment that sought to prohibit use of funds in the bill to fund dairy education in Iowa (by a recorded vote of 92 ayes to 325 noes, Roll No. 190); **Pages H3104–05, H3117**

Flake admendment that sought to prohibit use of funds in the bill for the Hydroponic Tomato Production, Ohio grant (by a recorded vote of 90 ayes to 328 noes, Roll No. 191); and

Pages H3110–12, H3116–17

Flake admendment that sought to prohibit use of funds in the bill for the National Grape and Wine Initiative (by a recorded vote of 87 ayes to 328 noes, Roll No. 192). **Pages H3114–15, H3117–18**

Withdrawn:

Kucinich amendment that was offered and subsequently withdrawn which sought to reduce the appropriation for expenses of the office of the Secretary by $1; **Pages H3054–55**

Kennedy of Minnesota amendment (No. 3 printed in the Congressional Record of May 16th) that was offered and subsequently withdrawn which sought to provide $500,000 in loan repayments for new veterinarians who choose to work in rural and other underserved areas, the same amount that was passed into law last year. The funds would be transferred from the Agriculture Buildings and Facilities and Rental Payments Account; **Pages H3058–59**

Kucinich amendment that was offered and subsequently withdrawn which sought to direct attention to the funding levels provided for BSE (mad-cow disease) under the enhanced surveillance program;

Pages H3066–69

Tiahrt amendment that was offered and subsequently withdrawn which sought to prohibit the use of funds from being made available to promulgate regulations without consideration of the effect of such regulations on the competitiveness of American businesses; **Page H3083**

King of Iowa amendment that was offered and subsequently withdrawn which sought to add a new section cited as the ''Livestock Identification and Marketing Opportunities Act.''; **Pages H3083–86**

Latham amendment was offered and subsequently withdrawn which sought to add a new section to prohibit the use of funds from being made available to pay salaries and expenses of personnel who implement or administer section 741 or section 508(e)(3) of the Federal Crop Insurance Act 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; **Pages H3089–90**

Reichert amendment was offered and subsequently withdrawn which sought to prohibit any of the funds appropriated or otherwise made available by the Act from being used to apply part 1124 of title 7, Code of Federal Regulations, to any producer-handler that produces less than 9 million pounds of milk per month; **Page H3100**

Jackson-Lee of Texas amendment was offered and subsequently withdrawn which sought to prohibit any of the funds appropriated in the Act from being used to deny compensation to eligible individuals filing claims to be satisfied out of the settlement fund approved by the court April 14, 1999 in Pigford v. Glickman, 185 F.R.D. 82 (D.D.C 1999); and **Pages H3100–01**

Baca amendment was offered and subsequently withdrawn which sought to prohibit funds appropriated by the Act from being expended to reimburse a State agency for expenses under section 16(a) of the Food Stamp Act of 1977 if the State has implemented certain operational changes.

Pages H3103–04

Point of Order sustained against:

DeLauro amendment that sought to increase funding (by offset and reduction in tax cuts) for various programs; **Pages H3063–64**

The proviso beginning on page 80, line 19, and ending on page 81 line 7 sought to change existing law and constituted legislation in an appropriations bill; **Page H3077**

The proviso beginning on page 81, line 16, and ending on page 82 line 5 sought to change existing law and constituted legislation in an appropriations bill; and **Page H3077**

The proviso beginning on page 82, line 6, and ending on page 82 line 17 sought to change existing law and constituted legislation in an appropriations bill; and **Page H3077**

Weiner amendment that sought to use funds that would otherwise be paid during fiscal year 2007 as direct payments and counter-cyclical payments with regard to cotton and rice production, the Secretary of Agriculture shall make grants to the several States in an amount, for each State, equal to at least 0.75 percent of such funds, to be distributed to active agricultural producers in the State in a manner approved by the Secretary. **Pages H3102–03**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H3119**

H. Res. 830, the rule providing for consideration of the bill was agreed to by a recorded vote of 214 ayes to 192 noes with 1 voting ''present'', Roll No. 180, after agreeing to order the previous question by a yea-and-nay vote of 213 yeas to 194 nays, Roll No. 179. **Pages H3025–30, H3030–32**

Began consideration of H. Res. 832, rule providing for consideration of H.R. 5427, making appropriations for energy and water development for the fiscal year ending September 30, 2007. Further consideration is expected to resume tomorrow, Wednesday, May 24th. **Pages H3119–23**

Senate Message: Message received from the Senate today appears on page H3119.

Amendments: Amendments ordered printed pursuant to the rule appear on pages H3138–40.

Quorum Calls—Votes: Three yea-and-nay votes and twelve recorded votes developed during the proceedings of the House today and appear on pages H3030–31, H3031–32, H3032, H3095, H3095–96, H3096–97, H3097–98, H3098–99, H3099, H3099–H3100, H3115–16, H3116, H3116–17, H3117, and H3118. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 12 midnight.

Committee Meetings

PAYING FOR COLLEGE

Committee on Education and the Workforce: Subcommittee on 21st Century Competitiveness held a hearing on Paying for College: Innovative Private-Sector Proposals to Complement Record Federal Investment in Student Aid. Testimony was heard from public witnesses.

ANTIFREEZE BITTERING ACT

Committee on Energy and Commerce: Subcommittee on Environment and Hazardous held a hearing on H.R. 2567, Antifreeze Bittering Act of 2005. Testimony was heard from Representative Ackerman; Stephen L. Johnson, Administrator, EPA; and public witnesses.

GOVERNMENT'S PARTNERSHIP WITH PHARMACISTS

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled ''Examining the Federal Government's Partnership with America's Pharmacists.'' Testimony was heard from Leslie Norwalk, Deputy Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services; and public witnesses.

SAVING RURAL AMERICA's RURAL HOUSING ACT OF 2006

Committee on Financial Services: Subcommittee on Housing and Community Opportunity approved for full Committee action, as amended, H.R. 5039, Saving America's Rural Housing Act of 2006.

FEDERAL-LOCAL DRUG ENFORCEMENT COOPERATION

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy, and Human Resources held a 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?'' Testimony was heard from the following officials of the Department of Justice: Regina Schofield, Assistant Attorney General, Office of Justice Programs; and Stuart Nash, Associate Deputy Attorney General and Director, Organized Crime Drug Enforcement Task Force; Scott Burns, Deputy Director, State and Local Affairs, Office of National Drug Control Policy; and public witnesses.

PUBLIC HOUSING AND THE PRIVATE MARKET

Committee on Government Reform: Subcommittee on Federalism and the Census held a hearing entitled ''Public Housing in the Competitive Market Place: Do Affordable and Public Housing Developments Benefit from Private Market and Other Financing Tools?'' Testimony was heard from public witnesses.

OFFICE OF GOVERNMENT ETHICS REAUTHORIZATION

Committee on Government Reform: Subcommittee on Federal Workforce and Agency Organization held a hearing entitled ''Office of Government Ethics Reauthorization.'' Testimony was heard from Marilyn Glynn, Acting Director, Office of Government Ethics.

BRIEFING—SHARING CLASSIFIED INFORMATION AMONG FEDERAL INTELLIGENCE PARTNERS

Committee on Homeland Security: Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment met in executive session to receive a briefing on sharing classified information among Federal intelligence Partners: DHS access and information controls. The Subcommittee was briefed by departmental witnesses.

EQUAL ACCESS TO JUSTICE REFORM ACT

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held a hearing on H.R. 435, Equal Access to Justice Reform Act of 2005. Testimony was heard from Ryan W. Bounds, Chief of Staff, Office of Legal Policy, Department of Justice; and public witnesses.

ANIMAL ENTERPRISE TERRORISM ACT

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on H.R. 4239, Animal Enterprise Terrorism Act. Testimony was heard from Brent McIntosh, Deputy Assistant Attorney General, Department of Justice; and public witnesses.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, OF 2007

Committee on Rules: Testimony was heard from Representatives Rogers of Kentucky and Sabo, but action was deferred on H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007.

ENERGY AND WATER DEVELOPMENT, 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. 5427, making appropriations for energy and water development 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.

CONSUMER DATA PROTECTION PRACTICES

Committee on Small Business: Subcommittee on Regulatory Reform and Oversight held a hearing entitled ''The Liabilities Driving Better Consumer Data Protection Practices.'' Testimony was heard from public witnesses.

IMPACTS OF RAILROAD-OWNED WASTE FACILITIES

Committee on Transportation and Infrastructure: Subcommittee on Railroads held a hearing on Impacts of Railroad-Owned Waste Facilities. Testimony was heard from W. Douglas Buttrey, Chairman, Surface Transportation Board, Department of Transportation; and public witnesses.

IMPROVING CHILD PROTECTIVE SERVICES

Committee on Ways and Means: Subcommittee on Human Resources held a hearing to review Proposals to Improve Child Protective Services. Testimony was heard from Cornelia Ashby, Director, Education, Workforce, and Income Security, GAO; and public witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, MAY 24, 2006

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Defense, to hold hearings to examine proposed budget estimates for fiscal year 2007 for defense related programs, 9 a.m., SD–192.

Subcommittee on Legislative Branch, to hold hearings to examine progress of the Capitol Visitor Center construction, 10 a.m., SD–138.

Committee on Armed Services: business meeting to consider the nomination of General Michael V. Hayden, USAF, for reappointment to the grade of general and to be Director of the Central Intelligence Agency, 9:15 a.m., SR–222.

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation, to hold hearings to examine National Transportation Safety Board reauthorization, 9 a.m., SD–562.

Subcommittee on Disaster Prevention and Prediction, to hold hearings to examine 2006 hurricane forecast and at-risk cities, 2:30 p.m., SD–562.

Committee on Energy and Natural Resources: business meeting to consider S. 1548, to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska, S. 1529, to provide for the conveyance of certain Federal land in the city of Yuma, Arizona, 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. 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, 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, to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, 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, 10 a.m., SD–366.

Subcommittee on Public Lands and Forests, to hold hearings to examine S. 2466, to authorize and direct the exchange and conveyance of certain National Forest land and other land in southeast Arizona, S. 2788, to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and S. 2567, to maintain the rural heritage of the Eastern Sierra and enhance the region's tourism economy by designating certain public lands as wilderness and certain rivers as wild a scenic rivers in the State of California, 2:30 p.m., SD–366.

Committee on 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, 3:30 p.m., SD–419.

Committee on 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, 9:30 a.m., SD–342.

Committee on the Judiciary: to hold hearings to examine the nominations of Andrew J. Guilford, to be United States District Judge for the Central District of California, and Frank D. Whitney, to be United States District Judge for the Western District of North Carolina, 2 p.m., SD–226.

Select Committee on Intelligence: closed business meeting to consider intelligence matters, 2:30 p.m., SH–219.

House

Committee on Armed Services, hearing on Border Security—Mission of the National Guard, 9 a.m., 2118 Rayburn.

Committee on Energy and Commerce, Subcommittee on Energy and Air Quality, hearing entitled ''Vehicle and Fuels Technology: Next Generation,'' 1 p.m., 2123 Rayburn.

Committee on Financial Services, to mark up the following bills: H.R. 5117, To exempt persons with disabilities from the prohibition against providing section 8 rental assistant to college students; H.R. 4127, Data Accountability and Trust Act (DATA); H.R. 5341, Seasoned Customer CTR Exemption Act of 2006; H.R. 4804, FHA Manufactured Housing Loan Modernization Act of 2006; H.R. 3043, Zero Downpayment Pilot Program Act of 2006; H.R. 5347, HOPE VI Reauthorization Act of 2006; H.R. 5121 Expanding American Homeownership Act of 2006; and H.R. 5068, Export-Import Bank Reauthorization Act of 2006, 10 a.m., 2128 Rayburn.

Committee on Government Reform, hearing entitled ''Getting Ready for the '06 Hurricane Season,'' 1 p.m., 2154 Rayburn.

Committee on Homeland Security, to consider H. Res. 809, Directing the Secretary of the Department of Homeland Security to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the Secretary's possession relating to any existing or previous agreement between the Department of Homeland Security and Shirlington Limousine and Transportation, Incorporated, of Arlington, Virginia; followed by a hearing entitled ''The Need for CFIUS Reform to Address Homeland Security Concerns,'' 1 p.m., 311 Cannon.

Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, hearing entitled ''Examining the Progress of the DHS Chief Intelligence Officer,'' 3:30 p.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on Courts, the Internet and Intellectual Property, to mark up the following: H.R. 1458, To require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce; H.R. 5454, To authorize salary adjustments for Justices and judges of the United States for fiscal year 2007; H.R. 5440, Federal Courts Jurisdiction Clarification Act of 2006; and H.R. 5439, Orphan Works Act of 2006, 4 p.m., Rayburn.

Committee on Rules, to consider H.R. 5429, To direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, 4:30 p.m., H–313 Capitol.

Committee on Science, Subcommittee on Environment, Technology, and Standards, hearing on the Views of the NIST Nobel Laureates on Science Policy, 9:30 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Highways, Transit and Pipelines, oversight hearing on Understanding Contemporary Public Private Highway Transactions: The Future of Infrastructure Finance? 9:30 a.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Health, to mark up H.R. 4157, Health Information Technology Promotion Act of 2005, 4 p.m., 1100 Longworth.

Next Meeting of the SENATE

8:30 a.m., Wednesday, May 24

Senate Chamber

Program for Wednesday: Senate will continue consideration of S. 2611, Comprehensive Immigration Reform Act, with 60 minutes of debate on McConnell Amendment No. 4085, followed by a vote to occur in relation to the amendment; followed by a vote on the motion to invoke cloture on the bill.

(Senate will meet with the House of Representatives in the House Chamber at 11 a.m. to receive a message from His Excellency, Ehud Olmert, Prime Minister of Israel.)

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, May 24

House Chamber

Program for Wednesday: Consideration of H.R. 5427—Energy and Water Development, and Related Agencies Appropriations Act for Fiscal Year 2007 (Subject to a Rule) following a Joint Meeting with the Senate for the purpose of receiving the Honorable Ehud Olmert, Prime Minister of Israel.

Extensions of Remarks, as inserted in this issue

HOUSE

Baca, Joe, Calif., E929
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