United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, WEDNESDAY, JUNE 7, 2006 *No. 71*

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WESTMORELAND).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 7, 2006.

I hereby appoint the Honorable LYNN A. WESTMORELAND to act as Speaker pro tempore on this day.

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

PRAYER

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

Lord God, You have blessed us as a Nation since our earliest days. Present problems are no easier to resolve and today's decisions no less difficult to make than those closer to the birth of this Nation. So this morning, Lord, we pray that wisdom remain our constant companion.

Your sacred scripture tells us, ''Wisdom is the brightness that streams from everlasting light, the flawless mirror of the active power of God and the image of goodness. She is but one, yet can do everything; herself unchanging, she makes all things new. Age after age she enters into human souls and makes them God's friends and prophets.''

Lord, grant that power always have wisdom as its sister, both 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 Pennsylvania (Mr. PITTS) come forward and lead the House in the Pledge of Allegiance.

Mr. PITTS 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation among the Speaker and the majority and minority leaders, the Chair announces that during the joint meeting to hear an address by Her Excellency Dr. Vaira Vike-Freiberga, President of the Republic of Latvia, only the doors immediately opposite the Speaker and those on his right and left will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance that is anticipated, the Chair feels the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

The practice of reserving seats prior to the joint meeting by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, May 25, 2006, the House stands in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 4 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1056

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HER EXCELLENCY DR. VAIRA VIKE-FREIBERGA, PRESIDENT OF THE REPUBLIC OF LATVIA

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Bill Sims, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort Her Excellency Dr. Vaira Vike-Freiberga, President of the Republic of Latvia, into the Chamber:

The gentleman from Ohio (Mr. BOEHNER);

The gentleman from Missouri (Mr. BLUNT);

The gentleman from Florida (Mr. PUTNAM);

The gentleman from Georgia (Mr. KINGSTON);

The gentleman from Illinois (Mr. SHIMKUS);

The gentleman from Mississippi (Mr. WICKER);

The gentlewoman from California (Ms. PELOSI);

The gentleman from Maryland (Mr. HOYER);

The gentleman from South Carolina (Mr. CLYBURN);

The gentleman from Connecticut (Mr. LARSON);

The gentleman from Florida (Mr. WEXLER); and

The gentleman from Ohio (Mr. KUCINICH).

Printed on recycled paper.

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort Her Excellency Dr. Vaira Vike-Freiberga, President of the Republic of Latvia, into the House Chamber:

The Senator from Tennessee (Mr. FRIST);

The Senator from Kentucky (Mr. MCCONNELL);

The Senator from Alaska (Mr. STEVENS);

The Senator from Arizona (Mr. KYL);

The Senator from Mississippi (Mr. LOTT);

The Senator from Illinois (Mr. DURBIN); and

The Senator from California (Mrs. BOXER).

The Assistant to the Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, His Excellency Banny De Brum, Ambassador of the Marshall Islands.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

At 11 o'clock and 4 minutes a.m., the Assistant to the Sergeant at Arms announced Her Excellency Dr. Vaira Vike-Freiberga, President of the Republic of Latvia.

The President of the Republic of Latvia, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and a personal pleasure to present to you Her Excellency Dr. Vaira Vike-Freiberga, President of the Republic of Latvia.

[Applause, the Members rising.]

ADDRESS BY HER EXCELLENCY DR. VAIRA VIKE-FREIBERGA, PRESIDENT OF THE REPUBLIC OF LATVIA

President VIKE-FREIBERGA. Mr. Speaker, Mr. Vice President, distinguished Members of the House of Representatives, honorable Senators, Excellencies, ladies and gentlemen, it is with deep emotion that I stand within these august walls and thank you for the honor of addressing you on behalf of the Latvian people.

I believe this honor to be bestowed upon me in recognition of Latvia's strivings, sacrifices and extraordinary success in transforming itself from a captive nation under the yoke of a foreign totalitarian regime into a reestablished democracy with a flourishing market economy.

Fifteen years ago, Latvia, along with neighboring Estonia and Lithuania, regained its independence after 50 years of Soviet occupation. The Baltic Singing Revolution achieved this by nonviolent means and the sheer courage and determination of the peoples of these countries. They were ready to face Soviet guns and tanks with nothing but their unarmed bodies and the deep conviction of their rights, knowing full well that, at any moment, these guns and tanks might crush them as they had crushed so many before.

After the collapse of the once powerful Soviet empire, Latvians at long last recovered their fundamental rights and freedoms. They regained the right to forge their own destiny; they recovered the freedom to shape their own future.

For too long the Iron Curtain had kept Europe divided and the nations of the world confronted each other in two opposing camps. We thank the Lord that these times are behind us at last. Dozens of nations have gained or regained their sovereignty. For them, right has triumphed over might, courage has overcome fear, and dignity has replaced humiliation and oppression.

The wave of freedom and democratic reform has been spreading throughout Central and Eastern Europe, extending from the Baltic Sea to the Black Sea and into the Caucasus. One country after another, with the sad exception of Belarus, has been making a commitment to democracy and has accepted the need for the rule of law and the respect of human rights.

Mr. Speaker, Mr. Vice President, distinguished Members of Congress, it is an honor and a pleasure to be addressing you as the elected Representatives of a great country, a mighty world power that has achieved its greatness by building its house on the solid rock of democracy. The United States of America has remained ever faithful to Lincoln's goal of having a government of the people, for the people and by the people.

Born 230 years ago, your great Nation has grown strong by being a warm and welcoming Mother of Exiles as well as a land of hope and opportunity for its own sons and daughters. Among the exiles received in America, there were many Latvians who had fled their native land at the end of the Second World War.

Latvia remains grateful to the United States for opening its doors to a good many of these exiles, who gained the right to live here in peace, justice and liberty, while many of their relatives back home suffered oppression and brutal persecutions. They quickly became loyal and patriotic citizens of America, productive members of your society, many achieving positions of distinction and responsibility.

Latvia remains grateful to the United States for the firm refusal to recognize the illegal occupation of the three Baltic countries. Along with the other formerly captive nations of Central and Eastern Europe, we thank America for its steadfast and courageous stand on freedom and democracy.

You were instrumental in assisting Latvia, Estonia and Lithuania in the withdrawal of former Soviet troops from their territories. The U.S.-Baltic Charter of Partnership of 1998 gave direction to our common goal and vision of the Baltic States joining Euro-Atlantic institutions. We recall the unanimous vote by the United States Senate in support of the latest enlargement of NATO. Since then, the United States has helped to ensure the collective defense of the Baltic airspace. For all this, we are grateful.

Latvia has had the honor of receiving two American Presidents since recovering its independence: President Clinton in 1994 and President Bush last year. We look forward to receiving President Bush again this fall when the 2006 NATO Summit convenes in Riga. We count ourselves fortunate to have the United States of America as a true friend and trusted ally.

Mr. Speaker, Mr. Vice President, distinguished Members of Congress, I stand before you as a former exile, who has had the rare privilege of returning to her native land, free and independent again; a former exile who has had the deep satisfaction of helping her country rise like a phoenix from the ashes of oppression. I am the representative of a resilient and stubborn nation whose people have struggled against all odds to preserve their ancient heritage, maintain their language alive, and remain true to their national identity. It has been indeed a privilege to lead this nation while it recovered its rightful place among the world community of free and democratic countries.

The road has not been easy. Renewing independence was just the first step. We still had to rebuild a country, not just starting from scratch, but only after clearing away the rubble left by the previous system. Just 15 years ago, we had to make the transition from a stagnant, state-planned, command economy to a workable, liberal, free-market economy. It was a formidable challenge. While we were fortunate in regaining our independence without significant bloodshed, our inhabitants did pay a heavy economic and social price for their freedom. They were ready to do so because they understood that this was an investment in a better future.

Overcoming years of constant change, uncertainty and adaptation, Latvia has become a success story. An unfinished story by all means, especially as concerns the standard of living of our people, but a success story nevertheless. Last year, Latvia's economy grew by more than 10 percent, and this year my country continues to maintain the highest economic growth rate on the European continent. We are on our way, ready to share our experience and pass it on to others.

Mr. Speaker, Mr. Vice President, distinguished Members of Congress, what has helped Latvia and its Baltic neighbors succeed where so many others are failing, in spite of not just years, but decades of help and encouragement of every kind?

It was above all the faith of the Baltic nations in the values of freedom and democracy. It was their firm and

irreversible determination to build a new and better future for their children and grandchildren. They wanted to rejoin the free world from which they had been cut off for half a century.

What urged us on was our ardent desire to make up for lost time, and to catch up to those Western European countries that had enjoyed the freedom of growing and thriving ever since the end of the Second World War. The desire to join NATO and the European Union became a force driving us forward, as strong as the force driving us away from the past under Soviet dictatorship. This clear sense of purpose allowed us to transform our institutions and to reform our economy.

Mr. Speaker, Mr. Vice President, distinguished Members of Congress, the challenge, ever since the fall of the Soviet empire and the breakup of the former Yugoslavia, has been to rebuild a Europe whole and free, a Europe free of dividing lines, of feudal dependencies, of imperialist spheres of influence; a Europe free from bloodthirsty ideologies and from murderous fanatics. We need a Europe without walls, barriers, exclusion or prejudice, a Europe in which every nation would be afforded equal dignity and would be treated with equal respect. All Europeans, after all, are part of the same Old Continent, and all of them need to work together to make it eternally new.

Such a Europe is not and must not be a counterforce to the influence of the United States. It is and must continue to be an ally and a partner. All Europeans share the fundamentals of the same broad cultural heritage, a heritage that is also shared by Americans.

This heritage includes outstanding achievements as well as resounding failures. A common European space of peace and stability, of economic growth and prosperity is the best guarantee that the Europe of the 21st century will never again repeat the errors and the horrors of the 20th. We have seen the depths to which Europe could sink as well as the heights to which it could rise. Never again should we allow such horrors as the Holocaust to be repeated. We need to aim for the heights and to help each other achieve them.

Yet it is perfectly true that Latvia, along with other Central and Eastern European countries, feels a special bond of friendship and affinity with the United States. We might as well admit it. We, who had lost our liberty, look up to those who are ready to defend it. But if the bond of trust and friendship between the U.S. and the newer members of the EU and NATO is to be deepened, strengthened and maintained, we do need more face-to-face contacts between our peoples. We need more possibilities of visits and mutual exchanges. I trust that the U.S. Congress will find a nondiscriminatory solution for extending the Visa Waiver Program to all its allies in a united Europe. Such a step would be broadly welcomed as a signal of growing maturity in the alliance between our nations.

We are partners, even though we differ in size, in influence, in power, in resources. We are partners even while having different opinions on certain issues. That, after all, is the whole point of living in democracies. Any disagreements must not steer us off our common course of consolidating peace and security in the world.

My country sees Europe's transatlantic partnership with the United States as essential for our common security as well as for maintaining the security of the world at large. The U.S. has been a trusted partner whenever European liberties were endangered and proved it through the sacrifice of the lives of its soldiers. Throughout the decades of the Cold War, Western Europe was kept safe under the protection of NATO and through the significant role of American military capability.

This coming November, Latvia will host the 2006 NATO Summit in its capital city of Riga. This will be a summit about the rejuvenation and the transformation of NATO, which remains the most powerful and effective military alliance in the whole world. We need a strong and vibrant alliance, able to face up effectively to the challenges of our age. The nature of threats may change, but the danger they pose does not.

NATO is not only about protecting its members within their own borders. We are ready to work closely with the United States and other willing partners to aid those strife-ridden countries whose fragility is a bane for their own people and a threat to the rest of the world. Right now, Latvia is contributing to international peacekeeping operations in Iraq, in Afghanistan, in Bosnia, in Kosovo, and elsewhere. Latvia's contribution is proportionately one of the largest in the world in terms of the country's size and available financial resources.

From its very inception, NATO has been more than just a military alliance. That is why more and more nations are expressing their desire to join it. We support the strivings for freedom, democracy and the rule of law of countries struggling with the after-effects of imposed totalitarianism. Latvia supports Ukraine and Georgia in their endeavors to establish closer relations with NATO. We encourage the member states of the alliance to formulate concrete and enhanced forms of cooperation between NATO and these two countries at the Riga summit. We firmly believe that an open door policy must be maintained for the admittance of future member states.

Mr. Speaker, Mr. Vice President, distinguished Members of Congress, one nation with which Latvia shares a common border, as well as a complicated history, is Russia.

Last year marked the 60th anniversary of the end of the Second World War. This victory brought freedom to one half of Europe, but not to the other. After being Hitler's partner for 2 years, Stalin had joined the Allies in ridding Europe of this bloodthirsty tyrant. In recognition of that role and in homage to the immense losses and casualties that the Russian people endured during the Second World War, I accepted the invitation of the President of the Russian Federation and traveled to Moscow on May 9 of last year.

But I also pointed out that this victory over one despot still kept the other one in power. For the people of Latvia, one foreign occupation was only replaced by another. No one gained freedom under Stalinist tyranny and the oppression of totalitarian Communism. This is not rewriting history. These are plain facts. The simple acknowledgment and recognition of them would go a long way toward strengthening trust, understanding, and good neighborly relations between our nations.

Latvia, for its part, stands ready for developing a friendly, future-oriented, and pragmatic relationship with Russia as an important neighbor of the EU. We stand ready for an active and meaningful political dialogue based on mutual respect, noninterference, and the true respect for human rights.

Mr. Speaker, Mr. Vice President, distinguished Representatives of the American people, as a permanent member of the U.N. Security Council, the United States of America has a crucial role to play in the international arena. The United States has been a beacon of liberty ever since its foundation. The United States has become a world power by giving free rein to the creativity, the initiative and the energy of its people by fostering their entrepreneurial spirit. But the United States has become a world leader only to the extent that it has not been indifferent to the fates, the aspirations and the opinions of other nations.

For if no man is an island, neither is any country alone and self-sufficient. All of us, large and small, are interlocked, intertwined, and interdependent. If we want peace in the world, if we want international cooperation, persuasion is as important as imposition by force. Smaller and weaker nations want to be meaningfully included in decisions that will affect us all. They want to be respected. When they clamor for multilateralism, nations are really saying: Listen to me. I want to be heard.

Of course, among all this clamor, it may be hard to find a common denominator. It is not always easy to achieve a common purpose. We see this all too clearly in the difficulties that the United Nations is experiencing in bringing about all the reforms agreed to in principle during the General Assembly of their 60th anniversary year.

As a Special Envoy of the Secretary-General on the reform of the United Nations last year, I was pleased that the General Assembly managed to agree in principle on the necessity for sweeping and fundamental reforms.

The new Peace-Building Commission was created, which we need for diffusing long-lasting conflicts. Too often in the past, the U.N. has been unable to prevent genocide and lasting bloodshed: in the Congo, in Rwanda, in the former Yugoslavia, and now in the Darfur region of Sudan.

One of the U.N.'s fundamental roles lies in the defense of human rights. The newly created Human Rights Council must become more credible and more effective than the commission that preceded it. Its best way to gain credibility would be by starting with a thorough and unbiased evaluation of the human rights record of its own newly elected council members.

Only through a concerted international effort based on consensus and cooperation will the world community be able to overcome a number of other pressing global challenges. The degradation of our planet's environment is truly a global problem, as is the spread of epidemic disease. Most dangerous of all is the continuing and growing gap between the developing and developed nations. The great divide between North and South, between haves and have-nots is as dangerous as the divide between Eastern and Western blocs ever was during the Cold War. We have to do our utmost to reach the U.N.'s millennium goals of reducing poverty in the developing world.

Brutal and unremitting poverty is a scourge, unsolved in spite of decades of massive international aid and countless well-meant programs. Clearly, the quality of governance in aid-receiving countries has a crucial role to play, as well as their readiness to foster reforms and progress. But the quality of aid-providing efforts also needs to be improved. We need better international coordination of results-oriented programs, which should be constantly monitored for their effectiveness.

The worldwide spread of terrorism as well as the growing signs of intolerance and xenophobia in many countries underscore the urgent worldwide need for a meaningful and sustained dialogue between civilizations. As already recognized at the Millennium General Assembly of the United Nations, our common goal is to overcome the prejudice, misperceptions and polarization that stand as barriers to better understanding and consensus among members of different races, religions and cultures.

Due to the enormous importance of nuclear nonproliferation, the world's democracies should maintain a coherent position regarding the nuclear program of Iran. We welcome the recent joint initiatives by the United States, the United Nations Security Council and the European Union to offer a constructive solution to the Iranian nuclear issue and hope that the Iranian leadership will respond in kind.

The longstanding conflict in the Middle East remains a major source of world tensions. We fully empathize with the desire of the Jewish people to live on their ancestral land in security and at peace with their neighbors. We also wish to see a free and prosperous Palestinian state coexist, peacefully, side by side with the State of Israel. For this to be achieved, the Hamas-led Palestinian administration must abide by previously signed international agreements. There is no other way.

Education could play an important role in immunizing our societies against the dangers of extremism and prejudice. Children should not be raised in hatred; societies should have more constructive goals than the endless cultivation of grievances and the stark division of the human race into ''us'' and ''them.''

Every society has experienced some dark events in its history, at times as victim, at others as perpetrator or collaborator. We must inform our children of our past mistakes, so that these may never be repeated again. An objective evaluation of the legacy of the past will free us to address the challenges of the future. We in Latvia believe in the importance of research, remembrance, and education, even on the most sensitive issues. This includes the crimes of the Holocaust while Latvia was under Nazi German occupation, as well as the crimes committed in the name of Communism under the Soviet occupation regime.

It is also the duty of each country to preserve its historic, cultural, and religious heritage. Latvia is a country with a multiethnic and multireligious mosaic. We are proud of our ethnic communities and of the contributions that their sons and daughters have made to Latvia's human, economic, and cultural development. As a pluralistic and flourishing democracy, we enjoy freedom of religion and have been gradually renewing the houses of worship of different faiths, including the many desecrated Lutheran churches, desecrated in Communist times. Soon after recovering our independence, we received a visit by Pope John Paul II. Last month, the Patriarch of the Russian Orthodox Church, Aleksey II, paid a historic visit to my country. Just recently, with the support of the U.S. Government and the family of the late Latvian-born painter Mark Rothko, I attended the reconsecration ceremony of a reconstructed Jewish synagogue in the city of Daugavpils.

Mr. Speaker, Mr. Vice President, distinguished Members of Congress, fanaticism and extremism remain a scourge of humanity, as they have been for many centuries. Violence and hatred continue to plague many nations and block their road to achieving progress. Greed, opportunism, and brute force oppress many peoples and deny them the most basic of human rights. Yet just as clearly, the world also knows charity, compassion, and the desire for kindness. Human beings everywhere are capable of change, and change for the better.

Again and again in history, we have seen the victory of freedom over tyranny, exploitation and chaos. It may take decades, as it did for Latvia, but we did gain the freedom that is ours by right. We know the value of freedom and feel compassion for those who are still deprived of it. We know the price of freedom, for we have paid for it, and we would be ready to do it again and again.

Every nation on Earth is entitled to freedom. It is a dream that must be kept alive, no matter how long it takes or how hard it is to achieve. We must share the dream that someday there won't be a tyranny left anywhere in the world. We must work for a future where every nation on Earth will have thrown off the shackles of injustice and of oppression, and where every person on Earth will enjoy the same rights and liberties that now are the privilege of the more democratic and the more developed countries. It will take time, it will take effort, but it must happen. And it will happen all the sooner the better we learn to work for it and plan for it, all of us, large and small, together.

[Applause, the Members rising.]

At 11 o'clock and 40 minutes a.m., Her Excellency Dr. Vaira Vike-Freiberga, President of the Republic of Latvia, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Assistant to the Sergeant at Arms escorted the Acting Dean of the Diplomatic Corps from the Chamber.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 41 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess subject to the call of the Chair.

□ 1225

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOOZMAN) at 12 o'clock and 25 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. PITTS. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

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

There was no objection.

TAX RELIEF HELPS OUR ECONOMY

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

Ms. FOXX. Mr. Speaker, a few weeks ago, the U.S. Department of Commerce reported that our Nation's real gross domestic product was revised from 4.8 percent up to 5.3 percent. That is the fastest growth of our GDP in 2½ years. That is not the only good news. Our economy has created 5.3 million jobs since May 2003. 75,000 jobs were created last month alone. Unemployment has dropped from 6.3 percent to 4.7 percent, lower than the average of the 1960s, 1970s, 1980s, and 1990s. Personal income increased at an annual rate of 6.7 percent in April. The Treasury Department is reporting the highest annual tax receipts ever. The Federal budget deficit is $38 billion lower today than in May 2003. Last month Republicans approved a tax conference agreement that will continue this economic boom, and once again, the Democrats fought to stop it. In fact, if Democrats had their way, we would all face a massive tax hike.

Mr. Speaker, the Republicans will continue to hold the line on spending and extend tax relief for all Americans. We know that these for-growth policies work, and they will continue to foster economic growth.

REFINERY PERMIT PROCESS SCHEDULE ACT

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

Mr. CARNAHAN. Mr. Speaker, it is beginning to sound like a broken record around here: another week of record high gas prices, another Republican bill that benefits oil companies without helping consumers. Five years of Republicans' failed energy policies have resulted in Americans paying twice as much at the pump as they did in 2001, while big oil companies make triple the profits.

To distract Americans from this fact, Republicans have put forth the pro-oil company bills like the current Refinery Permit Process Schedule Act which they claim will lower fuel costs for consumers by allowing oil companies to drill more freely. Instead, the bill simply offers yet another needless handout to large oil companies in the form of weakened local regulation where any local public health and environmental concern could be ignored.

Mr. Speaker, instead of taking initiative and moving forward with real solutions to the growing fuel crisis in our country, Republicans offer more of the same. This is just another handout to Big Oil, which is exactly what got us into this mess. Democrats have put forth a real plan for energy independence by 2020. Americans know it is time for a change.

BROADCAST DECENCY

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

Mr. PITTS. Mr. Speaker, the effort to bring real decency standards to our airwaves is taking a major step forward this week. A couple of weeks ago, the Senate passed the Broadcast Decency Enforcement Act ending months of inaction by that body on the issue, and the House had passed its own version earlier last year.

While there are differences between the two bills, they both send a clear message: If you violate decency standards over broadcast airwaves, you will pay a price, a big price. Under current law, fines are limited to $32,500 per violation. The bill we will vote on today gives the FCC real teeth to enforce decency standards by increasing fines to 10 times that amount. Broadcasters will think twice about airing obscene material if they know it will cost them more than a quarter million dollars to do so.

Mr. Speaker, common decency is under attack in our society. The airwaves often lead the charge. Broadcast decency legislation seeks to do something about that. I applaud my colleagues in the House and Senate for acting on the issue, urge the Members to vote for his bill, send it to the President for his signature, and once again, enforce broadcast decency laws in our country.

□ 1230

NATIONAL WOMEN'S CONFIDENCE DAY

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

Mrs. MALONEY. Mr. Speaker, I rise to honor the first National Women's Confidence Day. This is a joint effort of YWCA–USA CEO Peggy Sanchez Mills and superstar Queen Latifa, and I am absolutely thrilled that they are able to join us today in the gallery. Thank you so much for coming.

Today and every first Wednesday in June hereafter will be National Women's Confidence Day. This event is a reminder to women everywhere to have self-respect and to empower themselves with confidence every single day, an opportunity for women to get involved in helping other women to live a more confident and fulfilling life and a tribute to women who help other women gain self-confidence and self-esteem.

The goal of National Women's Confidence Day is to raise public awareness and celebrate the positive impact of confidence on women's personal and professional lives. This is one that I support and applaud. I invite everyone to join us in encouraging all women across America to have the confidence to make change.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that it is against the rules to introduce guests in the gallery.

HONORING OUR MILITARY MEMBERS

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

Mr. KELLER. Mr. Speaker, I have just returned from Iraq where I had the privilege of spending Memorial Day with our troops from Florida. I went to Iraq for two reasons: First, to say thank you to our troops for their service; and, second, to see for myself how things were going in Iraq by meeting with our generals, our soldiers, and the Iraqi leaders.

The day I was there was quite hot, 115 degrees, and it was violent. Forty people were killed while I was there, including one U.S. soldier and two CBS news employees. I was so impressed with the bravery of our soldiers. For example, one soldier had his helicopter shot out of the sky. Upon landing, he replaced the blades in the helicopter with brand-new blades and went right back into battle.

Regardless of how you feel about the war in Iraq, realize that our troops are in harm's way, they are performing very bravely, and they deserve our support 100 percent in the U.S. Congress.

TIME FOR A NEW AGENDA IN WASHINGTON

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

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today because I feel a great injustice is being done to our Nation. It seems that our Republican colleagues decided to place the concerns of the American people aside so they can continue to divide us. Mr. Speaker, our country needs solutions to problems. Unfortunately, the majority is so out of touch with the average citizens of this Nation, they refuse to see the true important issues. Americans are worried about how they are going to pay for their children's college tuition. That is why we have a plan on helping parents better afford college by doubling the amount they can write off for their children's tuition.

America is worried about how they are going to pay for their high energy bills. That is why we need an energy package that ends our dependence on foreign oil.

These are issues that are important to all our citizens. We need a change from the ''no solution'' rhetoric of our colleagues on the other side of the aisle. The American citizens are tired of the division of our Nation. We need to unite our Nation and begin to govern not just for the few but for all.

That is what we have been elected to do and that is what we should demand of ourselves. It is time for a new agenda here in Washington, one that focuses on the issues of all Americans, not just the few.

HONORING JAMES P. GREENE

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, as we take time to reflect this week on D–Day and World War II, we reflect on the men who proudly fought for the ideals on which our country was founded, freedom and a democratic way of life. On December 7, 1941, our Nation was attacked, the worst attack on American soil until September 11, 2001, and that day our Nation was at war.

Mr. Speaker, a constituent of mine, Mr. James P. Greene from my home county of Oconee County, South Carolina, was aboard the USS *Detroit* in Pearl Harbor on that fateful day. Fortunately, Mr. Greene survived the attack, and I am proud to say he continued on in service to his country, spending the entire war in the Pacific Theater. In fact, Mr. Greene also served in the Korean War, and his entire naval career spanned from 1939 to 1961.

I would like to say to Mr. Greene and countless other World War II veterans just like him listening today, as a veteran who served after you and as an American citizen, thank you. Thank you for your service and thank you for your sacrifice. Our Nation is forever in your debt.

MISGUIDED REPUBLICAN PRIORITIES AND ENERGY

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

Ms. SOLIS. Mr. Speaker, today I rise because the misguided Republican priorities are hurting the pocketbooks of America's working families. Consumer inflation has risen at a rate of 3.2 percent in just the past 3 months, well above what the Federal Reserve is comfortable with. Gas prices continue to rise over $3.50 in my district and more. Yet, Republicans have prioritized legislation to benefit wealthy oil companies. These legislative priorities tie the hands of our States and risk public health, all to protect companies which can afford the give their executives $400 billion retirement packages.

This administration and this body continue to delay real action to help working-class families. I believe that we should increase production of alternative fuels, rescind the billions of dollars in taxpayer subsidies, tax breaks, and royalty relief given to big oil and gas companies, and work toward making America energy independent by the year 2020. America's working families must be our priority, not oil and gas companies.

EXPRESSING UNWAVERING CONFIDENCE FOR UNWAVERING AMERICAN TROOPS

(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, every day, U.S. troops risk their lives in Iraq to perform a mission which improves the national security of our country. Their sacrifices are immeasurable and these brave men and women remain dedicated to facing terrorists on the streets of Iraq so that we do not have to face them at home.

Last week, I had the fortunate opportunity to visit Iraq for the sixth time. While visiting with military leaders, Iraqi government officials and U.S. troops, I was inspired to learn of the tremendous progress occurring throughout this new democracy. Iraqi security forces continue to gain greater control over their country. In only 7 months, these forces have expanded from two brigades and 19 battalions to 14 brigades and 57 battalions.

As American troops and Iraqi security forces demonstrate strength on the battlefields of Iraq, we must also demonstrate our unwavering confidence in their mission for victory in the global war on terrorism.

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

ON THE REFINERY PERMIT PROCESS SCHEDULE ACT

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

Mrs. DAVIS of California. Mr. Speaker, American families are facing record-breaking prices at the gas pump this summer. But apparently, the priority of Republicans in Congress is to keep providing giveaways to wealthy oil companies.

This week, Republican leaders are bringing another unnecessary piece of legislation to the House floor in an effort to make it seem like they're meeting the challenge of high fuel prices. As most of us know, however, appearances can be deceiving.

Let's be clear about what this Republican refinery bill won't do. Just like the Republican push to drill for oil in Alaska, today's refinery bill won't take one penny off high gas prices. Not one penny.

Let's also be clear about what this Republican refinery bill will do. Quite simply, it gives rich oil companies free real estate to build refineries.

And what if the free land happens to be in your backyard? What if a refinery violates local environmental concerns? What if your neighborhood objects to having a refinery in your backyard? According to this bill, well, you're just on your own.

If you care anything about alternative energy development, State and local rights, the environment, or American families, vote ''no'' on this misguided bill.

RAPE TREES

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

Mr. POE. Ripped from the bodies of unwilling women, undergarments cling to branches of a tree just a few feet from the lawless U.S.-Mexico border. Dozens of pairs of underwear thrown there by rapists.

These are called rape trees. Each pair is a trophy from a woman that was smuggled into the United States. Victims that are heard screaming in the desert. They are raped, even gang raped by illegal human smugglers, then forced into silence.

These trees are a warning. Illegal immigrants evade our borders but crime doesn't evade them. Some become criminals. Some become victims. They are raped, robbed and murdered by other illegals. Human smugglers and brutal criminals who then claim other victims.

More than 70 percent of their rapes, murders and child sex crimes are against Americans. One expert who studies sex crimes says about a hundred illegal sex offenders cross the border every day, leaving thousands of victims every year.

Rape trees are a warning to illegals not to talk. They should be a warning to Americans as well: to shout out against illegal entry and human smuggling.

And that's just the way it is.

GOP DO-NOTHING CONGRESS REFUSES TO LEAD

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

Ms. SCHAKOWSKY. Mr. Speaker, the do-nothing Republican Congress continues to move along at a snail's pace, refusing to address any of the tough decisions that Americans so desperately want this Congress to tackle. Today is the 160th day of the year, but only the 40th voting day here in the House. Imagine that. It is no wonder that the American people have lost faith in Washington.

The House Republican leadership has simply run out of ideas. Rather than proposing a forward-looking energy initiative, House Republicans continue to push Big Oil's tired old ideas, ideas that will do absolutely nothing to lower gas prices for the American consumer.

Rather than explore ways to help Americans better afford ever-increasing health care premiums, House Republicans will once again follow the playbook of the insurance industry when, later this month, they will propose health care bills that only help enrich insurance companies.

Mr. Speaker, time is running out for the House Republican do-nothing Congress to actually provide some real

leadership and some new ideas. The American people are waiting.

HOMELAND SECURITY FUNDING

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

Mrs. KELLY. Mr. Speaker, I rise today to express the shock, disgust and frustration that I have felt since the Department of Homeland Security slashed homeland security money for New York and increased funding for other smaller, rural cities across America.

For many months since 9/11, Congress has been working to convince this administration that a risk-based distribution formula is the right way to protect Americans in cities like New York that are the most vulnerable to terrorist attacks. If the mission at Homeland Security is truly to protect America, then Department of Homeland Security funding should never be a pork-barrel matter. Yet the lack of common sense displayed by cutting New York's funding by 40 percent, while increasing the funding of nearly every other city, demonstrates that the threat is clearly not foremost in the minds of the DHS.

This is a slap in the face to all of us who experienced 9/11 in New York. We need to look no further than the 9/11 Commission report to understand that we must dedicate our resources to areas like New York where the risks are the highest and where multiple terrorist attacks have already occurred.

Our constituents ask us to spend taxpayer money wisely. By cutting first responder funding for New York and instead sending it to other areas of the country that are not at as much risk, the administration has failed terribly in its responsibility to spend taxpayer dollars wisely. If truly committed to securing our homeland, the administration must work with New York and immediately correct this horrendous blunder.

ON INTRODUCTION OF THE PLUG-IN HYBRID ELECTRIC VEHICLE ACT OF 2006

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

Mr. SMITH of Texas. Mr. Speaker, today I introduce the Plug-In Hybrid Electric Vehicle Act of 2006, H.R. 5538. This bill will help reduce our Nation's dependence on foreign sources of oil by promoting plug-in vehicles and advancing new vehicle technologies. It also establishes a partnership between private and public entities to focus on electric drive technology.

Americans are concerned about high gas prices, our dependence on foreign oil, and global warming. These cars have the potential to alleviate all three problems. The Federal Government needs to ensure that the research and development of alternative energy vehicles continues. Congress has a responsibility to help promote this new technology, and I am pleased that this bill already has significant bipartisan support.

HUGH MORTON TRIBUTE

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

Mr. MCHENRY. Mr. Speaker, last week North Carolina lost one of its leading citizens and I lost a treasured constituent. Hugh Morton was, in all senses of the term, the ''Keeper of the Mountain.'' As owner of Grandfather Mountain, he fought to protect and preserve its wildlife and scenic beauty for future generations.

Hugh Morton was also our State's leading and most acclaimed photographer, recording the history of the State of North Carolina for the past 70 years. Whether it was bald eagles soaring over his beloved Grandfather Mountain, or Michael Jordan soaring over the rim at Chapel Hill, Hugh Morton captured it all in breathtaking fashion.

He photographed a young aspiring actor in the 1950s named Andy Griffith and chronicled the legendary U.S. Senate race in 1984 between Senator Helms and Governor Hunt. From the mountains to the coast, Hugh Morton photographed all our State has to offer.

North Carolina lost one of its greatest promoters and advocates, Mr. Speaker, but fortunately his legacy lives on in more ways than we can imagine.

We will miss Hugh Morton.

□ 1245

PROVIDING FOR CONSIDERATION OF H.R. 5521, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2007

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 849 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 849

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. 5521) making appropriations for the Legislative Branch 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. The bill shall be considered as read. All points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

Mr. BISHOP of Utah. Mr. Speaker, for purposes 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.

House Resolution 849 provides for a structured rule with 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. It waives all points of order against consideration of the bill, and provides for one motion to recommit.

This rule also makes in order, as a structured rule, every amendment brought forward to the Rules Committee, so by anyone's standard this resolution would be designated as being very fair.

Mr. Speaker, the underlying legislation, H.R. 5521, funds the legislative branch of our Federal Government, including Congress, the Capitol Police, the Congressional Budget Office, the Architect of the Capitol, the Capitol Visitor Center, the Library of Congress, the Government Printing Office, and the Government Accountability Office.

As one wise Member of our body said, the $3 million provided in this bill to operate the legislative branch agencies under the jurisdiction of the House seem straightforward and fiscally responsible. I think if we overlooked this appropriations bill, which was passed in a bipartisan way, the two words you would say are an increase close to the cost-of-living adjustment and always less than what was requested. We requested a fiscally responsible bill.

For example, the overall budget is $230 million less than the President's budget. The House of Representatives is funded at $19 million less than the budget request. The Capitol Police gets $12 million more than last year, but $36 million below the request. The CBO is $1 million more than last year, but $1

million less than the request. The Architect's Office is $5 million more, but $114 million below the request. The Library of Congress is $15 million more than last year, but $18 million below the request. The GPO is $9 million more, but $21 million below the request. The Government Accountability Office is $10 million more than last year, but $14 million below the request.

There are a number of other changes made within the bill that I think are also positive. One of the changes will be for the Members' allowances. If they are unspent, they will be used to reduce the budget deficit. For someone who has regularly returned back at least 10 to 20 percent of my budget allocation, it is nice to know that it is also going to a worthy cause.

In addition, this bill provides provisions for increased congressional oversight and accountability on the completion of the much-anticipated Capitol Visitor Center, as well as some very specific report language and an amendment that dealt also with the Architect's Office and the Government Accountability Office until the new Architect is provided.

The underlying bill provides for full funding of staff COLAs and transit benefits, it bans smoking in the Rayburn cafeteria, and I understand on page 35 it says that the gentleman from Massachusetts will voluntarily give me his salary for the next year, or until my personal debt has been retired, whichever comes first, which will be the year.

It also provides for 50 new investigators in the General Accounting Office to conduct increased oversight on government contracts issued in the wake of hurricane devastation in the gulf coast as well as in Iraq.

Thus, Mr. Speaker, I think this underlying bill is fiscally responsible, provides modest increases in the essential legislative branch functions, but still provides less in almost every major category than the President's budget requested. So I urge adoption of this rule and its underlying legislation.

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

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Utah, my friend, Mr. BISHOP, 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 cannot recall the last time I came to the House floor to say anything good about a rule, but the fact of the matter is this is a good rule. Every Member who brought an amendment before the Rules Committee, their amendment has been made in order. So this is a good rule.

We have no speakers, we are not requiring any votes, and I want to thank the gentleman from Utah for bringing this to the floor.

I rise today in support of the FY 2007 Legislative Branch Appropriations bill. I commend Chairman LEWIS and Ranking Member OBEY, as well as the rest of the Appropriations Committee, for all their hard work on this legislation.

Historically, the Legislative Branch Appropriations bill is not considered under an open process like the other appropriations bills. Instead, the House usually considers this bill under a closed process. However, even though the Rules Committee reported a restrictive rule again, this year every amendment offered in the Rules Committee was made in order.

Mr. Speaker, it's refreshing that this bill is a bipartisan product of the legislative process, a true rarity under this Republican leadership. The Republican leadership should look to this bill as a lesson in how this body should be run. Sunshine should be let it. Amendments should be made in order. Mr. Speaker, as much as possible, the process should be open.

The fact that Mr. OBEY and others had questions regarding the operations at the Office of the Architect of the Capitol was valid and was heard. With unanimous support in Committee, Ranking Member OBEY's amendment putting the Comptroller General in direct control over the office of the Architect of the Capitol and the establishment of an Office of the Inspector General in the Office of the Architect of the Capitol was offered and adopted. The rule protects that amendment from being struck from the bill.

Mr. Speaker, with an ever growing deficit of $9 billion, I think even my good friend and colleague, Congressman FLAKE, would agree with me in the right to question where funds have been spent on the new Capitol Visitors Center. Now, I realize the cost is often never close to the estimate; however, this project was originally budgeted at $265 million and the new projected cost estimate is $556 million. That is $25 million more than double the cost and we are not finished. Completion dates and costs seem to just be getting later and higher.

The rest of the budget for the Legislative Branch seems to get it right. Small overall increases help keep Congress functioning. With a $110 million increase from FY06, this bill provides for 50 new Government Accountability Office, GAO, investigators to provide for increased oversight in gulf coast reconstruction and the war in Iraq. Providing for a strong and properly funded GAO is important, especially when considering that oversight is nonexistent in this Republican-controlled House.

Again, I would like to thank Chairman LEWIS and Ranking Member OBEY for their hard drafting this legislation and for their commitment to this body.

With that, I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I appreciate the comments of my colleague from Massachusetts, I will appreciate his check, and I look forward to passing this particular bill.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEWIS of California. 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. 5521, and that I may include tabular material on the same.

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

There was no objection.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 849 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. 5521.

The Chair designates the gentleman from Georgia (Mr. LINDER) as Chairman of the Committee of the Whole, and requests the gentleman from Arkansas (Mr. BOOZMAN) to assume the chair temporarily.

□ 1256

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. 5521) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2007, and for other purposes, with Mr. BOOZMAN (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 California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

The bill that we bring before you today is the legislative branch bill that funds the activities of the House. The bill includes approximately $3 billion, excluding the Senate items, an increase of about 3.6 percent over FY 2006.

We worked very closely with Mr. OBEY and his staff in developing this bill. I want to thank the committee members on both sides of the aisle, as well as our very fine staff for the work they have done.

While the bill is very small in size, it is the fundamental oil that allows the legislative branch to carry out its important responsibilities relative to our Nation's legislative and governmental interests here in Washington.

The bill represents a $224 million reduction, or 6.9 percent below the request. There will be no further reduction in the current workforce. All personnel cost-of-living increases and all

of their pay-related costs are provided. The Capitol Visitor Center is funded at the cost-to-complete level of $25.6 million. This amount reflects the GAO's latest estimate, and the Architect has concurred with the estimate. An additional $20.5 million is included for project fit-out and operations, essentially getting the place ready to go. The bill establishes an Inspector General in the Architect of the Capitol's Office. The IG will audit and report semiannually on management and operations of the AOC.

We expect to complete this bill today and move forward from there to the foreign operations bill.

LEGISLATIVE BRANCH APPROPRIATIONS BILL 2007 (H.R. 5521)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - LEGISLATIVE BRANCH					
HOUSE OF REPRESENTATIVES					
Salaries and Expenses					
House Leadership Offices					
Office of the Speaker	2,788	2,906	2,930	+142	+24
Office of the Majority Floor Leader	2,089	2,139	2,213	+124	+74
Office of the Minority Floor Leader	2,928	2,999	3,072	+144	+73
Office of the Majority Whip	1,797	1,843	1,921	+124	+78
Office of the Minority Whip	1,345	1,379	1,458	+113	+79
Speaker's Office for Legislative Floor Activities	482	491	491	+9	---
Republican Steering Committee	906	925	924	+18	-1
Republican Conference	1,548	1,699	1,699	+151	---
Republic Policy Committee	307	407	407	+100	---
Democratic Steering and Policy Committee	1,945	2,194	2,194	+249	---
Democratic Caucus	816	837	836	+20	-1
Nine minority employees	1,445	1,473	1,473	+28	---
Training and Program Development:					
Majority	290	290	290	---	---
Minority	290	290	290	---	---
Cloakroom Personnel:					
Majority	434	447	447	+13	---
Minority	434	447	447	+13	---
Subtotal, House Leadership Offices	19,844	20,766	21,092	+1,248	+326
Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail					
Expenses	534,109	559,628	557,796	+23,687	-1,832
Committee Employees					
Standing Committees, Special and Select	116,904	126,178	124,851	+7,947	-1,327
Committee on Appropriations (including studies and investigations)	25,668	26,555	26,497	+829	-58
Subtotal, Committee employees	142,572	152,733	151,348	+8,776	-1,385
Salaries, Officers and Employees					
Office of the Clerk	21,911	22,820	21,505	-406	-1,315
Office of the Sergeant at Arms	6,284	6,256	6,240	-44	-16
Office of the Chief Administrative Officer	121,471	114,192	109,301	-12,170	-4,891
Office of the Inspector General	3,991	4,212	4,204	+213	-8
Office for Emergency Planning, Preparedness and Operations	4,000	5,000	3,997	-3	-1,003
Office of General Counsel	962	962	959	-3	-3
Office of the Chaplain	161	164	164	+3	---
Office of the Parliamentarian	1,767	1,767	1,762	-5	-5
Office of the Parliamentarian	(1,546)	(1,407)	(1,403)	(-143)	(-4)
Compilation of precedents of the House of Representatives	(221)	(360)	(359)	(+138)	(-1)
Office of the Law Revision Counsel of the House	2,453	2,527	2,521	+68	-6
Office of the Legislative Counsel of the House	6,963	7,425	7,406	+443	-19
Office of Interparliamentary Affairs	720	738	737	+17	-1
Other authorized employees	161	285	285	+124	---
Office of the Historian	405	500	500	+95	---
Subtotal, Salaries, officers and employees	171,249	166,848	159,581	-11,668	-7,267

LEGISLATIVE BRANCH APPROPRIATIONS BILL 2007 (H.R. 5521)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Allowances and Expenses					
Supplies, materials, administrative costs and Federal tort claims	4,179	4,554	4,554	+375	---
Official mail for committees, leadership offices, and administrative offices of the House	410	410	410	---	---
Government contributions	213,422	223,252	217,253	+3,831	-5,999
Capitol Visitor Center	3,410	3,410	3,410	---	---
Business Continuity and Disaster Recovery	---	24,018	21,659	+21,659	-2,359
Miscellaneous items	703	703	703	---	---
Subtotal, Allowances and expenses	222,124	256,347	247,989	+25,865	-8,358
Total, Salaries and expenses	1,089,898	1,156,322	1,137,806	+47,908	-18,516
Total, House of Representatives	1,089,898	1,156,322	1,137,806	+47,908	-18,516
JOINT ITEMS					
Joint Economic Committee	4,276	4,406	4,370	+94	-36
Joint Committee on Taxation	8,693	9,105	9,082	+389	-23
Office of the Attending Physician					
Medical supplies, equipment, expenses, and allowances	2,520	2,652	2,652	+132	---
Capitol Guide Service and Special Services Office	4,098	8,490	8,490	+4,392	---
Statements of Appropriations	30	30	30	---	---
Total, Joint items	19,617	24,683	24,624	+5,007	-59
CAPITOL POLICE					
Salaries	215,281	246,700	220,600	+5,319	-26,100
General expenses	31,680	48,383	38,500	+6,820	-9,883
Total, Capitol Police	246,961	295,083	259,100	+12,139	-35,983
OFFICE OF COMPLIANCE					
Salaries and expenses	3,081	3,418	3,149	+68	-269
CONGRESSIONAL BUDGET OFFICE					
Salaries and expenses	35,096	37,026	36,329	+1,233	-697
ARCHITECT OF THE CAPITOL					
General administration	76,044	103,474	89,413	+13,369	-14,061
Capitol building	23,118	31,207	22,396	-722	-8,811
Capitol grounds	7,436	9,400	7,806	+370	-1,594
House office buildings	59,020	78,941	61,383	+2,363	-17,558
Capitol Power Plant	64,632	89,710	87,327	+22,695	-2,383
Offsetting collections	-6,534	-8,000	-8,000	-1,466	---
Net subtotal, Capitol Power Plant	58,098	81,710	79,327	+21,229	-2,383

LEGISLATIVE BRANCH APPROPRIATIONS BILL 2007 (H.R. 5521)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Library buildings and grounds	68,075	102,237	36,401	-31,674	-65,836
Capitol police buildings and grounds	14,753	20,218	11,621	-3,132	-8,597
Botanic garden	7,557	9,264	8,612	+1,055	-652
Capitol Visitor Center					
CVC Project (cost-to-complete)	41,481	20,600	25,600	-15,881	+5,000
CVC Project Fit Out	---	4,534	4,534	+4,534	---
CVC Operations	2,277	16,041	16,041	+13,764	---
Total, Capitol Visitor Center	43,758	41,175	46,175	+2,417	+5,000
Total, Architect of the Capitol	357,859	477,626	363,134	+5,275	-114,492
LIBRARY OF CONGRESS					
Salaries and expenses	391,796	409,294	396,022	+4,226	-13,272
Authority to spend receipts	-6,286	-6,350	-6,350	-64	---
Subtotal, Salaries and expenses	385,510	402,944	389,672	+4,162	-13,272
Copyright Office, salaries and expenses	58,015	59,189	59,044	+1,029	-145
Authority to spend receipts	-35,586	-33,984	-34,975	+611	-991
Subtotal, Copyright Office	22,429	25,205	24,069	+1,640	-1,136
Congressional Research Service, salaries and expenses	99,907	104,279	102,462	+2,555	-1,817
Books for the blind and physically handicapped, Salaries and expenses	53,905	55,703	53,974	+69	-1,729
Subtotal, Library of Congress	561,751	588,131	570,177	+8,426	-17,954
Rescission, Chapter 9, Division A, Misc. Appropriations Act, 2001	-6,858	---	---	+6,858	---
Total, Library of Congress	554,893	588,131	570,177	+15,284	-17,954
GOVERNMENT PRINTING OFFICE					
Congressional printing and binding	87,209	100,285	95,233	+8,024	-5,052
Office of Superintendent of Documents					
Salaries and expenses	33,004	43,000	35,287	+2,283	-7,713
Government Printing Office Revolving Fund	1,980	8,231	---	-1,980	-8,231
Total, Government Printing Office	122,193	151,516	130,520	+8,327	-20,996
GOVERNMENT ACCOUNTABILITY OFFICE					
Salaries and expenses	484,664	509,355	495,219	+10,555	-14,136
Offsetting collections	-7,093	-6,985	-6,985	+108	---
Total, Government Accountability Office	477,571	502,370	488,234	+10,663	-14,136
OPEN WORLD LEADERSHIP CENTER					
Payment to the Open World Leadership Center Trust Fund	13,860	14,400	13,400	-460	-1,000
STENNIS CENTER FOR PUBLIC SERVICE					
Stennis Center for Public Service	430	430	430	---	---
Grand total	2,921,459	3,251,005	3,026,903	+105,444	-224,102

LEGISLATIVE BRANCH APPROPRIATIONS BILL 2007 (H.R. 5521)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
RECAPITULATION					
House of Representatives	1,089,898	1,156,322	1,137,806	+47,908	-18,516
Joint Items	19,617	24,683	24,624	+5,007	-59
Capitol Police	246,961	295,083	259,100	+12,139	-35,983
Office of Compliance	3,081	3,418	3,149	+68	-269
Congressional Budget Office	35,096	37,026	36,329	+1,233	-697
Architect of the Capitol	357,859	477,626	363,134	+5,275	-114,492
Library of Congress	554,893	588,131	570,177	+15,284	-17,954
Government Printing Office	122,193	151,516	130,520	+8,327	-20,996
Government Accountability Office	477,571	502,370	488,234	+10,663	-14,136
Open World Leadership Center	13,860	14,400	13,400	-460	-1,000
Stennis Center for Public Service	430	430	430	---	---
Grand total	2,921,459	3,251,005	3,026,903	+105,444	-224,102

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

Mr. OBEY. Mr. Chairman, my views on this bill are well known, as well as the provisions in it. I think the report speaks for itself.

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman from California, Mr. THOMPSON, for his hard work and leadership on electronic-waste generated by the legislative branch. The Committee shares his concern and has included language in its report to ensure that Member offices are made aware that the House has regulations regarding the disposal of unwanted electronic equipment and for the Chief Administrative Officer to develop user friendly guidelines and procedures for Member offices. In addition, the Committee will request that each legislative branch agency provide information to the Committee regarding its disposal policy for electronic equipment and work to address this issue in conference.

Mr. OBEY. I yield back the balance of my time.

Mr. LEWIS of California. 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 is considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 5521

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 the Legislative Branch for the fiscal year ending September 30, 2007, and for other purposes, namely:

TITLE I—LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $1,137,806,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $21,092,000, including: Office of the Speaker, $2,930,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $2,213,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $3,072,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $1,921,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,458,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $491,000; Republican Steering Committee, $924,000; Republican Conference, $1,699,000; Republican Policy Committee, $407,000; Democratic Steering and Policy Committee, $2,194,000; Democratic Caucus, $836,000; nine minority employees, $1,473,000; training and program development—majority, $290,000; training and program development—minority, $290,000; Cloakroom Personnel—majority, $447,000; and Cloakroom Personnel—minority, $447,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $557,796,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $124,851,000: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2008.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $26,497,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2008.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $159,581,000, including: for salaries and expenses of the Office of the Clerk, including not more than $13,000, of which not more than $10,000 is for the Family Room, for official representation and reception expenses, $21,505,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $3,000 for official representation and reception expenses, $6,240,000; for salaries and expenses of the Office of the Chief Administrative Officer, $109,301,000, of which $4,996,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, $4,204,000; for salaries and expenses of the Office of Emergency Planning, Preparedness and Operations, $3,997,000, to remain available until expended; for salaries and expenses of the Office of General Counsel, $959,000; for the Office of the Chaplain, $164,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian, $2,000 for preparing the Digest of Rules, and not more than $1,000 for official representation and reception expenses, $1,762,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $2,521,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $7,406,000; for salaries and expenses of the Office of Interparliamentary Affairs, $737,000; for other authorized employees, $285,000; and for salaries and expenses of the Office of the Historian, $500,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $247,989,000, including: supplies, materials, administrative costs and Federal tort claims, $4,554,000; official mail for committees, leadership offices, and administrative offices of the House, $410,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $217,253,000; supplies, materials, and other costs relating to the House portion of expenses for the Capitol Visitor Center, $3,410,000, to remain available until expended; Business Continuity and Disaster Recovery, $21,659,000, of which $5,300,000 shall remain available until expended; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $703,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2112), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for ''HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES'' shall be available only for fiscal year 2007. Any amount remaining after all payments are made under such allowances for fiscal year 2007 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 102. LUMP-SUM ALLOWANCE.—(a) The aggregate amount otherwise authorized to be appropriated for a fiscal year for the lump-sum allowance for each of the following offices shall be increased as follows:

(1) The allowance for the Office of the Speaker is increased by $75,000.

(2) The allowance for the Office of the Majority Floor Leader is increased by $75,000.

(3) The allowance for the Office of the Minority Floor Leader is increased by $75,000.

(4) The allowance for the Office of the Majority Whip is increased by $75,000.

(5) The allowance for the Office of the Minority Whip is increased by $75,000.

(6) The allowance for the Democratic Steering and Policy Committee is increased by $200,000.

(7) The allowance for the Republican Conference is increased by $110,000.

(8) The allowance for the Republican Policy Committee is increased by $90,000.

(b) This section shall apply with respect to fiscal year 2007 and each succeeding fiscal year.

SEC. 103. ACTING CHIEF ADMINISTRATIVE OFFICER.—(a) In case of the death, resignation, separation from office, or disability of the Chief Administrative Officer of the House of Representatives, the duties of the Chief Administrative Officer may be carried out by a subordinate employee of the Office of the Chief Administrative Officer (as designated by the Chief Administrative Officer) until a Chief Administrative Officer is appointed or an individual is appointed to act as the Chief Administrative Officer by the Speaker of the House of Representatives under section 208(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 75a–1(a)).

(b)(1) Section 7 of the Legislative Branch Appropriations Act, 1943 (2 U.S.C. 75a), is repealed.

(2) Section 208(b) of the Legislative Reorganization Act of 1946 (2 U.S.C. 75a–1(a)) is amended by striking ''involved;'' and all that follows and inserting ''involved.''.

SEC. 104. CONTRACT FOR EXERCISE FACILITY.—(a) Section 103(a) of the Legislative Branch Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 3175), is amended by striking ''private entity'' and inserting ''public or private entity''.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2005.

SEC. 105. DISCOUNTED MEMBERSHIP.—(a) If the Architect of the Capitol and the Chief Administrative Officer of the House of Representatives agree to permit employees of the Office of the Architect of the Capitol to receive discounted memberships in a private exercise facility which has entered into a contract with the House to provide employees of the House with discounted memberships in the facility, the Architect may use amounts made available in a fiscal year for ''General Administration'' to make payments under the contract.

(b) This section shall apply with respect to fiscal year 2007 and each succeeding fiscal year.

SEC. 106. MEMBERSHIP IN EXERCISE FACILITY.—In addition to individuals whose pay is disbursed by the Chief Administrative Officer of the House of Representatives, membership in the exercise facility established for employees of the House (as described in section 103(a) of the Legislative Branch Appropriations Act, 2005) shall be available to such other categories of individuals as may be approved by the Committee on House Administration.

SEC. 107. MEDIA SUPPORT SERVICES.—(a) The responsibilities of positions under the House Press Gallery, the House Periodical Press Gallery, and the House Radio and Television Correspondents' Gallery shall include providing media support services with respect to the presidential nominating conventions of the national committees of political parties.

(b) The Standing Committee of Correspondents may enter into agreements with national committees of political parties under which the committees and persons authorized by the committees may reimburse employees for necessary expenses incurred in carrying out the responsibilities described in subsection (a) and employees may accept such reimbursement.

(c) The terms and conditions under which employees exercise responsibilities under subsection (a), and the terms and conditions of any agreement entered into under subsection (b), shall be subject to the approval of the Chief Administrative Officer of the House of Representatives.

(d) In this section, the terms ''national committee'' and ''political party'' have the meaning given such terms in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431).

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $4,370,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $9,082,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month to the Attending Physician; (2) an allowance of $725 per month each to four medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $725 per month to two assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) $1,920,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $2,652,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $8,490,000, to be disbursed by the Secretary of the Senate.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the second session of the 109th Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $220,600,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $38,500,000, to be disbursed by the Chief of the Capitol Police or his designee: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2007 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 1001. TRANSFER AUTHORITY.—Amounts appropriated for fiscal year 2007 for the Capitol Police may be transferred between the headings ''SALARIES'' and ''GENERAL EXPENSES'' upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 1002. STUDENT LOAN REIMBURSEMENT.—Section 908(c) of the Emergency Supplemental Act, 2002 (2 U.S.C. 1926(c)) is amended by striking ''$40,000'' and inserting ''$60,000''.

SEC. 1003. ADVANCE PAYMENTS.—During fiscal year 2007 and each succeeding fiscal year, the Chief of the United States Capitol Police may make payments in advance for obligations of the Capitol Police for subscription services if the Chief determines it to be more prompt, efficient, or economical to do so.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $3,149,000, of which $780,000 shall remain available until September 30, 2008: *Provided*, That the Executive Director of the Office of Compliance may, within the limits of available appropriations, dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding: *Provided further*, That not more than $500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.

ADMINISTRATIVE PROVISION

SEC. 1101. LUMP-SUM PAYMENTS.—(a) The Executive Director of the Office of Compliance shall have the authority to make lump-sum payments to reward exceptional performance by an employee or a group of employees.

(b) Subsection (a) shall apply with respect to fiscal years beginning after September 30, 2006.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $36,329,000.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $89,413,000, of which $5,000,000 shall remain available until September 30, 2011.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, $22,396,000, of which $5,965,000 shall remain available until September 30, 2011.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $7,806,000.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $61,383,000, of which $19,805,000 shall remain available until September 30, 2011.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, the Capitol Visitor Center, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from

plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $79,327,000, of which $1,434,000 shall remain available until September 30, 2011: *Provided*, That not more than $8,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2007.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $36,401,000, of which $12,971,000 shall remain available until September 30, 2011.

CAPITOL POLICE BUILDINGS AND GROUNDS

For all necessary expenses for the maintenance, care and operation of buildings and grounds of the United States Capitol Police, $11,621,000, of which $2,000,000 shall remain available until September 30, 2011.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $8,612,000: *Provided*, That this appropriation shall not be available for construction of the National Garden: *Provided further*, That of the amount made available under this heading, the Architect may obligate and expend such sums as may be necessary for the maintenance, care and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect or a duly authorized designee.

CAPITOL VISITOR CENTER

For an additional amount for the Capitol Visitor Center project, $25,600,000 to remain available until expended, and in addition, $20,575,000 for the Capitol Visitor Center operation costs of which $1,000,000 shall remain available until September 30, 2011: *Provided*, That the Architect of the Capitol may not obligate any of the funds which are made available for the Capitol Visitor Center project without an obligation plan approved by the Committees on Appropriations of the Senate and House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 1201. ROSA PARKS STATUE.—(a) Section 1(a) of Public Law 109–116 (2 U.S.C. 2131a note) is amended by adding at the end the following new sentence: ''The Joint Committee may authorize the Architect of the Capitol to enter into the agreement required under this subsection on its behalf, under such terms and conditions as the Joint Committee may require.''.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of Public Law 109–116.

SEC. 1202. STATUTORY POSITIONS.—(a) Section 1203(e) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1805(e)) is amended by striking paragraph (3).

(b) Section 108(a) of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 1849(a)) is amended by striking ''12 positions'' and inserting ''15 positions''.

(c) The amendments made by this Act shall apply with respect to pay periods beginning on or after the date of the enactment of this Act, except that any individual who was appointed to a position described in section 1203(e)(3) of the Legislative Branch Appropriations Act, 2003 (as in effect prior to the enactment of subsection (a)) who holds that position on the day before the date of the enactment of this Act shall be deemed to have been appointed to a position described in section 108(a) of the Legislative Branch Appropriations Act, 1991 (as amended by subsection (b)).

SEC. 1203. TRAVEL AND TRANSPORTATION.—(a) Section 5721(1) of title 5, United States Code, is amended—

(1) by redesignating subparagraphs (G) and (H) as subparagraphs (H) and (I); and

(2) by inserting after subparagraph (F) the following new subparagraph:

''(G) the Architect of the Capitol;''.

(b) Section 521(1)(B) of the National Energy Conservation Policy Act (42 U.S.C. 8241(1)(A)(B)) is amended by striking ''(B) through (H)'' and inserting ''(B) through (I)''.

SEC. 1204. LEASING AUTHORITY.—(a) Section 1102(b) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 1822(b)) is amended—

(1) in paragraph (1), by striking ''Committee on Rules and Administration'' and inserting ''Committees on Appropriations and Rules and Administration'';

(2) in paragraph (2), by striking ''the House Office Building Commission'' and inserting ''the Committee on Appropriations of the House of Representatives and the House Office Building Commission''; and

(3) in paragraph (3), by striking the period at the end and inserting '', for space to be leased for any other entity under subsection (a).''.

(b) The amendments made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2004.

SEC. 1205. ADVANCE PAYMENTS.—During fiscal year 2007 and each succeeding fiscal year, the Architect of the Capitol may make payments in advance for obligations of the Office of the Architect of the Capitol for subscription services if the Architect determines it to be more prompt, efficient, or economical to do so.

SEC. 1206. (a) ESTABLISHMENT OF OFFICE.—There is established in the Office of the Architect of the Capitol the Office of the Inspector General, headed by the Inspector General of the Office of the Architect of the Capitol (hereafter in this section referred to as the ''Inspector General'').

(b) INSPECTOR GENERAL.—

(1) APPOINTMENT.—The Inspector General shall be appointed by the Architect of the Capitol, in consultation with the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, and shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(2) TERM OF SERVICE.—The Inspector General shall serve for a term of 5 years, and an individual serving as Inspector General may be reappointed for not more than 2 additional terms.

(3) REMOVAL.—The Inspector General may be removed from office prior to the expiration of his term only by the Architect of the Capitol. Upon such removal, the Architect shall promptly communicate the reasons for the removal in writing to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

(4) SALARY.—The Inspector General shall be paid at an annual rate equal to $1,500 less than the annual rate of pay in effect for the Architect of the Capitol.

(c) DUTIES.—

(1) APPLICABILITY OF DUTIES OF INSPECTOR GENERAL OF EXECUTIVE BRANCH ESTABLISHMENT.—The Inspector General shall carry out the same duties and responsibilities with respect to the Architect of the Capitol as an Inspector General of an establishment carries out with respect to an establishment under section 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4), under the same terms and conditions which apply under such section.

(2) SEMIANNUAL REPORTS.—The Inspector General shall prepare and submit semiannual reports summarizing the activities of the Office of the Inspector General in the same manner, and in accordance with the same deadlines, terms, and conditions, as an Inspector General of an establishment under section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5). For purposes of applying section 5 of such Act to the Inspector General, the Architect of the Capitol shall be considered the head of the establishment.

(3) INVESTIGATIONS OF COMPLAINTS OF EMPLOYEES.—

(A) AUTHORITY.—The Inspector General may receive and investigate complaints or information from an employee of the Office of the Architect of the Capitol concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety.

(B) NONDISCLOSURE.—The Inspector General shall not, after receipt of a complaint or information from an employee, disclose the identity of the employee without the consent of the employee, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

(C) PROHIBITING RETALIATION.—An employee of the Office of the Architect of the Capitol who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(4) INDEPENDENCE IN CARRYING OUT DUTIES.—Neither the Architect of the Capitol nor any other employee of the Office of the Architect of the Capitol may prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities assigned to the Inspector General under this section.

(d) POWERS.—

(1) IN GENERAL.—The Inspector General may exercise the same authorities with respect to the Architect of the Capitol as an Inspector General of an establishment may exercise with respect to an establishment under section 6(a) of the Inspector General Act of 1978 (5 U.S.C. App. 6(a)), other than paragraphs (7) and (8) of such section.

(2) STAFF.—

(A) IN GENERAL.—The Inspector General may appoint and fix the pay of such personnel as the Inspector General considers appropriate. Such personnel may be appointed without regard to the provisions of title 5, United States Code, regarding appointments in the competitive service, and may 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, except that no personnel

of the Office (other than the Inspector General) may be paid at an annual rate greater than $500 less than the annual rate of pay of the Inspector General under subsection (b)(4).

(B) EXPERTS AND CONSULTANTS.—The Inspector General may procure temporary and intermittent services under section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title.

(C) INDEPENDENCE IN APPOINTING STAFF.—No individual may carry out any of the duties or responsibilities of the Office unless the individual is appointed by the Inspector General, or provides services procured by the Inspector General, pursuant to this paragraph. Nothing in this subparagraph may be construed to prohibit the Inspector General from entering into a contract or other arrangement for the provision of services under this section.

(D) APPLICABILITY OF ARCHITECT OF THE CAPITOL PERSONNEL RULES.—None of the regulations governing the appointment and pay of employees of the Office of the Architect of the Capitol shall apply with respect to the appointment and compensation of the personnel of the Office, except to the extent agreed to by the Inspector General. Nothing in the previous sentence may be construed to affect subparagraphs (A) through (C).

(3) EQUIPMENT AND SUPPLIES.—The Architect of the Capitol shall provide the Office with appropriate and adequate office space, together with such equipment, supplies, and communications facilities and services as may be necessary for the operation of the Office, and shall provide necessary maintenance services for such office space and the equipment and facilities located therein.

(e) TRANSFER OF FUNCTIONS.—

(1) TRANSFER.—To the extent that any office or entity in the Office of the Architect of the Capitol prior to the appointment of the first Inspector General under this section carried out any of the duties and responsibilities assigned to the Inspector General under this section, the functions of such office or entity shall be transferred to the Office upon the appointment of the first Inspector General under this section.

(2) NO REDUCTION IN PAY OR BENEFITS.—The transfer of the functions of an office or entity to the Office under paragraph (1) may not result in a reduction in the pay or benefits of any employee of the office or entity, except to the extent required under subsection (d)(2)(A).

(f) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $396,022,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2007, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2007 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided,* That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further,* That the total amount available for obligation shall be reduced by the amount by which collections are less than $6,350,000: *Provided further,* That of the total amount appropriated, $14,509,000 shall remain available until expended for the partial acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further,* That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: *Provided further,* That of the total amount appropriated, $5,954,000 is available for the digital collections and educational curricula program, of which $4,010,000 shall remain available until expended: *Provided further,* That of the total amount appropriated, $600,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106–173, of which $10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: *Provided further,* That of the total amount appropriated, $11,029,000 shall remain available until expended for partial support of the National Audio-Visual Conservation Center.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $59,044,000, of which not more than $29,335,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2007 under section 708(d) of title 17, United States Code: *Provided,* That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further,* That not more than $5,640,000 shall be derived from collections during fiscal year 2007 under sections 111(d)(2), 119(b)(2), 803(e), 1005, and 1316 of such title: *Provided further,* That the total amount available for obligation shall be reduced by the amount by which collections are less than $34,975,000: *Provided further,* That not more than $100,000 of the amount appropriated is available for the maintenance of an ''International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further,* That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: *Provided further,* That notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program.

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $102,462,000: *Provided,* That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $53,974,000, of which $15,673,000 shall remain available until expended.

ADMINISTRATIVE PROVISIONS

SEC. 1301. INCENTIVE AWARDS PROGRAM.—Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 1302. REIMBURSABLE AND REVOLVING FUND ACTIVITIES. (a) IN GENERAL.—For fiscal year 2007, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $111,078,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2007, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading ''LIBRARY OF CONGRESS'' under the subheading ''SALARIES AND EXPENSES'' to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): *Provided,* That the total amount of such transfers may not exceed $1,900,000: *Provided further,* That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

SEC. 1303. UNITED STATES DIPLOMATIC FACILITIES.—Funds made available for the Library of Congress under this Act are available for transfer to the Department of State as remittance for a fee charged by the Department for fiscal year 2007 for the maintenance, upgrade, or construction of United States diplomatic facilities only to the extent that the amount of the fee so charged is equal to or less than the unreimbursed value of the services provided during fiscal year 2007 to the Library of Congress on State Department diplomatic facilities.

SEC. 1304. AUDIT REQUIREMENT.—Section 207(e) of the Legislative Branch Appropriations Act, 1998 (2 U.S.C. 182(e)) is amended to read as follows:

''(e) AUDIT.—The revolving fund shall be subject to audit by the Comptroller General at the Comptroller General's discretion.''.

SEC. 1305. TRANSFER AUTHORITY.—Amounts appropriated for fiscal year 2007 for the Library of Congress may be transferred between any of the headings for which the amounts are appropriated upon the approval of the Committees on Appropriations of the Senate and House of Representatives.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $95,233,000: *Provided,* That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: *Provided further,* That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further,* That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $35,287,000: Provided, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2005 and 2006 to depository and other designated libraries: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office may make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided,* That not more than $5,000 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That the revolving fund and the funds provided under the headings ''OFFICE OF SUPERINTENDENT OF DOCUMENTS'' and ''SALARIES AND EXPENSES'' together may not be available for the full-time equivalent employment of more than 2,621 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate): *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further,* That not more than $10,000 may be expended from the revolving fund in support of the activities of the Benjamin Franklin Tercentenary Commission established by Public Law 107–202.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $488,234,000: *Provided,* That not more than $4,980,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2007: *Provided further,* That not more than $2,005,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2007: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further,* That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), $13,400,000.

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), $430,000.

TITLE II—GENERAL PROVISIONS

SEC. 201. MAINTENANCE AND CARE OF PRIVATE VEHICLES.—No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 202. FISCAL YEAR LIMITATION.—No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2007 unless expressly so provided in this Act.

SEC. 203. RATES OF COMPENSATION AND DESIGNATION.—Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided,* That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 204. CONSULTING SERVICES.—The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

SEC. 205. AWARDS AND SETTLEMENTS.—Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

SEC. 206. COSTS OF LBFMC.—Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

SEC. 207. LANDSCAPE MAINTENANCE.—The Architect of the Capitol, in consultation with the District of Columbia, is authorized

to maintain and improve the landscape features, excluding streets and sidewalks, in the irregular shaped grassy areas bounded by Washington Avenue, SW on the northeast, Second Street SW on the west, Square 582 on the south, and the beginning of the I–395 tunnel on the southeast.

SEC. 208. LIMITATION ON TRANSFERS.—None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 209. None of the funds made available in this Act may be used to establish or operate a smoking area in the cafeteria and public dining areas of the Rayburn House Office Building.

SEC. 210. For fiscal year 2007 only, all authorities previously exercised by the Architect of the Capitol, including but not limited to the execution and supervision of contracts; and the hiring, supervising, training, and compensation of employees, shall be vested in the Comptroller General of the United States or his designee: *Provided*, That this delegation of authority shall terminate with the confirmation of a new Architect of the Capitol.

This Act may be cited as the ''Legislative Branch Appropriations Act, 2007''.

The Acting CHAIRMAN. No amendment to the bill shall be in order except those printed in House Report 109–487. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 109–487.

It is now in order to consider amendment No. 2 printed in House Report 109–487.

□ 1300

It is now in order to consider amendment No. 3 printed in House Report 109–487.

It is now in order to consider amendment No. 4 printed in House Report 109–487.

AMENDMENT NO. 4 OFFERED BY MR. BAIRD

Mr. BAIRD. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. BAIRD:

Page 13, line 13, insert after the dollar amount the following: ''(increased by $2,400,000)''.

Page 36, line 3, insert after the dollar amount the following: ''(decreased by $2,400,000)''.

The Acting CHAIRMAN. Pursuant to House Resolution 849, the gentleman from Washington (Mr. BAIRD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

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

It is my understanding that my respective chairman and ranking member have some concerns about the amendment, and I intend to withdraw it, therefore. However, I would like to speak to it briefly, if I may.

Many of us who have served here for a number of years still find ourselves, unfortunately, lost when we travel in the basement of this building or some of the other office buildings. That is a frustrating and sometimes humorous experience for us under normal circumstances, but in an emergency situation it could be a matter of life and death.

I am aware that there are firms that specialize in the electronic mapping of facilities precisely such as this for the purpose of helping first responders respond more quickly and ably in the event of an emergency. Indeed, schools throughout my State have been mapped in such a way, as is our capital complex in Washington State today.

What I am asking for with this amendment is the diversion of $2.4 million that is currently allocated towards the House Printing Office in order that the Architect of the Capitol could invest in an electronic mapping system to provide this function.

Let me describe briefly what can happen with these electronic mapping systems. Essentially, rather than relying on the Architect of the Capitol to have a bunch of hard copy blueprints that would be presumably folded out in a time of crisis, the entire complex would be mapped in an electronic form such that the information about the complex could be downloaded and available on laptops, PDAs or other electronic means. This could include response plans, hazardous materials locations, and paths of egress or ingress.

Imagine had Flight 93 hit this Capitol, the chaos and the smoke and the toxic fumes that would have engulfed this building, we could easily have had Members of Congress, staff, members of the public trapped in unaccessible locations that the first responders would not even know how to reach.

What we are asking for today is that we invest in a system that will make it possible for our first responders, our Capitol Police, firefighters from on grounds or off grounds to respond promptly, efficiently to save lives and to restore order as needed.

This is a relatively small investment for what could one day be a profound and important life-saving measure. I would encourage my good friends, the chairman and ranking member, to work with me in the future on this measure.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, Mr. OBEY and I have both understood for years that if you wander through the Rayburn Building and do not get lost, you have been here too long. With that, I think you have a very good proposal.

Mr. BAIRD. I thank the gentleman, and hope that we might be able to work on this in the future.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 109–487.

It is now in order to consider amendment No. 6 printed in House Report 109–487.

It is now in order to consider amendment No. 7 printed in House Report 109–487.

The CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BOOZMAN) having assumed the chair, Mr. LINDER, 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. 5521) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2007, and for other purposes, pursuant to House Resolution 849, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

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.

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

□ 1315

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

EXPRESSING SENSE OF CONGRESS AND SUPPORT FOR GREATER OPPORTUNITIES FOR SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS (GO–STEM) PROGRAMS

Mr. PRICE of Georgia. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 421) expressing the sense of Congress and support for Greater Opportunities for Science, Technology, Engineering,

and Mathematics (GO–STEM) programs, as amended.

The Clerk read as follows:

H. CON. RES. 421

Whereas in October 2005, the Government Accountability Office released a study on Federal science, technology, engineering, and mathematics (STEM) programs and concluded that the Federal Government funds 207 education-related STEM programs across 13 separate Federal agencies;

Whereas in the Deficit Reduction Act of 2005 (Public Law 109–171), the Congress established the Academic Competitiveness Council in order to identify all Federal education programs with a mathematics and science focus;

Whereas the Academic Competitiveness Council is chaired by the Secretary of Education and brings together officials from across the Federal Government;

Whereas the Academic Competitiveness Council is charged with determining the effectiveness of each program and identifying areas of overlap or duplication; and

Whereas the Academic Competitiveness Council has up to one year after February 2006 to release its report and will recommend ways to efficiently integrate and coordinate the programs: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) mathematics and science education programs across Federal agencies should be better coordinated;

(2) there should be minimal duplication among these programs and consistent standards of evaluation;

(3) the Department of Education should be commended for its rapid response in creating the Academic Competitiveness Council; and

(4) the recommendations of the Academic Competitiveness Council should be closely examined when making decisions about Federal funding for mathematics and science education programs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. PRICE) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. PRICE of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Con. Res. 421.

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

There was no objection.

Mr. PRICE of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I initially want to start and thank the chairman and staff of the Education and Workforce Committee, and Members on both sides, cosponsors on both sides of the aisle here, for their support and their assistance as we bring this important resolution forward.

A couple of quotes from the Hart-Rudman Commission report in 2001: ''The harsh fact is that the United States need for the highest quality human capital in science, mathematics and engineering is not being met. Another reason for the growing deficit in high-quality human capital is that the American kindergarten through 12th grade education system is not performing as well as it should.''

And then just a year and a half ago, the former Speaker of the House, Newt Gingrich said, ''The biggest challenge for the United States domestically is to fundamentally, profoundly overhaul math and science education. This is a real crisis.''

Mr. Speaker, in order to sustain America's economic growth and national security, United States must remain at the cutting edge of innovation and ingenuity in such fields as science, technology, engineering and mathematics, often referred to as STEM. And staying at the cutting edge will only happen by putting the right workforce in place for the 21st century.

Creating the 21st century workforce begins by answering the domestic demand for occupations like scientists and engineers. In fact, the demand for scientists and engineers is expected to increase at four times the rate of all other occupations over the next decade.

Already the Federal Government makes a sizeable investment to promote STEM-related occupations through education initiatives. But if the Federal Government is going to continue to have such a role, it makes sense to take a look at the current Federal programs, the total investment of those programs and gauge the effectiveness of those programs.

In October 2005, the Government Accountability Office released a study on Federal STEM programs and concluded the Federal Government funds 207 education programs across 13 separate Federal agencies. In total, those programs cost $2.8 billion in fiscal year 2004. However, only 51 of the 207 programs received $10 million or more, meaning that most received not a substantial investment.

In the study, the GAO went on to conclude that before adopting any changes, it is important to know the extent to which existing STEM education programs are appropriately targeted and making the best use of available Federal resources.

Based upon the recommendations of the GAO, Congress went on to establish the Academic Competitiveness Council in order to identify all Federal education programs with a math and science focus. The primary duties of the council are to determine the effectiveness of each program and identify areas of overlap or duplication.

Now, the rudimentary evidence points to a system that is fragmented and in need of much better coordination. Congress is eagerly anticipating the report of the Academic Competitiveness Council to see how the larger facts bear out, and to that end the Department of Education and other Federal agencies should be commended for their rapid response in creating the council and their aggressiveness in finding the truth.

But as Congress examines the investments made on math and science education, the effort also must focus on duplication and standards of evaluation. Federal resources are precious, and it is the responsibility of Congress to ensure that money is not being thrown at repetitive or duplicative efforts and that these programs can be properly monitored for their effectiveness.

Instead of spreading money around on programs that span the Federal Government and lack an overall coherent plan, Congress must direct the money to the best possible use in a consistent manner. The recommendations of the Academic Competitiveness Council should be closely watched and bring semblance to math and science education programs. This resolution would move us in that direction.

So I urge my colleagues to adopt this resolution. Now is the time to affirm the importance of such an investment, but also to properly evaluate the recommendations produced by the council. As America looks to sustain its economic vitality and national security, investments in the field of science, technology, engineering and math are too important to leave fragmented and without proper guidance.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker and Members of the House, we rise in support of this legislation. We think that it is important that we do get a handle on those programs that the Federal Government currently supports in the fields of science, technology, engineering and mathematics.

Late last year, the Democratic Caucus introduced an innovation agenda, and that innovation agenda was designed to make sure that America would retain its competitiveness and America would be able to go forward into this century as a leader in math, science and engineering and a leader in innovation, a place that America has held for the last 50 years. We have held that position in the world because of an investment that was made by President Kennedy to go to the Moon and to return safely, and the infrastructure that was built up by that decision. President Kennedy understood it was more than just a moon shot. It was about building an infrastructure in math, science and engineering for this country for the future. And that decision led to the greatest public-private partnership in the history of the world and created an infrastructure today that we continue to live off of and that has driven this economy for that same period of time.

□ 1330

The question is whether or not we need to renew that investment. Clearly those people who are participating in this economy at the highest levels, on the cutting edge, those who are creating new start-ups, who have created some of the great companies of the

world in high technology, biotech and engineering, tell us that it is absolutely imperative that America make this effort.

They have made it also clear to us that the foundation of this is the American education system; that not only must we fully fund No Child Left Behind, as the American Electronics Association called for, but we have to make a new commitment to graduate studies, we have to make a new commitment to the teachers of math, science and engineering at all levels, and we have got to make a new commitment to research and development.

So this resolution is quite timely, because it is important that we understand not only why these programs are on the books, the purposes for which they are created, but do they still work in today's environment, should they be modified, should they be merged, should they be given new purposes.

We know that the National Science Foundation outside of the Department of Education has created some of the most effective programs for young people to become excited about the physical sciences and the life sciences and to understand the world around them, and have engaged students in a way that they are unlikely to be engaged with the traditional textbook approach to those sciences.

In my own State of California, we now see the University of California initiating a new program where those students of math, science and engineering will be able to concurrently achieve a teaching credential, so not only will they be fully skilled in the core subject matters of engineering and math and science, but they will also, if they decide to go into the teaching field, be fully qualified to teach those subject matters and create that excitement that we talk about so much, so that young people will truly see the value and the excitement of studying and entering careers that deeply involve math, science and engineering.

If we fail to do this, if we fail to do more than this resolution, if the national science programs continue to come under budget pressure, then the problem will be that we can lose that leadership in fields of innovation where America has been so terribly strong.

We now see strategic investments being made in the educational facilities, in the research facilities, all along the Asian Rim, by India, by China, by Indonesia, by Korea, in the field of telecommunications and the field of technology and the field of biosciences; and it is terribly important for our economy here at home, for the jobs of the future and for our leadership in the world and a matter of our national security, certainly, in the technology fields. The only way we are going to be able to do that, according to those people who are betting their companies, betting their shareholders' money, betting borrowed money and the venture capitalists staking their future on it, is to engage in a full and comprehensive program for competitiveness and innovation.

In the Democratic proposal, the challenge that we have laid down to this Congress, that challenge is to create a new generation of innovators, and this legislation speaks to this because it speaks to the education programs that will be available and the effectiveness of those programs for math, science and engineering.

We also speak to that by making sure that there are graduate fellowships, much as we did again in the effort to reach the Moon in the Kennedy administration where 28,000 fellowships were given. Those individuals finished their graduate studies early and became part of that great foundation of American ingenuity and competitiveness.

Mr. Speaker, with that, I, too, want to support this resolution and draw attention to the needs that we have in the areas of science, engineering and math for the education establishments in this country. We dramatically need to improve the number of highly qualified teachers with core competencies in these fields; we dramatically need to increase the number of young people who are excited by this; and we dramatically need to increase the number of young people who want to choose this as a career, as a profession, as a place of excitement and innovation.

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

Mr. PRICE of Georgia. Mr. Speaker, I want to thank the ranking member for his support, and yield 3 minutes to the gentleman from California (Mr. MCKEON), the chairman of the Education and the Workforce Committee.

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

Mr. Speaker, I rise in support of this resolution to recognize the ever-increasing importance of science, technology, engineering and mathematics programs, to which we have given the acronym STEM. As you know, this is an issue on which the Education and the Workforce Committee has provided considerable leadership over the last several years, particularly during the No Child Left Behind era and through our recent efforts to strengthen the Higher Education Act.

Right now, our committee is immersed in a series of hearings on the current state and future prospects of our Nation's STEM programs. At these hearings, we have heard from Secretary of Labor Chao and Secretary of Education Spellings, who discussed the Bush administration's view on the STEM programs. We have also heard from a variety of other Federal officials, as well as educators and businessmen and women from across the Nation.

A common theme throughout their testimony was this: In order to determine where to go next with regard to Federal involvement in STEM programs, it is best to gain a better understanding of where we already are.

Congress has taken steps to determine just that. Last fall, the Government Accountability Office issued a report that quantified the many Federal programs established to increase the number of students pursuing science, technology, engineering and math degrees. In fiscal year 2004 alone, we spent about $2.8 billion on these programs, and the GAO has recommended that before creating new Federal math and science programs, we should know which existing programs are appropriately targeted and making the best use of Federal resources.

Following that logic, earlier this year, as part of the Deficit Reduction Act, Congress established an Academic Competitiveness Council designed to identify and review the more than 200 programs within the 13 separate Federal agencies with a math or science focus. The council will evaluate the effectiveness of the programs, determine areas of duplication and recommend ways in which to integrate and coordinate them. Its activities recently began in earnest, and a final report must be submitted to Congress by February 2007.

Mr. Speaker, Congress, the Federal Government and our Nation's academic and business communities must gain a better understanding of what programs already exist to improve STEM education, how effective these programs are and, most importantly of all, what we can do to improve them.

Simply put, for our Nation to remain competitive in a rapidly changing global marketplace, we must sharpen our focus in STEM programs. I applaud our efforts to improve them, and I support this resolution.

I thank my colleague from Georgia, Dr. PRICE, for bringing it to the floor.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman for yielding me time. I also want to commend Representative PRICE for his introduction of this legislation, and I am pleased to join with him, Chairman MCKEON and Ranking Member MILLER as we express support for H. Con. Res. 421.

Supporting mathematics and science in education is crucial to national prosperity. The United States workforce is dramatically changing, and the demand for highly skilled jobs is increasing. In the last 10 years, employment in science, technology, engineering and mathematics, STEM fields, as we call them, have increased by an estimated 23 percent, particularly in mathematics and in computer science. This growth will only continue by 2020. Fifteen million new jobs that require college-educated and highly skilled workers will be created.

However, and unfortunately, we have seen a recent drop in students' educational interest in STEM-related fields. In 2004, only 27 percent of degrees awarded were in STEM fields, compared to 32 percent of degrees in

1995. We need to ensure that our students are adequately prepared for the changing economy, and supporting quality programs in STEM-related fields is essential to reach this goal.

The goals of the Academic Competitiveness Council are to evaluate the effectiveness of each STEM-related program across the government, identify areas of overlap and recommend ways to efficiently integrate and coordinate in the future.

It is important that the Academic Competitiveness Council and this Congress continue to focus on a high-quality investment in STEM training. Further, it is important that we work to increase the participation of minority groups and women, who are seriously underrepresented in STEM fields. Inclusion of women and underrepresented minorities in STEM will help correct the historical employment inequities that have existed in our country and help supply the American economy with the STEM expertise that the country needs to innovate and remain competitive.

Just last month, we heard from the administration that the creation and operation of the Academic Competitiveness Council is under way and that they are working to make concrete recommendations. Congress has a responsibility to thoughtfully consider these recommendations, accepting those that are reasonable and rejecting recommendations that could undermine or undercut progress.

It is incumbent upon us to ensure that the needs met by current activities continue to be addressed, and even strengthened where needed. We must not eliminate critical and crucially needed activities solely in the name of consolidation.

Mr. GEORGE MILLER of California. Mr. Speaker, I have no further requests for time on this legislation. Again, I want to thank Mr. PRICE and Mr. MCKEON for bringing this bill to the floor, and I yield back the balance of my time.

Mr. PRICE of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to once again reiterate my thanks to the ranking member and to Mr. DAVIS for their support and for the support of all the cosponsors on both sides of the aisle who understand and appreciate the importance of this resolution. I am so pleased to stand with both Republicans and Democrats who appreciate that Federal resources are precious, but also that they are finite. It is our responsibility, Congress' responsibility, to provide the oversight and to be certain that hard-earned taxpayer money is wisely spent.

This resolution is truly a win-win. It allows Congress to be certain that the money is being spent effectively, and it reiterates our appreciation and support for increasing the interests in science, technology, engineering and mathematics education.

Mr. Speaker, I encourage all of my colleagues to support this resolution.

Mr. Speaker, I include for the RECORD the following correspondence.

COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES,
Washington, DC, June 6, 2006.

Hon. SHERWOOD BOEHLERT,
Chairman, Committee on Science, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BOEHLERT: Thank you for your recent letter regarding the consideration of H. Con. Res. 421, expressing support for Greater Opportunities for Science, Technology, Engineering, and Mathematics programs. I appreciate your efforts to improve the text of the resolution. When the bill is considered on the floor, the changes you have suggested will be included in a manager's amendment.

I also appreciate your agreement to not request a sequential referral and your willingness to forgo consideration of H. Con. Res. 421 by your committee. I agree that waiving consideration of H. Con. Res. 421 in no way diminishes or alters the jurisdictional interest of the Committee on Science. I will include your letter and this response in the Congressional Record during the bill's consideration on the House floor.

Sincerely,

HOWARD P. ''BUCK'' MCKEON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, June 6, 2006.

Hon. HOWARD P. ''BUCK'' MCKEON,
Chairman, Committee on Education and the Workforce, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Science Committee in matters being considered in H. Con. Res. 421, a concurrent resolution expressing the sense of Congress and support for Greater Opportunities for Science, Technology, Engineering, and Mathematics (GO–STEM) programs. This measure deals with matters in the jurisdiction of the Science Committee, including the education programs of the National Science Foundation, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration and the Department of Energy.

I appreciate your willingness to work with me to satisfy my concerns about the language in H. Con. Res. 421 by modifying language in the measure so that we are not prejudging any recommendations of the Academic Competitiveness Council. The Science Committee acknowledges the importance of H. Con. Res. 421 and the need for the legislation to move expeditiously. Therefore, pursuant to our agreement to modify the language of the measure, I agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forgo a sequential referral waives, reduces or otherwise affects the jurisdiction of the Science Committee. I would appreciate it if you would include a copy of this letter and your response in the Congressional Record when the measure is considered on the House Floor.

Thank you for your attention to this matter.

Sincerely,

SHERWOOD BOEHLERT,
Chairman.

Mr. EHLERS. Mr. Speaker, I rise to comment positively on H. Con. Res. 421, but also to express some concerns about it. I commend Representative TOM PRICE for his interest in supporting Greater Opportunities for Science, Technology, Engineering, and Math—collectively, STEM—programs and I thank him for including a change in the manager's amendment. STEM education is extremely important to our Nation, because our economic and national security rely on technical and innovative expertise in these fields. However, I am concerned that this resolution, despite the change in the manager's amendment, still gives premature support to the Academic Competitiveness Council's—ACC—recommendations, which are not due until February 2007.

The impetus for the ACC sprang from a 2005 Government Accountability Office study on Federal STEM programs. It is my understanding that Federal agencies with STEM programs have a seat at the ACC table. However, I am concerned that not all agencies have an equal appreciation or understanding of the importance of STEM education in improving our national competitiveness and security.

The National Science Foundation—NSF—has a proven track record of expertise and experience in STEM programs. We all know that NSF grants have led to truly revolutionary discoveries and technical advances. NSF-funded researchers have won more than 160 Nobel Prizes, and these pioneers have included the scientists or teams that discovered many of the fundamental particles of matter and decoded the genetics of viruses. But many do not know that another essential element in NSF's mission is support for science and engineering education, from pre-K through graduate school and beyond. The research that the NSF funds is thoroughly integrated with education to help ensure that there will always be plenty of skilled people available to work in new and emerging scientific, engineering and technological fields, and plenty of capable teachers to educate the next generation. Since the NSF has been a leader in STEM education for more than 50 years and has established excellent evaluations for all of its programs, the ACC should give very strong recognition to the role NSF and its education programs play in promoting our economic competitiveness and national security, and they should build upon the strengths of the NSF. The treasure trove of knowledge the foundation represents should not be overlooked, but, in fact, should be used as a base for the ACC recommendations.

Specifically, I am concerned that the GO–STEM resolution calls for ''minimal duplication among [STEM] programs'' without defining what this means and also goes further than the established goals for the ACC that are set out in the Deficit Reduction Act. For years, I have been promoting the Math and Science Partnership programs at the Department of Education—ED—and the National Science

Foundation. Unfortunately, because both agency's programs have the same name, some have mistakenly thought of these programs as equivalent, even though they are in name only, and duplicative, even though they most definitely are not. I am working on legislation to change the name of the NSF program to help avoid future confusion. Among other differences, the NSF program is designed to provide rigorous, scientifically based research on what works in STEM teacher professional development whereas ED's program is designed to implement these ideas on the State level. A wide array of teachers, scientists and education researchers agree that there is much research needed in the areas addressed by the NSF Math and Science Partnership program, yet the President's budget has called for eliminating new research in the NSF program.

Since there has been significant confusion about different STEM programs, I am pleased that the ACC will focus on coordination and strengthening the Federal STEM endeavor. There is a plethora of STEM education programs across many different Federal agencies. The goal of the GO–STEM resolution—to better coordinate Federal STEM education efforts—is needed and is very admirable. However, I do not want to put the cart before the horse, and prefer that Congress carefully consider whatever recommendations the ACC puts forth before adopting them.

Additionally, the GO–STEM resolution calls for ''consistent standards of evaluation.'' While this is a laudable goal, apples cannot be compared to oranges. In particular, I am concerned that new programs could receive failing grades since they have not had time to demonstrate results. Will the new SMART grants, a tremendous tool for bolstering the STEM education pipeline, receive a ''results not demonstrated'' designation as other new programs do in PART reviews? Furthermore, we should expect very different outcomes from programs that focus on student learning compared to programs that focus on graduate-level research in the physical sciences. The tools used to define ''effective'' are extremely critical. I am uncertain what evaluative methodology the ACC will adopt to define ''effective,'' and, therefore, am very reluctant to give premature support to the ACC's recommendations.

I urge that Members pay very close attention to the ACC's recommendations. But please, think critically about the evaluative methodology the ACC uses in developing its recommendations, and recognize and build upon the existing expertise of agencies such as the National Science Foundation. Also, think very hard about how our actions will affect our economic competitiveness and national security before considering eliminating any StEM-related programs.

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Georgia (Mr. PRICE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 421, as amended.

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

A motion to reconsider was laid on the table.

MINE IMPROVEMENT AND NEW EMERGENCY RESPONSE ACT OF 2006

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2803) to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining.

The Clerk read as follows:

S. 2803

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Mine Improvement and New Emergency Response Act of 2006'' or the ''MINER Act''.

SEC. 2. EMERGENCY RESPONSE.

Section 316 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 876) is amended—

(1) in the section heading by adding at the end the following: ''AND EMERGENCY RESPONSE PLANS'';

(2) by striking ''Telephone'' and inserting ''(a) IN GENERAL.—Telephone''; and

(3) by adding at the end the following:

''(b) ACCIDENT PREPAREDNESS AND RESPONSE.—

''(1) IN GENERAL.—Each underground coal mine operator shall carry out on a continuing basis a program to improve accident preparedness and response at each mine.

''(2) RESPONSE AND PREPAREDNESS PLAN.—

''(A) IN GENERAL.—Not later than 60 days after the date of enactment of the Mine Improvement and New Emergency Response Act of 2006, each underground coal mine operator shall develop and adopt a written accident response plan that complies with this subsection with respect to each mine of the operator, and periodically update such plans to reflect changes in operations in the mine, advances in technology, or other relevant considerations. Each such operator shall make the accident response plan available to the miners and the miners' representatives.

''(B) PLAN REQUIREMENTS.—An accident response plan under subparagraph (A) shall—

''(i) provide for the evacuation of all individuals endangered by an emergency; and

''(ii) provide for the maintenance of individuals trapped underground in the event that miners are not able to evacuate the mine.

''(C) PLAN APPROVAL.—The accident response plan under subparagraph (A) shall be subject to review and approval by the Secretary. In determining whether to approve a particular plan the Secretary shall take into consideration all comments submitted by miners or their representatives. Approved plans shall—

''(i) afford miners a level of safety protection at least consistent with the existing standards, including standards mandated by law and regulation;

''(ii) reflect the most recent credible scientific research;

''(iii) be technologically feasible, make use of current commercially available technology, and account for the specific physical characteristics of the mine; and

''(iv) reflect the improvements in mine safety gained from experience under this Act and other worker safety and health laws.

''(D) PLAN REVIEW.—The accident response plan under subparagraph (A) shall be reviewed periodically, but at least every 6 months, by the Secretary. In such periodic reviews, the Secretary shall consider all comments submitted by miners or miners' representatives and intervening advancements in science and technology that could be implemented to enhance miners' ability to evacuate or otherwise survive in an emergency.

''(E) PLAN CONTENT-GENERAL REQUIREMENTS.—To be approved under subparagraph (C), an accident response plan shall include the following:

''(i) POST-ACCIDENT COMMUNICATIONS.—The plan shall provide for a redundant means of communication with the surface for persons underground, such as secondary telephone or equivalent two-way communication.

''(ii) POST-ACCIDENT TRACKING.—Consistent with commercially available technology and with the physical constraints, if any, of the mine, the plan shall provide for above ground personnel to determine the current, or immediately pre-accident, location of all underground personnel. Any system so utilized shall be functional, reliable, and calculated to remain serviceable in a post-accident setting.

''(iii) POST-ACCIDENT BREATHABLE AIR.—The plan shall provide for—

''(I) emergency supplies of breathable air for individuals trapped underground sufficient to maintain such individuals for a sustained period of time;

''(II) in addition to the 2 hours of breathable air per miner required by law under the emergency temporary standard as of the day before the date of enactment of the Mine Improvement and New Emergency Response Act of 2006, caches of self-rescuers providing in the aggregate not less than 2 hours per miner to be kept in escapeways from the deepest work area to the surface at a distance of no further than an average miner could walk in 30 minutes;

''(III) a maintenance schedule for checking the reliability of self rescuers, retiring older self-rescuers first, and introducing new self-rescuer technology, such as units with interchangeable air or oxygen cylinders not requiring doffing to replenish airflow and units with supplies of greater than 60 minutes, as they are approved by the Administration and become available on the market; and

''(IV) training for each miner in proper procedures for donning self-rescuers, switching from one unit to another, and ensuring a proper fit.

''(iv) POST-ACCIDENT LIFELINES.—The plan shall provide for the use of flame-resistant directional lifelines or equivalent systems in escapeways to enable evacuation. The flame-resistance requirement of this clause shall apply upon the replacement of existing lifelines, or, in the case of lifelines in working sections, upon the earlier of the replacement of such lifelines or 3 years after the date of enactment of the Mine Improvement and New Emergency Response Act of 2006.

''(v) TRAINING.—The plan shall provide a training program for emergency procedures described in the plan which will not diminish the requirements for mandatory health and safety training currently required under section 115.

''(vi) LOCAL COORDINATION.—The plan shall set out procedures for coordination and communication between the operator, mine rescue teams, and local emergency response personnel and make provisions for familiarizing local rescue personnel with surface functions that may be required in the course of mine rescue work.

''(F) PLAN CONTENT-SPECIFIC REQUIREMENTS.—

''(i) IN GENERAL.—In addition to the content requirements contained in subparagraph (E), and subject to the considerations contained in subparagraph (C), the Secretary

may make additional plan requirements with respect to any of the content matters.

''(ii) POST ACCIDENT COMMUNICATIONS.—Not later than 3 years after the date of enactment of the Mine Improvement and New Emergency Response Act of 2006, a plan shall, to be approved, provide for post accident communication between underground and surface personnel via a wireless two-way medium, and provide for an electronic tracking system permitting surface personnel to determine the location of any persons trapped underground or set forth within the plan the reasons such provisions can not be adopted. Where such plan sets forth the reasons such provisions can not be adopted, the plan shall also set forth the operator's alternative means of compliance. Such alternative shall approximate, as closely as possible, the degree of functional utility and safety protection provided by the wireless two-way medium and tracking system referred to in this subpart.

''(G) PLAN DISPUTE RESOLUTION.—

''(i) IN GENERAL.—Any dispute between the Secretary and an operator with respect to the content of the operator's plan or any refusal by the Secretary to approve such a plan shall be resolved on an expedited basis.

''(ii) DISPUTES.—In the event of a dispute or refusal described in clause (i), the Secretary shall issue a citation which shall be immediately referred to a Commission Administrative Law Judge. The Secretary and the operator shall submit all relevant material regarding the dispute to the Administrative Law Judge within 15 days of the date of the referral. The Administrative Law Judge shall render his or her decision with respect to the plan content dispute within 15 days of the receipt of the submission.

''(iii) FURTHER APPEALS.—A party adversely affected by a decision under clause (ii) may pursue all further available appeal rights with respect to the citation involved, except that inclusion of the disputed provision in the plan will not be limited by such appeal unless such relief is requested by the operator and permitted by the Administrative Law Judge.

''(H) MAINTAINING PROTECTIONS FOR MINERS.—Notwithstanding any other provision of this Act, nothing in this section, and no response and preparedness plan developed under this section, shall be approved if it reduces the protection afforded miners by an existing mandatory health or safety standard.''.

SEC. 3. INCIDENT COMMAND AND CONTROL.

Title I of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 811 et seq.) is amended by adding at the end the following:

''SEC. 116. LIMITATION ON CERTAIN LIABILITY FOR RESCUE OPERATIONS.

''(a) IN GENERAL.—No person shall bring an action against any covered individual or his or her regular employer for property damage or an injury (or death) sustained as a result of carrying out activities relating to mine accident rescue or recovery operations. This subsection shall not apply where the action that is alleged to result in the property damages or injury (or death) was the result of gross negligence, reckless conduct, or illegal conduct or, where the regular employer (as such term is used in this Act) is the operator of the mine at which the rescue activity takes place. Nothing in this section shall be construed to preempt State workers' compensation laws.

''(b) COVERED INDIVIDUAL.—For purposes of subsection (a), the term 'covered individual' means an individual—

''(1) who is a member of a mine rescue team or who is otherwise a volunteer with respect to a mine accident; and

''(2) who is carrying out activities relating to mine accident rescue or recovery operations.

''(c) REGULAR EMPLOYER.—For purposes of subsection (a), the term 'regular employer' means the entity that is the covered employee's legal or statutory employer pursuant to applicable State law.''.

SEC. 4. MINE RESCUE TEAMS.

Section 115(e) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 825(e)) is amended—

(1) by inserting ''(1)'' after the subsection designation; and

(2) by adding at the end the following:

''(2)(A) The Secretary shall issue regulations with regard to mine rescue teams which shall be finalized and in effect not later than 18 months after the date of enactment of the Mine Improvement and New Emergency Response Act of 2006.

''(B) Such regulations shall provide for the following:

''(i) That such regulations shall not be construed to waive operator training requirements applicable to existing mine rescue teams.

''(ii) That the Mine Safety and Health Administration shall establish, and update every 5 years thereafter, criteria to certify the qualifications of mine rescue teams.

''(iii)(I) That the operator of each underground coal mine with more than 36 employees—

''(aa) have an employee knowledgeable in mine emergency response who is employed at the mine on each shift at each underground mine; and

''(bb) make available two certified mine rescue teams whose members—

''(AA) are familiar with the operations of such coal mine;

''(BB) participate at least annually in two local mine rescue contests;

''(CC) participate at least annually in mine rescue training at the underground coal mine covered by the mine rescue team; and

''(DD) are available at the mine within one hour ground travel time from the mine rescue station.

''(II)(aa) For the purpose of complying with subclause (I), an operator shall employ one team that is either an individual mine site mine rescue team or a composite team as provided for in item (bb)(BB).

''(bb) The following options may be used by an operator to comply with the requirements of item (aa):

''(AA) An individual mine-site mine rescue team.

''(BB) A multi-employer composite team that is made up of team members who are knowledgeable about the operations and ventilation of the covered mines and who train on a semi-annual basis at the covered underground coal mine—

''(aaa) which provides coverage for multiple operators that have team members which include at least two active employees from each of the covered mines;

''(bbb) which provides coverage for multiple mines owned by the same operator which members include at least two active employees from each mine; or

''(ccc) which is a State-sponsored mine rescue team comprised of at least two active employees from each of the covered mines.

''(CC) A commercial mine rescue team provided by contract through a third-party vendor or mine rescue team provided by another coal company, if such team—

''(aaa) trains on a quarterly basis at covered underground coal mines;

''(bbb) is knowledgeable about the operations and ventilation of the covered mines; and

''(ccc) is comprised of individuals with a minimum of 3 years underground coal mine experience that shall have occurred within the 10-year period preceding their employment on the contract mine rescue team.

''(DD) A State-sponsored team made up of State employees.

''(iv) That the operator of each underground coal mine with 36 or less employees shall—

''(I) have an employee on each shift who is knowledgeable in mine emergency responses; and

''(II) make available two certified mine rescue teams whose members—

''(aa) are familiar with the operations of such coal mine;

''(bb) participate at least annually in two local mine rescue contests;

''(cc) participate at least semi-annually in mine rescue training at the underground coal mine covered by the mine rescue team;

''(dd) are available at the mine within one hour ground travel time from the mine rescue station;

''(ee) are knowledgeable about the operations and ventilation of the covered mines; and

''(ff) are comprised of individuals with a minimum of 3 years underground coal mine experience that shall have occurred within the 10-year period preceding their employment on the contract mine rescue team.''.

SEC. 5. PROMPT INCIDENT NOTIFICATION.

(a) IN GENERAL.—Section 103(j) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 813(j)) is amended by inserting after the first sentence the following: ''For purposes of the preceding sentence, the notification required shall be provided by the operator within 15 minutes of the time at which the operator realizes that the death of an individual at the mine, or an injury or entrapment of an individual at the mine which has a reasonable potential to cause death, has occurred.''.

(b) PENALTY.—Section 110(a) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 820(a)) is amended—

(1) by striking ''The operator'' and inserting ''(1) The operator''; and

(2) by adding at the end the following:

''(2) The operator of a coal or other mine who fails to provide timely notification to the Secretary as required under section 103(j) (relating to the 15 minute requirement) shall be assessed a civil penalty by the Secretary of not less than $5,000 and not more than $60,000.''.

SEC. 6. NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH.

(a) GRANTS.—Section 22 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 671) is amended by adding at the end the following:

''(h) OFFICE OF MINE SAFETY AND HEALTH.—

''(1) IN GENERAL.—There shall be permanently established within the Institute an Office of Mine Safety and Health which shall be administered by an Associate Director to be appointed by the Director.

''(2) PURPOSE.—The purpose of the Office is to enhance the development of new mine safety technology and technological applications and to expedite the commercial availability and implementation of such technology in mining environments.

''(3) FUNCTIONS.—In addition to all purposes and authorities provided for under this section, the Office of Mine Safety and Health shall be responsible for research, development, and testing of new technologies and equipment designed to enhance mine safety and health. To carry out such functions the Director of the Institute, acting through the Office, shall have the authority to—

''(A) award competitive grants to institutions and private entities to encourage the development and manufacture of mine safety equipment;

''(B) award contracts to educational institutions or private laboratories for the performance of product testing or related work with respect to new mine technology and equipment; and

''(C) establish an interagency working group as provided for in paragraph (5).

''(4) GRANT AUTHORITY.—To be eligible to receive a grant under the authority provided for under paragraph (3)(A), an entity or institution shall—

''(A) submit to the Director of the Institute an application at such time, in such manner, and containing such information as the Director may require; and

''(B) include in the application under subparagraph (A), a description of the mine safety equipment to be developed and manufactured under the grant and a description of the reasons that such equipment would otherwise not be developed or manufactured, including reasons relating to the limited potential commercial market for such equipment.

''(5) INTERAGENCY WORKING GROUP.—

''(A) ESTABLISHMENT.—The Director of the Institute, in carrying out paragraph (3)(D) shall establish an interagency working group to share technology and technological research and developments that could be utilized to enhance mine safety and accident response.

''(B) MEMBERSHIP.—The working group under subparagraph (A) shall be chaired by the Associate Director of the Office who shall appoint the members of the working group, which may include representatives of other Federal agencies or departments as determined appropriate by the Associate Director.

''(C) DUTIES.—The working group under subparagraph (A) shall conduct an evaluation of research conducted by, and the technological developments of, agencies and departments who are represented on the working group that may have applicability to mine safety and accident response and make recommendations to the Director for the further development and eventual implementation of such technology.

''(6) ANNUAL REPORT.—Not later than 1 year after the establishment of the Office under this subsection, and annually thereafter, the Director of the Institute shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a report that, with respect to the year involved, describes the new mine safety technologies and equipment that have been studied, tested, and certified for use, and with respect to those instances of technologies and equipment that have been considered but not yet certified for use, the reasons therefore.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, such sums as may be necessary to enable the Institute and the Office of Mine Safety and Health to carry out this subsection.''.

SEC. 7. REQUIREMENT CONCERNING FAMILY LIAISONS.

The Secretary of Labor shall establish a policy that—

(1) requires the temporary assignment of an individual Department of Labor official to be a liaison between the Department and the families of victims of mine tragedies involving multiple deaths;

(2) requires the Mine Safety and Health Administration to be as responsive as possible to requests from the families of mine accident victims for information relating to mine accidents; and

(3) requires that in such accidents, that the Mine Safety and Health Administration shall serve as the primary communicator with the operator, miners' families, the press and the public.

SEC. 8. PENALTIES.

(a) IN GENERAL.—Section 110 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 820) is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' after the subsection designation; and

(B) by adding at the end the following:

''(2) Any operator who willfully violates a mandatory health or safety standard, or knowingly violates or fails or refuses to comply with any order issued under section 104 and section 107, or any order incorporated in a final decision issued under this title, except an order incorporated in a decision under paragraph (1) or section 105(c), shall, upon conviction, be punished by a fine of not more than $250,000, or by imprisonment for not more than one year, or by both, except that if the conviction is for a violation committed after the first conviction of such operator under this Act, punishment shall be by a fine of not more than $500,000, or by imprisonment for not more than five years, or both.

''(3)(A) The minimum penalty for any citation or order issued under section 104(d)(1) shall be $2,000.

''(B) The minimum penalty for any order issued under section 104(d)(2) shall be $4,000.

''(4) Nothing in this subsection shall be construed to prevent an operator from obtaining a review, in accordance with section 106, of an order imposing a penalty described in this subsection. If a court, in making such review, sustains the order, the court shall apply at least the minimum penalties required under this subsection.''; and

(2) by adding at the end of subsection (b) the following: ''Violations under this section that are deemed to be flagrant may be assessed a civil penalty of not more than $220,000. For purposes of the preceding sentence, the term 'flagrant' with respect to a violation means a reckless or repeated failure to make reasonable efforts to eliminate a known violation of a mandatory health or safety standard that substantially and proximately caused, or reasonably could have been expected to cause, death or serious bodily injury.''.

(b) REGULATIONS.—Not later than December 30, 2006, the Secretary of Labor shall promulgate final regulations with respect to penalties.

SEC. 9. FINE COLLECTIONS.

Section 108(a)(1)(A) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 818(a)(1)(A)) is amended by inserting before the comma, the following: '', or fails or refuses to comply with any order or decision, including a civil penalty assessment order, that is issued under this Act''.

SEC. 10. SEALING OF ABANDONED AREAS.

Not later than 18 months after the issuance by the Mine Safety and Health Administration of a final report on the Sago Mine accident or the date of enactment of the Mine Improvement and New Emergency Response Act of 2006, whichever occurs earlier, the Secretary of Labor shall finalize mandatory heath and safety standards relating to the sealing of abandoned areas in underground coal mines. Such health and safety standards shall provide for an increase in the 20 psi standard currently set forth in section 75.335(a)(2) of title 30, Code of Federal Regulations.

SEC. 11. TECHNICAL STUDY PANEL.

Title V of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 951 et seq.) is amended by adding at the end the following:

''SEC. 514. TECHNICAL STUDY PANEL.

''(a) ESTABLISHMENT.—There is established a Technical Study Panel (referred to in this section as the 'Panel') which shall provide independent scientific and engineering review and recommendations with respect to the utilization of belt air and the composition and fire retardant properties of belt materials in underground coal mining.

''(b) MEMBERSHIP.—The Panel shall be composed of—

''(1) two individuals to be appointed by the Secretary of Health and Human Services, in consultation with the Director of the National Institute for Occupational Safety and Health and the Associate Director of the Office of Mine Safety;

''(2) two individuals to be appointed by the Secretary of Labor, in consultation with the Assistant Secretary for Mine Safety and Health; and

''(3) two individuals, one to be appointed jointly by the majority leaders of the Senate and House of Representatives and one to be appointed jointly by the minority leader of the Senate and House of Representatives, each to be appointed prior to the sine die adjournment of the second session of the 109th Congress.

''(c) QUALIFICATIONS.—Four of the six individuals appointed to the Panel under subsection (b) shall possess a masters or doctoral level degree in mining engineering or another scientific field demonstrably related to the subject of the report. No individual appointed to the Panel shall be an employee of any coal or other mine, or of any labor organization, or of any State or Federal agency primarily responsible for regulating the mining industry.

''(d) REPORT.—

''(1) IN GENERAL.—Not later than 1 year after the date on which all members of the Panel are appointed under subsection (b), the Panel shall prepare and submit to the Secretary of Labor, the Secretary of Health and Human Services, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives a report concerning the utilization of belt air and the composition and fire retardant properties of belt materials in underground coal mining.

''(2) RESPONSE BY SECRETARY.—Not later than 180 days after the receipt of the report under paragraph (1), the Secretary of Labor shall provide a response to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives containing a description of the actions, if any, that the Secretary intends to take based upon the report, including proposing regulatory changes, and the reasons for such actions.

''(e) COMPENSATION.—Members appointed to the panel, while carrying out the duties of the Panel shall be entitled to receive compensation, per diem in lieu of subsistence, and travel expenses in the same manner and under the same conditions as that prescribed under section 208(c) of the Public Health Service Act.''.

SEC. 12. SCHOLARSHIPS.

Title V of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 951 et seq.), as amended by section 11, is further amended by adding at the end the following:

''SEC. 515. SCHOLARSHIPS.

''(a) ESTABLISHMENT.—The Secretary of Education (referred to in this section as the 'Secretary'), in consultation with the Secretary of Labor and the Secretary of Health and Human Services, shall establish a program to provide scholarships to eligible individuals to increase the skilled workforce for both private sector coal mine operators and mine safety inspectors and other regulatory personnel for the Mine Safety and Health Administration.

''(b) FUNDAMENTAL SKILLS SCHOLARSHIPS.—

''(1) IN GENERAL.—Under the program under subsection (a), the Secretary may award scholarship to fully or partially pay the tuition costs of eligible individuals enrolled in 2-year associate's degree programs at community colleges or other colleges and universities that focus on providing the fundamental skills and training that is of immediate use to a beginning coal miner.

''(2) SKILLS.—The skills described in paragraph (1) shall include basic math, basic health and safety, business principles, management and supervisory skills, skills related to electric circuitry, skills related to heavy equipment operations, and skills related to communications.

''(3) ELIGIBILITY.—To be eligible to receive a scholarship under this subsection an individual shall—

''(A) have a high school diploma or a GED;

''(B) have at least 2 years experience in full-time employment in mining or mining-related activities;

''(C) submit to the Secretary an application at such time, in such manner, and containing such information; and

''(D) demonstrate an interest in working in the field of mining and performing an internship with the Mine Safety and Health Administration or the National Institute for Occupational Safety and Health Office of Mine Safety.

''(c) MINE SAFETY INSPECTOR SCHOLARSHIPS.—

''(1) IN GENERAL.—Under the program under subsection (a), the Secretary may award scholarship to fully or partially pay the tuition costs of eligible individuals enrolled in undergraduate bachelor's degree programs at accredited colleges or universities that provide the skills needed to become mine safety inspectors.

''(2) SKILLS.—The skills described in paragraph (1) include skills developed through programs leading to a degree in mining engineering, civil engineering, mechanical engineering, electrical engineering, industrial engineering, environmental engineering, industrial hygiene, occupational health and safety, geology, chemistry, or other fields of study related to mine safety and health work.

''(3) ELIGIBILITY.—To be eligible to receive a scholarship under this subsection an individual shall—

''(A) have a high school diploma or a GED;

''(B) have at least 5 years experience in full-time employment in mining or mining-related activities;

''(C) submit to the Secretary an application at such time, in such manner, and containing such information; and

''(D) agree to be employed for a period of at least 5 years at the Mine Safety and Health Administration or, to repay, on a pro-rated basis, the funds received under this program, plus interest, at a rate established by the Secretary upon the issuance of the scholarship.

''(d) ADVANCED RESEARCH SCHOLARSHIPS.—

''(1) IN GENERAL.—Under the program under subsection (a), the Secretary may award scholarships to fully or partially pay the tuition costs of eligible individuals enrolled in undergraduate bachelor's degree, masters degree, and Ph.D. degree programs at accredited colleges or universities that provide the skills needed to augment and advance research in mine safety and to broaden, improve, and expand the universe of candidates for mine safety inspector and other regulatory positions in the Mine Safety and Health Administration.

''(2) SKILLS.—The skills described in paragraph (1) include skills developed through programs leading to a degree in mining engineering, civil engineering, mechanical engineering, electrical engineering, industrial engineering, environmental engineering, industrial hygiene, occupational health and safety, geology, chemistry, or other fields of study related to mine safety and health work.

''(3) ELIGIBILITY.—To be eligible to receive a scholarship under this subsection an individual shall—

''(A) have a bachelor's degree or equivalent from an accredited 4-year institution;

''(B) have at least 5 years experience in full-time employment in underground mining or mining-related activities; and

''(C) submit to the Secretary an application at such time, in such manner, and containing such information.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.''.

SEC. 13. RESEARCH CONCERNING REFUGE ALTERNATIVES.

(a) IN GENERAL.—The National Institute of Occupational Safety and Health shall provide for the conduct of research, including field tests, concerning the utility, practicality, survivability, and cost of various refuge alternatives in an underground coal mine environment, including commercially-available portable refuge chambers.

(b) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the National Institute for Occupational Safety and Health shall prepare and submit to the Secretary of Labor, the Secretary of Health and Human Services, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives a report concerning the results of the research conducted under subsection (a), including any field tests.

(2) RESPONSE BY SECRETARY.—Not later than 180 days after the receipt of the report under paragraph (1), the Secretary of Labor shall provide a response to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives containing a description of the actions, if any, that the Secretary intends to take based upon the report, including proposing regulatory changes, and the reasons for such actions.

SEC. 14. BROOKWOOD-SAGO MINE SAFETY GRANTS.

(a) IN GENERAL.—The Secretary of Labor shall establish a program to award competitive grants for education and training, to be known as Brookwood-Sago Mine Safety Grants, to carry out the purposes of this section.

(b) PURPOSES.—It is the purpose of this section, to provide for the funding of education and training programs to better identify, avoid, and prevent unsafe working conditions in and around mines.

(c) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

(1) be a public or private nonprofit entity; and

(2) submit to the Secretary of Labor an application at such time, in such manner, and containing such information as the Secretary may require.

(d) USE OF FUNDS.—Amounts received under a grant under this section shall be used to establish and implement education and training programs, or to develop training materials for employers and miners, concerning safety and health topics in mines, as determined appropriate by the Mine Safety and Health Administration.

(e) AWARDING OF GRANTS.—

(1) ANNUAL BASIS.—Grants under this section shall be awarded on an annual basis.

(2) SPECIAL EMPHASIS.—In awarding grants under this section, the Secretary of Labor shall give special emphasis to programs and materials that target workers in smaller mines, including training miners and employers about new Mine Safety and Health Administration standards, high risk activities, or hazards identified by such Administration.

(3) PRIORITY.—In awarding grants under this section, the Secretary of Labor shall give priority to the funding of pilot and demonstration projects that the Secretary determines will provide opportunities for broad applicability for mine safety.

(f) EVALUATION.—The Secretary of Labor shall use not less than 1 percent of the funds made available to carry out this section in a fiscal year to conduct evaluations of the projects funded under grants under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year, such sums as may be necessary to carry out this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCKEON) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 2803.

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

There was no objection.

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

Mr. Speaker, I rise in support of S. 2803, the Mine Improvement and New Emergency Response Act, or the MINER Act. Though the number of mining fatalities and injuries reached record lows in 2005, this year's tragedies at the Sago mine in West Virginia and the others that have followed have served to bring the issue of mine health and safety into much sharper focus.

Today, after unnecessarily waiting for 2 weeks, the House is finally poised to act. My colleagues, let us not squander this unique opportunity to send comprehensive mine safety reforms to President Bush for his signature.

Throughout 2006, the Education and the Workforce Committee has held a series of oversight hearings and briefings during which we heard from Federal mine safety officials, mine workers, representatives from the mining industry and Members of the House. These oversight proceedings pointed toward a very clear need for better communications technology, modernized safety practices within U.S. mines and strengthening the enforcement of current mine safety laws.

□ 1345

Each of these needs is addressed comprehensively by the MINER Act, which was passed last month by the Senate without a single voice in opposition.

In addition to universal bipartisan support in the Senate, this legislation

enjoys strong support in its current form from the United Mine Workers of America, the National Mining Association, and a bipartisan group of House Members from key mining States, including Kentucky and West Virginia.

In short, this is an issue that has cut across party lines, enjoys rare support from both labor and industry, and deserves overwhelming support from the House when we vote on the measure.

Mr. Speaker, I am proud of the way our committee, and Workforce Protections Subcommittee Chairman NORWOOD, in particular, has deliberately and thoughtfully considered ways to enhance the safety of America's miners. Because of our panel's thorough series of hearings and briefings, we are poised to take an important step today toward modernizing mine safety law for the first time in a generation.

I would like to thank my colleagues on both sides of the aisle, in particular, Mr. NORWOOD, Mrs. CAPITO and Mr. ROGERS, as well as the entire West Virginia and Kentucky delegations for assisting our committee in this effort.

Our Nation's miners and their families will be better off for it. I ask my colleagues to join me in the ever-growing chorus of supporters in backing the MINER Act.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, as Members are aware, I have spoken out forcefully on the need for rapid Federal action to address mine safety. I have urged this Congress to legislate, to push us toward a new era in which the technology that has helped revitalize the productivity of the mining industry would also be used to save the lives and limbs of our miners.

Unfortunately, the bill sent from the Senate fails to make the reforms that go to the very heart of what happened in the Sago mine disaster. It fails in three significant ways. It does not guarantee that miners trapped underground will have enough air to survive an accident like Sago. It does not give miners prompt access to wireless communications and electronic tracking devices so they can communicate with their rescuers instead of having to bang on pipes and bang on rocks like miners did hundreds of years ago.

It does not guarantee that the emergency oxygen units like the ones that Randal McCloy, the only Sago survivor, told us in some cases were defective, and would be tested at random by the Federal Government to ensure that they work properly.

In other words, if another Sago mine disaster were to happen, this bill does not ensure that we would not have the same tragic deaths, because it does not address what killed the miners in the Sago mine disaster.

I want to remind Members that 11 of the 12 miners that died at Sago did not die from the initial explosion. They died because they did not have communication tools to lead them to safety; they died because they did not have an oxygen supply to last the 40 hours that they were trapped.

I cannot, in good conscience, support a bill if passed that would not prevent another Sago, when we understand the tragedy that took place there.

When it comes to the safety of miners, and thousands of miners and families across the Nation, the House can do better than take-it-or-leave-it legislation that fails to provide that margin of safety that these families are entitled to.

In the last 10 days, there have been two significant developments that demonstrate that we can and we must do better than the Senate bill. Last week, the Industry Labor Mine Technology Panel appointed by Governor Manchin of West Virginia composed of equal numbers of industry and miner representatives, concluded that there were significant enhancements to miner safety that could be achieved through wide application of existing technologies and techniques.

Then this industry labor report makes two recommendations that go to the heart of the matter: that emergency shelters and chambers shall provide a minimum of 48 hours of breathable air and in no later than 15 months mine operators will have to submit a communications and tracking plan for approval.

That is all that the amendments that I have offered suggest that we do, i.e., what is now accepted in the mining industry in the State of West Virginia. Now, someone explain this to me: the coal mine industry in West Virginia agrees with the West Virginia miners that there should be a guaranteed 48 hours of breathable air in a crisis, but the Congress of the United States refuses to provide that same promise to miners across the country.

The coal mining industry in West Virginia agrees that miners should have prompt access to wireless communications and electronic tracking devices, but the Congress of the United States refuses to provide that same promise to miners across this Nation.

And here is another development. A few weeks ago, the Illinois legislature sent far-reaching mine safety legislation to the Governor's desk. It passed 111–0. It passed the Senate 57–1.

The IL bill has two critical reforms, emergency mine chambers with 48 hours of air and rapid installation of wireless communications by the end of the year. The State of Illinois can promise no more Sago tragedies.

The coal mining industry in West Virginia can make that promise, but the U.S. House is being asked to ignore all of that evidence, all of those improvements, and rubber stamp a Senate bill with no opportunity to improve it.

That is wrong, and we should not stand for it. I have spent a great deal of time over the last few months listening to what those Sago families have to tell us. I have listened to their very specific and very reasonable recommendations.

I listened to Mrs. Debbie Hamner, who lost her husband, Junior, in the Sago tragedy. As many of you know, only one of the twelve miners who died in that tragedy was killed by the explosion. The rest died of carbon monoxide poisoning. Junior Hamner was one of those who died in that manner. And Mrs. Hamner asked why were they not equipped with enough oxygen. Why did we not require air supplies to be stored in the mine sections that they were working?

Why do Canadian miners have greater protections than the miners of West Virginia or miners elsewhere in the United States? That is what she wanted to know. And Debbie said, sadly the bill before us today does not even mandate a minimum air supply for miners trapped underground, let alone require a refuge stocked with air, food and water, so that miners would not have to do what they did in Sago when they were trapped, which was to construct a barrier and bang on rocks and hope for the very best.

Amber Helms, whose father, Terry, died at Sago, pointed out to us that the miners were still alive after the Sago explosion. The men tried to walk out. The mine foreman tried to walk toward them. But although they ended up only a few hundred yards apart, the foreman did not know where they were and was not able to tell them where they could find good air or a safe way that they could walk out.

It is ridiculous, Amber told us, that I can get a computer and I can make a full Web page in an hour, but they cannot find my dad, and they cannot track him. It turns out that Amber was right, that devices are available in the market right now to track the location of these miners. These devices are available, and they should be used and they should be used soon.

Last month, the sole survivor of the Sago mine accident, Mr. Randal McCloy, wrote a letter to the families of those who did not survive that mining disaster. Mr. McCloy stated that a number of the self-contained rescue units that were issued for their protection failed to operate.

The final amendment that I chose to offer to this legislation would make sure that we would have random inspections of those devices so those miners could have reliability if another tragedy should hit.

We understand that the needs are here, and that is why I am telling you that this legislation is not complete. We should not be taking it on a take-it-or-leave-it basis. The House should have the opportunity to debate. Apparently we are not too busy today for we were going to do this at 6 o'clock and now we are doing this at 2 o'clock. We could have had an hours debate. We could have offered some amendments, voted them up or down, and we then could have moved on about our way.

But we have chosen instead to close out these concerns of these miners and these families. We have chosen to close out what we have now learned about the technology. We have chosen to close out the agreements that the mining industry and the miners have reached in some States but not in all States, and we have chosen, worst of all, not to mitigate and protect and provide a margin of safety to those miners, should we have a repeat of the Sago mine disaster.

We know Sago happened. We know why the miners were killed, and we know what we can do to prevent it. It is within our grasp. It is inexpensive and it is readily available. But in the Senate bill it is not required for another 3 years.

In the Senate bill, we do not specify a minimum of 48 hours of oxygen, as West Virginia has started to specify and as the State of Illinois has specified. So this is not about being way out on the cutting edge and trying to destroy a bill or kill a bill or any of the rest of that. This is about spending time with these families and seeing that grief and having to try and answer the questions that they ask, no longer on behalf of their husbands, their brothers, their uncles, no longer on their own behalf, but on behalf of the other mining families in their communities, and the other mining families in other States that are not addressing this situation.

Mr. Speaker, I would hope that my colleagues would vote against the suspension of the rules under this act, and that we would be able to take this legislation up, offer these amendments, win, lose or draw. At least then we could have said that we made the last best effort to provide immediate security, immediate remedy to the failures that led to the loss of life in these mine disasters.

It is well documented, the problems and the impacts and the fatalities that were created by those shortcomings. The Senate bill simply does not address those.

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

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

Mr. Speaker, I understand Mr. MILLER's comments. I agree with much of what he says. It would be nice to have some of the issues that he has talked about. Also, Chairman NORWOOD, the subcommittee chairman, had other things that he wanted to put in the bill to make it better.

But as my former chairman, now our majority leader, Mr. BOEHNER, has said many times, we have to guard against making the perfect the enemy of the good. And we have been given a unique opportunity by a bill passed by the Senate unanimously to move forward to help mine worker safety at this time.

And rather than continue to talk this matter to death, and to continue to delay bringing safety to these miners, we should take this opportunity and pass this bill today.

I would like to introduce into the RECORD the letter from the United Mine Workers of America. ''The United States Senate unanimously passed legislation that is aimed at improving miner safety and offering miners a fighting chance of survival in the event of a mine emergency. Senate bill 2803,'' which we are talking about, ''the MINER Act, was a bipartisan bill that every Member of the Senate, Republican and Democrat alike, recognized would begin to offer better protection to miners. Indeed, this bill represents the first overhaul of the Nation's mining laws since the adoption of the 1977 Federal Mine and Safety Act,'' and he encourages all Members to vote for this bill today.

I would like to say that I have asked Chairman NORWOOD to continue to work to improve and bring other improvements to the floor, but I encourage all of our Members to support this bill today, to get it to the President's desk, to do what we can immediately to help protect miner safety.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 5 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, I thank the gentleman from California for yielding me time.

Mr. Speaker, let me begin by commending the gentleman from California for his over three decades of work in this body on behalf of our coal miners and our working men and women of this country. I salute his dedication and his career that he has built in helping improve those conditions.

Mr. Speaker, myself, speaking on behalf of myself, I will take a back seat, however, to no Member of this body in regard to standing up for our coal miners, standing up for their fair health and safety conditions, and standing up for pneumoconiosis benefits, over my entire career here as well.

This has been a dark, mournful year for our Nation's coal miners. Thirty-three deaths, 33 lives lost by decent hardworking men who have placed their trust in a mine safety system that failed them. Today the clouds begin to part. The mine tragedies of this year resulted from many years of growing complacency and diminishing compliance.

They happened because our Nation's mine safety system has been veering in the wrong direction for far too long. Indeed, several years ago I issued a siren's call when I offered an amendment on this floor to the labor appropriations bill to block the Mine Safety Health Administration from issuing regulations that would have allowed a four-fold increase of respirable dust in our underground coal mines.

□ 1400

We must recall that Congress armed MSHA with a sharp regulatory axe. But instead of using that weapon, in recent years MSHA has opted for the warm and fuzzy gimmick called partnership. What should have been sharp, steep and painful fines for safety violations have been reduced repeatedly to little more than love taps.

As new safety technologies have become commonplace in the mines of foreign competitors, MSHA failed to prod American mines that have plodded along with old devices. It did not punish and deter habitual violators. It did not update and maintain safety rules. It did not fulfill its statutory mandate or its responsibility to the miners it has been charged with protecting.

The pending measure will begin, begin, I stress, to change all that. This bill is not a cure-all. It is not a perfect bill. The only perfect bill around this body anymore is naming a post office after somebody. It is misleading and dangerous to suggest that any bill can be a cure-all, but it is a step in the right direction, a step that must not be delayed. To delay this legislation, no matter how noble the intentions, is to gamble recklessly with the lives of our Nation's coal miners.

Indeed, I would say to the gentleman from California, good decent GEORGE, that there are provisions missing from the pending legislation that were in our West Virginia bipartisan congressional bill. There are also provisions in the gentleman from California's and my bill that are not in this legislation. But as I said, this bill at hand is a beginning. The death toll in my congressional district, the death toll in the State of West Virginia, the death toll across our Nation's coal fields must halt, no more delay in acting.

The MINER Act pending before us, the Senate-passed bill, does include a number of improvements over the current law. That is what we are talking about, taking a step in the right direction. The pending bill is supported by the United Mine Workers of America, by the National Mining Association, by the Governor of the State of West Virginia, and might I add by the daughter of a miner quoted by the gentleman from California, Amber Helms, who said, ''We support The MINER Act recently passed by the United States Senate because we believe it is better than what we have in our law right now. But if it can be improved upon without delay that is where we stand. If this bill as written right now is the best we can do today, then we urge the United States Congress to pass it immediately.''

This bill is the best we can do today. It must be acted upon before further deaths occur in our coal mines.

The bill does call for immediate action to incorporate workable communication devices. The bill that we are talking about today does make immediate requirements for more oxygen, enough to evacuate miners in the event of an emergency and enough to maintain miners for a sustainable period of time if they are trapped underground.

The act does not designate a 48-hour supply, as the gentleman from California would do, because how does one honestly determine that 48 hours of oxygen is sufficient as opposed to 49 hours or 72 hours?

Indeed, the act requires each coal operator, in consultation with the miners and their representatives, to look at the individual mines, and as the gentleman from California knows, mines are different, and determine, subject to approval in a biennial review by the Secretary of Labor, what is an adequate amount of oxygen.

This bill addresses the seals. It requires the Secretary of Labor to develop promulgations and rules to strengthen the seals that have been the cause of recent disasters. This bill is a workable piece of legislation. It cannot be amended; otherwise we go to a conference committee. Who knows when it will then be passed, and it must be acted upon today. I urge passage.

Mr. MCKEON. Mr. Speaker, I yield 5 minutes to the gentleman from Kentucky (Mr. ROGERS), the subcommittee chairman on the Appropriations Committee.

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today in strong support of the MINER Act.

Mr. Speaker, I am the proud representative of 21 coal producing counties and 15,000 Kentucky miners stretching along the Appalachian coal seam in eastern Kentucky. These are good paying jobs in challenging economic areas, generational jobs passed down through families and neighbors for years, requiring training, education and, most importantly, hard work. Anyone who has been in these mines a mile underground, as some of us have, knows that underground mining also comes with a great amount of risk.

My constituents have and are willing to take those risks in order to provide for their families. By also to provide the Nation the coal that we need to keep our homes warm and economic engines running. These risks and the dangers of coal mining have been brought directly into the living room televisions of many Americans over last 6 months. In my district it has been much closer to home. The Holmes Mills tragedy in Harlan County, Kentucky, underscores the need for comprehensive mine safety legislation that provides critically needed protections for miners and strengthens the Federal Government's ability to enforce safety regulations now.

We have not had comprehensive mine safety reform in the country for decades. Technology has changed, communication equipment has changed, our laws have not changed. With that said and with our thoughts and prayers still with the families touched by these accidents, Mr. Speaker, I rise today with my coal State colleagues in support of this MINER Act.

First, I want to thank Chairman NORWOOD and Chairman MCKEON for working together with the majority leader to move mine safety legislation now, not later, not next year, not next month, not after some conference committee where the Senate sits on it for 6 months but now, and I thank them for that. We should not delay one more day putting into place requirements to further protect these brave miners going even as we speak into the dark of these mines.

This bill honors the brave men, 11 in Kentucky and in my district this year who have died in mine-related accidents. They are not forgotten. Mining has always been a dangerous occupation and make no mistake, this legislation will not make mining injury free, but it does go a long way toward that end. With this legislation we reaffirm our commitment to seeing miners have the proper training, rescue equipment, communications devices and plans in place should an accident occur.

I have met with industry leaders, met with the miners, and everyone agrees there is room for measured and achievable improvement. This bill strikes a reasonable compromise and seeks to put the best available technology in the hands of our mining men and women while encouraging development of new technologies.

The Senate wisely moved this legislation quickly and unopposed, and I hope we do the same here. I am particularly pleased the bill includes some of these provisions. One, it requires the use of wireless two-way communications and tracking systems within 3 years. It requires each mine's emergency response plan to continuously be reviewed, updated and recertified by MSHA every 6 months. It also gives MSHA the power to request an injunction, that is to say, shut down a mine in cases where the mine has refused to pay a final order or MSHA penalty.

It would require rescue teams to be close to mines and granted immunity. It would require each miner to have a minimum of 2 hours' supply of air and require storage of additional breathing devices along the escape routes from the mine.

These measures, Mr. Speaker, go straight to the trouble we have seen and should give comfort to our mining families. This legislation, Mr. Speaker, honors Kentucky's 17,000 hardworking coal miners, but all the others in the country as well who bravely go into the heart of the Earth to put bread on the table and to bring light into the lives of all Americans.

Our hats go off to these miners, and I urge that we pass this bill in their honor and in their memory.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MCKEON. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Speaker, I thank the gentlemen from California, each, for yielding and for their work on this important legislation and a lifetime of work for safety for workers.

Mr. Speaker, I rise in support of S. 2803, The Mine Improvement and New Emergency Response Act of 2006. The need for improvements in coal mine health and safety has been tragically reaffirmed by the mine disasters in my home State earlier this year. On January 2, 2006, an explosion in the Sago mine in Upshur County, West Virginia, followed on January 19 by a second disaster in the Aracoma Alma mine in Logan County, took the lives of our Nation's finest, our coal miners, forever changing the lives of their loved ones and shocking the State and the Nation into once again revisiting the adequacy of our coal mine health and safety laws.

The entire West Virginia delegation is in support of this bill. In the Senate it passed unanimously with the backing of West Virginia's esteemed delegation, Senator ROBERT C. BYRD and Senator JOHN D. ROCKEFELLER. Here in the House, Mr. RAHALL, Mrs. CAPITO and I recently introduced the House companion to that bill, H.R. 5432.

I urge passage of S. 2803 today so that the important work to improve mine safety can begin immediately. New approaches to safety challenges are clearly needed, particularly in light of advances in technology, and we cannot afford to waste another minute.

Among other things, the MINER Act that we consider here requires that miners have emergency air breathable for a sustained period of time and that caches providing at least 2 hours of breathable air per miner be placed at 30-minute intervals from the working area to the surface. It also requires that a redundant means of communicating with the surface be provided in each mine as well as a post-accident tracking system.

I should note that the United Mine Workers of America and the American Federation of Labor and Congress of Industrial Organizations both, Mr. Speaker, support this legislation. While not perfect, this is the first best effort to quickly bring significant enhancements to safety in our Nation's coal mines.

Mr. MCKEON. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from California (Mr. MCKEON) has 9½ minutes remaining. The gentleman from California (Mr. GEORGE MILLER) has 6 minutes remaining.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. HOLDEN).

Mr. MCKEON. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. HOLDEN).

MR. HOLDEN. I thank the chairman and the ranking member for yielding me the time.

I rise in support of this bill, but I agree with the ranking member that this bill is not perfect. One of the ways that this bill could have been improved

is if we would have addressed the way MSHA deals with anthracite coal mining versus bituminous coal mining, two very different forms of coal, hard coal versus soft coal, irregular veins versus consistent veins. They are mined differently and they should be regulated differently.

The Commonwealth of Pennsylvania recognizes that. They have two separate laws. They have two separate divisions that deal with regulation and enforcement of the safety laws. In northeastern Pennsylvania and the anthracite fields that I represent, along with Mr. KANJORSKI and Mr. SHERWOOD, there is a division in western Pennsylvania in the bituminous field; there is another one with two separate laws. MSHA has consistently said that one-size-fits-all is what they will do in regulation.

Mr. Speaker, that does not work. The Inspector General from the Department of Labor issued a report on March 31 of this year that I would like to read in the RECORD: ''MSHA has not fully addressed the possibility that current regulations do not adequately reflect operating methods and conditions unique to anthracite coal mining. We recommend,'' meaning the Inspector General, ''that MSHA evaluate whether the existing petitions for the modification process efficiently address the applicability of existing regulations to varying mining techniques or whether any existing regulations require revisions for anthracite mining methods.''

Mr. Speaker, I rise in support of this legislation today, but I ask the chairman and ranking member to work with me as we try to convince MSHA that there is an Inspector General's report, there is a precedent in the Commonwealth of Pennsylvania realizing the difference in anthracite mining and bituminous mining. And we can protect our miners and we can do it in a fair way.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. CHANDLER).

Mr. CHANDLER. Mr. Speaker, I thank the ranking member for all his work on this issue.

Mining coal is indeed a way of life in Kentucky. Our fellow citizens who work in our coal mines have been and are still very much at risk. To date there have been 33 miners killed in the United States this year alone, most recently at the Darby mine in eastern Kentucky which took the lives of five miners.

□ 1415

As public servants, it is our job to protect the people that we represent. While the bill before us today does not include all of the protections many of us would like, it is certainly a start. This bill will save lives.

I support this bill, but I also urge my colleagues to see this bill as only a beginning to the reforms that need to be passed to make sure that our miners have the very safest workplace possible.

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

Mr. Speaker, listening to the gentleman from Pennsylvania reminded me, my grandfather and my great-grandfather came over from Ireland. They settled in Pennsylvania, and some of his brothers died from black lung disease, and my great-grandfather came out to Utah and was able to survive that.

You know, I think it is great that we are able to work today on a bipartisan basis to get this bill done. It's unfortunate that it takes tragedies such as we have seen to draw us together. I remember after 9/11 how we all gathered on the steps out here, and we really were united as Americans.

I understand there is some opposition to this bill, but mostly, I think we are working together to try to move correctly further safety to the miners.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I want to thank my colleagues who spoke to this issue. All of them have worked very hard on behalf of mine safety, not just in the aftermath of these most recent tragedies but throughout their entire congressional careers. We share that in common.

This is not an adversarial relationship. This is a difference of opinion, and I think it is an important difference of opinion.

I think that when we went back and we went over these tragedies and saw what it was that killed these miners, we saw that we also had the capabilities to address the causes and to address them now, and not wait 3 years to do some of this.

We also understood that the quantities of oxygen required for trapped miners would be a minimum of 48 hours. It was after some 20 hours that Junior Hamner at Sago wrote a note (that was found from him) that said, I am in no pain now, but I don't know how long the air will last.

If we pass this legislation without these amendments, we do not know how long the air will last. There is no minimum standard in this bill and it should be made explicit on behalf of the miners. Other miners told us that the air-pack units were not working adequately. We need random spot checks to make sure that there is reliability in the air-packs.

We heard the stories of the trapped Sago miners struggling to communicate as they would have 100 years ago in the mines, by banging on pipes and banging rocks together. The fact of the matter is it is now within our grasp to address these problems and address them now.

Under this legislation, as it is currently written, if a Sago-type mine accident were to happen again, a month from now or 6 months from now, we do not provide the remedies that are necessary to save lives. Given what we learned from the Sago mine accident, I would hope that the Congress would do that.

This is not about speed. It's about getting it right. I have been here 30 years, and so very often I have been told if this amendment passes, that is the end of the process, and later that night, we pass the bill with the amendment. We all understand what the attempt here is, and I understand the desire of my colleagues who are so deeply impacted by these tragedies to get this legislation on the books. I would hope that my colleagues would pause for a moment because maybe when I first spoke of them, there was some controversy about these amendments. But the judgment that I have brought to this bill and the determination that I have brought to this bill, has now been ratified by the coal commission in West Virginia and by the State legislature in Illinois.

These are key components for the survivability of these kinds of accidents since the Sago miners were not killed by the initial explosion, rockfall or other incident that took place. And that's why I am so compelled to stand here. It's not easy.

I have gotten more interesting phone calls from the Senate from Members who are interested in the bill than I probably have in the last 5 years. These are men I have worked with my entire career: Senator ROBERT C. BYRD, Senator JOHN D. ROCKEFELLER, Senator KENNEDY. They are friends. They are heroes of mine. But we have a disagreement here. It is fundamental. I believe it is important, and I would hope that we could be able to do this.

I would urge my colleagues to vote against this suspension of the rules so we would have a chance to address this in limited open debate, with up-or-down votes. I am not here to delay the bill at all, and I would hope that that would be the outcome of this debate.

Again, I think all of us, whether people agree with me or disagree with me, all of us share the desire to increase the margins of safety for those individuals who go into the mines and for their families who remain on the surface.

We have talked a great deal about energy. This is a key component of energy. We need these people to continue to go into the mines, and all of us desire to increase those margins of safety for them.

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

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

A bird in the hand is worth two in the bush. I propose that we take this bill and we pass it today. We continue to work to improve miner safety. We do not wait another 30 years plus to have this issue addressed.

I would like to place into the RECORD the letter from the National Mining

Association supporting rapid action on this bill and others.

HOUSE OF REPRESENTATIVES, COMMITTEE ON EDUCATION AND THE WORKFORCE,
Washington, DC, June 6, 2006.

Hon. JAMES SENSENBRENNER, Jr.
Chairman, Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: Thank you for your recent letter regarding the consideration of S. 2803, the Mine Improvement and New Emergency Response Act of 2006, I agree that my committee shares jurisdiction over the provisions of the bill related to limited liability for rescue operation, penalties, and fine collection with the Committee on the Judiciary.

I appreciate your willingness to forgo consideration of S. 2803 by your committee. I agree that waiving consideration of S. 2803 in no way diminishes or alters the jurisdictional interest of the Committee on the Judiciary. I will include your letter and this response in the Congressional Record during the bill's consideration on the House floor.

Sincerely,

HOWARD P. ''BUCK'' MCKEON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 7, 2006.

Hon. HOWARD P. ''BUCK'' MCKEON,
Chairman, Committee on Education and the Workforce, Washington, DC.

DEAR CHAIRMAN MCKEON: In recognition of the desire to expedite consideration of S. 2803, the Mine Improvement and New Emergency Response Act of 2006, the Committee on the Judiciary hereby waives consideration of the bill. There are a number of provisions contained in S. 2803 that implicate the Rule X jurisdiction of the Committee on the Judiciary. Specifically, the bill contains provisions relating to limitation on rescue operation liability, penalties, and fine collection that fall within the jurisdiction of the Committee on the Judiciary.

The Committee takes this action with the understanding that by forgoing consideration of S. 2803, the Committee on the Judiciary does not waive any jurisdiction over subject matter contained in this or similar legislation. The Committee also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made. Finally, I would appreciate your including this letter in the CONGRESSIONAL RECORD during consideration of S. 2803 on the House floor. Thank you for your attention to these matters.

Sincerely,

F. JAMES SENSENBRENNER, Jr.
Chairman.

UNITED MINE WORKERS OF AMERICA,
Fairfax VA, June 5, 2006.

DEAR REPRESENTATIVE: The tragic events that have unfolded in the coalfield communities since January 2, 2006 have captured the attention of the entire nation. As you are no doubt aware, thirty-three coal miners have lost their lives while attempting to fulfill the energy needs of the country. This is far too high a price for workers in any industry to pay for merely going to work and supporting their families. The United Mine Workers of America urges you to support the bipartisan MINER Act, to improve coal miners' safety.

What makes these recent mining deaths so disturbing is that many could have been prevented. The United Mine Workers of America is convinced that had additional safety precautions been required by the Mine Safety and Health Administration, many of those miners who perished may well have survived the initial fire or explosion. For example, had additional oxygen been available, if directional lifelines were provided, had emergency evacuation training been more comprehensive, and if state of the art communications had been in place, the chances of these miners surviving would have been greatly increased.

In assessing what went wrong in each of these events we must not stop after determining the underlying reasons for these tragedies. Rather, we must take a proactive approach and begin to implement laws that will better protect miners and prevent more families from living with the horror so many have recently confronted.

The United States Senate unanimously passed legislation that is aimed at improving miners' safety and offering miners a fighting chance of survival in the event of a mine emergency. Senate Bill 2803—the MINER Act—was a bi-partisan bill that every member of the Senate—Republican and Democrat alike—recognized would begin to offer better protection to miners. Indeed, this Bill represents the first overhaul of the Nation's mining laws since the adoption of the 1977 Federal Mine Safety and Health Act.

The coal mining deaths of 2006 have reminded the nation how dangerous this occupation can be if left unchecked. The time for legislation to address miners' safety is long overdue. The Senate has acted, and it is my heartfelt belief that SB 2803 will improve miners' protections in the coal industry. Therefore, I urge you to cast your vote in favor of the MINER Act when it comes to the floor of the House to protect the Nation's miners and their families. It constitutes an essential first step in addressing the many hazards coal miners still face today.

Sincerely,

CECIL E. ROBERTS,
International President.

NATIONAL MINING ASSOCIATION,
Washington, DC, June 6, 2006.

Hon. HOWARD P. ''BUCK'' MCKEON,
Chairman, House Committee on Education and the Workforce, Washington, DC.

Hon. CHARLIE NORWOOD,
Chairman, Subcommittee on Workforce Protections, House Committee on Education and the Workforce, Washington, DC.

DEAR CHAIRMEN MCKEON AND NORWOOD: The National Mining Association (NMA) commends you and the House leadership for moving S. 2308, the ''Mine Improvement and New Emergency Response (MINER) Act,'' to the floor for swift consideration.

The MINER Act contains many of NMA's legislative principles regarding improvements needed in the area of communications and tracking, mine rescue and breathable air supplies. We appreciated the opportunity to share these principles with you and the members of the committee during the extensive hearing process conducted earlier this year.

NMA is pleased to join the United Mine Workers of America in calling for passage of the MINER Act. Our alliance in support of this legislation should be viewed as a testament to its importance for America's underground coal miners. We are also pleased this legislation has received broad bipartisan Congressional support and strongly believe it will lead to safer mines. America's underground coal miners deserve no less.

Again, thank you for making mine safety legislation a priority. We stand ready to assist you in soliciting support from your colleagues for the MINER Act.

Sincerely yours,

KRAIG R. NAASZ,
President & CEO

Mr. Speaker, I yield the remainder of our time to the gentlewoman from West Virginia (Mrs. CAPITO), who has been a strong leader on pushing to get this bill to the floor.

Mrs. CAPITO. Mr. Speaker, I would like to thank the gentleman from California for yielding and start by thanking my colleagues in the West Virginia delegation for their efforts on this legislation. Our delegation has truly stood as one on behalf of the safety of our State's miners. We stood together in the Senate hall, all five of us together, and pledged to make a difference through legislation.

I would like to thank the leadership, and I would like to thank Chairman MCKEON and Chairman NORWOOD for their quick action on bringing this matter to the floor. I would like to thank my fellow Members from other coal States who have suffered such tragedies.

I would like to make something clear. The MINER Act is not a controversial piece of legislation. It is slightly unfortunate that there has been some confusion around the issue that's important to the people of West Virginia and other mining States. As we have heard from the other Members, this is a great opportunity, a good chance, a good first step and one we must seize.

This bill has unique support across the mining community and across geographic and political lines. The UNWA, the National Mining Association, the AFL–CIO, and the West Virginia Coal Association and others support passage of this, and the Senate has unanimously passed this legislation.

As we have heard, the legislation would require every underground coal mine in the country to have its own emergency response such as tracking devices and flame resistant post-accident lifelines. The bill immediately requires a redundant means of communication with the surface, using the best system that is technologically feasible.

This legislation takes a major step in making sure miners have a reliable supply of oxygen underground. The bill makes sure that miners have a 2-hour supply of oxygen throughout the mines, spaced at distances the average miner can walk in 30 minutes.

A crucial provision also requires a maintenance and replacement schedule for the emergency breathing devices. Statements from survivors of recent mine accidents have questioned whether emergency breathing equipment was functioning properly, and this bill helps address that.

To make sure that precious time is not lost in assembling mine rescue teams, this bill makes sure that every mine has at least two mine rescue teams that can reach the site within an hour.

For those who violate safety regulations, this legislation increases the maximum civil and criminal penalties and allows MSHA to issue an injunction in order to close mines that fail to pay fines.

No one has said that the MINER Act is the final step in making miners safer. In fact, this is only the beginning of a renewed dialogue to make sure that we are doing everything we can to make sure our miners are safe.

I would like to remind my colleagues we have a choice, support the most significant revision to mine safety laws since 1977 or oppose the bill and cast a vote that will take us nowhere.

Mr. Speaker, the Sago mine is in my district. I waited with the families and the Upshur County community on that cold day in January as rescuers worked to save the Sago miners. I saw firsthand the pain suffered by the families when only one survivor was found. I looked into the eyes of the wives, of the sisters, the brothers, the mothers, the fathers as they learned that their loved ones were never coming back.

The Sago men and women are my constituents and my friends. They are the backbone of the great State of West Virginia and our Nation. For all of us, we cannot let this opportunity pass.

I ask that my colleagues join me to help these real men and women who have hopes and dreams, have a great faith in us, that we will help them to make sure that we pull together so that no one will suffer the tragedy and the heartache that they suffered that day in Sago and other days across this country.

I ask my colleagues to join me, to join me in making the right choice to improve mine safety by voting for the MINER Act.

Mr. MURPHY. Mr. Speaker, I rise in strong support of this landmark mine safety legislation, S. 2803. Mine safety has been on all our minds this year, as Americans mourned the heartbreaking disasters at the Aracoma Alma and Sago mines in West Virginia in January. Thus, throughout the process of crafting this bill, all parties have wanted the end product to strongly improve safety for miners.

In my district in southwestern Pennsylvania, the mining industry has been a central part of the way of life for a century and a half. My great-grandfather was a coal miner, who worked in Pennsylvania mines when carts were pulled by mules and mines were lit by candles. Mining was very dangerous work then. The mining industry has certainly made remarkable strides ever since.

Today is another great step forward for miners in Pennsylvania and across the Nation; therefore, I am pleased to support S. 2803. On March 16, as mine safety legislation was being crafted, I was pleased to testify on the subject of mine safety before the Education and Workforce Subcommittee on Workforce Protections. On that day, I expressed many concerns about current mine conditions. For instance, I cited my concern about whether miners are sufficiently employing technology to communicate with one another, especially when accidents occur. S. 2803 requires that all mines provide immediate notification of accidents and regularly update their emergency response plans. At the hearing, I also raised my discomfort with the use of ''belt air,'' which can be unhealthy to breathe and even flammable. Accordingly, the bill before us prohibits the use of conveyor belts to ventilate work areas.

While recent tragedies have dominated the mining industry news of late, I hope we recount the success stories of the mining industry alongside some of the failures. For instance, CONSOL Energy, based in my district, sent their own rescue teams to the Sago mine in January. The CONSOL rescue teams arrived first at the scene, and they have worked tirelessly on many other occasions to help miners throughout Pennsylvania and West Virginia, regardless of who owns the mine. They are a success story I am pleased to highlight, of which we should all be proud.

The coal industry has helped fuel this Nation for 150 years, and coal can be used to heat our homes, power our economy, and protect our Nation for at least another 150 years if we continue to use it. We all grieved the tragic accidents in West Virginia in January. This bill will help prevent such accidents in the future.

Mr. OWENS. Mr. Speaker, 33 underground coal miners have already been killed on the job so far this year, starting with the Sago mine disaster right after New Year's day. We do these fallen mineworkers as well as their surviving family members and friends a serious disservice by limiting debate on this bill to 40 minutes and barring any strengthening amendments. These hard-working men, their families and wider communities of friends and neighbors deserve far better treatment on the floor of the U.S. House. Unless we take legislative action that would prevent future mine disasters like those that occurred at Sago, Aracoma Alma, Darby and elsewhere this year, we are hoping rhetoric will mask our failure to deliver significant protections to hard-working mineworkers Nation-wide.

At the Sago mine disaster, a methane gas explosion killed one mineworker and trapped 12 others. It took 40 hours for rescuers to reach those trapped underground and by the time they did, 11 miners had died of carbon monoxide poisoning. The sole survivor at Sago, Randal McCloy, has since reported that at least four of the air-packs designed to provide an hour's worth of breathable air to the miners malfunctioned. Moreover, the Sago miners lacked one-way text messaging and tracking devices—devices that are currently used in mines throughout Australia, Chile, China and South Africa. Those devices would have saved lives at Sago.

To make certain that the Sago tragedy is never repeated in this country, I support wholeheartedly three simple amendments to this bill as proposed by Representative MILLER. They would equire:

At least 48 hours of emergency air for each mineworker;

Finalized plans within 15 months for adding lifesaving communications and tracking equipment; and

Federal MSHA regularly conducted random field tests of airpacks, self contained self rescuers, to ensure they are in working order.

In closing, Mr. Speaker, I wish to close with the question posed by the AFL–CIO about these three amendments in their letter to Congress on mine safety: ''Frankly, we do not understand why anybody would oppose such common sense measures.''

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and pass the Senate bill, S. 2803.

The question was taken.

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

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

The yeas and nays were ordered.

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

SUPPORTING THE GOALS AND IDEALS OF NATIONAL ENTREPRENEURSHIP WEEK

Mr. OSBORNE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 699) supporting the goals and ideals of National Entrepreneurship Week and encouraging the implementation of entrepreneurship education programs in elementary and secondary schools and institutions of higher education through the United Sates.

The Clerk read as follows:

H. RES. 699

Whereas according to the Department of Labor, most of the new jobs created throughout the United States in the past decade have come from the creative efforts of entrepreneurs and small businesses, which have been expanding and advancing technology and fueling the recent growth in the economy;

Whereas entrepreneurs have been the source of economic innovation throughout the history of the Nation, and the entire society has been improved because of the new ways of doing things that have been brought about by people who market their ideas;

Whereas economically independent entrepreneurs are engaged citizens who work to improve the economic environment in their local communities, providing better opportunities for businesses to operate and a better environment for the human resources they need to advance their business dreams;

Whereas 70 percent of high school students want to become entrepreneurs, and entrepreneurial skills will assist students in the future regardless of whether they work in a business owned by others or run their own business;

Whereas the high interest of students in becoming entrepreneurs and the critical role entrepreneurs have played in advancing the national economy make it vital for the Nation's schools to provide students with training in the skills which will enable them to become the entrepreneurs of the future;

Whereas the Partnership For 21st Century Skills identified financial, economic, business literacy, and entrepreneurship skills as the types of skills students must have in order to enhance workplace productivity and career options;

Whereas exposing students to the types of market-driven problems faced by entrepreneurs is an excellent example of how educators can use problem-based learning strategies to prepare students for the situations they will encounter in the future, an approach recommended by the National Council on Competitiveness in its 2004 report entitled '' Innovate America'';

Whereas entrepreneurship education provides exactly the type of academic engagement of all students promoted by the National High School Alliance, based on relevant real-world contexts that build on community assets, allow participation in workplace-based learning, and include performance-based assessments;

Whereas entrepreneurship education has been shown to be especially effective in closing the achievement gap between minority students and others in public schools;

Whereas students who participate in entrepreneurship education programs have better attendance records, perform better on core subjects, and have lower dropout rates than those who do not participate in these programs;

Whereas successful programs in entrepreneurship education have been established in many States, including the public-private partnership program in North Carolina by the Center for 21st Century Skills, which helps students acquire the knowledge and skills needed for success in the global economy and which has been touted as a national model for education in the 21st century;

Whereas the Ewing Marion Kauffman Foundation has assembled a multidisciplinary panel of distinguished scholars who will evaluate relevant research and review what has been learned in the many existing programs on entrepreneurship under way throughout the United States in order to provide recommendations for a comprehensive approach to teaching entrepreneurship in colleges and universities;

Whereas the Ewing Marion Kauffman Foundation has contributed significant time and resources to create the Kauffman Campuses program to make entrepreneurship education a common and accessible campus-wide opportunity that is an integral part of the college experience;

Whereas the Consortium for Entrepreneurship Education has developed and nurtured a lifelong entrepreneurship education model to encourage students' awareness of entrepreneurship as a career option throughout their years of school and to assist entrepreneurs as they implement their entrepreneurial ideas;

Whereas the Consortium for Entrepreneurship Education has lead the initiative to broadly define the field of entrepreneurship through 403 performance indicators to guide the delivery of entrepreneurship education in support of the lifelong learning model;

Whereas, through the initiative to observe annually National Entrepreneurship Week, the Ewing Marion Kauffman Foundation, the Consortium for Entrepreneurship Education, and partner organizations promote awareness of the contributions of entrepreneurs as innovators, positive forces in the economy, and important resources for improving communities as places to live and work; and

Whereas National Entrepreneurship Week will focus on the innovative ways in which entrepreneurship education can bring together the core academic, technical, and problem solving skills essential for future entrepreneurs and successful workers in future workplaces: Now, therefore, be it

Resolved, That the House of Representatives—

(1) encourages the implementation of entrepreneurship education throughout the United States;

(2) supports the goals and ideals of National Entrepreneurship Week so that the people of the United States are reminded of the contributions of entrepreneurs and so that educators are encouraged to reflect on how entrepreneurship education can improve the performance of their students; and

(3) requests that the President issue a proclamation calling on the Federal Government, State and Local governments, schools, nonprofit organization, and others to observe National Entrepreneurship Week annually with special events in support of entrepreneurs and entrepreneurship education programs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. OSBORNE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska.

GENERAL LEAVE

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 699.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H. Res. 699, a resolution to support the goals and ideals of National Entrepreneurship Week and encourage the implementation of entrepreneurship education programs in elementary and secondary education schools and institutions of higher education throughout the United States.

I want to congratulate the sponsor of this resolution, the gentleman from North Carolina (Mr. PRICE), as well as House Committee on Education and the Workforce Chairman MCKEON and Ranking Member MILLER, as well as the leadership in both parties in working to move this resolution to the floor in such a bipartisan fashion.

This is a very important resolution because it supports the goals and ideal of National Entrepreneurship Week and encourages creation of entrepreneurship education programs in elementary and secondary schools. The future strength of our economy depends on our youth and upon developing new businesses, which essentially is what entrepreneurship is all about. From lawn mowing businesses to baby sitting, most youths have been entrepreneurs at one time or another. Unfortunately, formal entrepreneurial education is not always available to young people.

Several studies have been done on the interests that young people have in entrepreneurship. For example, in their book, ''The E Generation: Prepared for the Entrepreneurial Economy,'' Marilyn Kourilsky and William Walstad explain that youth are overwhelmingly interested in entrepreneurship. In fact, they found that six out of 10 young people aspire to start a business of their own.

The Gallup Organization, in conjunction with the Kauffman Foundation, conducted the first national poll on entrepreneurship. What they found was that 70 percent of students polled wanted to start their own business.

□ 1430

Now, this would be primarily at the high school level. Yet only 44 percent had any basic knowledge concerning entrepreneurship. In other words, they wanted to start a business, but they had no idea as to how to do it.

Youth entrepreneurs provide added stimulus to the local economy. Student entrepreneurial endeavors help to foster youth retention by providing youth the opportunity to contribute and invest in their home communities. As young people build and grow businesses within a community, they are more likely to stay and invest in a community's future.

Where this has been tremendously important has been in rural areas. We have all seen many small towns that continue to unravel, lose young people, lose population, and in the district that I represent we have seen this graphically. So we find that probably the best way to revitalize rural America is to provide entrepreneurial training, entrepreneurial skills, so some people can stay there and survive and young people can start a business.

There are a number of academic reasons to integrate entrepreneurship training into curriculum as well. Entrepreneurship training can be successfully integrated into traditional course work by incorporating hands-on business activities in a traditional classroom and textbook instruction. For example, writing marketing materials, business plans, can improve English skills. Sales and accounting can improve math skills. Developing manufacturing processes for products can be incorporated in a science class. True entrepreneurial education integrates hands-on business developments into the school system.

So we find that it is possible to build entrepreneurial training into the curriculum in a school. And when this happens, some really good things begin to happen.

Entrepreneurship education has a positive effect on the academic performance of students according to a study conducted by Howard Rasheed, a business professor at the University of Florida. Students with entrepreneurship training scored better in a number of academic subjects, including reading, math, social studies, and language. Also, attendance improves, dropout rates decrease, and it also helps close the achievement gap between minority students and the rest of the student body. So there is a tremendous academic contribution that entrepreneurial training provides.

I have worked throughout my time in Congress to encourage Nebraska schools to adopt entrepreneurship programs, and many have. I am pleased to

have had the opportunity to be involved in numerous entrepreneurship efforts across the State of Nebraska, including NETFORCE, which is working to develop a curriculum that is sponsored through Nebraska's community college system.

H.R. 699 encourages more schools to adopt entrepreneurship programs and supports the goals of National Entrepreneurship Week. I strongly support this resolution and urge its passage.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to join with the gentleman from Nebraska in support of a resolution to support National Entrepreneurship Week. I rise in support of H. Res. 699 and thank Mr. PRICE of North Carolina for introducing this resolution.

H. Res. 699 calls on the President to issue a proclamation recognizing National Entrepreneurship Week and to encourage all levels of government to observe National Entrepreneurship Week annually with special events in support of entrepreneurs and entrepreneurship education programs.

Entrepreneurship education has long been an integral part of career and technical education programs in high schools across the country. While students may have difficulties defining ''entrepreneur,'' it is clear that, when surveyed, young people understand the concepts behind entrepreneurship and actively seek out similar opportunities.

According to the Consortium for Entrepreneurship Education, entrepreneurship education programs are providing opportunities for young people to master competencies in concepts such as how to recognize opportunities, how to generate ideas and marshal resources in the face of risk, to pursue opportunities, venture creation and operation, and creativity as well as critical thinking.

Mr. Speaker, students who participate in entrepreneurship education learn not just the skills for making smart business decisions; they also learn how to become more involved in their community through civic engagement and participation. And as the resolution points out, students who participate in these programs have better attendance records, perform better on core subjects, and have lower dropout rates than those who do not participate in these programs.

Mr. Speaker, entrepreneurs represent one of the fastest growing business sectors in our global marketplace. The establishment of a week recognizing the role of entrepreneurs in our economy will continue to help inform young people about the opportunities for success in this global marketplace.

Again, I want to thank Mr. PRICE for introducing this important legislation, and I urge its support.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to Mr. DAVID PRICE, who introduced this resolution, from the great State of North Carolina.

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

There was no objection.

Mr. PRICE of North Carolina. I thank the gentleman for yielding, Mr. Speaker, and I rise in support of H. Res. 699, a resolution I sponsored with the gentleman from Nebraska (Mr. OSBORNE), and many other colleagues. The resolution supports the goals and ideals of National Entrepreneurship Week.

More than 70 percent of American high school students say they would like to open their own business someday. Over 10 percent of American adults are actively planning to become entrepreneurs in their local communities. These figures indicate the strong entrepreneurial inclination of many Americans. Yet while many people have an interest in starting a new business, only a fraction of these actually make the attempt.

Entrepreneurial education brings together the core academic, technical, and problem-solving skills needed for future entrepreneurs. Individuals who receive entrepreneurship training are not only more likely to start a business, but they are also more likely to enjoy success with such a new venture.

H. Res. 699 would support the goals and the ideals of National Entrepreneurship Week and the implementation of entrepreneurship education programs in elementary and secondary schools and in institutions of higher education. National Entrepreneurship Week would consist of a national series of celebrations, business plan competitions, and other community events to nurture entrepreneurship and to engage young people in the opportunities available to them as future business owners.

In short, Mr. Speaker, National Entrepreneurship Week offers the opportunity to recognize the societal contributions of America's leading entrepreneurs and to encourage those with a dream to become entrepreneurs.

I am fortunate to have several organizations in my home State of North Carolina that effectively promote entrepreneurship in varied ways. For example, the North Carolina Rural Center, the North Carolina Community College System, the North Carolina Department of Public Instruction, and the University of North Carolina at Chapel Hill are working together to develop a system of education for youth and adults that ensures anyone who seeks advice or assistance on starting a business gets the help they need.

The Small Business and Technology Development Centers and the SCORE program, run by retired executives, help new entrepreneurs translate their aspirations into reality. ''Marketplace,'' a forum which I joined colleagues in starting years ago in the Triangle area of North Carolina, introduces entrepreneurs to opportunities in government contracting.

The University of North Carolina at Chapel Hill's Entrepreneurship Club is dedicated to encouraging entrepreneurship among students by connecting them with local entrepreneurs, professors, and support organizations. The North Carolina Center for 21st Century Skills is the first of its kind in the Nation to help elementary and secondary public school students acquire the knowledge and the skills needed for success in the global economy.

The Consortium for Entrepreneurship Education continues its work to make entrepreneurship education a formal part of the American curriculum in each school district and educational institution, and I want to commend the consortium for their leadership role in developing and promoting the resolution before us today.

I also want to thank Representatives TOM OSBORNE and DANNY DAVIS and their staffs, as well as the bipartisan staff of the Education and the Workforce Committee, for their contributions to this effort, this effort to call attention to the need for encouraging our young people to become entrepreneurs.

I urge my colleagues to support this resolution.

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

Mr. OSBORNE. Mr. Speaker, I would like to commend the gentleman from North Carolina and Mr. DAVIS, and as I have no further speakers, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. OSBORNE) that the House suspend the rules and agree to the resolution, H. Res. 699.

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

A motion to reconsider was laid on the table.

COMMENDING THE PEOPLE OF MONGOLIA ON THE 800TH ANNIVERSARY OF MONGOLIAN STATEHOOD

Mr. LEACH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 828) commending the people of Mongolia, on the 800th anniversary of Mongolian statehood, for building strong, democratic institutions, and expressing the support of the House of Representatives for efforts by the United States to continue to strengthen its partnership with that country.

The Clerk read as follows:

H. RES. 828

Whereas Mongolia, a great nation located at the crossroads of many civilizations, in 2006 marks its 800th anniversary as a state;

Whereas Mongolia has become a functioning democracy in Asia;

Whereas since 1990 the Mongolian people have held 5 parliamentary elections and 4 presidential elections;

Whereas these elections have been determined to be largely free and fair, without violence or balloting irregularities, and featuring multiple political parties;

Whereas these elections demonstrate Mongolia's commitment to the rule of law and its determination to consolidate its democratic progress;

Whereas the Government of Mongolia has conducted economic reforms which introduced market mechanisms and have resulted in the private sector producing the great majority of the gross domestic product, demonstrating Mongolia's commitment to the establishment of a free market economy;

Whereas Mongolia ratified the United Nations Convention Against Corruption in October 2005, demonstrating its determination to take steps to better ensure political and economic stability and progress;

Whereas Mongolia has sought to develop political, economic, and security relationships with its neighboring countries in order to enhance confidence and regional security;

Whereas the people of the United States and Mongolia share common commitments to democracy and freedom, and the Government of Mongolia has expressed its strong desire to deepen and strengthen its partnership with the United States;

Whereas Mongolia entered into a Trade and Investment Framework Agreement with the United States in 2004, demonstrating its commitment to take further steps to reform and open up its economy and to deepen bilateral economic ties;

Whereas Mongolia has been a steadfast partner with the United States in the Global War on Terror, and, after the September 11th terror attacks, the Government of Mongolia expressed its strong support for the United States;

Whereas Mongolia has supported coalition operations by repeatedly contributing troops to both Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom;

Whereas Mongolia has contributed troops to support NATO peacekeeping operations in Kosovo and to protect the United Nations war crimes court in Sierra Leone; and

Whereas Mongolia's strong policy track record has made it eligible for Millennium Challenge Account (MCA) support in 2004 and 2005: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the people and Government of Mongolia on the 800th anniversary of Mongolian statehood;

(2) affirms that the United States is proud to be considered Mongolia's ''third neighbor'';

(3) commends the people and Government of Mongolia for their commitment to democracy, freedom, and economic reform;

(4) urges the Government of Mongolia to take further steps to fight corruption and provide greater transparency and accountability in government operations;

(5) shares with the people and Government of Mongolia the desire to enhance the relationship between the United States and Mongolia, based on a comprehensive partnership, shared values, and common interests;

(6) supports efforts to strengthen strategic, political, economic, educational, and cultural ties between the 2 countries;

(7) encourages private investment and increased business ties between investors in both countries;

(8) encourages increased people-to-people ties through expanded academic, cultural, and sports exchanges, and

(9) supports increased Mongolian participation in international organizations and initiatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 days within which to revise and extend their remarks on H. Res. 828.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H. Res. 828, commending the people of Mongolia on their 800th anniversary of Mongolian statehood which they are preparing to celebrate during the next month. Mongolia's storied history stretches back to the 13th century, when, beginning under the leadership of Genghis Khan, the Mongol Empire grew to become the largest contiguous land empire in world history.

However, the most important portions of this resolution are not those that recall the past, but those that point toward the future. In the eight recent centuries of Mongolian statehood, the past 16 years have perhaps been the most dramatic. In that short time, Mongolia has cemented its transition from a Soviet-era Communist state to a successful, multiparty, Asian democracy committed to economic reform. It has conducted five free and fair parliamentary elections and four presidential elections.

I was fortunate to have had the opportunity to visit Ulan Bator last fall as an election observer and to see firsthand the remarkable democratic and social progress that the Mongolian people have achieved. Mongolia represents a transitional model that merits study by other Asian nations, such as North Korea, who have not yet internalized the lessons of the 20th century.

In contrast to its history of constant military concerns, Mongolia today is a country committed to peace and international stability, whose foreign policy is informed by an admirable humanitarian impulse. It has repeatedly deployed troops in support of Coalition efforts in Afghanistan and Iraq, and it has supported NATO peacekeeping operations in Kosovo.

As befits two nations committed to democracy and freedom, the United States and Mongolia have enjoyed a deepening friendship, both on a government-to-government and a people-to-people basis. Our growing relationship encompasses not only security matters and development assistance, but also trade, with the U.S. and Mongolia having signed a Trade and Investment Framework Agreement in 2004.

Although that great landlocked state is physically bordered only by China and Russia, the United States is proud to consider itself Mongolia's third neighbor on the basis of our shared values and common interests. This resolution is a welcome opportunity for the Congress to reaffirm our desire to strengthen the strategic, political, economic, educational, and cultural ties between our countries.

In closing, I would like to thank the gentleman from American Samoa (Mr. FALEOMAVAEGA), and also the gentleman from Pennsylvania (Mr. PITTS) for his initiative in sponsoring this timely resolution, as well as the men and women of the Department of State for their judgment and guidance in assembling the final text.

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

□ 1445

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I also would like to commend the distinguished chairman of the International Relations Committee, Mr. HYDE, and the senior ranking member, Mr. LANTOS, for their support of this legislation that was introduced by the gentleman from Pennsylvania (Mr. PITTS).

Mr. Speaker, I rise in strong support of this resolution. The breakup of the Soviet empire in the early 1990s jolted the international political system and fundamentally changed the course of global history. More than a dozen new nations emerged from the ruins of the Soviet Union, stretching from the heart of Europe to deep in Central Asia.

While the dissolution of the Soviet Union greatly advanced the progress of democracy and human rights, this forward march was not without setbacks. Looking at the map today, half of the nations formerly within the Soviet orbit have truly embraced democracy, human rights and economic reform, while others continue to struggle with debilitating other totalitarian regimes.

Mr. Speaker, since their first steps towards freedom from the firm grasp of the Soviet Union in 1990, the Mongolian people have strongly embraced democracy and human rights. They took to the streets in the bitter cold to force the Mongolian Communist Party from power, and quickly replaced it with a democratically elected government.

Since 1990, Mongolia has held several rounds of free and fair elections for president and parliament. While the rapid development of democratic institutions has not been without growing pains, the government of Mongolia remains a strong and vibrant democracy which has sought to play a responsible role in the global community.

With a newly shared commitment to democracy, the bilateral relationship between the United States and Mongolia has flourished over the last decade and a half. Mongolia has contributed troops, engineers and medical personnel to Operation Iraqi Freedom, and

helped to train units of the Afghan National Army.

The United States has also provided over $150 million in assistance to the Mongolia people since 1991. Mongolia is now eligible for funding from the Millennium Challenge Account, and it is our strong hope that a compact with Mongolia will be signed in the near future.

Ties between the United States and Mongolia were further solidified by visits to Mongolia in 2005 by the President of the United States and the Secretary of Defense.

The United States and Mongolia have also shared a commitment to working for freedom for the Tibetan people. As a Buddhist nation, Mongolia has twice welcomed His Holiness the Dalai Lama, despite enormous pressure from Beijing to prevent this from happening. Mongolia's willingness to resist China's strong-arm tactics demonstrates the nation's deep-seated commitment to human rights and religious freedom.

Mr. Speaker, since it emerged from the iron clutch of the Soviet Union in 1990, Mongolia has been a good friend and ally of our Nation. With passage of this resolution introduced by my good friend, Mr. PITTS, Congress will further signal its support for even stronger ties between our two nations.

Mr. Speaker, this year marks the 800th anniversary of Mongolian statehood. I am pleased that this body can play a small role in commemorating this important and significant anniversary in the lives of the people of Mongolia. I urge my colleagues to support this resolution.

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

Mr. LEACH. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. PITTS) who is the author of this resolution.

Mr. PITTS. Mr. Speaker, I thank Chairman LEACH for his leadership on this issue.

I rise today in strong support of H. Res. 828, a resolution that I authored with strong bipartisan support from the members of the International Relations Committee. And I thank the committee members for their support and I thank the House leadership for bringing it to the House floor today.

America has a long and proud tradition of standing with those who stand for freedom and democracy in the world, and that is why it is altogether appropriate that we recognize the people of Mongolia on the occasion of their 800th anniversary of statehood.

The history of Mongolia is a great testament to the power of freedom. Once a communist state closely allied with the Soviet Union, Mongolia has undergone remarkable changes in recent years. After peacefully severing communist ties in 1990, the people of Mongolia have established a stable democracy in Asia.

The reforms Mongolia has undertaken have set a shining example for its region of the world. In 1992, Mongolia adopted a Constitution. Five parliamentary elections and four presidential elections have now been held in Mongolia.

I personally became involved after the parliament heard of the Contract With America in 1994 and what happened here. In the mid-1990s, they created the Contract With the Mongolia Voter. They printed 400,000 copies, distributed it by horse and yak and camel all over the country. They had a 92 percent voter turnout and swept the existing then-communist government out of power. At that point I went over with others and gave a seminar to the young members of parliament. Over half were under the age of 35. It was an inspiring experience.

Mongolia has introduced economic reforms that reflect its commitment to establishing a free market economy. In the wake of September 11, 2001, the terrorist attacks, Mongolia has been a steadfast partner in the global war on terror. Mongolia has repeatedly sent troops to serve in the cause of freedom in Iraq and Afghanistan, six rotations in Iraq and Afghanistan. They are standing with us, and they have also made troop commitments to NATO to peacekeeping missions.

In an expression of our appreciation for their support, President Bush traveled to Mongolia last November, the first sitting American President ever to do so. During his visit, President Bush addressed the Mongolian people. He expressed the relationship and appreciation for the relationships our nations share. He said, ''As you build a free society in the heart of Central Asia, the American people stand with you.'' We echo those sentiments today. By passing this bipartisan resolution, we send a clear message that this House stands firmly with the people of a free and democratic Mongolia.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I again want to thank the gentleman from Pennsylvania for introducing this legislation. It was my personal privilege to know personally the previous ambassador of Mongolia to the United States, and I have known him for several years as he made every effort to establish a relationship between our two nations. Again, I commend my good friend from Pennsylvania for introducing this legislation.

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

Ms. BORDALLO. Mr. Speaker, I rise in support of House Resolution 828, Recognizing the 800th Anniversary of Mongolian statehood. Mongolia has a strong commitment to democracy and the rule of law. I join the people of Mongolia in celebrating their 800th anniversary of statehood. Mongolia has a rich, storied ancient history. Its modern accomplishments contribute to that history and serve as an inspiration to all countries that struggle to adopt a democratic system of government.

The friendship shared by Mongolia and the United States has grown stronger as a result of Mongolia's strong commitment to democracy and the rule of law at home and internationally. As this resolution notes, since 1990, five parliamentary and four presidential elections have been held in Mongolia, all without violence or disruption. This is a strong indicator that when the will of a nation's people is joined by the will of their government, there becomes a great capacity to achieve good.

Mongolian efforts to develop a free market society and a political democracy serve as an example of responsible government and progress for other developing democracies in the world today. The settlement of an $11 billion debt to Russia in 2004 lifted a heavy burden from Mongolia and has been instrumental in allowing Mongolia to explore new outlets for economic development. There are currently over 30,000 private businesses in or around Mongolia's capital city of Ulaanbaatar. Petroleum, coal, and copper industries continue to be an economic mainstay for the people of Mongolia.

Mongolia is a valued security partner with the United States and the North Atlantic Treaty Organization (NATO). Mongolia's steadfast commitment and valued contributions to Operation Enduring Freedom, Operation Iraqi Freedom, NATO missions in Kosovo and Sierra Leone, and its broader contribution to the Global War on Terror are evidence of its leadership on international security matters.

Mongolia continues to build upon its solid foundation for a democratic, prosperous and secure future for its people. I congratulate them on the occasion of the 800th anniversary of Mongolian statehood and on their continued political and economic development. Through passage of this resolution we express our confidence in them and our appreciation for the strong partnership enjoyed between the American and Mongolian peoples.

Mr. LEACH. Mr. Speaker, I thank Mr. FALEOMAVAEGA for his wondrous comity on this and so many issues, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the resolution, H. Res. 828.

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

A motion to reconsider was laid on the table.

COMMEMORATING 60TH ANNIVERSARY OF ASCENSION TO THE THRONE OF HIS MAJESTY KING BHUMIBOL ADULYADEJ OF THAILAND

Mr. LEACH. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 409) commemorating the 60th anniversary of the ascension to the throne of His Majesty King Bhumibol Adulyadej of Thailand, as amended.

The Clerk read as follows:

H. CON. RES. 409

Whereas on June 9, 1946, His Majesty Bhumibol Adulyadej ascended the throne and this year celebrates his 60th year as King of Thailand;

Whereas His Majesty King Bhumibol is the longest-serving monarch in the world;

Whereas on May 26, 2006, His Majesty King Bhumibol received the inaugural special Human Development Lifetime Achievement Award from the United Nations Development Agency for his dedication to social justice, growth with equity, human security, democratic governance, and sustainability;

Whereas during the reign of His Majesty King Bhumibol, Thailand has become a democratically governed constitutional democracy in which Thai citizens enjoy the right to change their government through periodic free and fair elections held on the basis of universal suffrage;

Whereas His Majesty King Bhumibol has enjoyed a special relationship with the United States, having been born in 1927 in Cambridge, Massachusetts, where his father, Prince Mahidol of Songkla, was studying medicine at the Harvard Medical School;

Whereas the United States and Thailand have enjoyed over 170 years of friendship since the signing of the Treaty of Amity and Commerce in 1833, the first such treaty signed between the United States and any Asian country;

Whereas the United States and Thailand are treaty allies, and on December 30, 2003, President George W. Bush designated the Kingdom of Thailand as a major non-NATO ally; and

Whereas the bonds of friendship and mutual respect are strong between the United States and Thailand: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

(1) commemorates the 60th anniversary of the ascension to the throne of His Majesty King Bhumibol Adulyadej of Thailand;

(2) offers its sincere congratulations to His Majesty King Bhumibol and best wishes for continued prosperity to his Majesty and the Kingdom of Thailand; and

(3) looks forward to continued, enduring ties of friendship between the Thai and American people.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 409.

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

There was no objection.

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

I rise in support of this timely resolution honoring Thailand's long-serving monarch, who commands enormous popular respect and moral authority among the Thai people.

At the outset, I would like to express my appreciation to our distinguished ranking member, Mr. LANTOS, as well as the gentleman from American Samoa (Mr. FALEOMAVAEGA) for their assistance and support in crafting this measure.

As many Members are aware, Thailand is one of America's oldest and closest allies. Formal diplomatic relations extend back to the signing of the Treaty of Amity and Commerce between our two nations in 1833, during the Presidency of Andrew Jackson. Since then, Thailand has been a steadfast friend and ally. Thai King Mongkut offered President Lincoln elephants to use in battle during the Civil War, and Thai troops fought alongside American soldiers in World War I, Korea, and Vietnam. Since 9/11, Thailand has provided overflight rights and access to facilities to facilitate U.S. and coalition efforts in Afghanistan, sent an engineering battalion to help rebuild Bagram airfield, and deployed nearly 500 troops to provide reconstruction and medical assistance in Iraq. President Bush recognized the importance of our alliance when he designated Thailand as a major nonNATO ally in 2003.

Thailand and the United States also share robust commercial ties, with two-way trade totaling a little over $21 billion and cumulative U.S. investment in Thailand of over $20 billion. Our cultural and people-to-people ties are extensive and multifaceted, including more than 10,000 Thai students in institutions of learning in the United States. Indeed, our people-to-people ties even extend to His Majesty the King, who was born nearly 80 years ago in Cambridge, Massachusetts, where his father was studying medicine at the Harvard Medical School.

Our two people also forged common bonds during times of tragedy; Americans will never forget the astounding generosity of the Thai people in assisting foreign survivors of the terrible tsunami of 2004, despite suffering devastating losses of their own.

The tie that has been developed between the Thai people and the families from abroad who lost their fathers and mothers, sons and daughters while guests in Thailand during one of nature's most extraordinary acts, has solidified in mutual respect and humanitarian appreciation.

As a congressional visitor in the wake of the tsunami, I could not have been more impressed with the thoughtfulness of the Thai government, and the stories of Thai goodwill extended to those who lost their loved ones.

America and Thailand share many common vested interests and values, including a belief in democracy and human rights. Thailand enjoys a well-deserved reputation for tolerance, religious freedom and civil liberties. During the reign of the King, Thailand has become a democratically governed constitutional monarchy. Indeed, since 1992, there have been more than half a dozen national multiparty elections, which transferred power to successive governments through peaceful, democratic processes.

In this context, while the King has circumscribed constitutional powers, he also exerts strong informal influence, which he has used from time to time to resolve political disputes that jeopardize national stability.

In closing, I would note that the resolution before us is being amended to reflect the fact that late last month, Secretary-General Kofi Annan presented the United Nations first Human Development Lifetime Achievement Award to the King, hailing the Thai monarch's efforts to help the poorest and most vulnerable people in his kingdom as an example for the world.

Mr. Speaker, I urge support for this resolution.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I want to commend my dear colleague and chairman of the Asia Pacific Subcommittee on International Relations, the distinguished gentleman from Iowa (Mr. LEACH), for his authorship of this important resolution.

Mr. Speaker, as the world's oldest democracy, the American Government rarely takes the time to mark important events in the lives of the world's few remaining monarchs. The key decisions affecting the livelihood of nations and the stability of the world system are made in the halls of parliaments and in the offices of presidents and prime ministers around the world.

But a handful of the world's monarchs continue to play a critically important role in the lives of their nations, and are worthy of our praise and admiration. The King of Thailand is just such a monarch.

As Thailand celebrates the 60th anniversary of the King's ascension to the throne, it is important to remember the King's many contributions to the prosperity and stability of our closest ally in Southeast Asia.

While Thailand is governed by democratically elected parliament and prime minister, the King has kept a firm hand on the tiller of the nation.

□ 1500

After a military coup in 1992 in which hundreds of Thai citizens were killed in the streets of Bangkok, the King summoned the general to a nationally televised audience. The Thai people watched as the general crawled across a carpet to the feet of the monarch where he was promptly upbraided for his actions which threatened the stability of the nation. The general promptly resigned and democracy was restored.

Just over the past few months the King again has played an important role in resolving a political crisis which had led to large street demonstrations in Bangkok. After strong words from the King, Thailand's judiciary moved to approve a new round of national elections in which all of the major political parties will participate.

The King's ability to influence the outcome of these two events is directly related to the enormous esteem in

which he is held by the good people of Thailand. The Thais, from all walks of life, greatly respect and admire the King and give much credence to his words as well as his actions.

Thailand's democratic development under the King's leadership has greatly enhanced U.S.-Thai relations. Our two nations remain treaty allies, and Thailand was designated as a major non-NATO ally in 2003.

Mr. Speaker, Thailand also made significant contributions to the reconstruction of Afghanistan and Iraq and has participated in many vital United Nations peacekeeping missions. Economic ties between the United States and Thailand have also grown significantly over the past decade.

With the passage of this resolution, Congress not only commemorates the 60th anniversary of the King's ascension to the throne, it also celebrates the strength of the U.S.-Thai relationship and Thailand's many contributions to regional and international security.

It has been my personal experience also, you know who your friends are, and I remember this as a Vietnam veteran, Thailand was there and stood with us.

It might also be of interest to our colleagues, it so happens that the number one golfer in the world's mother is from Thailand, Mr. Tiger Woods.

With that, Mr. Speaker, I know that our relationship between our two nations could not be closer. And again, I commend the gentleman from Iowa for introducing this resolution.

I also want to commend the chairman of our committee, Mr. HYDE, and our senior ranking member, Mr. LANTOS, for their support and leadership in bringing this resolution to the floor.

Ms. BORDALLO. Mr. Speaker, I rise today in support of H. Con. Res. 409, Commemorating the 60th anniversary of the ascension to the throne of His Majesty King Bhumibol Adulyadej of Thailand. This resolution honors His Majesty King Bhumibol Adulyadej, his accomplishments toward social justice, growth with equity, human security, democratic governance, and sustainability for his county and people, and the special relationship between the United States and Thailand.

King Adulyadej led Thailand as it adopted a democratic form of government. This is an important accomplishment and one that is greatly valued by the United States. Thailand's commitment to strengthening its democracy is representative of the shared values between the people of our two countries.

Also, Thailand's commitment to fighting terrorism in Asia and its cooperation in the Global War on Terror is further representative of the strong relationship between our governments. Further I commend King Adulyadej's dedication to social justice and human rights. That the United Nations is awarding him the Human Development Lifetime Achievement Award is representative of his leadership on these issues.

The people of Guam join in celebrating the 60th anniversary of the ascension to the throne of His Majesty King Bhumibol Adulyadej of Thailand. We look forward to continued prosperity for both his Majesty and the people of Thailand. And it is my sincerest hope that the special relationship shared by our countries will grow stronger in the years to come.

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

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 409, as amended.

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

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 3 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1617

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CULBERSON) at 4 o'clock and 17 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put questions on which further proceedings were postponed.

Votes will be taken in the following order:

Ordering the previous question on H. Res. 842;

Adoption of H. Res. 842, if ordered;

Passage of H.R. 5521;

Suspending the rules and passing S. 193.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

PROVIDING FOR CONSIDERATION OF H.R. 5254, REFINERY PERMIT PROCESS SCHEDULE ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 842, 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 220, nays 192, not voting 20, as follows:

[Roll No. 227]

YEAS—220

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

NAYS—192

Abercrombie	Boswell	Cleaver
Ackerman	Boucher	Clyburn
Allen	Boyd	Conyers
Andrews	Brady (PA)	Cooper
Baca	Brown (OH)	Costa
Baird	Brown, Corrine	Costello
Baldwin	Butterfield	Cramer
Barrow	Capps	Crowley
Bean	Capuano	Cummings
Becerra	Cardin	Davis (AL)
Berkley	Cardoza	Davis (CA)
Berman	Carnahan	Davis (FL)
Berry	Carson	Davis (IL)
Bishop (GA)	Case	Davis (TN)
Blumenauer	Chandler	DeFazio
Boren	Clay	DeGette

Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
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)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
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
Smith (WA)
Snyder
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
Wexler
Wu
Wynn

NOT VOTING—20

Bishop (NY)
Bono
Campbell (CA)
Cuellar
DeLay
Filner
Ford
Gibbons
Gohmert
Inglis (SC)
Jackson-Lee (TX)
Keller
Lantos
Manzullo
Nussle
Oberstar
Reyes
Sessions
Slaughter
Woolsey

□ 1645

Mr. SPRATT changed his vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 227, the previous question to H.R. 5254, I was in my Congressional District on official business. Had I been present, I would have voted "nay."

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

Ms. MATSUI. 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 221, noes 192, not voting 19, as follows:

[Roll No. 228]

AYES—221

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

NOES—192

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

NOT VOTING—19

Bishop (NY)
Bono
Campbell (CA)
DeLay
Filner
Ford
Gibbons
Gohmert
Inglis (SC)
Keller
Lantos
Manzullo
Miller, George
Nussle
Oberstar
Reyes
Sessions
Slaughter
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1653

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 228, H. Res. 842, I was in my Congressional District on official business. Had I been present, I would have voted "no."

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. The pending business is the vote on passage of H.R. 5521, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 361, nays 53, not voting 18, as follows:

[Roll No. 229]

YEAS—361

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin

Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Green, Al
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Markey
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 (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Poe
Pombo
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
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
Wynn
Young (AK)
Young (FL)

NAYS—53

Barrow
Bartlett (MD)
Bean
Berry
Brown-Waite, Ginny
Capuano
Chandler
Cooper
Costello
Delahunt
Doggett
Duncan
Etheridge
Flake
Fossella
Goode
Graves
Green (WI)
Green, Gene
Gutknecht
Hayworth
Hefley
Hensarling
Herseth
Hostettler
Hulshof
Jones (NC)
Kennedy (MN)
Kind
Marshall
Matheson
Meehan
Miller, George
Moran (KS)
Norwood
Paul
Petri
Platts
Pomeroy
Price (GA)
Ramstad
Ross
Salazar
Sensenbrenner
Shadegg
Shays
Shimkus
Stearns
Tanner
Taylor (MS)
Tierney
Udall (CO)
Wu

NOT VOTING—18

Bishop (NY)
Bono
Campbell (CA)
DeLay
Filner
Ford
Gibbons
Gohmert
Inglis (SC)
Keller
Lantos
Manzullo
Nussle
Oberstar
Reyes
Sessions
Slaughter
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised they have 2 minutes to vote.

□ 1701

Mr. DELAHUNT and Mr. RAMSTAD changed their vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 229, final passage of H.R. 5521, I was in my Congressional District on official business. Had I been present, I would have voted ''yea''.

BROADCAST DECENCY ENFORCEMENT ACT OF 2005

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 193.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the Senate bill, S. 193, 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 379, nays 35, not voting 18, as follows:

[Roll No. 230]

YEAS—379

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
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 (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)

Price (NC)	Schwarz (MI)	Thompson (MS)
Pryce (OH)	Scott (GA)	Thornberry
Putnam	Sensenbrenner	Tiahrt
Radanovich	Shadegg	Tiberi
Rahall	Shaw	Tierney
Ramstad	Shays	Towns
Rangel	Sherwood	Turner
Regula	Shimkus	Udall (CO)
Rehberg	Shuster	Udall (NM)
Reichert	Simpson	Upton
Renzi	Skelton	Van Hollen
Reynolds	Smith (NJ)	Velázquez
Rogers (AL)	Smith (TX)	Visclosky
Rogers (KY)	Smith (WA)	Walden (OR)
Rogers (MI)	Snyder	Walsh
Rohrabacher	Sodrel	Wamp
Ros-Lehtinen	Solis	Weiner
Ross	Souder	Weldon (FL)
Rothman	Spratt	Weldon (PA)
Roybal-Allard	Stearns	Weller
Royce	Strickland	Westmoreland
Ruppersberger	Stupak	Wexler
Rush	Sullivan	Whitfield
Ryan (OH)	Sweeney	Wicker
Ryan (WI)	Tancredo	Wilson (NM)
Ryun (KS)	Tanner	Wilson (SC)
Salazar	Tauscher	Wolf
Sanchez, Loretta	Taylor (MS)	Wu
Saxton	Taylor (NC)	Wynn
Schiff	Terry	Young (AK)
Schmidt	Thomas	Young (FL)
Schwartz (PA)	Thompson (CA)	

NAYS—35

Abercrombie	Honda	Schakowsky
Baird	Kucinich	Scott (VA)
Becerra	Lee	Serrano
Berkley	Lofgren, Zoe	Sherman
Berman	McDermott	Stark
Blumenauer	Nadler	Wasserman Schultz
Clay	Olver	Waters
Conyers	Paul	Watson
Delahunt	Payne	Watt
Frank (MA)	Sabo	Waxman
Grijalva	Sánchez, Linda T.	
Harman	Sanders	
Hinchey		

NOT VOTING—18

Bishop (NY)	Gohmert	Oberstar
Bono	Inglis (SC)	Reyes
Campbell (CA)	Keller	Sessions
Filner	Lantos	Simmons
Ford	Manzullo	Slaughter
Gibbons	Nussle	Woolsey

□ 1709

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 230, final passage of S. 193, I was in my Congressional District on official business. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. ACKERMAN. Mr. Speaker, on rollcall vote No. 230 on S. 193, my vote was mistakenly recorded as "aye" when it should have said "nay."

REFINERY PERMIT PROCESS SCHEDULE ACT

Mr. BARTON of Texas. Mr. Speaker, pursuant to House Resolution 842, I call up the bill (H.R. 5254) to set schedules for the consideration of permits for refineries, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5254

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 ''Refinery Permit Process Schedule Act''.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term ''Administrator'' means the Administrator of the Environmental Protection Agency;

(2) the term ''applicant'' means a person who is seeking a Federal refinery authorization;

(3) the term ''biomass'' has the meaning given that term in section 932(a)(1) of the Energy Policy Act of 2005;

(4) the term ''Federal refinery authorization''—

(A) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting, construction, expansion, or operation of a refinery; and

(B) includes any permits, licenses, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting, construction, expansion, or operation of a refinery;

(5) the term ''refinery'' means—

(A) a facility designed and operated to receive, load, unload, store, transport, process, and refine crude oil by any chemical or physical process, including distillation, fluid catalytic cracking, hydrocracking, coking, alkylation, etherification, polymerization, catalytic reforming, isomerization, hydrotreating, blending, and any combination thereof, in order to produce gasoline or distillate;

(B) a facility designed and operated to receive, load, unload, store, transport, process, and refine coal by any chemical or physical process, including liquefaction, in order to produce gasoline or diesel as its primary output; or

(C) a facility designed and operated to receive, load, unload, store, transport, process (including biochemical, photochemical, and biotechnology processes), and refine biomass in order to produce biofuel; and

(6) the term ''State'' means a State, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

SEC. 3. STATE ASSISTANCE.

(a) STATE ASSISTANCE.—At the request of a governor of a State, the Administrator is authorized to provide financial assistance to that State to facilitate the hiring of additional personnel to assist the State with expertise in fields relevant to consideration of Federal refinery authorizations.

(b) OTHER ASSISTANCE.—At the request of a governor of a State, a Federal agency responsible for a Federal refinery authorization shall provide technical, legal, or other nonfinancial assistance to that State to facilitate its consideration of Federal refinery authorizations.

SEC. 4. REFINERY PROCESS COORDINATION AND PROCEDURES.

(a) APPOINTMENT OF FEDERAL COORDINATOR.—

(1) IN GENERAL.—The President shall appoint a Federal coordinator to perform the responsibilities assigned to the Federal coordinator under this Act.

(2) OTHER AGENCIES.—Each Federal and State agency or official required to provide a Federal refinery authorization shall cooperate with the Federal coordinator.

(b) FEDERAL REFINERY AUTHORIZATIONS.—

(1) MEETING PARTICIPANTS.—Not later than 30 days after receiving a notification from an applicant that the applicant is seeking a Federal refinery authorization pursuant to Federal law, the Federal coordinator appointed under subsection (a) shall convene a meeting of representatives from all Federal and State agencies responsible for a Federal refinery authorization with respect to the refinery. The governor of a State shall identify each agency of that State that is responsible for a Federal refinery authorization with respect to that refinery.

(2) MEMORANDUM OF AGREEMENT.—(A) Not later than 90 days after receipt of a notification described in paragraph (1), the Federal coordinator and the other participants at a meeting convened under paragraph (1) shall establish a memorandum of agreement setting forth the most expeditious coordinated schedule possible for completion of all Federal refinery authorizations with respect to the refinery, consistent with the full substantive and procedural review required by Federal law. If a Federal or State agency responsible for a Federal refinery authorization with respect to the refinery is not represented at such meeting, the Federal coordinator shall ensure that the schedule accommodates those Federal refinery authorizations, consistent with Federal law. In the event of conflict among Federal refinery authorization scheduling requirements, the requirements of the Environmental Protection Agency shall be given priority.

(B) Not later than 15 days after completing the memorandum of agreement, the Federal coordinator shall publish the memorandum of agreement in the Federal Register.

(C) The Federal coordinator shall ensure that all parties to the memorandum of agreement are working in good faith to carry out the memorandum of agreement, and shall facilitate the maintenance of the schedule established therein.

(c) CONSOLIDATED RECORD.—The Federal coordinator shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Federal coordinator or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal refinery authorization. Such record shall be the record for judicial review under subsection (d) of decisions made or actions taken by Federal and State administrative agencies and officials, except that, if the Court determines that the record does not contain sufficient information, the Court may remand the proceeding to the Federal coordinator for further development of the consolidated record.

(d) REMEDIES.—

(1) IN GENERAL.—The United States District Court for the district in which the proposed refinery is located shall have exclusive jurisdiction over any civil action for the review of the failure of an agency or official to act on a Federal refinery authorization in accordance with the schedule established pursuant to the memorandum of agreement.

(2) STANDING.—If an applicant or a party to a memorandum of agreement alleges that a failure to act described in paragraph (1) has occurred and that such failure to act would jeopardize timely completion of the entire schedule as established in the memorandum of agreement, such applicant or other party may bring a cause of action under this subsection.

(3) COURT ACTION.—If an action is brought under paragraph (2), the Court shall review whether the parties to the memorandum of agreement have been acting in good faith, whether the applicant has been cooperating fully with the agencies that are responsible for issuing a Federal refinery authorization, and any other relevant materials in the consolidated record. Taking into consideration

those factors, if the Court finds that a failure to act described in paragraph (1) has occurred, and that such failure to act would jeopardize timely completion of the entire schedule as established in the memorandum of agreement, the Court shall establish a new schedule that is the most expeditious coordinated schedule possible for completion of preceedings, consistent with the full substantive and procedural review required by Federal law. The court may issue orders to enforce any schedule it establishes under this paragraph.

(4) FEDERAL COORDINATOR'S ACTION.—When any civil action is brought under this subsection, the Federal coordinator shall immediately file with the Court the consolidated record compiled by the Federal coordinator pursuant to subsection (c).

(5) EXPEDITED REVIEW.—The Court shall set any civil action brought under this subsection for expedited consideration.

SEC. 5. DESIGNATION OF CLOSED MILITARY BASES.

(a) DESIGNATION REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the President shall designate no less than 3 closed military installations, or portions thereof, as potentially suitable for the construction of a refinery. At least 1 such site shall be designated as potentially suitable for construction of a refinery to refine biomass in order to produce biofuel.

(b) REDEVELOPMENT AUTHORITY.—The redevelopment authority for each installation designated under subsection (a), in preparing or revising the redevelopment plan for the installation, shall consider the feasibility and practicability of siting a refinery on the installation.

(c) MANAGEMENT AND DISPOSAL OF REAL PROPERTY.—The Secretary of Defense, in managing and disposing of real property at an installation designated under subsection (a) pursuant to the base closure law applicable to the installation, shall give substantial deference to the recommendations of the redevelopment authority, as contained in the redevelopment plan for the installation, regarding the siting of a refinery on the installation. The management and disposal of real property at a closed military installation or portion thereof found to be suitable for the siting of a refinery under subsection (a) shall be carried out in the manner provided by the base closure law applicable to the installation.

(d) DEFINITIONS.—For purposes of this section—

(1) the term ''base closure law'' means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note); and

(2) the term ''closed military installation'' means a military installation closed or approved for closure pursuant to a base closure law.

SEC. 6. SAVINGS CLAUSE.

Nothing in this Act shall be construed to affect the application of any environmental or other law, or to prevent any party from bringing a cause of action under any environmental or other law, including citizen suits.

SEC. 7. REFINERY REVITALIZATION REPEAL.

Subtitle H of title III of the Energy Policy Act of 2005 and the items relating thereto in the table of contents of such Act are repealed.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 842, the gentleman from Texas (Mr. BARTON) and the gentleman from Virginia (Mr. BOUCHER) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 5254.

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

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, today's bill is part of an overall set of actions by this body to deal with long-term energy security issues in our country. The message that we hear from home is, America needs American energy. One part of that need is for more domestic refining capacity. Witness after witness at a number of our hearings in the Energy and Commerce Committee have told us so.

Every emergency on energy has found us with less and less refinery capacity to refine fuel, and now there is absolutely none to spare here in the United States. Without more refinery capacity domestically, prices are squeezed ever upward. We are relying more and more on imported refined products as well as imported crude oil.

Why isn't there more domestic capacity? Why haven't there been any new refineries in this country built in the last 30 years? One reason is surely regulatory uncertainty caused by the bureaucratic delays in the current permitting process. H.R. 5254 addresses that problem head on, while preserving every single existing statute providing for environmental protection and opportunity for public participation. Every one.

Let me read that again. H.R. 5254 addresses that problem head on, while preserving every single existing statute providing for environmental protection and opportunity for public participation. Every one. Not one of those statutes is repealed or modified.

What H.R. 5254 does do is set up a Federal coordinator who convenes all officials, State, local and Federal, responsible for the permits for a proposed refinery. Working as one team, the agencies will integrate their action schedules and the process should move forward expeditiously.

What role would a State play in this process? The bill provides that the Governor of the State where the refinery would be sited designates the State officials to participate in the scheduling coordination. If the Governor of a State decides not to appoint any State officials, nothing in this act can compel the State officials to participate in the effort. The Federal coordinator will simply have to take that lack of State participation into account in scheduling the remaining actions of Federal permitting officials.

But if there is no State participation in that State, the process will not go forward. Unless the State official is designated by his Governor or her Governor, they cannot participate in the agreement. Unless the Governor signs on, the State agencies cannot be subject to a court order to stay on schedule. That is how the Governor of any State where a proposed refinery would be located reserves the option of participating or not participating in the process.

I would encourage any conference committee on this bill to further clarify that the Governor has the option in the beginning to opt into the process, instead of in the middle of it or at the end of it not to participate.

□ 1715

That is something that we reserve for a conference with the Senate. For Federal energy officials, however, the process is not optional once the request is made for the Federal coordinator to help.

Here, Mr. Speaker, I do acknowledge the work of the gentleman from Virginia (Mr. BOUCHER), the gentleman from Michigan (Mr. DINGELL) on this issue.

The gentleman from Virginia spoke on this issue when the bill was brought up under suspension last month. Following that debate, with the cooperation of the House majority leadership, Mr. DINGELL, Mr. HALL, Mr. BOUCHER and I did try to get together to explore common ground on this and other refinery issues.

Mr. Speaker, we did not reach resolution in time to incorporate some of our negotiations in the new language in this bill, but I still look forward, as we go to conference with the Senate continuing that dialogue in this context and perhaps bringing others into the dialogue as well.

Mr. Speaker, a separate provision in the bill before us today calls on the President to designate three or more closed military installations as potentially suitable for the construction of a refinery. Why is this provision in the bill? Because we know of communities with closed bases that are interested in siting a refinery.

We also know that the President of the United States is interested in this provision, he has spoken to me about it personally. They feel that the designation by the President would boost their chances of getting the attention of potential commercial developers. We also recognize that not every community with a closed base may want a refinery.

Nothing in this bill increases the likelihood that a community that does not want a refinery on a closed base will get one. Why? There are at least two reasons. The bill only encourages the local redevelopment authorities to consider the feasibility and practicality of siting the refinery. There is no requirement that they accept it.

Despite what you may hear in the debate, that decision is left up to the community. The Secretary of Defense is required to give substantial deference to the recommendation of the

redevelopment authority to site or not site a refinery on a closed military base, explicitly preserving existing law.

Mr. Speaker, this debate is about our Nation's energy security. I want to commend the leadership of this body for bringing the bill in a timely fashion to the floor and expediting the bill. Mr. Speaker, there are those who believe we have already run out of resources and ideas.

They say that we are all together in this, that we will just have to learn how to make do with less. Today they urge us to do nothing. I do not accept that. We have a refinery need in this country for 21 million barrels per day. We have a refinery capacity for approximately 17 million barrels a day. Subtract 17 from 21, you get 4 million barrels.

Mr. Speaker, we can certainly find the political will to come together to make it possible to reform the permitting process so that it might be possible to add to some existing refineries, and, yes for heavens sake, maybe even build one or two new ones.

That is what this bill is all about. It has passed the House floor once under suspension of the rules, but it did not get the two-thirds vote. I am hopeful today that we will get a majority vote and send this to the other body so we can work with them when they report a similar bill.

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

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

Mr. Speaker, I rise in opposition to the bill that is before the House and urge its rejection. The refinery bill today makes its second appearance on the House floor in recent weeks. It was essentially the same bill that was rejected by the House in May.

Since the bill's last appearance on the floor, a serious effort has been made by the bipartisan leadership of the Energy and Commerce Committee to find common ground between our position and the Republican position. I want to thank the gentleman from Texas (Mr. BARTON), who chairs the full Energy and Commerce Committee for his good faith effort to produce a bipartisan bill.

I also want to thank the chairman of the Energy and Air Quality Subcommittee, Mr. HALL, and the ranking Democrat on the full committee, Mr. DINGELL, for the time that they invested in seeking a bipartisan compromise.

Unfortunately, the differences between the Republican position and our position were simply too great, and the consensus bill could not be produced.

While I commend the effort made by Mr. BARTON and Mr. HALL to work with us in trying to produce a balanced measure that we all today could support, I must express disappointment that the Republican House leadership chose to disallow all amendments on the refinery bill that we are debating on the floor today.

The bill should have been structured in such a way as to provide an opportunity to consider our Democratic substitute, which would make a genuine difference in relieving the Nation's shortage of refinery capacity.

While I will argue the merits of our more meaningful approach during today's debate, we are now relegated to offering our alternative in what is known as a motion to recommit, a procedure at the end of the formal debate that does not offer a full opportunity for the House to consider, in normal order, our proposal.

There is broad agreement that we have a shortage of refinery capacity in the United States today. The gentleman from Texas acknowledged that in his comments as well. There are simply not enough refineries in the Nation to produce the gasoline, the diesel fuel and the other refined products that we consume in the United States on a daily basis.

In fact, of the 20 million barrels we consume each day, more than 2 million barrels of refined product are imported each day. During times of emergency, such as a hurricane that might disable some of our refining capacity, we have no margin for error since we are not even meeting our own daily demand with U.S.-based refineries, we are in a highly vulnerable position whenever part of our already limited refinery capacity is disrupted.

When that happens, we have to import even more refined product. And we have to do it on very short notice. Arranging to buy the refined product overseas, scheduling delivery of that product to the United States, and then waiting on those shipments to arrive are all time consuming and all occur at a time when because of the hurricane, refinery fire or earthquake or other emergency, we simply do not have enough refined product to meet current demand.

The inevitable result is a huge spike in gasoline prices. That is exactly what happened in the weeks after Hurricane Katrina. And until we add more refinery capacity, that is what will happen every time in the future we have a disaster that takes down some of our limited refining capacity.

On this much, Republicans and Democrats agree. To promote our energy security and to protect Americans from future gasoline price spikes, we need to build more refineries in the United States. The disagreement that we have is over the best means to ensure that they are built.

The Republican bill now before the House is simply not the answer. It weakens State environmental protection processes and procedures while doing virtually nothing to assure that new refineries are, in fact, built. The bill before us repeals the law requiring the States and the Federal Government to work together to set deadlines and streamline the process for issuing permits for new refinery construction.

That new requirement became law just last August in the Energy Policy Act of 2005. Instead of repealing it, we should be giving it a chance to work. Let us see if those provisions are satisfactory. And if they are, perhaps that could resolve the need.

The bill before us adds a new layer of Federal bureaucracy by creating a Federal coordinator to oversee State-permitting actions, and States would be mandated to meet a Federal schedule for issuing refinery construction permits.

States that have legitimate environmental concerns would find their normal review processes short circuited under a mandated Federal schedule for permit issuance.

And the bill proceeds from a deeply flawed assumption that the reason that we have a refinery shortage is burdensome State permitting processes. The real reason we do not have enough refineries is the economic interests of the refiners, not environmental constraints.

Between September of 2004 and September of 2005, the Nation's refiners enjoyed a 255 percent profit increase. When you are doing that well, why change anything? Why make added investments in new refineries when the status quo graces you with a 255 percent profit increase?

By interfering with State environmental permitting, the Republican bill is truly a solution in search of a problem, and it ignores the real problem. The oil companies themselves have told us that environmental regulations are simply not the problem.

Here is what the oil company CEOs have said about regulations governing their refining siting process. Last November, the CEO of Shell testified to the Congress, ''We are not aware of any environmental regulations that have prevented us from expanding refinery capacity or siting a new refinery.''

Conoco's CEO testified, ''At this time, we are not aware of any projects that have been directly prevented as a result of any specific Federal or State regulation.''

The record before the Congress is clear. It is devoid of any evidence that environmental permitting has delayed or prevented the construction of new refineries. In fact, the record clearly shows that environmental permitting is simply not a problem.

And yet, this bill weakens environmental permitting. It is the wrong answer for the problem that we face. Mr. Speaker, there is a right answer. Decades ago, our Nation created the Strategic Petroleum Reserve to resolve, with regard to crude oil, the very same problem that we are now having with regard to the refining of gasoline.

The Strategic Petroleum Reserve has proven to be an excellent shock absorber, guarding our Nation against price spikes occasioned by disruptions in crude oil deliveries. It works exactly as it was designed to function.

Our Democratic proposal is to extend this proven and successful model to solve the problem we now face with a

shortage of refinery capacity. We propose the creation of a Strategic Refinery Reserve patterned on the Strategic Petroleum Reserve. In normal times the refineries that comprise the reserve would produce gasoline and other products for the government fleet, including the U.S. Department of Defense.

This step would enhance our national security. Refineries would not operate at full capacity during these normal times. During times of emergency, the refineries would sell gasoline into the commercial market, protecting the American public from gasoline price spikes should some of the U.S. refining capacity be shut down.

This sensible alternative, which the rule earlier adopted precludes us from offering as a substitute, would be an effective means of solving the problem which simply must be addressed.

I urge, Mr. Speaker, that the Republican bill be rejected and that the House adopt our Democratic motion which will be offered at the end of debate today, and that motion will contain the very sensible and, I think, effective Strategic Petroleum Reserve.

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

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, I rise today in strong support of H.R. 5254. This bill recognizes the need for increased supplies of refined petroleum products, and takes the necessary steps to increase our refining capacity.

No new refinery has been constructed in the United States since 1976. Yet the demand for gasoline exceeds domestic production by an average of 4 million barrels per day. This was made worse in the aftermath of the most recent hurricanes.

This growing gap must be met by importing refined petroleum products from foreign sources. Refining capacity is not being increased due to, in part, a permitting process that is overly cumbersome and capital intensive.

This bill makes the necessary commitments to expand and diversify the refining industry in this country. By reforming and expediting a permitting process that is excessively slow and nearly impossible to navigate, we will enable refiners to meet the energy needs of America's citizens.

These facilities must still meet the strictest environmental standards under current law. It does not allow any agency or facility to short-circuit environmental compliance.

Mr. Speaker, for these reasons I support this bill and urge its passage.

□ 1730

Mr. BOUCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, for a second time this year the Republicans are attempting to move legislation that would significantly alter Federal law regarding the refinery permitting process without a committee hearing, without a markup, without even allowing the bill to be amended on the floor. This bill is a rerun of the Gasoline for America's Security Act, the GAS Act, which was only approved by the House by two votes after the Republican leadership twisted arms and held the vote open for 45 minutes.

The GAS Act was a bad bill then and this is a bad bill now. While proponents contend that the oil companies are unable to improve their refinery capacity because of excessive regulation, the truth is oil companies have intentionally reduced domestic refining capacity to drive up gas prices.

I have here three memos, from Chevron, from Mobil, from Texaco, all specifically advocating that these companies, these refineries, limit their refinery capacity to drive up the price for gasoline for America. From September 2004 to September 2005 the refineries' profits increased by 255 percent. During the first quarter of 2006 Valero Energy Company, the largest refiner in the United States, recorded profits 60 percent higher than last year. Obviously, complying with Federal regulation does not present these companies with a significant financial hardship or hardship to put forth refining.

By pushing refinery legislation through the House without any hearings, debate or amendments, we are doing the American people a great disservice. I encourage my Republican colleagues to address real legislation that can help the consumer at the pump rather than legislation that provides additional handouts and free rides for their friends in the oil industry.

I urge a ''no'' vote on H.R. 5254.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN), a distinguished member of the full Committee on Energy and Commerce.

Mrs. BLACKBURN. Mr. Speaker, you know the bill on the floor today really should be an easy vote for every single Member of this House. And I think it is important to note that there are those that are a part of the body who keep complaining about high gas prices, but then they are going to turn around and vote against legislation like this repeatedly. As we have brought solutions and action items to the floor, they have chosen to cast a ''no'' vote.

The facts are pretty clear on this. We had 324 refineries in 1981. Today we have 148. We have not built a new refinery in the country since 1976. We have talked about refinery utilization already in this discussion today. It is running confidently over 90 percent and recently as high as 98 percent. That means one more hurricane in a region packed with refineries is a big problem. This is something that we need to recognize; certainly this leadership and this committee does, and we hope other Members do, too. All of these statistics end up meaning higher gas prices for our constituents when they go to the pump.

What will it take for Members across the aisle to do more than just complain? They didn't like the GAS Act last year because of environmental concerns. Now the bill we have on the floor today does not touch those existing environmental rules. All that is spelled out in section 6 of this bill. There are those protections. They are there still. We are not getting cooperation on this issue, and at some point we have to conclude that Members who vote ''no'' over and over repeatedly on energy legislation are simply telling their constituents to get over it and live with higher gas prices.

We have had multiple hearings on the gas prices. We have had multiple hearings on this issue. Our constituents are ready for some action. We have heard from experts in the field that this bill will help. I urge Members to vote in favor of the bill.

Mr. BOUCHER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman from Virginia and I thank him for his leadership on this issue.

Let me begin by saying that I have been in Congress for 30 years now and served on the Energy Committee for 30 years, and this is absolutely the worst energy bill I have seen since the refinery bill the House defeated just over 1 month ago. In fact, it is the same exact bill risen from the grave like some horror movie monstrosity to haunt this House and our country once again.

This bill also comes to us, just 10 months ago, as I said, when President Bush signed the Energy Policy Act of 2005 into law. That bill contained a refinery siting provision. Those provisions were praised at the time by the Republican leadership and the President who claimed that it promotes greater refinery capacity, so more gasoline will be on the market, and it increases gasoline supply by putting an end to the proliferation of boutique fuels. That is 10 months ago, on the greatest energy bill that America had seen in a decade.

But now less than a year after the House passed and the President signed the Republican energy bill into law, as people are screaming at the pumps, as they are being tipped upside down and money is being shaken out of their pockets, as the American people realize that the Republican Party has allowed OPEC and the oil industry to take advantage of every single consumer across the country, this House is now poised to repeal the refinery siting law.

The Speaker, the Republican Speaker praised last summer and replaced it with a brand-new refinery siting scheme. The House Republicans have come up with just another new way of helping the oil and gas industry. Apparently, they do not like the bill they enacted last year; they want a new one. The problem is that the new snake oil that is being peddled in this bill is no more effective than the old snake oil it

replaces or the snake oil the Republicans were peddling on the House floor 2 years ago or 3 years ago or 4 years ago.

This bill will not reduce gas prices at the pump, it will not curb spiraling gasoline or home heating oil gas prices. All it does is throw more regulatory subsidies, taxpayer subsidies, at wealthy energy producers who do not need any more government handouts.

Here is what the Bass refinery bill would do: Direct the President to designate no fewer than three closed military bases to be turned over to the oil companies for use as an oil refinery.

Mr. Speaker, this is one terrible bill. I urge the Members to vote ''no.''

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. HERGER), a distinguished member of the Ways and Means Committee, a great catcher and left-handed pull hitter on the congressional baseball team.

Mr. HERGER. Mr. Speaker, gas prices are at a record high in my northern California congressional district. Part of the reason is that America's refining capacity is stretched to the limit. Yet effort to expand our refining capacity faces up to 10 years of bureaucratic red tape. At that pace, it is no wonder America has not built a new refinery in 30 years.

This legislation cuts through some of that red tape by simply requiring that the Federal agencies work together and stay on schedule when refinery projects are being considered. I do not think it is too much to ask that Federal bureaucracies work more efficiently. Families and businesses throughout this country have to meet deadlines. Mr. Speaker, the government should have to as well.

I urge my colleagues to support this legislation.

Mr. BOUCHER. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Virginia (Mr. BOUCHER) has 15½ minutes remaining. The gentleman from Texas (Mr. BARTON) has 20 minutes remaining.

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

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. PICKERING), the distinguished son from the Magnolia State, the distinguished vice chairman of the Committee on Energy and Commerce.

Mr. PICKERING. Mr. Speaker, I thank the chairman and I commend him for his leadership on trying to address the energy supply and demand and refining capacity of our Nation so that we can begin to see lower gas prices, better energy supply and a better market for our people here in the States.

It applies to both economic strength and national security. And I wish that we could do more. To be honest, all of the hullabaloo is much to-do about nothing. This bill does not change the clean air or clean water requirements. EPA has given it priority status. It simply gives an ability for us to coordinate among all government agencies the permitting process which is too cumbersome and too long. This is the only way we can help expedite in a reasonable way and a responsible way to have the refining capacity necessary for our Nation.

It reminds me of my friends on the other side that when they see a house burning, they will lay down in the street to keep the fire truck from coming to make a difference and to put the fire out. That is what we are trying to do, whether it is on OCS, on offshore production, on additional refining capacity, or additional nuclear capabilities in our country, anything that will increase our own independence and energy supply.

On this side, we stand up in a responsible way, a rational way for it; and on the other side, they will do everything to obstruct and block and stop the progress that we need for greater energy production, greater energy refining and greater energy independence.

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

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, we certainly all know that American consumers are facing an energy crisis. The high cost of energy to heat and power our homes and to run our automobiles is sapping family budgets across the Nation, and hurting the bottom line of businesses across the Nation as well. We need to do more to make our Nation energy independent and to reduce energy costs for our consumers. We need to focus on alternatives to oil and other fossil fuels as well by turning to alternatives like ethanol or biodiesel or nuclear power, solar, wind power.

Just as it is wise to diversify your economic portfolio, we must diversify our energy options, and we need to do more to incentivize the production and distribution and use of alternative sources of energy. And I am confident that we will, we can.

But while we work toward alternatives, we must also deal with the reality of the current situation. We have too few refineries, and those we do have are in areas that are vulnerable to natural disasters such as the entire world recognized last year with Hurricane Katrina.

We have not built a new refinery in America since the 1970s. In that time, of course, demand for gasoline has absolutely skyrocketed. The lack of new refineries limits the supply of gas at a time of high demand and it drives up costs for our consumers.

Too many on the other side of this debate look solely at conservation or alternatives, and they ignore the law of supply and demand. The brutal reality is that the greatest victims of this approach are the lowest income Americans who are dependent on older, less fuel-efficient vehicles. But they need help.

As well, energy security equals national security and that fundamental caveat needs to be the impetus for this debate today. I urge my colleagues to support this legislation that will serve as a bridge to a more energy-independent America.

Mr. BOUCHER. Mr. Speaker, I yield 6 minutes to the gentleman from Michigan (Mr. DINGELL), the ranking Democrat on the full Energy and Commerce Committee.

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

Mr. DINGELL. Mr. Speaker, I thank my good friend and colleague, the distinguished gentleman from Virginia, for this time.

I begin by observing that this bill and the arguments made on its behalf are as phony as a $3 bill. My colleagues have seen this sorry piece of legislation before and they voted it down. Since we considered this legislation the first time, there have been no hearings. The arguments made against it at that time are as good today as they were then. And the committee has made no effort to go out and get the facts or to learn what is going on so they could make an honest and factual presentation to this body.

The harsh fact of the matter is the refinery shortage in this country is an economic one. The oil companies do not make money in refineries. The harsh fact of the matter is, as was told me in my office by the head of one of the major oil companies, they do not need any help and they do not want any help to build refineries because they have made an economic judgment that it is better not to build because they make their money elsewhere, and that is a far better way of spending oil companies' money.

□ 1745

Now, if we look at the remarks of Daniel Yergin, a respected oil analyst, he tells us the industry has added the equivalent of 10 new good-sized oil refineries over the last dozen years. In addition to these expansions, recent announcements by the industry anticipate an additional 1.1 million barrels of new refining capacity will be added in coming years. Most importantly, this has been done under current law.

A survey we conducted recently of State and local permitting agencies provides further evidence that the environmental permitting process is not preventing new refineries from being built or existing refineries from being expanded. Only one new major refinery has requested an air permit in the past 30 years. It got the permit, but it never got the investors. Explain that, proponents of the bill.

The air permit has been granted not once but twice. According to our survey, permitting agencies responsible for permitting half the refineries in the

country have issued all, all, but two major expansion permits in less than a year after receipt of a complete application.

This is an ill-advised bill, brought to the House under a parody of the House rules, with no opportunity to amend and little time for an intelligent debate. The rule is effectively closed and permits no amendments by Members on this side of the aisle.

My colleagues on the Republican side have said that the Democrats have not conducted themselves in good faith. Such remarks were made by the chairman of the subcommittee. I would note, and I wish he were here so that he could hear me say this, that those statements are not true.

We consulted through staff and Members alike with the Republicans to come forward with a fair piece of legislation and a compromise bill which would, in fact, work. We offered suggestions on behalf of our side of the aisle through the distinguished gentleman from Virginia (Mr. BOUCHER), offering a meaningful substitute, including a refinery bill which would have passed and which would have worked. It was a bill which would have set up not just provisions relating to refinery permits, but also relating to Federal movement towards the construction of these refineries. If you want refineries, that is the way to get them because industry will never construct new refineries because they do not want them.

Now, one more curious thought. My Republican colleagues have said that we will have an energy bill every week, and they are coming close to it, but they are having some small difficulties because here they have to bring the same bill up twice, once under suspension and lose, and once now under a gag rule.

I would note for the benefit of my Republican colleagues that we passed last year, with bipartisan support and my assistance to my friend, the chairman of the committee, in drafting a piece of legislation which included refinery legislation in it, the energy bill of the last year, a good piece of legislation. I supported it. I worked with the chairman to get it done. I would note in a curious, indeed a most curious, action, that bill is substantially repealed by this very strange piece of legislation.

It cannot be explained to me, I think, in a few words as to why it is that that bill, touted as the solution to our Nation's energy problems, has been now repealed at least insofar as the refinery permitting provisions, and why we have to now rush ignorantly forward with a bag upon our heads to pass a new piece of legislation which is going to accomplish precisely nothing, except perhaps help my Republican colleagues in a time of terror and fear.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURPHY), another distinguished member of the full committee, from the State that built our first refinery back in the 1870s and the State that still today has substantial refinery capacity.

Mr. MURPHY. Mr. Speaker, I thank the distinguished chairman.

Many times on this floor I have heard debate talk about how America has lost some of its manufacturing capacity to other nations, particularly at times with talk about defense issues such as strategic metals. Many people lament that if we have lost that capacity at times of problems or national security, national defense issues, where will we get it from? We have to depend upon other countries to import that.

Well, we indeed are in the same situation now with our petroleum products that are refined. We import 2 million barrels a day from other countries, from Western Europe, from Saudi Arabia, from Venezuela, from some countries that are more volatile politically than others. The same thing occurs when we are importing other crude oil from other countries, and we recognize the importance of not having to depend upon other countries that one day may be a political friend, and the next day may do such things as say we are cutting off the oil unless you let us have nuclear weapons.

Here we are in that same situation when it comes to oil refineries. It takes about eight to 10 years to go through the permitting process for an oil refinery, a preposterous amount of time, but it is important that all permits and all environmental needs are met. This bill does not gut any of those.

As a matter of fact, what it does is it appoints someone to coordinate and make sure that that process continues on and there are no delays. Once a permitting takes place, it takes an additional 2 to 3 years to construct the plant. So, if we were to pass this today and the Senate were to pass it and the President were to sign this, it would be perhaps another 10 years, a decade, before products started to flow out of there.

We simply cannot delay this anymore. It increases the demand, it reduces the supply, and I believe if the law of supply and demand is telling us anything right now, America is demanding that lawmakers increase the supply.

We know that studies have been done telling us that price gouging is not the issue. It is a matter of having adequate supplies of petroleum and petroleum products. So, while we are working on conservation, while we are working on getting hybrid fuel cell vehicles, we need to pass this bill so we can get more of the supply here and reduce the cost.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 4½ minutes to the gentleman from Maine (Mr. ALLEN).

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

Mr. Speaker, as the gentleman from Virginia said earlier, this bill is a solution in search of a problem. I really want to focus on section 5 of the bill, and I would urge all my colleagues to read this bill, together with the BRAC statutes and regulations in order to understand what we are doing here.

But as written, section 5 of the bill requires the President to designate at least three closed military bases as sites for oil refineries, and then it requires the local redevelopment authorities, or LRAs, to develop a reuse plan for an oil refinery. The BRAC statute and the BRAC regulations give the final decision to the Secretary of Defense, not to the local community. Under current law, the LRA is charged with developing a reuse plan for a closed base.

Successful LRAs develop their plans in consultation with a myriad of stakeholders in the local community, as well as representatives from State and Federal agencies and private industry. Over a period of time, often 18 to 24 months, the LRA painstakingly designs a plan that takes into account the specific needs of the local community and has local support.

The reuse plan is then submitted to the Secretary of Defense who has the authority to approve the plan or reject it and require the LRA to start over.

Now, I have no problem with an LRA or any local community deciding that an oil refinery represents the best use of their closed facility. If it makes sense for such a community, then they should do it. There is nothing, nothing, in current law or in the regulations put forth by the Office of Economic Adjustment at DOD that is an obstacle to building a refinery. There is no problem.

We do not need section 5, but if you look at section 5, Designation of Closed Military Bases, the presidential designate, it is mandatory, no less than three closed military installations as potentially suitable for construction of a refinery. Part B, the redevelopment authority shall consider the feasibility and practicality of siting a refinery on the installation.

The next section contemplates that they will do that in the context of the redevelopment plan for the installation, and then it provides the rest of it shall be carried out under the BRAC law.

So here we have a situation where the President of the United States is going to designate, is going to order such a plan, and in that case, the Secretary of Defense is almost certain to carry it out. The LRA has no power to stop them.

And do not think that this language applies only to the 2005 BRAC round. It applies to all bases closed pursuant to a BRAC round back to 1988 that still have an open or partially open reuse plan.

Now, supporters of this are circulating a Dear Colleague which says that the redevelopment authority for each closed base will consider the President's suggestions but is not required to accept them. Frankly, that is

just wrong. The bill says that it requires the Secretary of Defense to consult, and they define and the regs define consultation as explaining and discussing an issue, considering objections, modifications and alternatives, but without a requirement to reach agreement.

The supporters also say, and consistent with the language of the bill, that it requires the Secretary of Defense to give, and I quote, significant deference to the wishes of the LRA, and I want you to hold this concept in your head for a moment. Secretary Rumsfeld, giving significant deference to anybody, any agency, especially a local redevelopment authority? That is simply not going to happen.

The fact is that there is no requirement that an LRA accept a reuse plan in this bill. Of course not. The underlying BRAC statute makes it clear that the reuse plan is not binding on DOD. LRAs do not accept reuse plans. They propose them. The Secretary of Defense accepts reuse plans or rejects them. That is his role.

Now, Mr. Speaker, communities that have suffered major base closings like Brunswick in my district are reeling from the economic impact. Jobs will be lost, the fabric of a community torn apart. These communities need to plan for their future, but they do not need interference from this Congress or from the President of the United States. Please oppose this bill.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas (Mr. BARTON) has 14 minutes remaining. The gentleman from Virginia (Mr. BOUCHER) has 5 minutes remaining.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 1 minute to engage in a colloquy with the gentleman from Maine.

It is the clear intent of this opinion legislation to not require any local community that does not wish a refinery, whether it be in the private sector or on a closed military base, to opt out of the process. I am checking with the majority parliamentarian staff, but I am willing to take an amendment on the floor right now that changes that language so that if the military base or local authority wants nothing to do with it, that is it, if the gentleman from Maine is willing to vote for the bill.

Mr. ALLEN. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Maine.

Mr. ALLEN. Mr. Speaker, well, I would need to see the amendment.

Mr. BARTON of Texas. You write it. This is not a bogus offer. We are not trying to do the nefarious intent that you claim we are, and if we can work out the parliamentary language so that it does not violate some rule of the House, I will take an amendment right now that you offer, if you will vote for the bill.

Mr. ALLEN. Mr. Speaker, if the gentleman will yield, my amendment was to delete section 5 of the bill.

Mr. BARTON of Texas. I do not want to delete it, but I am willing to clarify it if you are willing to vote for the bill.

Mr. ALLEN. That was my amendment. It was rejected by the Rules Committee. We should at least have had a vote on that amendment on the floor and we do not.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HALL), the distinguished chairman of the Energy and Air Quality Subcommittee.

□ 1800

Mr. HALL. Mr. Speaker, I, of course, rise today in support of H.R. 5254. While there is a lot of talk about refinery plants and all that, and while some plants have expanded, there haven't been any new ones built in the past 30 years. All the time Mr. MARKEY's been up here, there hasn't been one started, so far as I know, or built. Maybe enlarged or worked on, but they remain dangerously clustered in the gulf region. This bill would coordinate the permitting process for new refineries so that needless delays would be eliminated while preserving environmental protections.

One provision in the bill calls on the President to designate three or more closed military installations as potentially suitable for the construction of a refinery. Now, why is this provision in the bill? Because there are communities with closed bases, such as the former Lone Star Army Ammunition Base in my district in Texarkana, Texas, that would like to have a refinery, because it makes good economic sense.

The gentleman from Maine does not want one. He is not having one thrust upon him. Refineries bring jobs and a solid base to the local community. The designation by the President would boost a willing community's chances of getting the attention of a potential commercial developer.

Opponents of this legislation claim that the legislation will increase the likelihood that a community that does not want a refinery on a closed base would get one. That is ridiculous, and that is exactly wrong. Why? Because the bill only requires that three local redevelopment authorities consider the feasibility and practicability of siting a refinery. There is no requirement that they accept it. And also because the Secretary of Defense is required to give a substantial deference to the recommendation of the development authority to site or not to site.

Helping a willing local community to site a refinery on its closed military installation is good. It is good for the area. And, once again, a city in my area, like Texarkana, on the far eastern side of the State of Texas, close to four States, would have the support of four States, probably eight Senators, and is not subject to the vicissitudes of nature, but yet on an inside, navigable stream, with good workers there and in other areas.

This is good for the community because it brings jobs and a healthy tax base. It is good for the country because it adds needed domestic refining capacity. It also lowers dramatically the cost of gasoline, and I urge my colleagues to support H.R. 5254.

Mr. Speaker, I enclose for the RECORD a letter soliciting this from the Texarkana people.

TEXARKANA CHAMBER OF COMMERCE,
June 6, 2006.

Re H.R. 5254—Refinery Permit Process Schedule Act.

Hon. RALPH HALL,
Rayburn Building,
Washington, DC.

DEAR REPRESENTATIVE HALL: Let it be clear to all who are concerned: this community was impacted by BRAC 2005 and we would be glad to have the opportunity to attract a refinery to our closed defense facility. Lone Star Army Ammunition Plant (LSAAP) could be one of the facilities eligible for a possible refinery as a result of the BRAC 2005 action. This facility is within fifteen miles of our community and we are excited that we could have the opportunity to provide our citizens with the jobs associated with a refinery.

These energy-related jobs could also spur new technologies which could highlight our region for years to come. The resultant jobs and capital investment could help to offset the loss of LSAAP and smooth the transition to privately owned, tax paying entities on the property. Our local university is working to develop a Master's level engineering program and the technical jobs offered by a refinery would be an integral piece of that program.

It looks like our community is going to have over 15,000 acres of land available for economic development. We can think of no better place to start that development than with a refinery.

As always, we appreciate your dedication to our region.

With best regards,

LINDA CRAWFORD,
President.
JAMES BRAMLETT,
Mayor—Texarkana, TX.
ROY JOHN MCNATT,
Miller County Judge.
HORACE SHIPP,
Mayor—Texarkana, AR.
JAMES M. CARLOW,
Bowie County Judge.

Mr. BOUCHER. Mr. Speaker, I continue to reserve my time.

Mr. BARTON of Texas. Mr. Speaker, I wish to yield 4 minutes to another distinguished member of the full committee on Energy and Commerce from the great Granite State of New Hampshire (Mr. BASS).

Mr. BASS. Mr. Speaker, I thank the chairman of the Energy and Commerce Committee for recognizing me and, Mr. Speaker, I rise in support of this piece of legislation.

We have heard all the good reasons why the bill should pass. We need new refinery capacity. We need more regional diversity in refinery capacity. We are too reliant on oil as a feedstock for fuel in this country, and we need to develop alternative energy resources.

Now, I know that there is work under way right as we speak to try to figure

out a way that we can accommodate the interests of my friend from Maine, Congressman ALLEN, and his concerns over the Brunswick Naval Air Station, which is a BRAC'd naval air station in his district. I assure you that this section 5 was never created with the intent of forcing any kind of refinery capacity on any community in an area that didn't want it. If they do not want it in Maine or somewhere else in the country, they are not going to have it. There is no question about that, and the language is very clear in that respect.

The fact is the Association of Defense Communities does not oppose this bill and recognizes the protection of local authority that is maintained by this piece of legislation. So if we can dispense with that argument and pick up more support than we have already got. When the bill got 237 votes, which is, at last count, a majority of votes in this Congress, the last time it came up, it didn't get two-thirds, but it got a majority. We will work to increase that margin if we can do so in such a fashion that we can protect the ability of closed bases to subsequently build refineries or biorefineries. We need biorefinery capacity in the Northeast and this represents a potential great opportunity.

Now, we heard from other Members that refinery capacity is tight for economic reasons and not because of environmental permits. Let me make a couple of points there. First of all, I have here a list of the major permits and authorizations that were required for Arizona Clean Fuels, and I would point out that there were 37 of them required, 37 of them.

This bill would not short-circuit one single one of those requirements. Not one. But what it would do is it would allow them to occur at the same time, instead of in succession, and it would make the permitting process more seamless and occur, hopefully, more quickly.

It interests me that my friends are really supporting Big Oil, when they say that Big Oil doesn't want it so we shouldn't make it more possible. Well, Big Oil are not the only entities that necessarily build refineries, and I would suggest that the industry that wants to keep oil prices high might not want to make it easy to build more refinery capacity. But I suggest don't give them the excuse.

This bill does not circumvent any environmental, Corps of Engineers, local authority, or anything, but what it does do is, it takes away the excuse that it takes too long to build a refinery. And we need more refinery capacity in this country.

Another argument was made by my distinguished colleague from Michigan that all we needed to do was to increase the size of the refinery capacity that we have today. Apparently, my friend has forgotten that last fall one of the major reasons why energy prices climbed by 50 cents a gallon in my part of the world was because a hurricane went through the Gulf of Mexico and Louisiana. We need diversity of refinery capacity in this country, and I mean by that geographic diversity.

What this bill will do is not promote bigger, fewer refineries, but more refineries in more places around the country, and the potential to have a biorefinery built in the Northeast, which is critical to my district.

My friends, this is about energy. There is no question about that. But it is also about energy diversity. We need more oil supplies, but we also need more alternatives, and we are willing to do what we can without bending good environmental policy to increase that capacity. I urge support of this legislation.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, this legislation continues the Republican leadership's approach of treating the big oil companies with special attention while ignoring the needs of the American people. For years, the Republican leadership has worked to give Big Oil everything they could ever want: subsidies, environmental exemptions, loopholes, and paybacks. The results have been spectacular for the oil companies, but not for the American people.

ExxonMobil recently announced first quarter profits of over $8 billion and rewarded their CEO with a retirement package totaling nearly $400 million. Chevron reported its profits are up 49 percent from last year. But energy is costing the American family twice as much as it did just 5 years ago.

The Republican leadership wants desperately to blame State and local governments, to blame environmental requirements for the cost of gasoline. That is the myth they want to create. But the facts are completely different. Permits have been readily granted whenever refiners have applied for them.

According to the Environmental Council of the States, there is simply no factual record that supports the need for this legislation. The State and Territorial Air Pollution Program administrators wrote to all Members of the House to point out that this legislation will have the opposite effect of what is intended. They say it would almost surely delay the permitting process.

The Republican leadership wants to claim that this legislation solves the Nation's gasoline problems. If anything, it will make it worse. Mr. Speaker, we need to reject this legislation. It is based on a faulty premise. It is only for the purpose of saying that we have done something without actually doing anything that would provide real relief to millions of American families.

I urge a ''no'' vote on the bill.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to a distinguished member from the Grand Canyon State (Mr. SHADEGG), who has the distinction of representing the last State in the Union to at least permit a new refinery. It hasn't yet been built, but they at least issued the permits for it.

Mr. SHADEGG. Mr. Speaker, I rise in strong support of the Refinery Permit Process Scheduling Act. If anything, I wish this bill went much further.

One year ago, I went to New York and visited the New York Mercantile Exchange. The traders on the floor that I spoke to said the exact opposite of what we just heard on the floor of this House. What they said was that this Nation is in desperate need of additional refining capacity. They grabbed me by the lapel on the floor of the trading mercantile and said, Do what you can to get additional refining capacity built. That is not a windfall for the oil companies, that is a windfall for consumers.

As the chairman of the committee mentioned, opponents of this bill cite the experience of Arizona Clean Fuels in Yuma as an example for why they say we don't need to improve the refining process or the regulatory process governing the construction of a refinery. Yet that example proves them wrong. It took Arizona Clean Fuels 5 years and 4 months, from December 1999 to April 2005, to obtain their permit.

It simply is not logical nor is it reasonable to say to investors in a market, if you want to build a new refinery, you have to spend almost 6 years seeking the permit to build that refinery.

Our opponents on this bill say, Well, we don't need any additional improvements to the process and we don't need to lower the environmental standards. Yet it has been made clear over and over here on the floor in the debate that we are not lowering environmental standards. Indeed, the legislation calls for the EPA to be the primary scheduling agency.

There has been no new refinery built in the United States for 30 years, since 1976. Opponents of the bill say, Well, that is all right, we have made up that by increased capacity at existing facilities. Well, let's see what we have done. We have dropped from 324 refineries in 1981 to only 148 refineries today. Relying on ever larger existing facilities, without constructing new ones, does not benefit the consuming public, as Hurricanes Katrina and Rita have taught us.

This is good legislation. It needs to be enacted. And the experience in my State proves this kind of regulatory improvement is absolutely essential.

I urge the passage of the legislation.

Mr. BOUCHER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the Republican bill is not an effective way to address the shortage in refining capacity. It tramples on State environmental laws without effectively solving the problem.

The CEOs of the refinery companies have testified that the permitting process for refinery siting is not burdensome and has not prevented the construction of needed new refineries. The Republican bill, therefore, weakens State environmental laws needlessly because it would do virtually nothing to ensure that new refineries are, in fact, built.

By contrast, our Democratic alternative will be effective, it will address our national refinery shortage, and it will do so by relying on the proven and successful means by which we addressed several decades ago disruptions in crude oil supplies. We simply would extend the proven concept of the Strategic Petroleum Reserve by constructing a strategic refinery reserve in order to address the problem of refining capacity, very similar today to the problem we addressed decades ago with regard to crude oil supply disruptions.

So, Mr. Speaker, I strongly urge rejection of the Republican bill, and I urge that when we submit our motion to recommit that that be approved by the House.

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

□ 1815

Mr. BARTON of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to admit up front that the procedure for bringing this bill to the floor has not been what I would have preferred it to be, and I am going to side with my friends on the minority side about their complaints about the procedure. It has not gone through the regular order, and in the perfect world, it should have. Unfortunately, we do not live in a perfect world.

We had to take some action on the majority side to show the American people that we were serious about doing anything possible to help alleviate some of these high energy prices, and it is certainly my opinion and I think it is a fact that one part of that process has got to be to make it possible to expand existing refineries and build new refineries in this country.

It is a fact, plain and simple, that we are using over 20 million barrels a day of petroleum products and we only have the refining capacity for 16 to 17 million barrels. That is a fact.

It is also a fact that in the hearings we have had on our energy price problem in this country in the Committee on Energy and Commerce that I chair, it has been shown that one of the leading causes of the higher prices has been the refining capacity shortage.

Now, historically the refining industry in this country has been a loss leader. If you go back 10 or 15 years ago when we had the integrated oil companies going from the production of the crude through the distribution of the crude, when it came to refineries, they lost money. So for a lot of reasons they shut down the refining capacity, and we developed a shortage in refining capacity.

Today the margin, it is the called the crack margin, and it has nothing to do with crack cocaine or cracks in concrete, it has to do with the ability to go in and crack the molecules in the crude oil and get the different levels of petroleum products out of that crude. That crack margin is higher than it ever has been by an order of magnitude. In some cases, the margin is probably approaching $30 to $35 a barrel of the $70 or $72 price. So there is more than adequate profit, but because of the regulatory impediments, it is almost impossible to go through the permitting process in a timely fashion under existing regulations and get a decision.

Now it is a true statement when my friends on the minority side say there has been no refinery not built in this country in the last 30 years, because they did not get a permit. That is a true statement, but it is only half true. The rest of the story is nobody in their right mind would try to get a permit to build a new refinery because it takes so long. So they are kind of beaten before they even start.

In the case in Arizona where an industrial group did go through the process, to this day in spite of them saying they have the permits, they have all but one. They still do not have the permit from the United States Bureau of Reclamation giving them title to the land. In this case, the land is actually owned by the Federal Government, and they still have not cleared the title to that land. Now they are going to, but they have not.

So the bill before us today is not a perfect bill. But at least it says, let us appoint a Federal coordinator, let us work with the State and local government. Let us set up a procedure where we coordinate all of these permits. We do not override any State or Federal or local air quality or water quality regulation, we just say let's coordinate it. And oh, yes, let's let the President pick three sites out in the country on closed military bases, of which we have dozens, and maybe we can get the local redevelopment authority to work with State and Federal officials to put a refinery there.

There is really no reason to oppose this bill. It is not going to do any harm, and it might just do some good. I urge a ''yes'' vote on this bill.

Mr. SHAYS. Mr. Speaker, I rise in opposition to H.R. 5254, the Refinery Permit Process Schedule Act. Protecting our environment and promoting energy independence are two of the most important jobs I have as a Member of Congress, but before we can begin to consider building more refineries, we must first change our consumption habits. American consumption of oil has been increasing at an unsustainable rate. In 1995, we consumed 17.7 million barrels of oil per day, but today we consume 20.5 million barrels per day.

The bottom line is we are not resolving our energy needs because we are not conserving. We'll just continue to consume more and waste more, consume more and waste more, and act like it doesn't matter. We are on a demand course that is simply unsustainable.

We need to address rising energy prices by encouraging conservation and this bill fails to do anything to impact that. This bill will not affect gasoline prices or reduce our dependence on foreign oil. To feel relief from the price at the pump, we must focus on decreasing our consumption of oil and looking to alternative energy sources.

Mr. STARK. Mr. Speaker, I rise in strong opposition to H.R. 5254, the Refinery Permit Process Schedule Act of 2006.

Though the Majority disingenuously argues that environmental regulations are responsible for high gas prices, the facts don't support their claim. Refining costs have increased because oil companies have deliberately decreased capacity to boost profits. In the late 1980s and early '90s, oil companies shut down 30 refineries in an attempt to raise profit margins. The scheme worked: refinery revenues increased by 255 percent last year.

In response to market pressure, refining capacity has increased in recent years. Between 1996 and 2003, capacity increased by 1.4 million barrels per day. As a result, the American Petroleum Institute believes that H.R. 5254 is completely unnecessary. The free market that the Republicans claim to love is working, but this legislation is about politics, not about solving the priorities of America's working families.

This legislation would: Allow the President to place new refineries on closed military bases. The military base in my district would probably be an appealing target for this President: it's the site of a planned National Wildlife Refuge. Like many communities around the country, the City of Alameda has undergone an extensive planning process to convert the base to civilian use, but if the President said the word, the City's work could be suspended while the federal government decided whether or not it wanted to build a refinery on the premises. Undermine environmental review processes and make state and local environmental officials answer to a new refinery czar appointed by President Bush.

The one good thing you can say about this bill is that it's not another gift to oil companies—they readily admit that environmental regulations have not prevented them from building new refineries. This legislation is just another ill-conceived talking point for Republicans desperate to appear responsive to rising energy prices. I won't play that game and I urge my colleagues to join me in voting ''no''.

Mr. HOLT. Mr. Speaker, I rise today in opposition to the Refinery Permit Process Schedule Act (H.R. 5254).

About a month ago the House debated this legislation under Suspension of the Rules, which makes it impossible for Members to offer amendments. H.R. 5254 did not receive the needed two-thirds majority necessary to pass under the Suspension calendar since many Members had serious objections to the proposed legislation. But we are here again today, considering this legislation without an open debate. Two Democratic amendments were ruled out of order by the Rules Committee. Representative DINGELL and Representative BOUCHER offered a substitute, which would have created a new Strategic Refinery Reserve to give our country the ability to produce refined oil products during extreme energy situations. Representative ALLEN offered an amendment that would have struck

the section of the bill requiring three closed military bases be considered as locations for refineries. So again today, we are considering this bill without the opportunity for real debate.

H.R. 5254 is based on a false premise—that requirements for environmental permits are to blame for the lack of refinery capacity. Oil companies have openly stated that environmental standards are not stopping them from building new refineries. In fact, the truth is that oil companies simply do not want to build more refineries. The solution that H.R. 5254 prescribes does not match the problem that our nation faces with energy.

Instead of investing in sustainable energy sources to meet our growing energy needs, we remain stuck in our old ways. Since the most recent spike in gas prices in early May, Congress has not considered one energy conservation piece of legislation. Instead we have considered a bill to open the pristine Arctic National Wildlife Refuge to drilling, and we will try again today to build more refineries. I hear many of my colleagues express their commitments to sustainable energy sources, yet we continue to focus our legislative efforts on oil. We simply can not rely on oil to meet our future energy needs.

I would like to take the opportunity to discuss one point of this bill that I find particularly disturbing. Section 5 directs the President to designate three closed military bases for new oil refining facilities. This section will ultimately force communities that have already suffered from the closure of a military base to welcome unwillingly an oil refinery in their backyards if the President and the Secretary of the Army deem it worthy of a refinery. I am disappointed that Representative ALLEN's amendment was ruled out of order by the Rules Committee that would have struck this provision from the bill.

In late April, I joined with New Jersey Governor Jon S. Corzine, Representative FRANK PALLONE and other New Jersey State legislators for the Signing of the Fort Monmouth Economic Revitalization Act, which creates a ten-member authority charged with overseeing the transition and revitalization of Fort Monmouth once it closes in or before 2011. Creating such an authority is an important step for communities to protect their interests as communities are revitalized following a base closure. What frightens me even more about this provision is that the Secretary of Defense can override any decision made by a local authority. The federal government can supersede a local decision. This is not just about Fort Monmouth in my district in central New Jersey. This is about communities who are already dealing with the closure of a military base. This is about allowing the Federal Government to overrule what state and local authorities believe is best for their communities.

I urge my colleagues to vote no on this legislation because it does not address our growing energy needs and is unfair to local communities.

Ms. SOLIS. Mr. Speaker, I rise today in opposition to H.R. 5242. This bill is another example of the Republican's misguided priorities.

This legislation targets our states, communities, and environmental laws as the culprits for high gas prices. But we know the truth. The dirty little secret is that oil companies which made more than $110 billion in profits in 2005 and $16 billion in profits in the first three months of 2006 do not want to build new refineries. They do not want to spend the money! We learned from leaked corporate memos that the major companies—Chevron, Texaco and Mobil would go so far as to buy and shut down the competition in order to keep capacity tight.

The Yuma refinery is just one example. Twice since the 1990s this proposed refinery received the necessary permits to be constructed and operated. But the Yuma refinery has not been constructed because it cannot find the financing. Bob Slaughter from the National Petrochemical and Refiners Association testified before the House Energy and Commerce Committee on May 11, 2006 that the proponents of this project have an ''air permit, but they're having trouble getting financing and actually getting that built.''

Just last week the Yuma Sun reported that the Arizona Department of Environmental Quality issued a draft renewal of the current air quality permit already held by ACF—a full 6 months before the existing permit is scheduled to expire. Proponents of this bill argue that states have been delaying permits. Arizona Clean Fuels disagreed and stated ''ADEQ has been very cooperative in working with us to make sure the project does proceed.'' And the Environmental Council of States has written that they are not aware of any credible report that our states are denying or lagging behind on permitting of new refineries and the expansion of existing refineries.

Mr. Speaker, it is time that this body considers legislation based on facts and truths. The fact is that states are not delaying permitting and environmental laws are not to blame. I urge my colleagues to protect the authority of their states and the rights of all communities—vote against this flawed legislation.

Mr. SKELTON. Mr. Speaker, show-me State motorists, like all consumers, closely follow gasoline prices, and with good reason. They have experienced dramatic increases and wide fluctuations in gas prices over the past several years, spending millions of dollars more on gasoline than they had anticipated.

Rural Americans, who rely heavily on transportation in going about their daily lives, are being hit particularly hard by the high cost of gasoline. This is especially true for farmers, many of whom are already operating at a loss this year.

It is imperative that Congress work to address our nation's energy needs through a comprehensive and proactive strategy that makes it easier to promote alternative energy sources, to stop price gouging, to increase production by expanding refining capacity, and to rollback billions of dollars in taxpayer subsidies to oil companies that are making record profits.

The refinery permitting bill before the House today contains scant assistance for the rural Missourians I am privileged to represent. It would not lower their energy costs nor assure our nation's energy security. Rather, it would change the permitting process for refineries and would require the President to designate closed military bases for consideration as locations for new refineries.

Designating closed military bases for refineries seems to make little if any sense at all. I can't believe that we have used up all the possible locations available for placing refineries and must now resort to giving federal land grants to the oil companies to encourage them to build new capacity. Closed bases are not abandoned land. In nearly every case, the communities that surround these former installations have reuse plans for these bases to benefit the local community. If they want to place a refinery on a closed base, let them make that determination.

Unfortunately, changing permitting rules and offering federal land to oil companies will not entice them to build new oil refineries. While more refineries would certainly help produce more gasoline, oil companies have had the opportunity and financial capability for years to increase their refining capacity. Permitting rules are not stopping them, nor is there a lack of available locations for new refineries. Rather, the inability to build profitable refineries has led oil company executives away from constructing or resurrecting them.

The energy problems we are facing today must be addressed with meaningful, comprehensive legislation. House Democrats have been active in this regard, pressing for increases in the use of alternative fuel produced from the corn and soybeans grown in Missouri's fields.

Democrats have also been pushing for passage of anti-price gouging legislation since the energy markets were impacted by Hurricane Katrina.

I have supported alternate legislation that would strengthen the hands of the Federal Trade Commission and the Justice Department, targeting price gouging across the energy spectrum. It would also help Americans who are struggling to deal with high gas prices and bracing for record home heating and air conditioning bills, while creating a Strategic Refinery Reserve to provide additional gas supplies during energy spikes like the one we are currently facing. Unfortunately, this more wisely drafted alternative has not even been allowed as an amendment to this bill.

Mr. CANTOR. Mr. Speaker, I rise today in support of increasing government efficiency in considering new refinery applications in the Refinery Permit Process Schedule Act.

Gas prices have risen as supplies have been stretched thin and U.S. refineries have struggled to refine all of the oil we need. This bill streamlines the cumbersome government processes that delay and discourage new development and production, paving the way for construction of new oil or biofuel refineries.

Domestic energy security depends on reliable supply through exploration of oil and gas reserves on the outer continental shelf, bolstering our refining capacity, and investigating alternative sources of energy.

This bill is an important piece of ensuring American energy security and I am proud to support it.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

Pursuant to House Resolution 842, the bill is considered read and the previous question is ordered.

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.

MOTION TO RECOMMIT OFFERED BY MR. BOUCHER

Mr. BOUCHER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BOUCHER. Mr. Speaker, I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Boucher moves to recommit the bill H.R. 5254 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. STRATEGIC REFINERY RESERVE.

(a) ESTABLISHMENT.—The Secretary shall establish and operate a Strategic Refinery Reserve in the United States. The Secretary may design and construct new refineries, or acquire closed refineries and reopen them, to carry out this section.

(b) OPERATION.—The Secretary shall operate refineries in the Strategic Refinery Reserve for the following purposes:

(1) During any period described in subsection (c), to provide petroleum products to the general public.

(2) To provide petroleum products to the Federal Government, including the Department of Defense, as well as State governments and political subdivisions thereof who choose to purchase refined petroleum products from the Strategic Refinery Reserve.

(c) EMERGENCY PERIODS.—The Secretary shall make petroleum products from the Strategic Refinery Reserve available under subsection (b)(1) only—

(1) during a severe energy supply interruption, within the meaning of such term under part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6231 et seq.); or

(2) if the President determines that there is a regional petroleum product supply shortage of significant scope and duration and that action taken under subsection (b)(1) would assist directly and significantly in reducing the adverse impact of such shortage.

(d) LOCATIONS.—In determining the location of a refinery for the Strategic Refinery Reserve, the Secretary shall take into account the following factors:

(1) Impact on the local community (determined after requesting and receiving comments from State, county or parish, and municipal governments, and the public).

(2) Regional vulnerability to a natural disaster.

(3) Regional vulnerability to terrorist attacks.

(4) Proximity to the Strategic Petroleum Reserve.

(5) Accessibility to energy infrastructure.

(6) The need to minimize adverse public health and environmental impacts.

(7) The energy needs of the Federal Government, including the Department of Defense.

(e) INCREASED CAPACITY.—The Secretary shall ensure that refineries in the Strategic Refinery Reserve are designed to enable a rapid increase in production capacity during periods described in subsection (c).

(f) IMPLEMENTATION PLAN.—Not later than 6 months after the date of enactment of this section, the Secretary shall transmit to the Congress a plan for the establishment and operation of the Strategic Refinery Reserve under this section. Such plan shall provide for establishing, within 2 years after the date of enactment of this section, and maintaining a capacity for the Reserve equal to 5 percent of the total United States daily demand for gasoline, home heating oil, and other refined petroleum products. If the Secretary finds that achieving such capacity within 2 years is not feasible, the Secretary shall explain in the plan the reasons therefor, and shall include provisions for achieving such capacity as soon as practicable. Such plan shall also provide for adequate delivery systems capable of providing Strategic Refinery Reserve product to the entities described in subsection (b)(2).

(g) COMPLIANCE WITH FEDERAL ENVIRONMENTAL REQUIREMENTS.—Nothing in this section shall affect any requirement to comply with Federal or State environmental or other law.

(h) DEFINITIONS.—The definitions contained in section 3 of the Energy Policy and Conservation Act (42 U.S.C. 6202) shall apply to this section.

SEC. 2. REFINERY CLOSING REPORTS.

(a) CLOSING REPORTS.—The owner or operator of a refinery in the United States shall notify the Secretary of Energy at least 6 months in advance of permanently closing the refinery, and shall include in such notice an explanation of the reasons for the proposed closing.

(b) REPORTS TO CONGRESS.—The Secretary of Energy, in consultation with the Federal Trade Commission, shall promptly report to the Congress any report received under subsection (a), along with an analysis of the effects the proposed closing would have on petroleum product prices, competition in the refining industry, the national economy, regional economies and regional supplies of refined petroleum products, and United States energy security.

Mr. BOUCHER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia is recognized for 5 minutes in support of his motion.

Mr. BOUCHER. Mr. Speaker, the motion to recommit is the only means by which the Democratic alternative to the Republican bill could be brought to the House floor, and that is under the very restrictive procedure that the Republicans have adopted which eliminates any possibility for amendments, including a Democratic substitute.

I regret that that restrictive process does not enable the House to consider our Democratic alternative in regular order.

The motion that I am offering would create a strategic refinery reserve. That would be an effective means of resolving our national problem with regard to limited refinery capacity. We would model the refinery reserve upon the very successful strategic petroleum reserve which has been an excellent shock absorber protecting Americans from gasoline price spikes when there are disruptions in the delivery of crude oil.

Under our amendment, the Secretary of Energy will be directed to establish refineries with capacity equal to 5 percent of the total United States demand for gasoline, home heating oil and other refined petroleum products. The location of the refineries will be at the discretion of the Secretary with a preference that they be sited well away from the hurricane zone where we are concentrated today in our existing refinery capacity.

During normal times, the reserve will not operate at full capacity. The refineries during these normal times would sell refined product to the Federal fleet, including the Department of Defense, a step which would also enhance our national security.

Keeping the refinery reserve operational will ensure no lag time in placing it online if it is needed in times of emergency, and in those times when some portion of the Nation's refinery capacity is shut down, the refinery reserve would protect Americans from gasoline price spikes by selling their product into the commercial market.

This approach is sensible. It is based on a working and highly successful model, the Strategic Petroleum Reserve. It would be effective. It stands in stark contrast to the Republican proposal which would weaken environmental laws while failing to address our critical refinery shortage.

This motion also strikes section 5 which would direct the President to select three closed military bases upon which refineries would be situated, a provision which I find objectionable, which I think the vast majority of Members of this House also find objectionable. We would strike it in this motion.

Mr. Speaker, I yield to the gentleman from Maine (Mr. ALLEN) to address those concerns.

Mr. ALLEN. Mr. Speaker, I rise in strong support of the Boucher-Dingell motion to recommit. Passage of this motion would do a great deal to improve refinery capacity and enhance the Nation's capability to respond to natural disasters.

The motion would also strike section 5, that section of the underlying bill that requires the President to designate at least three closed military bases as sites for oil refineries.

Passage of this motion would guarantee that communities which have had a base closed through the BRAC process will not be forced by Presidential fiat to accept an oil refinery. If you have a closed military base in your community or you believe in local control concerning decisions of siting oil refineries, support the Boucher-Dingell motion. If this motion fails and you care about the fate of a closed military base in your community, I urge Members to vote ''no'' on the underlying bill.

Mr. BOUCHER. Mr. Speaker, I urge adoption of this motion to recommit, and I yield back the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Speaker, I certainly have sympathy for the underlying concept of the motion to recommit. The concept is that the United States Government should build, and perhaps even operate a certain number of refineries for a strategic refinery reserve. Conceptually, the idea is worth considering and we did consider it in

the discussions and negotiations that we had with Mr. BOUCHER and Mr. DINGELL. We never reached resolution, and there are a number of reasons why we couldn't reach resolution, and those are the reasons for which I oppose this motion to recommit.

First of all, we never really defined and the motion to recommit does not define what a strategic reserve is. That is one of the problems.

Another problem with the motion to recommit is it actually has the government operating the refinery. I do not believe that we really want the Federal Government or the U.S. military, which is part of the Federal Government, to be in the business of operating a refinery. If they do not operate it, except in certain times, times of war, times of national emergency, what do you with it the rest of the time? The bill is silent about that.

And of course, conceptually, we have a problem on the majority side of the aisle with government intervention of any kind. I will grant you as chairman of the committee, I could see a set of rules which we were never able to get to in our negotiations where you could set up certain parameters and certain backstops and things where maybe we could overcome that, but we simply were not able to pursue that, and the underlying motion to recommit does not pursue that.

This is an idea that has some merit. It is quite possible that if the Senate, the other body does something on refinery reform, that we might yet make a bipartisan agreement with some of our friends on the minority side. But for purposes of the motion to recommit at this point in time I strongly oppose this and would urge all Members who are prepared to vote for the refinery bill, the base bill, to vote ''no'' on the motion to recommit.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minutes votes on passage of H.R. 5254, if ordered; suspending the rules and passing H.R. 5449; and suspending the rules and passing S. 2803.

The vote was taken by electronic device, and there were—ayes 195, noes 223, not voting 14, as follows:

[Roll No. 231]

AYES—195

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
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)
Obey
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
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
Shays
Sherman
Skelton
Smith (WA)
Snyder
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
Wexler
Woolsey
Wu
Wynn

NOES—223

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

NOT VOTING—14

Bishop (NY)
Bono
DeLay
Filner
Ford
Gibbons
Gohmert
Lantos
Manzullo
Nussle
Oberstar
Olver
Reyes
Slaughter

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1852

Mr. GILCHREST changed his vote from ''aye'' to ''no.''

Mr. SHERMAN and Mr. HOLT changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 231, motion to recommit on H.R. 5254, I was in my Congressional District on official business. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. BOUCHER. 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 238, noes 179, not voting 15, as follows:

[Roll No. 232]

AYES—238

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (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
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—179

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

NOT VOTING—15

Bishop (NY)
Bono
DeLay
Filner
Ford
Gibbons
Gohmert
Harris
Lantos
Manzullo
Nussle
Oberstar
Reyes
Rush
Slaughter

□ 1859

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. HARRIS. Mr. Speaker, on rollcall No. 232, on final passage of H.R. 5254, I am not recorded. Had I been present, I would have voted "yea."

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 232, final passage of H.R. 5254, I was in my Congressional District on official business. Had I been present, I would have vote "no."

AMENDING TITLE 49, UNITED STATES CODE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5449.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 5449, 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 271, nays 148, not voting 13, as follows:

[Roll No. 233]

YEAS—271

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blumenauer
Boehlert
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Buyer
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Fitzpatrick (PA)
Foley
Fossella
Frank (MA)
Gerlach
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hayes
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kline
Kucinich
Kuhl (NY)
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
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 (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Rehberg
Reichert
Renzi
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
Sherwood
Shimkus
Shuster
Simmons
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—148

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)

Barton (TX)
Beauprez
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Conaway
Crenshaw
Cubin
Culberson
Deal (GA)
DeLay
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Harris
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Istook
Jindal
Johnson (CT)
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
Kingston
Knollenberg
Kolbe
LaHood
Latham
Leach
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Price (GA)
Putnam
Radanovich
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Wicker
Wilson (SC)

NOT VOTING—13

Bishop (NY)
Bono
Filner
Ford
Gibbons
Gohmert
Lantos
Manzullo
Nussle
Oberstar
Regula
Reyes
Slaughter

□ 1907

Mr. HUNTER changed his vote from ''yea'' to ''nay.''

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 233, final passage of H.R. 5449, I was in my Congressional District on official business. Had I been present, I would have voted ''yea.''

MINE IMPROVEMENT AND NEW EMERGENCY RESPONSE ACT OF 2006

The SPEAKER pro tempore (Mr. SIMPSON). The pending business is the question of suspending the rules and passing the Senate bill, S. 2803.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and pass the Senate bill, S. 2803, 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 381, nays 37, not voting 14, as follows:

[Roll No. 234]

YEAS—381

Abercrombie
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (FL)
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
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English (PA)
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Marchant
Markey
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
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)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanders
Saxton
Schakowsky
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
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
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—37

Ackerman
Andrews
Berman
Blumenauer
Butterfield
Capps
Conyers
Davis (CA)
Doggett
Emanuel
Eshoo
Farr
Flake
Honda
Inglis (SC)
Kucinich
Lee
Lewis (GA)
Lofgren, Zoe
Matsui
McCollum (MN)
McDermott
Miller, George
Moore (WI)
Paul
Pelosi
Poe
Rush
Sánchez, Linda T.
Sanchez, Loretta
Schiff
Solis
Stark
Tauscher
Thompson (CA)
Velázquez
Woolsey

NOT VOTING—14

Bishop (NY)
Bono
Chocola
Filner
Ford
Gibbons
Gohmert
Lantos
Mack
Manzullo
Nussle
Oberstar
Reyes
Slaughter

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1914

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 234, final passage of S. 2803, I was in my Congressional District on official business. Had I been present, I would have voted ''yea.''

□ 1915

MAKING THE RIGHT CHOICE

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

Mr. BROWN of Ohio. Mr. Speaker, tomorrow the United States Senate is going to likely pass, or at least try to pass, tax legislation to give tax cuts to 800 families in Ohio. Recently, this Congress voted or the Senate voted to cut a college tax credit that would affect 100,000 families in Ohio.

This place is about choices. Give a tax cut to the wealthiest 800 families in Ohio and, in order to pay for that, you eliminate a tax credit for 100,000 working, middle-class families to send their kids to college.

That tells you a whole lot about family values. It tells you that this Congress has betrayed our values by helping the wealthiest taxpayers at the expense of middle-class, working families who simply want the opportunity to send their children to college to reach the American dream.

MOVING THE ECONOMY

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

Mr. KINGSTON. Mr. Speaker, in 2003, our country was in a very tough recession. George Bush took a bold step to reduce taxes. Now, the Democrats did not like to have tax cuts, because they like to spend your money, because they actually believe that the wisdom in Washington is better than the wisdom on Main Street, America. But as a result of tax reduction, we now have five million new jobs since 2003 that have been created.

The unemployment rate is at 4.6 percent, 4.6 percent. That is lower than the unemployment rate was on average in the 1990s, the 1980s, the 1970s, and the 1960s. Sixty-nine percent of Americans own their own house now. It is a historic high not just for the United States of America, but for any country. Fifty-two percent of Americans are invested in the stock market, creating wealth for their themselves. The interest rates are down and the mortgage rates have remained competitive.

The economy is moving because of Bush economic policies. The last thing we need to do right now is increase taxes and throw these great economic policies out the door.

RECOGNIZING MORGAN D. SWEERE

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

Mr. SNYDER. Mr. Speaker, the winner in my district of ''What Rosa Parks Means To Me'' essay contest at the elementary school level was Morgan Sweere in the fourth grade, age 9, at Ida Burns Elementary School in Conway, Arkansas. This is her essay:

''Rosa Parks means incredible courage to me. She had the courage to stay in her seat even though society demanded that she give it up to a white person. She was tired and worn out from working. She also knew the consequences of her actions, but she refused to give up her seat on the bus. I can't even imagine the taunts, rude comments, and hostile behavior that she had to go through. She had the courage to stand up to society and the discrimination that was against her. She knew and felt that her having to give up her seat was wrong, and she made a decision that changed her life and the world. Her one decision made the fight for equal rights more powerful. She had the courage to make that decision and then face the consequences for making that decision even though it made her life very hard.

''Courage is a hard thing to teach. You may think that you have courage only to realize you don't when faced with a tough situation or a situation that goes against your family and friends. Courage means taking a stand and treating people fairly no matter how they are different from you. Courage means standing up for your beliefs.''

Mr. Speaker, that is the winner of the ''What Rosa Parks Means To Me'' essay contest at the elementary school level, Morgan Sweere from Ida Burns Elementary School in Conway, Arkansas.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5230

Mr. TOWNS. Mr. Speaker, I ask to have my name removed from H.R. 5230.

The SPEAKER pro tempore (Mr. FORTENBERRY). Is there objection to the request of the gentleman from New York?

There was no objection.

SPECIAL ORDERS

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

SAVINGS GROW WITH SIMPLIFIED USA TAX

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

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I recently introduced a new version of legislation that I have introduced in the past, the Simplified USA Tax, or SUSAT, which reforms individual and business taxation while promoting economic growth, investment and personal savings, all tenets of a strong and stainable economy.

Tonight I would like to focus my remarks on a critical component of SUSAT, which in my view provides a powerful antidote to the national savings crisis that we are combating today.

Mr. Speaker, clearly our Tax Code is too complicated, and it is riddled with obvious inequities. Its current structure punishes savings and investment, which reduces economic and job growth and burdens domestic industry struggling to remain competitive. If Congress is going to succeed in reforming the American tax system, and I believe we must, we need to create a stable Tax Code that gives Americans a fair opportunity to save part of their earnings.

Thrift has helped provide Americans the security and independence that are the foundation of freedom. Savings buys tools to make Americans more productive. Productivity raises our living standards to the highest in the world. But in recent years America has gone into debt, and it seems like we have stopped saving altogether.

In 2005, stunningly, our national savings rate was in the negative for the first time since the Great Depression. America is facing a quiet crisis, the fact that our economy is now more dependent on foreign capital than on foreign oil.

As you can see in this chart, whether Americans save or not simply does not affect them personally; it impacts on our national economy. As the savings rate has declined, our trade deficit has gone further into the red. Apart from the short-term market gains in the late 1990s, the trade deficit has closely tracked the savings rate. Taking the punitive taxes off of savings and encouraging the practice must be an essential element of reforming the Tax Code because it not only translates into personal savings for working families, but it also has a job creating progrowth macroeconomic impact.

In my tax reform proposal everyone is allowed an unlimited Roth-like savings account in which they can put a portion of each year's income they save after paying taxes and living expenses; and after 5 years all money in the account can be withdrawn for any purpose and all withdrawals, including accumulated interest and other earnings or principal are tax free. Nothing can be simpler and nothing can give the people a better opportunity to save.

While Congress has taken some powerful measures in the past few years to improve the Tax Code, particularly for individual taxpayers, clearly we need to do more. We need fundamental tax reform. For too long the Tax Code has been a needless drag on the economy. That is bad public policy and certainly not fair to Americans whose living standards are lower because of it. It is time that we made some fundamental changes.

I firmly believe that faster economic growth must be the key goal of tax reform, and encouraging Americans to save is one way of achieving that goal. Roth IRAs have a proven track record of increasing savings, and removing red tape, and expanding their impact will go the distance in altering the course of our national savings rate. SUSAT has the potential to serve as part of the groundwork for this kind of reform and ensure that Americans can keep more of their hardworking tax dollars, establish financial security, and invest in their future.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. PELOSI) is recognized for 5 minutes.

(Ms. PELOSI addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

TURNING HIS BACK ON OHIO

Ms. KAPTUR. Mr. Speaker, I rise to claim the gentlewoman's time and address the House for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentlewoman from Ohio is recognized for 5 minutes.

There was no objection.

Ms. KAPTUR. Mr. Speaker, the people of Ohio are wondering why the Bush administration has turned its back on them. After all, Ohio was the linchpin State in the Bush victory in 2004.

Now, what else can Ohioans think? The Bush administration has just cut the funding for homeland security in Ohio and its major cities by one-third. Over $8.5 million was cut. Last year, Cleveland, Columbus, Cincinnati, Toledo, the four largest Ohio cities received $26.1 million in antiterrorism funding; this year $17.6 million, an $8.5 million reduction. Why?

Surely President Bush does not think the terrorist threat has diminished. If he does, perhaps he should read the newspapers. Dateline Toronto, the Canadian Government just broke up an alleged terrorist ring in Ontario Province. That is on the north side of Lake Erie, and Ohio shares a border across that lake with Canada. And that ring apparently possessed enough material, 3 tons of it, to cause an explosion three times larger than that which destroyed the Murrah Federal Building in Oklahoma City in 1995.

If that is not enough to think about, Mogadishu, Somalia, has just fallen into the hands of Muslim militia groups in what the New York Times calls ''a setback for U.S. policy.'' Now that failed state might become another stronghold for al Qaeda. That is not good news.

How about Baghdad? The violence in Iraq continues to escalate. And in Kabul the situation in Afghanistan continues to deteriorate. And here in Washington the Bush administration responds by making deeper cuts to homeland security funding to the four largest cities in Ohio.

What did Ohio do that would cause President Bush to turn his back on her? Funding in Columbus, the largest city in the State, will fall from $7.6 million last year to $4.3 million this year. Mayor Coleman said that Columbus is the 15th largest city in the country, ''and time and again we are being told to do it yourself. Best of luck.''

My own hometown of Toledo is being cut from $5.3 million to $3.85 million this year. I think the President spent almost that much just on ads during the last campaign in our region. Yet recently in our city, the U.S. Justice Department made national news with the arrests of three men whom it suspects of being potential terrorists. Indeed, Ontario's terrorists drove from Columbus through Toledo, up to Detroit, across the bridge to Windsor to their Ontario hideouts.

□ 1930

Toledo is a major port on the Great Lakes, literally the crossroads of America.

Our position as a premier international transportation center, with such great proximity to our Nation's population center, is key to our economic vitality. We have to make sure that our air, water, rail, port and surface transportation infrastructure is safe and secure, and we need the Federal Government's help to do exactly that.

At this very moment, this crucial moment in our Nation's history, this President is turning his back on Ohio, the State that delivered for him, turning his back on Toledo and Columbus and Cincinnati and Cleveland. He is turning his back on virtually every city across our country, cutting homeland security funds by over one-third when our communications systems cannot even work interoperably.

No, Mr. President, mission not accomplished. There's still a lot to do. National security is the responsibility of the Federal Government. National security is the job of the Federal Government. Let the record show, Mr. Speaker, that the Bush administration has turned its back on the safety of Ohioans and across this country on the safety of Americans, including especially on our Nation's fourth seacoast.

I hope the Bush administration listens to this message this evening. We need help with homeland security in Ohio, in our major cities and across this Nation.

The SPEAKER pro tempore (Mr. FORTENBERRY). Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the 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.)

HELPING OUR VETERANS

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to go out of order.

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, Ohio is home to one million veterans and servicemembers. On May 22, a couple, 3 weeks ago, the Pentagon announced that the names, the Social Security numbers and other personal information of 26.5 million veterans and their spouses, including most of the 1 million in Ohio, across the country, including every living veteran discharged since 1975, had been stolen from the home of a Department of Veterans Affairs data analyst.

Now, this is a department, the VA, which has a leader, a political appointee, who was rewarded for his service as a national party chair for one of the two political parties, not someone who was put in place because of his lifetime dedication to veterans.

This breach of confidence at the VA is unacceptable. To fix this, our government owes to veterans, we should offer veterans free credit reports and work with America's credit bureaus to waive fees associated with placing security alerts on their credit accounts. We should be willing to reimburse veterans for costs caused by identity theft resulting from this scandal, and we should amend the bankruptcy law passed by this body last year. When the bill was then considered, I opposed it, as did many in this body, in part because it did not extend bankruptcy protections to victims of identity theft, which is what could happen to many of these veterans.

Veterans trusted that their government would protect this personal information. They did not think this Department of Veterans Affairs would be run by a political operative. We must regain that trust by taking the important steps I just mentioned.

Ten days ago, we all honored our veterans and honored those who died in the line of duty on Memorial Day. Once the parades were completed, once the graveside ceremonies were finished, too many politicians came back to Washington, simply not concerned about what happens to veterans in this country.

Negligent policy and irresponsible budgets have endangered the care available to veterans. We have failed to adequately fund the VA health care system to improve the quality of health care, to reduce the wait times for all veterans. As good as the service is at VA hospitals like Brexfield, like Wade Park in greater Cleveland, all over Ohio, and all the VA clinics all over our State, veterans too often have to wait too long for care. We need to provide enhanced mental health care service for soldiers returning from Iraq and Afghanistan.

Returning veterans should have access to first-rate education benefits through an enhanced 21st century GI bill and job training programs. Current benefits for vets with 4 years of active duty military service cover less than two-thirds of the average cost of tuition and fees at a 4-year public college. We should be covering more of that cost.

We must not forget, it is not just the veterans; it is the families and children of servicemembers and veterans who also are sacrificing for their country.

We should recognize and reward their sacrifices by helping to ease the burden they carry while their loved ones are deployed.

We should protect family budgets by giving tax breaks to maintain reservists' family income. We should support tax incentives to help ensure that reservists called up for active duty do not suffer a pay cut. We should offer financial incentives to small businesses that want to do the right thing and be patriotic, that allow activated reservists to return to their good jobs.

No other group of Americans has stood stronger, has stood braver for our democracy, for our way of life than our servicemembers and veterans. They deserve a government for a change, not one that has shortchanged them, not one that celebrates Memorial Day and Veterans Day and then turns its back on veterans, like far too many people in this body that would rather give tax breaks to the rich and then cut veterans' benefits. That is not what we need.

Veterans deserve, all of us deserve, a government that is committed to the same values that those soldiers, those Marines, those veterans fought to preserve.

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.)

HONORING AMERICA'S FALLEN IN IRAQ AND AFGHANISTAN

Mr. EMANUEL. Mr. Speaker, I ask unanimous consent to address the House out of order.

The SPEAKER pro tempore. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. EMANUEL. Mr. Speaker, yesterday marked the 62nd anniversary of D Day. On that day, thousands of young Americans made the ultimate sacrifice in service to our Nation.

In the words of President Franklin Delano Roosevelt, each of these heroes stand in the unbroken line of patriots who have dared to die that freedom might live and grow and increase in its blessings.

This unbroken line continues today as 2,778 brave American men and women have fallen in their service to our Nation in both Iraq and Afghanistan.

Last year, I led a bipartisan group of 21 Members of Congress in reading the names of our most recent fallen into the CONGRESSIONAL RECORD. We made a commitment to continue this reading as long as the fighting continues.

God bless and keep each of the brave Americans whose memory we honor today in our hearts:

1. Sergeant 1st Class Eric P. Pearrow.
2. Private 1st Class Marc A. Delgado.
3. Staff Sergeant Steven C. Reynolds.
4. Specialist Javier A. Vallnueva.
5. Specialist Gregory L. Tull.
6. Master Sergeant Brett E. Angus.
7. Sergeant Donald J. Hasse.
8. Sergeant Jerry W. Mills, Jr.
9. Corporal William G. Taylor.
10. Staff Sergeant William D. Richardson.
11. Corporal Joshua D. Snyder.
12. Sergeant Gregorz Jakoniuk.
13. Sergeant 1st Class Brent A. Adams.
14. Lance Corporal Craig N. Watson.
15. Sergeant Andy A. Stevens.
16. Lance Corporal Andrew G. Patten.
17. Lance Corporal Scott T. Modeen.
18. Corporal Anthony T. McElveen.
19. Lance Corporal Robert Alexander Martinez.
20. Lance Corporal Adam Wade Kaiser.
21. Lance Corporal David A. Huhn.
22. Lance Corporal John M. Holmason.
23. Staff Sergeant Daniel J. Clay.
24. Specialist Marcus S. Futrell.
25. Staff Sergeant Phillip L. Travis.
26. Sergeant Philip Allan Dodson, Jr.
27. Corporal Jimmy Lee Shelton.
28. Staff Sergeant Daniel M. Cuka.
29. Sergeant 1st Class Richard L. Schild.
30. Private 1st Class Thomas C. Siekert.
31. Specialist Brian A. Wright.
32. Sergeant Michael C. Taylor.
33. Corporal Joseph P. Bier.
34. Staff Sergeant Milton Rivera-Vargas.
35. 1st Lieutenant Kevin J. Smith.
36. Sergeant Spencer C. Akers.
37. Sergeant Adrian N. Orosco.
38. Sergeant Kenith Casica.
39. Staff Sergeant Travis L. Nelson.
40. Sergeant Clarence L. Floyd, Jr.
41. Sergeant Julia v. Atkins.
42. Staff Sergeant Keith A. Bennett.
43. Sergeant 1st Class James S. Moudy.
44. Staff Sergeant Curtis A. Mitchell.
45. Specialist Lex S. Nelson.
46. Specialist Jared William Kubasak.
47. Specialist Peter J. Navarro.
48. Specialist James C. Kesinger.
49. Sergeant Brian C. Karim.
50. Staff Sergeant Michael S. Zyla.
51. Corporal Michael B. Presley.
52. Staff Sergeant Kenneth B. Pospisil.
53. Sergeant Timothy R. Boyce.
54. Specialist Joseph Alan Lucas.
55. Corporal Adam R. Fales.
56. Lance Corporal Samuel Tapia.
57. Staff Sergeant Johnnie V. Mason.
58. Specialist Richard Jr. DeGarcia Naputi.
59. 1st Lieutenant Michael J. Cleary.
60. Specialist William Lopez-Feliciano.

Mr. Speaker, I would also like to recognize and thank the brave men and women who continue to serve our Nation with distinction in Iraq and Afghanistan and throughout the world and thank their families also for their sacrifice.

Our thoughts, our prayers are with you and your families both during your service and after you come home.

Mr. Speaker, if I mispronounced any of our members' names who I know the family take pride in honoring, I apologize. I want to thank again each of these men and women who have served our country and their family for their ultimate sacrifice.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

(Ms. FOXX addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

BUDGET DEFICITS

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent to assume the time of the gentlewoman from North Carolina (Ms. FOXX).

The SPEAKER pro tempore. Without objection, the gentleman from Tennessee is recognized for 5 minutes.

There was no objection.

Mr. DUNCAN. Mr. Speaker, a few months ago, a columnist for the Scripps-Howard newspaper chain wrote a column saying that we were headed for a ''financial tsunami'' not long after the baby boomers start retiring in large numbers over the next few years. The reasons are really pretty simple.

First, we are trying to do way too much for other countries. We have spent $300 billion in the last 3 years in Iraq and Afghanistan, probably over half of it is just pure foreign aid. We have every department and agency in the Federal Government doing operations overseas, spending several hundred billion a year over there.

The liberals found out years ago that foreign aid was not popular so they will very falsely tell you that foreign aid is only 1 or 1½ percent of the budget. When we add up what all the departments and agencies are doing, it is just phenomenal how much we are spending in other countries.

I heard a news report recently that said the FBI has more offices in other countries than we have in the U.S.

Secondly, we have promised too much here at home in retirement and medical benefits.

Thirdly, we will not reduce defense or homeland security spending even though there is waste in those departments, just like all the other departments, and there just simply is not enough money to pay for all of it.

On January 26 of this year, the Congressional Budget Office said the Federal deficit for this fiscal year, which ends September 30, will be around $360 billion. Some people say it will be much higher than that, and similar amounts, $350 billion to $400 billion for each of the next 10 or 11 years.

□ 1945

All of this comes on top of the national debt that is already $8.3 trillion

and headed up very quickly. Our government, in just a few years, will not be able to pay all of the military pensions, the civil service pensions, the Social Security, the Medicare, the Medicaid, and the new prescription drug benefit. We have guaranteed 44 million private pensions through the Pension Benefit Guaranty Corporation. We will just not be able to pay all those things with money that means anything.

But what we will do, we will do what governments all over the world have done in similar situations, and we will simply begin printing more money. This will cause Social Security and all those government and private pension plans to buy less each year.

It doesn't work. It is like a ball headed downhill. Its starts out slow and gathers speed. When this money supply gimmick does not do enough, pensions will have to be cut. Anyone who is relying just on Social Security for his or her retirement will face tremendous financial hardship.

All of this could be avoided if the Congress would become much more fiscally conservative and do it now. However, because there are too many liberal big spenders in the Congress, and because it is unpopular to say ''no'' to anyone, the Congress could not even, late last year, pass a $50 billion slowdown in spending spread over the next 5 years. The overall reduction was reduced to $39.5 billion, with the bulk of the reductions put off until the fourth and fifth years. The plan that was passed did not cut spending, it simply slowed the rate of growth, barely. But, of course, even that very meager effort at fiscal restraint could be changed by the next Congress.

Now, let me go to a totally different topic, Mr. Speaker, another concern.

At the end of 1994, the conservative business magazine, Forbes, carried a lengthy article about the Justice Department. It said we had quadrupled the Justice Department since 1980, and that Federal prosecutors were falling all over themselves trying to find cases to prosecute. The article said people were being prosecuted for laws they didn't even know were in existence. And then the Congress, trying to prove it was tough on crime, has expanded the Department of Justice greatly since then.

In addition to all this expansion, we then passed a so-called PATRIOT Act to try to show strong opposition to terrorism. This was such a great expansion of government power and such an overreach that now approximately 400 cities and counties and seven State legislatures have passed resolutions against this act. Those who love big government love the PATRIOT Act.

The Federal Government, through the super-secret National Security Agency, in addition to the CIA, FBI, and about 12 other intelligence agencies, has more than enough power and ways and means to discover and prosecute terrorists. The Foreign Intelligence Surveillance Act Court, created in 1978, approved 18,742 warrants for wiretapping and physical surveillance by the end of 2004. In the 5 years from 2000 to 2004, the court received 6,650 requests from the government and approved 6,642.

We will probably have another terrorist incident of some sort with or without the PATRIOT Act. We need to take reasonable precautions, but we also need to recognize that you are still hundreds of times more likely to be struck by lightning or to win a lottery than you are to be killed by a terrorist. Those in charge of all the many government programs which have sprung up to fight terrorism do not like to admit this because they want continual increases in funding. But, Mr. Speaker, we should not create some kind of a Federal police state in a huge overreaction to this threat.

It is sad that conservatives, who have always been the main opponents of big government, have gone along with this huge expansion of government power just because the word ''terrorism'' is used by every government agency to get more money and power.

A TURNING POINT IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, a few days ago, President Bush said that we had reached a turning point in Iraq. Given that he declared ''Mission Accomplished'' and the end of major combat operations more than 3 years ago, I would say it is about time we reached a turning point.

But as the Washington Post pointed out, this kind of turning point language is pretty commonplace for the President. There have been many milestones. There have been many turning points from this White House, even a turning point in the history of freedom over the last several years. The President should ask the people who risk their lives, their bodies, and their minds every day, just walking down the streets of Baghdad, if they see a turning point. We should ask the Iraqi citizens how they see it.

The day after the President's last attempt at spin, more than 30 Iraqis were murdered in violent attacks. They joined tens of thousands of other innocent civilians, many of them children, who have died for the cause of their so-called ''liberation.'' There are some rumblings now about drawing down our troop levels, but we have heard that before, and I will believe it when I see it, and I will believe it to be real when the President puts forward a plan on how he is going to end this war.

Mr. Speaker, I have yet to hear the President disavow his statement that the decision to bring our troops home will be for future Presidents to decide. I have yet to hear a clear denial from the administration that we have plans to build permanent military bases in Iraq. If there is some kind of reduction in U.S. forces, my fear is that it will be a cosmetic change only, driven more by the political calendar than any kind of strategic consideration, ultimately making the troops left in Iraq even more vulnerable than they are now.

The answer is not to get down to 100,000 troops by the end of the year, because incremental steps are not enough. There must be a plan to immediately end this occupation and bring every last one of our soldiers home. The longer they stay, the longer suicide bombings will persist, because our very presence is one of the principal causes of the violence.

That is not our soldiers' fault. Of course, it isn't. They have performed their services faithfully and courageously. It is their civilian supervisors who have miscalculated at every turn. It is the President, the Vice President, and the Secretary of Defense who refuse to see that our military presence is fueling the rage of the insurgency, intensifying hatred for America, and stoking the fires of civil war.

Mr. Speaker, it is time for an entirely new approach to Iraq. It is time for the United States to show real global leadership by helping assemble a multinational security force to help keep Iraq stable in the short term. It is time to help establish an international peace commission under the auspices of the U.N. to begin the Iraq postwar reconciliation process. It is time to turn Iraq over to the Iraqi people. It is time to stop being Iraq's military occupier and start being Iraq's reconstruction partner. It is time to rebuild the country we have torn apart and to do it with an emphasis on transparency and accountability and not on padding Halliburton's profit margins.

But before we take these steps, before we do anything, we must end the war and bring our troops home to their families, where they belong. That is the turning point that will make a real difference in the Iraq situation.

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

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO PAT T. DEON, SR.

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I rise today to recognize the achievements of Pat T. Deon, Sr., a constituent of mine who will be honored tomorrow at the 2006 annual scholarship luncheon at the Justinian

Society of Philadelphia for his contributions to the business community in the Philadelphia region and the community of Bucks County, Pennsylvania, where he lives with his family.

Since 1935, the Justinian Society has searched, as the premier legal organization in the Philadelphia area, for Americans of Italian ancestry. Comprised of attorneys, judges, and law students, the society has directed itself to maintaining the honor of our legal system and the high ethical standards that distinguish its practice in our society. The Justinian Society accomplishes its mission by promoting continuing legal education programs, offering scholarships to Italian American law students and by promoting civic engagement by the legal community.

Mr. Speaker, Pat Deon is a respected member of the Bucks County community. A successful businessman and entrepreneur, Pat has become a leader in his region, serving on numerous local and statewide boards and commissions. Since 1995, Pat Deon has been a volunteer member of the Board of Directors of the Southeastern Pennsylvania Transportation Authority and has been its chairman since 1999. Since being named chairman of SEPTA, Pat Deon has transformed this $3 billion public transportation asset from an organization wracked by inefficiency to a model of progress and competence.

With SEPTA well in hand, Pat turned his attention to our highways in 2002 when he was appointed to a 4-year term as a member of the Pennsylvania Turnpike Commission.

Besides his public works, Pat Deon is also actively involved in community service. He is vice chairman of the Board of Directors of Temple Lower Bucks Hospital, a board member of the Bucks County Community College Foundation, and the Bucks County Enterprise Zone.

In addition to these endeavors, both Pat and his wife, Carlene, are strong supporters of the Special Olympics, the American Red Cross, and Race for a Cure. His work with the Special Olympics alone has allowed a delegation of 116 athletes and coaches to attend the first-ever USA National Games in Iowa.

For many this would be enough, but Pat has also excelled in business. Pat Deon has completed residential and commercial real estate projects in Bucks and Montgomery Counties and construction services in the northeast region. He is the owner of WBCB-AM Radio in Bucks County and a successful restaurateur through his ownership of the Temperance House Restaurant and Inn located in Newtown Township, Bucks County, Pennsylvania.

Mr. Speaker, I can think of no better person deserving the honor of the Justinian Society than Pat Deon. His success is a clear example of the American dream and that it is indeed alive and well.

In addition to serving as a model of success, Pat Deon is also an example of modesty. He never searches for the spotlight and never creates fanfare or publicity for his good works. I am proud to represent him in the Congress and am proud to acknowledge him here today.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 5 minutes.

(Ms. WASSERMAN SCHULTZ addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SALUTE TO COLLEAGUE AND THE WAR IN IRAQ

Mr. OWENS. Mr. Speaker, I ask unanimous consent that I assume the time of Mr. PALLONE of New Jersey.

The SPEAKER pro tempore. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. OWENS. Mr. Speaker, I thank the Speaker for recognizing me at the time shortly after my colleague LYNN WOOLSEY has spoken, because I rise to salute LYNN WOOLSEY as a great point of inspiration to her colleagues and for all Americans who are fighting to end the deadly, wasteful war in Iraq.

I rise at this particular time because yesterday was Primary Day in California, and Congresswoman WOOLSEY had a challenge. I do not think that challenge was unrelated to her position on the war in Iraq. I think the challenge was a frontal attack on the majority of Americans who now disapprove of this administration's actions in Iraq. I think that the candidacy of the opposition was a not-very-subtle attempt to intimidate the leading spokesperson of the peace movement. I think it was a blatant effort to send a message.

Congresswoman WOOLSEY is supported, fortunately, by the constituents in her district. Everybody knows that. Congresswoman WOOLSEY has been here for 14 years. She has a great record in areas ranging from child care to policies related to the war in Iraq.

I want to congratulate her on a stunning, decisive victory. There was never any doubt of her winning, but she swept the field, I think with almost a two-to-one vote.

The voters sent a message to all those who would challenge her and try to silence her that they care about what is happening in the world, they care about what is happening in Iraq. They are the majority, just as right now the majority of the people in America are against the war in Iraq. Her wide margin reaffirms support for her positions.

No one has spoken more passionately and consistently against the war on this floor than LYNN WOOLSEY. I think she has a record of floor speeches, 5-minute speeches. About 149 5-minute speeches have been made against the war in Iraq.

The bold move of the war supporters to go after her, to get newspapers to call her a radical and clamor for a more moderate voice, all of these things did not happen by accident. I think it was a plot. In her 14 years, LYNN WOOLSEY has earned the right not to be challenged. She has a unique point of view based on her unique set of experiences. I serve with her on the Education Committee. There is much to be discussed about Iraq and the war in Iraq, and not enough time is ever allowed to do it. I think she has chosen the only avenue possible.

We have not discussed very important matters, like the oil contracts. What is happening with the plan to dispense the oil in Iraq after the U.S. leaves? Nobody ever talks about that. How much of the oil revenue will flow to American corporations for technical assistance and rebuilding versus to the Iraqi people?

□ 2000

Underlying the problem of getting the settlement, the question is never discussed. Power sharing is discussed. Getting the government set up is discussed.

Senator BIDEN was ridiculed for saying you ought to take Iraq and split it up into three parts, one for Sunnis, one for the Shiites and one for the Kurds. I do not think that general proposal is all he meant, but power sharing is a major issue. Why can't we discuss power sharing. We have the Voting Rights Act here in America, one of the best examples of power sharing in the world.

Other nations are looking at us and trying to find out how do you have a minority represented when the majority is a very different group. How can you get the minority to the table? There are ways to do that, and power-sharing ought to be discussed openly. Maybe they need a Voting Rights Act in Iraq. That could be put on the table as part of the solution to guarantee to the Sunnis and that Kurds that despite the Shiites being in the majority, they will always have a place at the table.

As far as orderly withdrawal of the troops, I think Congressman MURTHA, an expert if there ever was one, a man who knows the military very well, has proposed a very conservative but effective way to draw down the troops. Nobody knows better than Congressman MURTHA what is happening in that war. He goes frequently to visit the wounded at Walter Reed Hospital and at the Naval Hospital. He knows the dilemma of the men on the ground, the troops there. He knows and that is why he spoke out so forcefully about the situation in Haditha. He knows that under

pressure, people will break. The best Marines and the best Army people and the best Navy people will break under pressure in a war that they think is useless.

We might have had the favor of the Iraqi people when we went in there, we might have had some flag waving and had some people that appreciated us, but we took away their electricity, we took away their water, and we took away their safety so there is a lot to be discussed and we should all value LYNN WOOLSEY for the fact that she comes frequently to discuss Iraq on this floor and does a great service for the Iraq people, as well as for the Members of this House.

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

(Mr. SODREL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING HENRY HYDE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Indiana (Mr. SODREL).

The SPEAKER pro tempore. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. CHABOT. Mr. Speaker, I want to thank the distinguished chair of the Middle East Subcommittee, Ms. ROS-LEHTINEN, for putting together a Special Order this evening for one of the finest persons ever to serve in the United States Congress, our hero, HENRY HYDE.

I have been blessed during my service in Congress every day for the last 12 years because I have been able to call HENRY HYDE ''Mr. Chairman'' first on the Judiciary Committee, and then for the last 6 years on the International Relations Committee, because he has been the chairman of both those committees.

He is a leader who has won the undying respect of colleagues on both sides of the aisle. He is known to be fair and respectful. He is a man of the utmost integrity, and he wields the gavel with grace and humor. The Almanac of American Politics has called him ''one of the most respected and intellectually honest members of the House.'' Politics in America notes that ''few can match him in the sheer power of his oratory or the agility of his intellect.''

You know, if central casting in Hollywood were looking for someone to play the role of the wise and honorable committee chairman, it would need to look no further than HENRY HYDE.

It would be impossible to talk about HENRY HYDE and not talk about the one issue that I think he has cared more about than all of the other issues that he has dealt with here as a Member of this House, and that is the pro-life issue. He has been Congress' conscious. He has been the Nation's conscious on this important issue. HENRY HYDE has been a leader who has never wavered on behalf of unborn babies. We have had many distinguished Members of Congress who have engaged in this discussion, this issue, this battle, but nobody has been more committed or more effective or more eloquent than HENRY HYDE.

When he leaves this Congress, he will be greatly missed, but he will leave behind a committed band of followers who have learned under his tutelage and will keep the pro-life flame burning. We owe it to those unborn babies, and we owe it to our leader, HENRY HYDE.

For the last 6 years, Chairman HYDE has headed up the International Relations Committee. And as members of the committee, we know that HENRY commands the respect of leaders throughout the world. When presidents and prime ministers and kings and sultans and emirs and chancellors and other leaders come here to Washington, they make it a point to pay a visit to Chairman HENRY HYDE because they respect him greatly and they seek his guidance and his counsel.

HENRY has also been a great friend to me personally. I cannot thank HENRY enough for all of the things that he has done for me since I first came to this institution. It has been wonderful to be his friend. But more importantly, I want to thank him on behalf of those defenseless little babies that he so tirelessly has defended during his years in Congress.

His eloquence and good sense has changed the way that Americans feel about abortion. He tells it like it is, and he has paved the way for another generation of leaders to fight this noble battle. It is a battle that I have no doubt that one day we will win.

Mr. Speaker, when the 110th Congress convenes next January, the Capitol of the United States will be a different place. For the first time in 32 years, HENRY HYDE won't be taking the oath of office to represent the 6th District of Illinois in the United States House of Representatives. For those of us that have had the honor to serve in this Chamber, there will be a sense of loss. But I know that our friend, HENRY HYDE, will have plenty to contribute to his beloved country. A couple of years ago, HENRY told a Chicago newspaper ''maybe I lost a step or two, but I don't think God is through with me yet.'' Let's hope not. God bless you, HENRY HYDE, and God bless the country that you have loved so much.

EXECUTIVE ORDER ON SYRIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia (Ms. MCKINNEY) is recognized for 5 minutes.

Ms. MCKINNEY. Mr. Speaker, I would like to join my colleague, Mr. OWENS, in commending Congresswoman LYNN WOOLSEY for her consistent and strong voice in opposition to the war in Iraq. It is a voice that is needed in this Congress. She utters words and takes positions that are needed, that we need to hear in this Congress, and those positions reflect the positions of the American people and the people in her district. I have had the opportunity to actually visit her district, and I know that LYNN speaks well with respect to the issues and their position on this war.

I would like to talk about another aspect of President Bush's Middle East policy that I think could be problematic for us if the interpretation is one along the lines of the interpretation of information that was received that led us into the war in Iraq.

What I am talking about is the April 26 national emergency that was declared by President Bush. On that day, he issued an executive order to freeze the assets of those suspected to have been involved in the October 1, 2004, assassination of former Lebanese Prime Minister Rafiq Hariri and 22 others. On the face of it, this might look like a straightforward attempt to bring justice to the perpetrators of a heinous act of terrorism. But I decided I would not just rest with the Speaker's announcement, the Clerk's announcement, and that I would actually read the document. I read the document, and then I reread the document, and then I read it for a third time.

When we examine the language of the document, we have to ask ourselves are there some other motives involved in the issuance of this executive order.

The reason I say that is because of the language that is used in the executive order. It says that this executive order applies to persons involved in ''any other bombing that implicates the government of Syria or its officers or agents.''

Now the keyword is ''implicate'' because that means that you are talking about bringing into intimate or incriminating connection. Well, I remember, and I was not in this body in 2003, but the President chose to invade Iraq in 2003 because we were told that Iraq was implicated in possessing weapons of mass destruction. That Iraq was implicated in the tragic events of September 11.

We now know that both of those implications were false, but that is after nearly 2,500 young men and women from these shores have been killed, countless thousands others have either mangled bodies or addled minds as a result of the shock and the shell shock and the presence in the theater of war.

How many tens of thousands of Iraqis are now dead as a result of the implications that the American people were told and then action taken on those implications?

Now once again, the President is implicating an Arab regime and taking action that preempts a conclusive investigation into the facts.

This administration has already made ominous utterances about the need for regime change in both Syria and Iran, and I would just ask this Congress before it relinquishes any more power, please examine the facts before we plunge ourselves into another military disaster in the Middle East.

HONORING HENRY HYDE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. HARRIS) is recognized for 5 minutes.

Ms. HARRIS. Mr. Speaker, I rise to recognize and celebrate the extraordinary service to the Nation of Representative HENRY HYDE of Illinois. Many of us consider our election to Congress as a blessing and an opportunity to improve the lives of our constituents and our fellow Americans, and no one has merited that honor more than this esteemed and distinguished gentleman of irrefutable conviction and compassion.

In his more than 30 years as a Member of the House of Representatives and as chairman of the Committee on International Relations, Congressman HYDE has given the most vulnerable citizens a voice and focused our minds on the modern day horrors of child slavery, famine and genocide.

It was in his freshman term that colleagues would first become aware of his passionate devotion to the defense of innocent life, all human life, and at that time, tax dollars of all Americans were devoted to funding nearly 300,000 abortions annually.

Through the appropriations process, Mr. HYDE introduced an amendment to prohibit this practice and the adoption of the Hyde amendment forever changed the course of our national discussion about life and its protections.

I have considered my service on the House International Relations Committee under Chairman HYDE's stewardship as one of the most rewarding and enlightening experiences of my time in Congress. Not content to simply fund projects or engage in academic debates about geopolitics and Real Politic, our committee has played a critical role in shepherding the foreign affairs of the Nation.

The chairman's leadership has been indispensable as our Nation entered a new age of warfare and a time of bolder, more vibrant diplomacy.

A veteran of the committee, Chairman HYDE has been heard in the halls of Congress and countless administrations in the crucial interest about international arms control, the expansion of NATO, the investigation of the Iran-Contra affair and the long-overdue need for reform of the United Nations.

Earlier this year, Chairman HYDE eloquently addressed the challenges facing our Nation and the world, ''We are well advanced into an unformed era in which new and unfamiliar enemies are gathering forces, where a phalanx of aspiring competitors must inevitably constrain and focus our options. In a world where the ratios of strength narrow, the consequences of miscalculation will become progressively more debilitating.''

□ 2015

The chairman's cogent argument in favor of a robust foreign policy has fueled the committee during the 109th Congress. The committee has led the way in U.N. reform, holding to account the privileged few of the United Nations who turned a blind eye as Saddam Hussein violated international law and basic human rights.

He has called attention to the tragic human drama that began long ago and today is simply known as Darfur. And most importantly, Chairman HYDE has worked to ensure the voice of this body is heard on matters of nuclear proliferation, the untenable policies of terrorist regimes, and forged ahead where Americans will stand as the world struggles through this uninformed era.

Throughout his career, HENRY HYDE has never failed to heed his own counsel nor to lose his way. And the principles of basic rights and wrongs have guided his path forward.

His most important contribution, however, has been as a husband, father and grandfather. I am certain it is this job that he has enjoyed most.

In closing, I wish to thank Congressman HENRY HYDE for his extraordinary leadership, his friendship and his scholarship. We are truly a better people as a consequence of his service and for knowing him personally.

THE ALLEN SMALL BUSINESS PLAN

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

Mr. ALLEN. Mr. Speaker, I rise tonight to discuss the circumstances of the small business community in Maine and across the country. Regardless of size or industry, small businesses throughout the country share a common set of challenges: skyrocketing health care and fuel costs, an unstable and outdated Federal tax structure, an insufficient labor supply and lack of qualified workers, a lack of access to Federal contracts and inadequate funding for entrepreneurial assistance programs for start-up businesses and businesses that want to grow.

And it is my experience here that many of the organizations in Washington that hold themselves out as small business organizations are really advocating, in reality, a big business agenda.

Back in my home State of Maine, small business is big business. Maine is home to over 140,000 small businesses, and we have nearly 100,000 Mainers who are self-employed. Our prosperity depends on the growth and the success of small business.

I have two bills, H.R. 5288, the Small Business Health Plans Act, and H.R. 5058, the Small Business Investment and Promotion Act, that would both aid small businesses by addressing many of the challenges that they face today.

Small businesses across America are struggling to maintain health care coverage for their workers. Really, most of the people I talk to every year find their premiums going up and find it very difficult to predict how much their health insurance will cost for the next year, assuming they have coverage.

My plan, under the bill H.R. 5288, makes quality health insurance more affordable and makes it easier for small businesses to obtain coverage for their employees. I believe that employees are entitled to the same coverage that Members of Congress and other Federal employees have. That is what my Small Business Health Plans bill provides.

The legislation would establish a small employer health benefits program for employers with 50 or fewer employees by creating new purchasing tools that would guarantee quality coverage at affordable rates to small businesses and their employees without preempting State requirements, much the way the coverage for Federal employees works.

One aspect of the bill would be to attract insurance companies by subsidizing the cost of catastrophic health care cases, and that would bring private insurers into this market and make the plan attractive.

Second, we would provide some premium assistance for smaller businesses and lower-wage workers.

Now, the second bill, H.R. 5058, has six different sections that cover the other difficulties that I mentioned at the beginning. First, the high cost of fuel for transportation and heat in winter is breaking the backs of small business owners, and no relief is in sight. H.R. 5058 creates a 2-year tax credit to cover the increased cost of fuel for businesses that are especially dependent on transportation fuel or the fuel to heat businesses and buildings.

Second, the Research and Development Tax Credit has never been made permanent, and that creates a great deal of uncertainty among businesses, large and small. This tax credit, if made permanent, would help companies stay afloat until they become profitable and would benefit all manufacturers for products that they develop by expending money on R&D. And my bill would make the credit permanent, and allow biotech and high-tech companies to make innovation a part of their long-term business plan.

Third, the Federal Government must do a better job of providing opportunity for small business to compete and win Federal contracts. My bill expands opportunities for small business

by including overseas contracts which are currently excluded from Federal small business contracting targets. This is a real gap. Big business can compete for overseas contracts, but small businesses are shut out simply by the fact of the size of their business.

Fourth, the President's budget request this year called for cuts or elimination of 75 percent of the programs that benefit small business. It is hard to believe that an administration that says it favors business is, in fact, trying to kill the section 7(a) loan program for the Small Business Administration and trying to eliminate the Maine Manufacturing Extension Partnership.

The final two provisions: We would create a 39-year tax depreciation rule for restaurants and small retailers and make it easier for businesses to obtain H–1B and H–2B visas.

HONORING HENRY HYDE

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

Mr. ROHRABACHER. Mr. Speaker, tonight, I am honored to take this floor to sing the praises and accolades for a man who inspired me as a young person and has continued to inspire me as I have served here in these past 18 years.

I have spent 18 years here in the House of Representatives, and 7 years before that I served in the White House under Ronald Reagan. And I am pleased to say tonight that during that entire time, I have never met a man of whom I was more proud than that of the chairman of the International Relations Committee, Chairman HENRY HYDE. Perhaps Ronald Reagan. Perhaps. But HENRY HYDE, of the people that I have worked with as a fellow colleague, there is no match.

HENRY HYDE, of course, has been here since 1974, and has had a distinguished career as a Member of Congress, but more importantly, as a leader, as an American leader. HENRY HYDE, as I say, inspired many of us by the fact that he is not just a political leader, not just a man of integrity, courage, and a person who works, to this day is working harder than most Members of this Congress.

But he is not just a political leader, but a moral leader of this country as well.

HENRY HYDE is very well known. He has been known for many years for his views on what we call the prolife movement, the idea of protecting unborn children from the threat of abortion. And HENRY HYDE has done more to inspire and inform people on this issue and, thus, if you agree with me and agree with HENRY, done more to save the unborn babies of this country than any other individual that I can think of. That, alone, is a reason to applaud HENRY HYDE and to be grateful that he has served in this body, saving so many unborn babies, and feeling so strongly about this issue that he was able to take the heat on an issue that, in the beginning, was far more unpopular than it is today. And I believe that he has created the national trend towards life that we see today.

Consistent with that, HENRY HYDE has been a champion of human rights during his entire term in the United States Congress. He has been an enemy to tyrants, to gangsters, whether they be in Cuba, the Soviet Union or China. This has been part of HENRY HYDE's patriotic makeup, a man from Illinois, a man from the State that gave us Lincoln, who freed the slaves and freed America from the sin of slavery.

I have seen HENRY HYDE criticize Chinese leaders to their face and stand up for the human rights of believers in God in China. I have seen his courage, and his eloquence is famous throughout the world.

I have seen HENRY HYDE take on the issue of proliferation of nuclear materials by the Communist Chinese Government when other people would have had him soft-pedal the issue in order to maintain a certain friendly relationship with those gangsters who control the mainland of China. But HENRY HYDE is a man of principle.

HENRY HYDE is a patriot. HENRY HYDE was protecting our country through his patriotism when he was a young man and served in the military in World War II in the Philippines, and then in the State legislature in Illinois, and then here, on to the U.S. Congress.

Many people will remember HENRY HYDE for the fact that he was the chairman of the Judiciary Committee when President Clinton was impeached. Here, too, was an issue that HENRY HYDE could have sidestepped. Why should he take all the abuse of such a controversial issue?

HENRY HYDE has taken on controversy because he believes in principle and morality. HENRY HYDE took on the issue of the impeachment of President Clinton because he believed that President Clinton had committed perjury, that that was an impeachable offense, and that to compromise that standard would cause great damage to the future of the United States of America.

HENRY HYDE is a man who stands for standards, stands for principles. He is a man who has worked hard, who has used his skill as an orator to make sure that we cement those American values that have made this country a great country, realizing that we don't have a perfect country, but that we always need leaders like HENRY HYDE to help us perfect those imperfections.

So I gladly join with my colleagues tonight in a salute to the chairman of the International Relations Committee, a great American, a man who has served this country well, in the House of Representatives and throughout his life, Chairman HENRY HYDE.

WHAT THE LIFE OF ROSA PARKS MEANS

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

Mr. SNYDER. Earlier this evening, Mr. Speaker, I read the essay, the winning essay from Morgan Sweere, age 9, in the fourth grade in Conway, Arkansas. And the title of the essay contest, ''What Rosa Parks Means to Me.'' I would like to read two other winners.

The next one is ''What Rosa Parks Will Mean to My Children.'' This is the junior high level essay contest that we held. And the winner of this one in the Second District of Arkansas was Brenna Gilstrap, of the eighth grade at Horace Mann Arts and Science Magnet Middle School in Little Rock, Arkansas. And this is what Brenna Gilstrap has to say, in part, about What Rosa Parks Will Mean for My Children:

''Rosa Parks has always been an amazing icon to people everywhere, symbolizing strength and pride during a period in America where racism thrived. I believe everyone is familiar with her story, how she refused to give up her seat on the bus to another person and she had to simply because they were Caucasian, and how she was arrested for doing so. This story of a brave woman standing up for what she believed in will, in my opinion, greatly influence the attitudes of my children, teaching them important morals. Speak your mind even if your voice shakes. Ban ignorance and pay attention to the mistakes made in the past in order to prevent them in the future. Always stand up for what you believe in because even one little person could make a difference in thousands of lives. These are the things that my children will learn from her story. This is why it will mean something.

''Examine the first moral. Speak your mind even if your voice shakes. What this means is that even if you are nervous, even if you know the consequences to what you are saying can be brutal, as long as you feel deeply in your heart that a change needs to be made, express what you feel. Say exactly what you're thinking and say why. Rosa Parks knew that the fuss she was making wasn't just about a good seat. It was about rights, equal rights for one and all. The right to sit in the good seats, use the good bathrooms, go to the good parties, live the good life, a life without oppression.''

And her essay goes on. This is by Brenna Gilstrap, the winner of the What Rosa Park Will Mean for My Children essay contest in the Second District of Arkansas, and Brenna is in the eighth grade at Horace Mann Arts and Science Magnet Middle School in Little Rock, Arkansas.

The winner of the high school version of the contest, ''What Rosa Parks Will Mean for My Grandchildren,'' was won by Alyx Vanness, Conway High School East.

□ 2030

This is her essay in part. ''What I would like my grandchildren to remember about Rosa Parks is the true account of her stand for equality for blacks, and the many features she overcame along the way. Even though she is usually remembered for only one of her protests, I would like my grandchildren to know all the rallies she took part in during her life and how it affected the black community.

Rosa Parks became one of the most recognizable civil rights activists on December 1, 1955, when she refused to give up her seat on a bus for a white man. Although a simple act with one woman protesting, it is one of her most remembered fights for justice among the races. The incident is later recalled by Parks in her book Quiet Strength. 'I kept thinking about my mother and my grandparents and how strong they were. I knew there was a possibility of being mistreated, but an opportunity was being given to me to do what I had asked of others.'

''Rosa Parks did just that when not going back to the colored section of the bus when a white man had told her to. Most historians account the refusal because she was tired from a long day's work, but to Parks it was more than that. I would like my grandchildren to be told that she did it specifically to stand up for her people, that she was no more tired than the rest of her days. Because of her refusal to get up, a 381 day Montgomery bus boycott was started and her arrest and trial caused the Supreme Court to rule segregation on buses unconstitutional. This opened the gates for many blacks to come one step closer to equality.''

Her essay goes on it. That is part of the winning essay by Alyx Vanness from Conway High School East in the 10th grade in Conway, Arkansas, The high school winner of the what Rosa Parks means for my grandchildren.

Mr. Speaker, I include the essays of Brenna Gilstrap and Alyx Vanness for the RECORD.

WHAT ROSA PARKS WILL MEAN FOR MY CHILDREN

(By Brenna Gilstrap)

''Rosa Parks has always been an amazing icon to people everywhere, symbolizing strength and pride during a period in America where racism thrived. I believe everyone is familiar with her story, how she refused to give up her seat on the bus to another person (and she had to, simply because they were Caucasian) and how she was arrested for doing so. This story of a brave woman standing up for what she believed in, will, in my opinion, greatly influence the attitudes of my children, teaching them important morals. Speak your mind, even if your voice shakes. Ban ignorance, and pay attention to the mistakes made in the past in order to prevent them in the future. Always stand up for what you believe in, because even one little person can make a difference in thousands of lives. These are the things that my children will learn from her story, this is why it will mean something.

Examine the first moral: speak your mind, even if your voice shakes. What this means is that even if you're nervous, even if you know the consequences to what you are saying can be brutal, as long as you feel deeply in your heart that a change needs to be made, express what you feel. Say exactly what you're thinking, and say why. Rosa Parks knew that the fuss she was making wasn't just about a good seat; it was about rights, equal rights, for one and all. The right to sit in the good seats, use the good bathrooms, go to the good parties, live the good life, a life without oppression. She spoke her mind, became an icon, an example, a legend; and I am sure that being a little nervous and a little afraid never stopped her. She knew the consequences, but she spoke out. This is what I want my children to do: say what they feel without being afraid of what might happen or what others would think.

Examine the next moral: ban ignorance. In other words, pay attention to what happened in the past to prevent mistakes from occurring again. Our country, just like all the others, has made a lot of mistakes: the Japanese camps set up in Arkansas after the bombing of Pearl Harbor, for example. Just because they looked somewhat Japanese, people were sent into crowded camps to live out their lives, forced to sell all that they had, forced to suffer for something they didn't even do. If we didn't learn from that, we might be keeping all people from the Middle East imprisoned now for something they weren't responsible for. And the segregation issues our nation went through concerning African Americans and their rights. If we didn't learn from that, I wouldn't have a lot of the friends that I do now. We would be separated from each other. Rosa Parks helped show America what a big mistake they were making, and I want my children to learn from that, and to stand up like that if they ever get caught in the mistakes of the world.

Lastly, examine my final moral: Stand up for what you believe in. This is a moral that no one can forget. When something unjust happens, like someone at your school becomes subject to a daily abusive torrent of insult and injury, or when a presidential candidate comes along that you strongly oppose, or when you are treated unfairly by someone around you, you have to stand up and fight. Don't ever forget that even one voice counts, even when amongst thousands, matters. Justice cannot be reached until you stand up and be counted; even just one more step is closer than no steps at all. Rosa took that step, she was counted. This is what I want my children to do: stand up for what they believe in, no matter what.

Rosa Parks was an amazing role model for all ages to look up to. Her timeless story and amazing perseverence in the eyes of oppression has touched, enlightened, and inspired for many generations. The astounding morals her story teaches are guidelines that should be followed in one's everyday life. Hopefully they will inspire my children to become the amazing and inspirational people of tomorrow as Rosa Parks was for yesterday. This is what Rosa Parks will mean for my children.''

ROSA PARKS' STORY FOR MY GRANDCHILDREN

(By Alyx Vanness)

What I would like my grandchildren to remember about Rosa Parks is the true account of her stand for equality for blacks, and the many feats she overcame along the way. Even though she is usually remembered for only one of her protests, I would like my grandchildren to know all the rallies she took part in during her life, and how it affected the black community.

Rosa Parks became one of the most recognizable Civil Rights activist on December 1, 1955, when she refused to give up her seat on a bus for a white man. Although a simple act with one women protesting, it is one of her most remembered fights for justice among the races. The incident is later recalled by Parks in her book, Quiet Strength. ''I kept thinking about my mother and my grandparents, and how strong they were. I knew there was a possibility of being mistreated, but an opportunity was being given to me to do what I had asked of others.'' Rosa Parks did just that when not going back to the colored section of the bus when a white man had told her to. Most historians account the refusal because she was tired from a long days work, but to Parks, it was more than that. I would like my grandparents be told that she did it to specifically stand up for her people, that she was no more tired than the rest of her days. Because of her refusal to get up, a 381–day Montgomery bus boycott was started, and her arrest and trial caused the Supreme Court to rule segregation on buses unconstitutional. This opened the gates for many blacks to come one step closer to equality.

Even though the bus incident is one of her most remembered forms of protest, Parks was actively involved in the Civil Rights Movement long before 1955. She was actively involved in the National Association for the Advancement for Colored People (NAACP), serving as secretary and later as Advisor to the Youth Council at the NAACP. She also tried to register to vote several times when it was still nearly impossible for blacks to do so. December of 1955 wasn't the first time she had run-ins with bus drivers, though. She was evicted from buses several times, recalling the humiliation. ''I didn't want to pay my fare and then go around the back door, because many times, even if you did that, you might not get on the bus at all. They'd probably shut the door, drive off, and leave you standing there.''

Parks understood the importance of standing up, and tried in every way to bring justice to her race. She knew that even though it was just her speaking up sometimes, someone had to do it, and once voice would cause others to be raised. Rosa Parks believed in non-violent protest, working along Martin Luther King with equality and black's rights. This is one of the most important lessons taught by Parks; violent does not solve anything. She fully stood behind the concept of peacefully making a difference, setting her apart from the blacks that use hate and fury to gain equality. This caused her to be more recognized and respected, consequently winning over a nation's heart for this quiet but strong spirit.

1995 marked the 40 year anniversary of Rosa Park's refusal at the bus station, and she was still making a difference. Before her death earlier this year, she was active in Rosa and Raymond Parks Institute for Self-Development. It included a program that was Pathways to Freedom, where young people ages 11–18 traveled across the country tracing the Underground Railroad, visiting the scenes of critical events in the civil rights movement, and learning aspects of America's history. Many times she would involve herself in the cross country trip, and students loved talking to her about her experiences. Park's home was located in Detroit, where she still received dozens of letters daily from students, politicians, and just regular people.

The greatest characteristics of Rosa Parks was her humbleness and her faith in God. When named ''The Mother of the Civil Rights Movement'', she explained that although ''[she] accept[ed] the honor and appreciat[ed] it,'' Parks makes sure that everyone knows that ''[she] was not the only person involved. [She] was just one of the many who fought for freedom.'' Modesty and her willingness to

follow God's will has made her one of the most successful women in the Civil Rights Movement. She had strong religious convictions and in her book she states, ''I'd like for [readers] to know that I had a very spiritual background and that I believe in church and my faith and that has helped to give me the strength and courage to live as I did.''

Rosa Parks did a lot for the black community, and she needs to be remembered for her courageous actions. If I had my choice on what my grandchildren were taught about her, I would want them to know that she was a God fearing, modest, yet democratic woman. I want them to be told her whole story, not just about how she didn't give up her bus seat one day because she was too tired. Rosa Parks needs to be remembered for what she was; honorable.

TRIBUTE TO THE HONORABLE HENRY J. HYDE

The SPEAKER pro tempore (Mr. FORTENBERRY). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 60 minutes as the designee of the majority leader.

Ms. ROS-LEHTINEN. Mr. Speaker, I am so proud to have this opportunity to praise an intellectual giant, a true public servant, to honor my friend, my colleague, my chairman, HENRY HYDE. He has had unparalleled leadership skills and that is the way that he steers the House International Relations Committee, of which I am a proud member.

The committee has truly flourished under the chairman's direction in ways that it had not previously known. We have turned out significant pieces of legislation on a range of issues. HENRY HYDE's vision perhaps is best summarized by the words of Sir Winston Churchill, who said, ''All great things are simple, and many can be expressed in single words: Freedom, justice, honor, duty, mercy, hope.'' This sentiment captures the essence of HENRY HYDE and of his style.

Serving as a subcommittee chair under Chairman HYDE, I have been privileged to witness firsthand the insight that has led him to be the skilled politician and public servant that he is. Pundits have referred to the chairman as a statesman; as a Washington icon; as a doer; as a wit; as one of the sharpest legal minds of Capitol Hill; an outspoken and articulate debater; a standard bearer for conservative principles, causes and beliefs; a Gibraltar of conviction; and an avatar of grace.

I would like to add a few of my own, Mr. Speaker. From what I have seen, HENRY's character and in turn his leadership is shaped by his multiple roles. He is a man of faith, a Patriot, a humanitarian, a friend and a mentor.

I remember in my freshman term meeting HENRY HYDE for the first time. Having followed HENRY's efforts on behalf of freedom fighters who have valiantly fought communism in our hemisphere, to me, HENRY HYDE was larger than life. As Congressman STEVE CHABOT said earlier, if Hollywood were to cast a statesman, they couldn't find anyone better than the impressive and dashing HENRY HYDE.

I quickly learned that that imposing stature that he was nothing of a bullying nature in HENRY HYDE. On the contrary, the chairman, even in his most heated debates in our committee, when he must keep order at our hearings, he is a consummate gentleman, able to restore order with a fleeting, withering glance that belies the twinkle in his eye.

How appropriate that HENRY represents Illinois, as so many speakers have said, the land of Lincoln, for both the chairman and the American President are notable for their character, their eloquence, their determination.

Chairman HYDE's political career began 40 years ago as a representative in the Illinois legislature, where he served at as that body's majority leader from 1971 to 1972.

In 1974, he was elected to this House, the People's House. Among other issues, HENRY became identified with the worthy cause of defending the unborn, championing his Appropriations Committee's amendments that would prohibit the use of Federal funds to pay for abortions. These were adopted into law in 1978, and the Hyde Amendment has been a great step forward in legislation that favors the sanctity of human life.

In this vein, HENRY has also been a supporter of adopting children and of assisting poor women to care for their children. He has lent his name to legislative initiatives taking tougher steps to hold deadbeat dads accountable for unpaid child support.

HENRY HYDE has come to be known as one of the House's great orators. His stirring speeches against term limits and against flag burning are particularly memorable.

In 1994, HENRY HYDE accepted the gavel of the powerful House Judiciary Committee, where he shepherded through the House many important pieces of legislation. Among these were the landmarks anti-terrorism legislation of 1995; enforcing in the U.S. the international treaty against war crimes; the church arson law of 1996; a victim restitution act; an act limiting death penalty appeals; Megan's Law, requiring released sex offenders to report their addresses; and a law allowing senior citizen housing to be allocated by age. Also, a law banning state taxes on pensions of non-residents; the Lobbying Disclosure Act of 1995, the authorization of $10 billion for prison expansion; protection of intellectual property rights in digital recording and biotech patents; the ban on partial-birth abortion; product liability; tort reform and so many others.

Turning to the chairman's leadership style, one of the most salient characteristics is his reputation for fairness. Indeed, the Washington Post noted in a 1998 article that HENRY HYDE ''has managed to maintain a reputation for even-handedness, for patience and restraint, a remarkable feat for someone known both for his savagely held beliefs and for his keen sense of which way the wind blows.''

Indeed, the ranking member of the International Relations Committee, my good friend TOM LANTOS of California, cogently addressed our chairman's embodiment of frankness and fairness when TOM said, ''although our opinions on issues have differed from time to time, HENRY has always been very straightforward with me when he knows we might disagree. And once we have made our opinions known and once the voting is done, it has never had an adverse effect on our relationship.''

Indeed, one thing we can all agree upon is that Chairman HYDE's leadership reflects the values that he places on fairness and his focus on getting the job done rather than on mere politicking.

Mr. Speaker, I yield to my good friend the gentleman from California, Mr. LUNGREN, who would like to add some statements about our great chairman HENRY HYDE.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I thank the gentlelady for yielding.

It has been my privilege during my lifetime to have three heroes living at the time that I was able to benefit from their example. They are my father, President Ronald Reagan and HENRY HYDE.

As the gentlelady knows, I served in the Congress for 10 years from 1979 to 1989, where I had the privilege of serving on the Judiciary Committee with HENRY HYDE all those 10 years. I served on the subcommittee dealing with civil rights with him, and if it had not been for HENRY HYDE we would not have had the extension of the Voting Rights Act of the early 1980s.

We had hearings all around the country. It may sound strange today, but at that time there was a question of whether or not that would be extended. It was HENRY HYDE who going around the country on field hearings who finally made a statement that he had seen the parade of horribles. He had seen that there was still a need to have this extraordinary law extended. Had it not been for HENRY HYDE, the Voting Rights Act would not have been extended. He has never gotten the credit for that.

HENRY HYDE is a gentle man; a large man, but a gentle man; someone who can argue on the floor of the House vociferously, but when it is over, he goes over and punches you in the arm and tells you a joke; a man who has all the dignity you would look for in a statesman; a man who has the intellect which we can all admire; a man who, when former Governor Cuomo made a well covered speech at the University of Notre Dame talking about the responsibility of a Catholic man or a Catholic woman in politics, HENRY HYDE had a slightly different take. So he then, a month later, spoke on the

campus of the University of Notre Dame and gave his version.

It was one of the most compelling speeches I have ever heard, telling that someone can be a man of faith and a man of the House, a man or woman of faith or a man or woman of the House.

He was so eloquent in the way he argued. There was in this House a stillness that came upon this floor when HENRY HYDE would get up to speak. Democrat and Republican and independent alike would stand at attention or sit at attention when HENRY HYDE came and spoke. It was a capstone of the argument to see HENRY HYDE present himself.

I am pleased that at one time I was able to have HENRY HYDE in my home community to speak to people on the very, very important issue of life. He always did it with a forthrightness, with a concern for the sensitivity of the subject, but always, always so grounded in the principles.

One time I asked HENRY about whether he ever got tired of dealing with the life issue. He said, ''You know, sometimes I do. You get all this criticism, you get all of this attention that you don't want.'' And he said then, ''But as you get older, you think of that day in the future where, if hopefully you get to heaven, all those unborn children are there to greet you to say thank you for what you have done.''

That is HENRY HYDE. It is from the heart. It is from the head, because he has got a great intellect, but it is from the heart, because he truly believes it.

If there is one person that I admire most in this House, if there is one person who is the embodiment of all that is good in this House, if there is one person that compelled me to return to the Congress, it is HENRY HYDE; a friend, a statesman, a leader, a man of courage, someone who has fought his whole life for what is good and right about America, and someone I am happy to call a friend; but, more than that, someone I am happy to call a leader in this House, who has stood for everything great about this country.

This is a man who has dedicated himself to this country; a man who dedicated himself to his family; a man who dedicated himself to the principles that we all espouse. But he lived those principles as much as anybody I have ever met. I thank the gentlelady for yielding.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman. Those are principles that he lives and stands on every day of his life.

One has to admire the chairman's measured judgment on foreign policy terrain as well, as when he noted with respect to the fall of Soviet communism, he said, ''There has been a palpable feeling that the Cold War is over, and there are no serious threats with the Russian bear comatose. But as I like to say, the forest is full of dangerous snakes. There is a very important need for the United States to recognize that no one will rescue us. We have to be self-sufficient to really survive.''

Truly, HENRY's vision of the importance of this self-sufficiency is emblematic of his approach to foreign policy.

The chairman's wisdom encourages us to be vigilant, as when he expressed that with regard to China, ''The United States should be mindful that China was one of the world's most powerful nations for several thousands of years, and its relative weakness over the last two centuries is an historic anomaly that is coming to an end.''

The chairman too has no illusions about U.S. Latin America policy. HENRY backs a strong American initiative to extend free trade between the United States and democratic nations in the hemisphere as a way of generating economic growth and creating jobs.

□ 2045

He said, ''A lot of the problems in our hemisphere could be addressed if not solved by free trade. There is so much we have in common. I think a common wealth of the Americas would help everyone. But it will take real leadership and a bit of luck''.

Regarding policy for the region over which my subcommittee, the Middle East and Central Asia Subcommittee has had jurisdiction, Chairman HYDE's no-nonsense convictions, blended with his foreign policy expertise and his political leadership led him to the conclusion that on September 11, he said, ''Our enemies have no aim except destruction. Nothing to offer but a forced march to a bleak and dismal path. Theirs is a world without light''.

And he said, ''We are now in a war, a war that is directed at America and the civilized world. It is that simple,'' he said. ''We have to lead the world to oppose terrorism as a weapon against civilization, so this is a war for civilization. No country should harbor terrorists and we have tolerated countries that have tolerated terrorists. This must change''.

He continued by saying, ''The massive, obscene destruction of human life we saw in New York and Washington should show us all that terrorism cannot be tolerated. It has to be wiped off the map''.

And it is not just our committee, or not just even our Nation that benefits from the leadership of HENRY HYDE, but the world is the greater for the existence and the leadership of someone of the caliber, of the passion, of the conviction of HENRY HYDE.

The chairman's dedication to diverting the United Nations from its course of scandal, of corruption, of secrecy, and instead toward accountability, toward transparency and effectiveness, culminated in the passage by this House last summer of the Henry Hyde United Nations Reform Act of 2005.

This reform measure with teeth urged that the U.S. should impose its leverage to motivate the U.N. which has to this point been reluctant to consider substantive reform on its own through withholding of U.S. assess dues.

HENRY HYDE's AIDS funding legislation has also been a landmark piece of legislation. This measure authorizes $1.3 billion annually to fight this horrible disease, which HENRY HYDE has said, ''It is not just the deepest, darkest Africa we are dealing with, it is Brazil, it is the Caribbean, it is Russia, it is here in the United States, it is everyone in the world. As this pandemic spreads, we must do what we can do''.

This body is truly fortunate to have had in its midst an individual who leads through knowledge gained. He has gained it in institutions of higher learning such as Loyola, Duke and Georgetown. He has gained it on the playing field, as when Chairman HYDE played basketball for the Hoyas, or in combat theatres with the U.S. Navy stationed in the Philippines, in the South Pacific, in New Guinea; or through the wise use of his gavel as majority leader, as chair of the Judiciary Committee, and now as chair of our International Relations Committee.

On his website, HENRY HYDE puts his 32 years of service as a U.S. Congressman in context by noting that during his time in office, we have persevered through many conflicts, including the Cold War, the Communist takeover in Nicaragua and in Grenada, the invasion of Kuwait, the removal of Noriega from Panama, genocide in Bosnia, bombing of the World Trade Center and the Pentagon, invasion of Afghanistan, invasion of Iraq, and the present defense of our Nation against Islamic insurgents and terrorists.

That is a lot of conflicts, and for that matter, 32 years means almost infinite constituent letters, town hall meetings, legislative victories, press interviews, but most of all, in the course of these 32 years, HENRY HYDE has shared his passion, and his blood, sweat and tears with the American people.

I want to express any sincere gratitude to HENRY HYDE not just for being a great legislator, a leader in wit, but also for being an inspiration to us all. You have touched our lives in ways that we could never truly express. And we are all the better for having had the privilege of serving alongside you.

Mr. Speaker, with that I would like to yield to my good friend on the International Relations Committee, Mr. FORTENBERRY.

Mr. FORTENBERRY. Mr. Speaker, I would like to thank the distinguished gentlewoman from Florida (Ms. ROS-LEHTINEN) who chairs the International Relations Subcommittee for Middle East and Central Asia Affairs on which I serve, for organizing this time to honor an extraordinary legislator, an extraordinary statesman, Mr. HENRY HYDE.

It is a rare privilege in the course of a lifetime to know someone who possesses equal portions of wisdom, intellectual brilliance, robust humor, and

great humility. I consider it a tremendous honor to serve on the House International Relations Committee under the Chairmanship of such a man, Representative HENRY HYDE.

Since 1975, the people of Illinois' Sixth District have enriched the United States by their wise choice for a Member of Congress.

During his long and distinguished tenure in the House, Chairman HYDE has provided decisive leadership at pivotal moments in the recent history of U.S. foreign policy and on many issues of principle which determined the character of our great Nation.

In particular, I would like to honor his commitment to protect the lives of vulnerable persons, particularly the unborn in the United States and throughout the world.

Also I would like to thank Mr. HYDE for his sage counsel nurtured through years of experience and tempered by some of the most grueling episodes of the 20th century. As a member of the Greatest Generation, he served his country in the United States Navy during World War II, and knows firsthand the sacrifice that it took to prevail in that struggle against the enemies of freedom and human dignity.

While we face different challenges today, they require no less vision, commitment, and perseverance. As a careful student of history, Chairman HYDE cautioned us in a recent speech that he entitled, the Perils of the Golden Theory. He reminds us of the need to tread carefully as we seek to promote our ideas in a world where the values we cherish may often be considered alien and are subject to frequent unrelenting assaults.

As we look to the remainder of this session and consider the opportunities and challenges before us, I am grateful that we will continue to benefit from the leadership of Chairman HYDE.

Just this week, Mr. Speaker, I asked the chairman if he would do me a favor and meet with a group of college students interested in international diplomacy. Despite the rigors of his calendar, he enthusiastically agreed, and this small act of generosity alone speaks volumes about the nature and character of our chairman.

His ability to command the respect of both Democrats and Republicans remains an invaluable asset to this Congress. I am confident that his legacy will continue to inform and inspire many generations of Members to come.

I thank the gentlewoman for yielding to me.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank my good friend for giving his insight.

Mr. Speaker, it has been a pleasure for Republican and Democrat Members alike to have served and to continue to serve under the tutelage of HENRY HYDE. He has tackled all of the big issues. Tomorrow, as a matter of fact, in our International Relations Committee, we will be debating Iraq.

Mr. Speaker, he is not afraid to tackle those big, controversial issues. And that has been part of his character. He has taken on the issues. He has done it in a very fair, impartial way. And that is why in the coming months, because we still have HENRY HYDE around for a long, long time, you will be seeing my good friend, Mr. LANTOS, on the other side leading a series of special orders honoring a great statesman, the great leader, our chairman, HENRY HYDE.

HONORING HENRY HYDE

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. Mr. Speaker, tonight, we are coming down here to honor one of the greatest orators that has ever been a Member of the House of Representatives. HENRY HYDE, I have known for about 24 years, and I do not think there is a finer Member of Congress that has ever served in this body.

He, along with another great orator named Claude Pepper on the Democrat side, made great speeches, speeches that are in the history books and in the record here in Congress, but speeches that I wish everybody in America could have heard.

HENRY has been a great defender of human rights, of the right to life. He is one of the leaders on the right-to-life issue in the Congress, and he has been fighting for human rights and human life for a long, long time, and he has no peer in that area.

He has also been the chairman of the International Relations Committee and he serves in that position today. He is retiring at the end of this term, and I can tell you right now, everybody that knows HENRY is going to miss him, miss him not only because he was a great chairman or is a great chairman, but because he has been a great inspiration to us and a great leader in this body.

I have a lot of things I want to put in the RECORD tonight. I will not go into all those things because I am sure my colleagues will mention a lot of them, but HENRY has honorary degrees from a whole slew of institutions, universities and colleges around this country. He has been honored in so many ways because of his leadership, and he is a man that everybody in America could look up to if they knew him as well as we do.

So, tonight, I would just like to say, HENRY, if you are home watching this, and there is probably better things on TV than watching me talk, let me just say that we love you, buddy. We are going to miss you, and we think you are one of the greatest Americans that ever served in this body.

Mr. Speaker, I have known HENRY HYDE for many years and I admire him immensely. HENRY's voice has been a voice of reason over years often marked by turbulence and discord. He has always offered a hopeful view of international affairs. His reassuring calm wit, and his profound analytical skills and intellect have contributed to all of our understanding of the many dimensions of foreign affairs—and America's role in the global community.

Today, I want to talk about the legacy that he has created and that we will carry forward as colleagues in the realm of foreign affairs, and in many ways, as students of his stewardship of congressional oversight of the conduct of U.S. foreign policy. HENRY was sworn into the House of Representatives in 1975, and when he took over the chairmanship of this committee he wasted no time to make his mark:

Chairman HYDE was instrumental in leading the charge to establish the Millennium Challenge Account to provide increased support for developing countries that are tackling corruption and instituting democratic reform and the rule of law. HENRY always paid attention to the fine details in any discussion about the impact and effectiveness of United States foreign assistance; about public diplomacy, about dispute resolution and conflict situations.

Chairman HYDE's oversight of the Oil-for-Food Investigation has been steady and determined. The United Nations Reform Act of 2005 establishes a timetable for 46 specific reforms using U.S. dues payments as leverage for change.

HENRY has made massive contributions to the fight against HIV/AIDS, helping push forward commitments to invest $15 billion over next 5 years to reduce infections from HIV/AIDS worldwide and provide lifesaving care and drugs to millions already infected.

Microenterprise owners in some of the poorest countries around the world are benefiting from important legislation that HENRY has advocated to make more efficient the U.S. foreign assistance programs that target loans and grant assistance for small enterprises.

HENRY's views on the Global War on Terrorism have been instructive and reassuring. He has steadfastly advocated key post-September 11th measures to improve how intelligence is gathered and managed, to tighten identification infrastructure, root out terrorists from so-called safe sanctuaries; and HENRY has advocated much more proactive public diplomacy programs in the Muslim world. These are just a few of his contributions.

HENRY has also been a human rights defender, strong voice for freedom to every comer of the planet, from Burma and North Korea, to Haiti, Cuba, Iraq, Iran and Darfur. We have worked together on many key issues, and a recurring theme is the nexus between terrorism and drug trafficking in places like the Andean Region in South America, and the social degradation and violence that captures communities in vicious cycles. Together we have looked for innovative ways to break these cycles. I have enjoyed working with HENRY immensely.

Most recently I have listened carefully to HENRY's public statements about rising powers like China and India, their management of the challenges of globalization, and how we can engage these rising powers in the areas of non-proliferation, economic security, and democratic institution building.

HENRY has been a tireless warrior and an inspiration to us all. As we pay tribute to our friend today, I want to add my voice and say Thank you HENRY.

OTHER BIOGRAPHICAL INFORMATION

EDUCATION

Graduated 1942, St. George High School, Evanston, Illinois

B.S., 1947, Georgetown University, Washington, D.C. (Also attended Duke University, Durham, N.C.)
J.D., 1949, Loyola University School of Law, Chicago, Illinois
Doctor of Laws (Hon.), St. Joseph's College, Standish, Maine
Doctor of Laws (Hon.), Allentown College, Center Valley, Pennsylvania
Doctor of Laws (Hon.), Campbell University, Buies Creek, North Carolina
Doctor of Laws (Hon.), University of Dallas, Dallas, Texas
Doctor of Humane Letters (Hon.), Illinois Benedictine College, Lisle, Illinois
Doctor of Humanities (Hon.), Lewis University, Romeoville, Illinois
Director of Public Administration (Hon.), Midwest College of Engineering, Lombard, Illinois
Associate in Arts (Hon.), Triton College, River Grove, Illinois

MILITARY SERVICE

Enlisted U.S. Navy, November 11, 1942
Attended Navy V–12 Program at Duke University and Notre Dame University, 1943–44, Midshipman's School, 1944
Commissioned Ensign, USNR, October, 1944, and served in South Pacific, New Guinea and in combat in the Philippines until August 1946
Served in the U.S. Naval Reserve, 1946–68; retired at the rank of Commander, after serving as officer in charge, U.S. Naval Intelligence Reserve Unit, Chicago

PROFESSIONAL

Admitted to Illinois Bar, January 9, 1950, and entered private practice specializing in litigation
Past President of Trial Lawyers Club of Chicago
Past Chairman, Illinois Crime Investigating Commission

AWARDS AND HONORS

National D-Day Museum's American Spirit Medallion, 2004
Great Defender of Life Award, the Human Life Foundation, 2003
Chairman's Award, the DuPage County Workforce Board, 2003
True Blue Award, the Family Research Council, 2003
Friend of the Year, Marklund Children's Home, 2000
Life: the Choice for a New Millennium Award, Georgetown University Council of the Knights of Columbus, 2000
Michael Kuhn Award, National Hemophilia Foundation, 1999
Statesmanship Award, Claremont Institute, 1999
Sword of Loyola for Service to Country, Respect for Life, and Leadership in Government, Stritch School of Medicine of Loyola University, 1995
Catholic American of the Year, Catholic Campaign for America, 1994
Watchdog of the Treasury Award, annually from 1975 to present. Given to legislators for their votes to curb federal spending.
Guardian of Small Business, given annually by the National Federation of Independent Business for voting record on issues important to America's small and family-owned businesses
Grace Caucus Award, Citizens Against Government Waste
Sound Dollar Award, Free Congress Foundation
National Security Leadership Award, Disabled American Veterans
Distinguished Service Award, Disabled American Veterans
Alumni Medal of Excellence, Loyola University School of Law
Distinguished Citizens Citation, Creighton University, Omaha, Nebraska

RECESS

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 8 o'clock and 56 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2210

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 10 o'clock and 10 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5252, COMMUNICATIONS OPPORTUNITY, PROMOTION, AND ENHANCEMENT ACT OF 2006

Mr. LINCOLN DIAZ-BALART of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 109–491) on the resolution (H. Res. 850) providing for consideration of the bill (H.R. 5252) to promote the deployment of broadband networks and services, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5522, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2007

Mr. LINCOLN DIAZ-BALART of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 109–492) on the resolution (H. Res. 851) providing for consideration of the bill (H.R. 5522) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACA (at the request of Ms. PELOSI) for today before 4:00 p.m. on account of business in the district.

Mr. BISHOP of New York (at the request of Ms. PELOSI) for today and June 8.

Ms. SLAUGHTER (at the request of Ms. PELOSI) for today.

Mr. REYES (at the request of Ms. PELOSI) for today on account of a family illness.

Mr. MANZULLO (at the request of Mr. BOEHNER) for the week of June 6 on account of a family illness.

Mr. OSBORNE (at the request of Mr. BOEHNER) for June 6 and until 2:00 p.m. today on account of official business.

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:)

Ms. PELOSI, for 5 minutes, today.
Mrs. MCCARTHY, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Mr. BROWN of Ohio, for 5 minutes, today.
Ms. WOOLSEY, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. EMANUEL, for 5 minutes, today.
Ms. WASSERMAN SCHULTZ, for 5 minutes, today.
Ms. MCKINNEY, for 5 minutes, today.
Mr. ALLEN, for 5 minutes, today.
Mr. SNYDER, for 5 minutes, today.
Mr. OWENS, for 5 minutes, today.

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

Mr. BURGESS, for 5 minutes, June 8 and 13.
Mr. JONES of North Carolina, for 5 minutes, June 14.
Mr. DUNCAN, for 5 minutes, today.
Mr. FITZPATRICK of Pennsylvania, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. CHABOT, for 5 minutes, today.
Ms. HARRIS, for 5 minutes, today.
Mr. ROHRABACHER, for 5 minutes, today.

ADJOURNMENT

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 11 minutes p.m.), the House adjourned until tomorrow, Thursday, June 8, 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:

7842. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting notification of the Department's intention to close the Defense commissary stores at Giebelstadt and Kitzingen Air Base, Germany on August 1, 2006; to the Committee on Armed Services.

7843. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting a report to Congress on the use of Aviation Career Incentive Pay (ACIP) and Aviation Continuation Pay (ACP) Program for Fiscal Year 2005, pursuant to 37 U.S.C. 301a(a); to the Committee on Armed Services.

7844. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting the Department's report presenting the specific

amounts of staff-years of technical effort to be allocated for each Federally Funded Research and Development Center (FFRDC) during Fiscal Year 2007, pursuant to Public Law 109-148, section 8026(e); to the Committee on Armed Services.

7845. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the annual report to Congress on material violations or suspected material violations of regualtions relating to Treasury auctions and other offerings of securities by Treasury, pursuant to 31 U.S.C. 3121 nt.; to the Committee on Financial Services.

7846. A letter from the Program Analyst, NHTSA, Department of Transportation, transmitting the Department's final rule — Average Fuel Standards for Light Trucks Model Years 2008-2011 [Docket No. 2006-24306] (RIN: 2127-AJ61) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7847. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a supplement to the Department's ''Country Reports on Terrorism: 2005,'' pursuant to 22 U.S.C. 2656f(b); to the Committee on International Relations.

7848. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

7849. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report mandated in the Participation of Taiwan in the World Health Organization Act, 2004 (Pub. L. 108-235), Section 1(c); to the Committee on International Relations.

7850. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report concerning methods employed by the Government of Cuba to comply with the United States-Cuba September 1994 ''Joint Communique'' and the treatment by the Government of Cuba of persons returned to Cuba in accordance with the United States-Cuba May 1995 ''Joint Statement,'' together known as the Migration Accords, pursuant to Public Law 105-277, section 2245; to the Committee on International Relations.

7851. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of the Netherlands (Transmittal No. RSAT-01-06); to the Committee on International Relations.

7852. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2006-14 on Certification on Rescission of Libya's Designation as a State Sponsor of Terrorism; to the Committee on International Relations.

7853. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report providing information on steps taken by the U.S. Government to bring about an end to the Arab League boycott of Israel and to expand the process of normalization between Israel and the Arab League countries, as requested in Section 535 Division D of the Foreign Operations, Export Financing, and Related Programs Appropriations Act for Fiscal Year 2005 (Pub. L. 108-447); to the Committee on International Relations.

7854. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report regarding the amount of acquisitions made by the Department from entities that manufacture articles, materials, or supplies outside of the United States, pursuant to Public Law 108-447, Division H; to the Committee on Government Reform.

7855. A letter from the Secretary, Department of Energy, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2005 to March 31, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7856. A letter from the Acting Inspector General, Department of Defense, transmitting in compliance with the ''Federal Activities Inventory Reform Act of 1998,'' (Pub. L. 105-270, the FAIR Act), the inventory of commercial and inherently government activities for FY 2005; to the Committee on Government Reform.

7857. A letter from the Under Secretary for Management, Department of Homeland Security, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's report on competitive sourcing efforts for FY 2005; to the Committee on Government Reform.

7858. A letter from the Director, Office of Personnel Management, transmitting the Office's report entitled, ''Federal Student Loan Repayment Program FY 2005,'' pursuant to 5 U.S.C. 5379(a)(1)(B) Public Law 106-398, section 1122; to the Committee on Government Reform.

7859. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, ''Letter Report: Review of Relocation and Related OCTO Employees' Expenses Paid For by the Office of the Chief Technology Officer for Fiscal Years 2001 Through 2003''; to the Committee on Government Reform.

7860. A letter from the Chairman, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period October 1, 2005 through March 31, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

7861. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting a copy of draft legislation to reauthorize the U.S. Merit Systems Protection Board for an additional five years, pursuant to 31 U.S.C. 1110; to the Committee on Government Reform.

7862. A letter from the Chairman, U.S. Postal Service, transmitting the semiannual report on activities of the Inspector General for the period ending March 31, 2006 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

7863. A letter from the Executive Director, United States Access Board, transmitting the Board's FY 2005 report, pursuant the requirements of section 203(b) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No Fear Act); to the Committee on Government Reform.

7864. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Captain of the Port Zone Jacksonville, FL [COTP Jacksonville, FL (RIN: 1625-AA87) received May 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7865. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security and Safety Zone; Protection of Large Passenger Vessels, Portland, OR [CGD13-06-019] (RIN: 1625-AA00) received May 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7866. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Portland Rose Festival on Willamette River [CGD13-06-020] (RIN: 1625-AA87) received May 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7867. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Southeast of Ocean City, MD, Atlantic Ocean [COTP Hampton Roads 06-046] (RIN: 1625-AA00) received May 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7868. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Carlos Bay, FL [COTP St. Petersburg 06-066] (RIN: 1625-AA00) received May 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7869. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: M/V ZHEN HUA 1 Crane Delivery Operation, Columbia River, Portland Oregon [CGD13-06-016] (RIN: 1625-AA00) received May 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7870. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Trojan Power Plant Cooling Tower Implosion, Rainier, Oregon [CGD13-06-012] (RIN: 1625-AA00) received May 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7871. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chicago Sanitary and Ship Canal, Romeoville, IL [CGD09-06-018] (RIN: 1625-AA00) received May 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7872. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 1.5NM North of Glass Breakwater, Philippine Sea, GU [COTP Guam 06-004] (RIN: 1625-AA00) received May 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7873. A letter from the Program Analyst, NHTSA, Department of Transportation, transmitting the Department's final rule — Vehicles Built in Two or More Stages [Docket No. NHTSA-2006-24664] (RIN: 2127-AJ91) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7874. A letter from the Program Analyst, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Controls, Telltales and Indicators [Docket No. NHTSA-2006-23651] (RIN: 2127-AJ81) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7875. A letter from the Program Analyst, NHTSA, Department of Transportation, transmitting the Department's final rule — Civil Penalties [Docket No. NHTSA-05-24109;

Notice 2] (RIN: 2127-AJ83) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7876. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Reservation System for Unscheduled Arrivals at Chicago's O'Hare International Airport [Docket No. FAA-2005-19411; SFAR No. 105] (RIN: 2120-AI47) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7877. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Holy Cross, AK [Docket No. FAA-2005-22854; Airspace Docket No. 05-AAL-34] received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7878. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E5 Airspace; Hill City, KS [Docket No. FAA-2005-22745; Airspace Docket No. 05-ACE-31] received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7879. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30491; Amdt. No. 3164] received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7880. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30492; Amdt. No. 3165] received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7881. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Valdez Pioneer Field, AK [Docket No. FAA-2005-22686; Airspace Docket No. 05-AAL-42] received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7882. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Cold Bay, AK [Docket No. FAA-2005-23275; Airspace Docket No. 05-AAL-40] received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7883. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; St. Paul Island, AK [Docket No. FAA-2005-22687; Airspace Docket No. 05-AAL-23] received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7884. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Minchumina, AK [Docket No. FAA-2005-23276; Airspace Docket No. 05-AAK-41] received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7885. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Enroute Domestic Airspace Area; Vandenberg AFB, CA [Docket No. FAA-2005-23271; Airspace Docket No. 05-AWP-15] (RIN: 2120-AA66) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7886. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Kuparuk, AK [Docket No. FAA-2006-23712; Airspace Docket No. 06-AAL-05] received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7887. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Minchumina, AK [Docket No. FAA-2005-23276; Airspace Docket No. 05-AAL-41] received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7888. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Middleton Island, Ak [Docket No. FAA-2006-23711; Airspace Docket No. 06-AAL-04] received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7889. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Galbraith Lake, AK [Docket No. FAA-2005-22857; Airspace Docket No. 05-AAL-37] received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7890. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Herlong, CA [Docket FAA 2004-19684; Airspace Docket 04-ANM-24] received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7891. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Restricted Areas R-3002A, B, C, D, E and F; and Establishment of Restricted Area R-3002G; Fort Benning, GA [Docket No. FAA-2006-23531; Airspace Docket No. 04-AS-14] (RIN: 2120-AA66) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7892. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Mason City Municipal Airport, IA [Docket No. FAA-2006-24370; Airspace Docket No. 06-ACE-3] received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7893. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Removal of Class E Airspace; Paducah Farrington Airpark, KY [Docket No. FAA-2006-24285; Airspace Docket No. 06-ASO-4] received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7894. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Bay St. Louis, MS [Docket No. FAA-2006-23590; Airspace Docket No. 06-ASO-2] received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7895. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Togiak Village, AK [Docket No. FAA-2006-23713; Airspace Docket No. 06-AAl-06] received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7896. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Waters Surrounding U.S. Forces Vessel SBX-1, HI [COTP Honolulu 06-005] (RIN: 1625-AA87) received May 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7897. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Tampa, FL [COTP St. Petersburg 06-063] (RIN: 1625-AA00) received May 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7898. A letter from the Secretary, Department of Energy, transmitting an annual report concerning operations at the Naval Petroleum Reserves for fiscal year 2006, pursuant to 42 U.S.C. 6501 note; jointly to the Committees on Armed Services and Energy and Commerce.

7899. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to Section 634A of the Foreign Assistance Act of 1961, as amended,and Division D, Title V, Section 515 of the Consolidated Appropriations Act, 2005, as enacted in Pub. L. 108-447, notification that implementation of the FY 2006 International Military Education and Training (IMET) program, as approved by the Department of State, requires revisions to the levels justified in the FY 2006 Congressional Budget Justification for Foreign Operations for the enclosed list of countries; jointly to the Committees on International Relations and Appropriations.

7900. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2006-12, waiving and certifying the statutory provisions regarding the Palestine Liberation Organization (PLO) Office, pursuant to Public Law 108-447, section 534(d); jointly to the Committees on International Relations and Appropriations.

7901. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the Millenium Challenge Corporation (MCC)'s fiscal year 2005 obligations and expenditures for assistance provided to each eligible country, as required under the Millenium Challenge Act (Pub. L. 108-199, Section 613); jointly to the Committees on International Relations, the Judiciary, Ways and Means, Resources, and Government Reform.

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. POMBO: Committee on Resources. H.R. 4084. A bill to amend the Forest Service use and occupancy permit program to restore the authority of the Secretary of Agriculture to utilize the special use permit fees collected by the Secretary in connection with the establishment and operation of marinas in units of the National Forest System derived from the public domain, and for other purposes (Rept. 109–490 Pt. 1). Ordered to be printed.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 850.

Resolution providing for consideration of the bill (H.R. 5252) to promote deployment of broadband networks and services (Rept. 109–491). Referred to the House Calendar.

Mr. LINCOLN DIAZ-BALART of Florida Committee on rules. House Resolution 851. Resolution providing for consideration of the bill (H.R. 5522) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2007, and for other purposes (Rept. 109–492). 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. SMITH of Texas (for himself, Mr. HONDA, Mrs. BIGGERT, Mr. GORDON, Mr. KINGSTON, Mr. DOGGETT, Mr. BOEHLERT, Mr. BARTLETT of Maryland, Mr. ENGEL, and Mr. MCCAUL of Texas):

H.R. 5538. A bill to reduce the Nation's dependence on foreign sources of oil by promoting plug-in hybrid electric vehicles and related advanced vehicle technologies; to the Committee on Science.

By Mr. POMBO (for himself, Mr. RAHALL, Mr. GILCHREST, Mrs. DRAKE, Mr. KENNEDY of Minnesota, Mr. DINGELL, and Mr. WELDON of Pennsylvania):

H.R. 5539. A bill to reauthorize the North American Wetlands Conservation Reauthorization Act; to the Committee on Resources.

By Mr. NEUGEBAUER (for himself, Mr. SESSIONS, Mr. POE, Mr. MCCAUL of Texas, Mr. EDWARDS, Mr. MARCHANT, Mr. THORNBERRY, Mr. BONILLA, Mr. CONAWAY, Mr. GENE GREEN of Texas, Mr. SAM JOHNSON of Texas, Mr. BRADY of Texas, Mr. BURGESS, Mr. HINOJOSA, Mr. GONZALEZ, Mr. DOGGETT, Mr. ORTIZ, Mr. PAUL, Mr. HENSARLING, Ms. GRANGER, Mr. HALL, Mr. CULBERSON, Mr. CARTER, Mr. DELAY, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUELLAR, Mr. SMITH of Texas, Mr. GOHMERT, Mr. REYES, Mr. AL GREEN of Texas, and Mr. BARTON of Texas):

H.R. 5540. A bill to designate the facility of the United States Postal Service located at 217 Southeast 2nd Street in Dimmitt, Texas, as the ''Sergeant Jacob Dan Dones Post Office''; to the Committee on Government Reform.

By Mr. BONILLA (for himself, Mr. SMITH of Texas, Mr. BURGESS, Mr. CARTER, Mr. CONAWAY, Mr. GOHMERT, Ms. GRANGER, Mr. HENSARLING, Mr. SAM JOHNSON of Texas, Mr. MARCHANT, Mr. MCCAUL of Texas, Mr. SESSIONS, Mr. THORNBERRY, Mr. NEUGEBAUER, Mr. CULBERSON, Mr. POE, Mr. BARTON of Texas, Mr. HALL, Mr. BRADY of Texas, Mr. PAUL, and Mr. DOOLITTLE):

H.R. 5541. A bill to reform immigration litigation procedures; to the Committee on the Judiciary.

By Mr. CARDOZA:

H.R. 5542. A bill to amend title 18, United States Code, to provide an additional penalty for public officials who abuse their office in furtherance of a felony; to the Committee on the Judiciary.

By Mr. TOM DAVIS of Virginia:

H.R. 5543. A bill to ensure that the average fuel economy achieved by automobiles manufactured after 2016 is no less than 33 miles per gallon, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GENE GREEN of Texas:

H.R. 5544. A bill to provide for the security of critical energy infrastructure; to the Committee on Energy and Commerce.

By Mr. GENE GREEN of Texas:

H.R. 5545. A bill to amend the Public Health Service Act to ensure that projects funded through the National Institutes of Health comply with wage rate requirements commonly referred to as the ''Davis-Bacon Act'', and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INGLIS of South Carolina (for himself, Mr. BARRETT of South Carolina, Mr. BROWN of South Carolina, Mr. CLYBURN, Mr. SPRATT, and Mr. WILSON of South Carolina):

H.R. 5546. A bill to designate the Federal courthouse to be constructed in Greenville, South Carolina, as the ''Carroll A. Campbell, Jr. Federal Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. JINDAL:

H.R. 5547. A bill to direct the Secretary of Homeland Security to establish a Gulf Coast Long-Term Recovery Office to administer amounts available to the Department for providing assistance to the residents of the Gulf Coast region for recovering from Hurricanes Katrina and Rita, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Ms. ZOE LOFGREN of California, Mrs. DAVIS of California, and Mrs. MCCARTHY):

H.R. 5548. A bill to authorize assistance for women and girls in Iraq, and for other purposes; to the Committee on International Relations.

By Mr. MILLER of Florida:

H.R. 5549. A bill to amend title 38, United States Code, to remove certain limitations on attorney representation of claimants for veterans benefits in administrative proceedings before the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GEORGE MILLER of California (for himself, Mr. SPRATT, Ms. SOLIS, Ms. PELOSI, Mr. MCGOVERN, Mr. UDALL of Colorado, Mr. CONYERS, Mrs. MCCARTHY, Mr. GRIJALVA, Mr. LANTOS, and Ms. DELAURO):

H.R. 5550. A bill to provide certain requirements for labeling textile fiber products and for duty-free and quota-free treatment of products of, and to implement minimum wage and immigration requirements in, the Northern Mariana Islands, and for other purposes; to the Committee on Resources, and in addition to the Committee on 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. RENZI (for himself, Mr. CONAWAY, Mr. SHADEGG, Mr. MILLER of Florida, Mr. POE, Mr. PETERSON of Minnesota, Mr. BRADLEY of New Hampshire, Mr. GOODE, Mrs. MUSGRAVE, Mr. KING of Iowa, Mr. ALEXANDER, and Mr. DAVIS of Kentucky):

H.R. 5551. A bill to amend chapter 44 of title 18, United States Code, to amend the requirement that interstate firearms sales by Federal firearms licensees be made in accordance with the State law of the purchaser; to the Committee on the Judiciary.

By Mr. WOLF:

H.R. 5552. A bill to establish a commission to develop legislation designed to reform tax policy and entitlement benefit programs and ensure a sound fiscal future for the United States, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, 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. GOODLATTE (for himself, Mrs. MUSGRAVE, Mr. PETERSON of Minnesota, Mr. UDALL of Colorado, Mr. MORAN of Kansas, Mr. GUTKNECHT, Ms. HERSETH, Mr. POMEROY, Mr. LATHAM, Mr. LAHOOD, Mr. SHIMKUS, Mr. LUCAS, Mr. VISCLOSKY, Mr. INSLEE, Mr. TERRY, and Ms. DELAURO):

H. Con. Res. 424. Concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber; to the Committee on Agriculture, and in addition to the Committees on Energy and Commerce, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. LEACH, Mrs. MYRICK, Mr. BASS, Mr. PORTER, Mr. SIMMONS, Mrs. MUSGRAVE, Mr. FITZPATRICK of Pennsylvania, Mr. WILSON of South Carolina, Mr. DENT, Ms. HARRIS, Mrs. KELLY, Mrs. MILLER of Michigan, Mr. SHAYS, Mr. KELLER, Mr. HEFLEY, Mr. MICA, and Mr. HAYWORTH):

H. Res. 852. A resolution expressing the sense of the House that Members of Congress are not immune from having their offices searched; to the Committee on the Judiciary.

By Mr. LEWIS of Kentucky:

H. Res. 853. A resolution congratulating the Small Business Development Centers of the Small Business Administration on their commitment to service America's small business owners and entrepreneurs; to the Committee on Small Business.

By Mr. GARY G. MILLER of California (for himself, Ms. WATERS, Mr. HINOJOSA, Mr. SCOTT of Georgia, Ms. HARRIS, Ms. MILLENDER-MCDONALD, Mr. KANJORSKI, Mr. NEUGEBAUER, Mr. FRANK of Massachusetts, Mr. NEY, and Mr. OXLEY):

H. Res. 854. A resolution recognizing National Homeownership Month and the importance of homeownership in the United States; to the Committee on Financial Services.

By Mr. ROHRABACHER:

H. Res. 855. A resolution commending the cooperation of important allies in counterterrorist operations, condemning the criticism of such cooperation by the European Parliament, and commending the counterterrorism efforts of the Central Intelligence Agency; to the Committee on International Relations, and in addition to the Committee on Intelligence (Permanent Select), 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.

ADDITIONAL SPONSORS

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

H.R. 208: Mr. GRIJALVA.
H.R. 389: Mr. ENGEL.
H.R. 415: Mr. NEUGEBAUER and Mr. TANCREDO.
H.R. 503: Mr. HAYWORTH.
H.R. 559: Ms. KILPATRICK of Michigan and Ms. BERKLEY.
H.R. 583: Ms. PELOSI, Mr. GOODE, and Mr. WALSH.
H.R. 601: Mr. FALEOMAVAEGA.
H.R. 699: Mr. MURPHY and Mr. DAVIS of Illinois.
H.R. 717: Mr. FORD.
H.R. 783: Mr. RUPPERSBERGER and Mr. RAHALL.
H.R. 792: Mr. ENGEL.
H.R. 874: Mr. THORNBERRY and Mr. EVERETT.
H.R. 881: Mr. AKIN.
H.R. 968: Mr. GRIJALVA.
H.R. 995: Mr. LAHOOD.
H.R. 1175: Mr. GOODE.
H.R. 1264: Mr. BLUMENAUER, Mr. MOORE of Kansas, and Mr. MCHUGH.
H.R. 1366: Mr. BERRY.
H.R. 1384: Mr. RAHALL, Mr. DAVIS of Kentucky, Mr. POE, Mr. BERRY, and Mrs. EMERSON.
H.R. 1424: Mr. ENGEL.
H.R. 1447: Mr. PRICE of North Carolina.
H.R. 1549: Mr. WELDON of Pennsylvania and Mr. SANDERS.
H.R. 1697: Mr. AL GREEN of Texas.
H.R. 1816: Mr. PICKERING.
H.R. 1898: Mr. BOSWELL and Ms. GRANGER.
H.R. 2061: Mr. CRAMER.
H.R. 2231: Mr. SHUSTER, Mr. BLUMENAUER, Mr. MARSHALL, and Ms. KILPATRICK of Michigan.
H.R. 2646: Mr. BACHUS, Mr. BARTLETT of Maryland, Ms. SOLIS, Mr. HIGGINS, Mr. SIMMONS, and Mr. JINDAL.
H.R. 2694: Ms. JACKSON-LEE of Texas.
H.R. 2730: Mr. SHAYS and Mr. SAXTON.
H.R. 2861: Mrs. WILSON of New Mexico.
H.R. 2962: Mrs. DAVIS of California.
H.R. 3312: Mr. MOORE of Kansas.
H.R. 3380: Mr. FILNER.
H.R. 3427: Mr. BRADY of Pennsylvania, Ms. DELAURO, and Mr. MEEKS of New York.
H.R. 3476: Mr. CALVERT, Mr. SWEENEY, and Ms. ROS-LEHTINEN.
H.R. 3478: Mr. KINGSTON and Mr. BACA.
H.R. 3628: Mr. MURTHA.
H.R. 3760: Mr. MORAN of Virginia, Mr. LARSON of Connecticut, Mr. HASTINGS of Florida, Mr. ANDREWS, Mr. AL GREEN of Texas, Ms. MILLENDER-MCDONALD, and Mr. CLYBURN.
H.R. 3852: Mr. JACKSON of Illinois and Mr. ABERCROMBIE.
H.R. 3928: Mr. MCHUGH.
H.R. 4033: Mr. EMANUEL.
H.R. 4045: Mrs. LOWEY.
H.R. 4063: Ms. MOORE of Wisconsin.
H.R. 4092: Mr. JACKSON of Illinois.
H.R. 4188: Mr. OLVER and Mr. PRICE of North Carolina.
H.R. 4325: Mrs. KELLY.
H.R. 4381: Mr. FITZPATRICK of Pennsylvania, Mr. MANZULLO, Mr. PLATTS, and Mr. WEXLER.
H.R. 4403: Mr. LEVIN, Mr. ALLEN, Mr. MICHAUD, Mr. CAMP of Michigan, and Mr. MCDERMOTT.
H.R. 4408: Mr. DAVIS of Kentucky.
H.R. 4446: Ms. GRANGER.
H.R. 4573: Ms. MCKINNEY.
H.R. 4621: Mr. NORWOOD, Ms. HARRIS, and Mr. CARTER.
H.R. 4712: Mr. WU.
H.R. 4767: Ms. JACKSON-LEE of Texas.
H.R. 4824: Mr. FRANK of Massachusetts.
H.R. 4843: Mr. FALEOMAVAEGA.
H.R. 4857: Mrs. MUSGRAVE, Mr. HAYWORTH, Mr. BROWN of South Carolina, and Mr. GIBBONS.
H.R. 4894: Mrs. WILSON of New Mexico, Mr. BASS, Mr. PUTNAM, Mr. POE, Mr. FERGUSON, Mr. SHIMKUS, and Mr. ISSA.
H.R. 4901: Mr. ABERCROMBIE.
H.R. 4903: Mr. SANDERS.
H.R. 4914: Mr. STRICKLAND, Mr. ISRAEL, and Mr. CONYERS.
H.R. 4932: Mr. BOSWELL.
H.R. 4982: Mrs. MALONEY and Mr. EMANUEL.
H.R. 5005: Mr. ALEXANDER, Mr. EVERETT, Mr. KELLER, and Mr. ENGLISH of Pennsylvania.
H.R. 5013: Mr. BISHOP of Georgia, Mr. GENE GREEN of Texas, Mr. KELLER, Mr. TANCREDO, Mr. DAVIS of Kentucky, Mr. BARTON of Texas, Ms. GRANGER, Mr. HULSHOF, Mr. RYUN of Kansas, Mrs. DRAKE, Mrs. EMERSON, Mr. BOYD, and Mr. GALLEGLY.
H.R. 5024: Mr. SHAYS and Mr. GILLMOR.
H.R. 5052: Mr. TIERNEY, Mr. PASTOR, and Ms. MATSUI.
H.R. 5057: Mr. FORTUÑO.
H.R. 5100: Mrs. KELLY.
H.R. 5134: Ms. DEGETTE, Mr. ETHERIDGE, Mr. ROTHMAN, and Mr. LARSEN of Washington.
H.R. 5139: Ms. JACKSON-LEE of Texas and Mr. ALLEN.
H.R. 5140: Mr. PAYNE and Ms. JACKSON-LEE of Texas.
H.R. 5182: Ms. JACKSON-LEE of Texas, Mr. DAVIS of Florida, Mr. REYES, Mr. BAKER, Mr. GRAVES, Mr. TAYLOR of North Carolina, Mr. FRANK of Massachusetts, and Mr. JENKINS.
H.R. 5200: Mr. EMANUEL, Mr. LARSEN of Washington, Mrs. KELLY, Ms. JACKSON-LEE of Texas, Mr. MURTHA, and Mr. DEFAZIO.
H.R. 5201: Mr. MORAN of Virginia, Ms. WASSERMAN SCHULTZ, Ms. MATSUI, Mr. HASTINGS of Florida, Mr. MEEK of Florida, Mr. LIPINSKI, Ms. HERSETH, Mr. SHAW, and Mr. THORNBERRY.
H.R. 5206: Mr. WILSON of South Carolina, Mr. GORDON, Mr. FILNER, and Mr. FORD.
H.R. 5208: Mr. MCCOTTER.
H.R. 5230: Mr. MARIO DIAZ-BALART of Florida.
H.R. 5238: Mr. LARSEN of Washington and Mr. DUNCAN.
H.R. 5249: Mrs. BLACKBURN, Mr. FLAKE, Mr. GARRETT of New Jersey, and Mr. JENKINS.
H.R. 5255: Mr. DUNCAN.
H.R. 5262: Mr. BARRETT of South Carolina, Mr. MCHENRY, Mr. GUTKNECHT, Mr. AKIN, Mr. KINGSTON, and Mr. RYUN of Kansas.
H.R. 5289: Mr. MANZULLO.
H.R. 5312: Mrs. WILSON of New Mexico.
H.R. 5315: Ms. JACKSON-LEE of Texas.
H.R. 5321: Mr. MICHAUD and Mr. PAYNE.
H.R. 5332: Mr. CONYERS and Mr. MCGOVERN.
H.R. 5337: Ms. BEAN, Mr. COBLE, Mr. FEENEY, Mr. LEACH, and Mr. MATHESON.
H.R. 5346: Mr. MCCOTTER, Mr. FORD, and Mr. JEFFERSON.
H.R. 5363: Mr. ABERCROMBIE and Mr. GOHMERT.
H.R. 5364: Mr. STARK.
H.R. 5405: Mr. GOODLATTE and Mr. KING of Iowa.
H.R. 5431: Mr. PETERSON of Minnesota and Ms. HERSETH.
H.R. 5453: Mr. REHBERG, Mr. MANZULLO, and Mr. WAMP.
H.R. 5457: Mr. FORBES, Mr. JONES of North Carolina, Mr. BONILLA, Mr. CARTER, Mr. NORWOOD, Mr. ISTOOK, Mr. SAM JOHNSON of Texas, Mr. CULBERSON, Mr. NEUGEBAUER, Mr. FLAKE, Mr. TIAHRT, Mr. MARCHANT, Mr. WELDON of Florida, Mr. GARY G. MILLER of California, Mrs. CUBIN, Mr. KLINE, Mr. LUCAS, and Mr. CONAWAY.
H.R. 5458: Mr. HINOJOSA.
H.R. 5464: Mr. KLINE and Mrs. CUBIN.
H.R. 5474: Mr. SESSIONS.
H.R. 5499: Mr. RAHALL, Mr. BUTTERFIELD, Mr. CASE, Mr. WAMP, and Mr. BRADY of Pennsylvania.
H.R. 5533: Mr. BURGESS.
H.R. 5536: Mr. BASS, Ms. JACKSON-LEE of Texas, and Mr. BROWN of South Carolina.
H.J. Res. 86: Mr. PITTS.
H.J. Res. 88: Mr. FLAKE, Mr. FORTENBERRY, Mr. GRAVES, Mr. JINDAL, Mr. KENNEDY of Minnesota, Mr. KLINE, Mr. DANIEL E. LUNGREN of California, and Mr. MARSHALL.
H. Con. Res. 404: Mr. FILNER and Mr. SHAYS.
H. Con. Res. 407: Mr. MURPHY.
H. Con. Res. 409: Mrs. TAUSCHER.
H. Con. Res. 416: Mr. OWENS, Mr. WYNN, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. BURGESS, Mr. AL GREEN of Texas, Mr. BISHOP of Georgia, Mr. LARSEN of Washington, and Mr. CLEAVER.
H. Res. 490: Ms. LINDA T. SÁNCHEZ of California.
H. Res. 688: Ms. JACKSON-LEE of Texas.
H. Res. 723: Mr. PRICE of North Carolina, Mr. SHAYS, and Mr. DOGGETT.
H. Res. 776: Mr. UDALL of Colorado.
H. Res. 777: Mr. JACKSON of Illinois and Mr. MEEKS of New York.
H. Res. 786: Mr. BURTON of Indiana, Mr. FOSSELLA, and Mr. BISHOP of Georgia.
H. Res. 793: Mr. NORWOOD.
H. Res. 794: Ms. BORDALLO, Mr. SHERMAN, and Ms. BERKLEY.
H. Res. 800: Mr. SMITH of Washington.
H. Res. 826: Mr. SCOTT of Virginia, Mr. DENT, Mr. CANTOR, Ms. HARMAN, Mr. TAYLOR of Mississippi, Mr. MATHESON, Mr. SOUDER, Mr. HAYES, Mr. COBLE, Mrs. BIGGERT, Mr. HAYWORTH, Mr. MARSHALL, Mr. LYNCH, Mr. FRANKS of Arizona, Mr. BROWN of Ohio, Ms. WOOLSEY, Mr. CUMMINGS, Mr. PENCE, Mr. ADERHOLT, Mr. WYNN, Mr. DAVIS of Tennessee, Mr. RAHALL, Mr. NADLER, Mr. JEFFERSON, Mr. AL GREEN of Texas, Mr. CLEAVER, Mr. WEINER, Ms. WATSON, Mr. DUNCAN, Mr. FITZPATRICK of Pennsylvania, and Mr. ALLEN.
H. Res. 838: Mrs. SCHMIDT.
H. Res. 844: Mr. UDALL of Colorado.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 5230: Mr. TOWNS.

AMENDMENTS

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

H.R. 5522

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 1: In the item relating to ''DEVELOPMENT ASSISTANCE'', after the aggregate dollar amount, insert the following: ''(increased by $250,000,000)''.

In the item relating to ''FOREIGN MILITARY FINANCING PROGRAM'', after the aggregate dollar amount, insert the following: ''(reduced by $250,000,000)''.

H.R. 5522

OFFERED BY: MS. GINNY BROWN-WAITE OF FLORIDA

AMENDMENT NO. 2: Page 23, line 11, after the dollar amount, insert the following: ''(reduced to $0)''.

H.R. 5522

OFFERED BY: MS. GINNY BROWN-WAITE OF FLORIDA

AMENDMENT NO. 3: At the end of the bill (before the short title), insert the following:

LIMITATION ON INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT ASSISTANCE FOR MEXICO

SEC. 5xx. Of the funds appropriated in this Act under the heading ''INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT'', not more than $39,000,000 may be available for assistance for Mexico.

H.R. 5522

OFFERED BY: MR. CULBERSON

AMENDMENT NO. 4: At the end of the bill (before the short title), insert the following:

LIMITATION ON ASSISTANCE FOR MEXICO

SEC. ____. None of the funds made available in this Act may be used for assistance for Mexico.

H.R. 5522

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 5: At the end of the bill (before the short title), insert the following:

LIMITATION ON ECONOMIC SUPPORT FUND ASSISTANCE FOR MEXICO

SEC. 5xx. None of the funds made available in this Act under the heading ''ECONOMIC SUPPORT FUND'' may be used to provide assistance for Mexico.

H.R. 5522

OFFERED BY: MR. LYNCH

AMENDMENT NO. 6: Page 4, line 10, after the dollar amount, insert the following: ''(reduced by $10,000,000)''.

Page 38, line 20, after the dollar amount, insert the following: ''(increased by $10,000,000)''.

H.R. 5522

OFFERED BY: MR. MCGOVERN

AMENDMENT NO. 7: In the item relating to ''ANDEAN COUNTERDRUG INITIATIVE'' (page ____, line ____), after the aggregate dollar amount, insert the following: ''(reduced by $30,000,000)''.

In the item relating to ''UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND'' (page ____, line ____), after the dollar amount, insert the following: ''(increased by $30,000,000)''.

H.R. 5522

OFFERED BY: MR. MCGOVERN

AMENDMENT NO. 8: At the end of the bill (before the short title), insert the following:

LIMITATION ON ASSISTANCE FOR THE WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION

SEC. 5xx. None of the funds made available in this Act may be used for programs at the Western Hemisphere Institute for Security Cooperation located at Fort Benning, Georgia.

H.R. 5522

OFFERED BY: MRS. MUSGRAVE

AMENDMENT NO. 9: At the end of the bill (before the short title), insert the following:

LIMITATION ON ASSISTANCE TO COUNTRIES THAT PROHIBIT THE IMPORTATION OF UNITED STATES BEEF

SEC. 5xx. None of the funds made available in this Act may be used to provide assistance to any country identified by the Department of Agriculture as a country that prohibits the importation of United States beef from animals less than 30 months of age.

H.R. 5522

OFFERED BY: MR. POE

AMENDMENT NO. 10: At the end of the bill (before the short title), insert the following:

REDUCTION IN APPROPRIATIONS

SEC. 5xx. Appropriations made in this Act are hereby reduced in the amount of $597,000,000.

H.R. 5522

OFFERED BY: MR. POE

AMENDMENT NO. 11: At the end of the bill (before the short title), insert the following:

LIMITATION ON ASSISTANCE TO CERTAIN COUNTRIES

SEC. 5xx. None of the funds made available in this Act may be used to provide assistance to any country the government of which does not accept the transfer from the United States of citizens or nationals of such country who have been issued a final removal order by U.S. Immigration and Customs Enforcement.

H.R. 5522

OFFERED BY: MR. TERRY

AMENDMENT NO. 12: At the end of the bill (before the short title), insert the following:

LIMITATION ON FUNDS

SEC. 5xx. None of the funds made available in this Act may be used in contravention of section 2320(a) of title 18, United States Code.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, WEDNESDAY, JUNE 7, 2006 *No. 71*

Senate

The Senate met at 9 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

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

Let us pray.

Great Shepherd of us all, remind us that You will not permit us to be tested beyond our strength. Inspire us in the face of great challenges by the fact that You have weighed the difficulties and will give us the power to meet them. Make us grateful for the opportunities to express our love for You by cheerfully bearing our crosses.

Strengthen our Senators. Do not remove their mountains, but give them the energy to climb them. Lead them around life's stumbling blocks to a destination that brings glory to You.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK 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, June 7, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BROWNBACK thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

MARRIAGE PROTECTION AMENDMENT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S.J. Res. 1, which the clerk will report.

The bill clerk read as follows:

Motion to proceed to the consideration of S.J. Res. 1, proposing an amendment to the Constitution of the United States relating to marriage.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 9:40 shall be equally divided between the two leaders or their designees.

RECOGNITION OF THE MAJORITY LEADER

The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will have a brief period for closing remarks prior to the 10 a.m. vote on the Marriage Protection Amendment. That vote will be on a vote for cloture on the motion to proceed to S.J. Res. 1.

Following the 10 o'clock vote, the Senate will recess in order to attend a joint meeting with the House for the President of the Republic of Latvia, who will be addressing both Houses at 11 o'clock this morning. Senators should remain in the Chamber following the vote so we may leave at approximately 10:40 for that joint meeting.

When we return at noon, we have set aside debate times on two issues. First, from 12 o'clock to 3 o'clock, we will be debating the motion to proceed to the repeal of the death tax. A cloture motion was filed on proceeding to the death tax repeal. That vote will occur tomorrow morning. We have also set aside debate from 3 o'clock to 6 o'clock on the motion to proceed to the Native Hawaiians measure. The cloture vote will occur on that motion to proceed during tomorrow's session, as well.

I add that this week we have other matters to consider, including some nominations. We hope to reach agreements to consider Sue Schwab to be U.S. Trade Representative, the Assistant Secretary of Labor for Mine Safety and Health, and several available district judges who are on the Executive Calendar. We will be scheduling those for consideration through the remaining days this week.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

VOTING

Mr. REID. Mr. President, my only response would be on this side of the aisle, we will be voting on the estate tax.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, we will shortly be voting on what will presumably be the 28th amendment to the U.S. Constitution. We all know the outcome of that vote. The amendment will fall well short of the 60 votes required for cloture, let alone the 67 votes required to pass a constitutional amendment, so it will fail, as it did 2 years ago. I am pleased that the Senate will reject this amendment.

I am heartened so many Senators have come to the Senate to speak out strongly against this misguided proposal, but I am saddened that once again the Senate has spent several

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

Printed on recycled paper.

days on such a divisive and unneeded proposal, a proposal that pits Americans against one another. I think it appeals to people's worst instincts and prejudices.

The arguments made by supporters of the amendment simply do not hold up under scrutiny. Supporters argue that Federal courts are basically on the brink of recognizing same-sex marriage and that States may be forced to recognize same-sex marriage performed in other States. Of course, neither of these things have happened, and no one has explained why we should do a preemptive strike on the basic governing document of the country to address a hypothetical future court decision.

Supporters talk about traditional marriage but in some ways have very little respect for the traditional role of the States in regulating marriage. If they did, they would not be trying to impose a restrictive Federal definition of marriage on all States for all time. The supporters argue that this amendment will not effect the ability of State legislatures to extend benefits to same-sex couples or enact civil unions, but as I tried to point out in some depth yesterday, even the legal experts who would support this constitutional amendment cannot even agree about its potential effect and scope. We are not talking about putting together a statute; we will put this into the Constitution.

Supporters rail against activist judges. But if this vaguely worded amendment ever passes, it will result in substantial litigation. What are the legal incidents of marriage? Is a civil union a marriage in all but name and therefore subject to the amendment? Judges would have to answer these and other questions that the supporters of the amendment have so far failed to resolve. There is certainly a rich irony in that.

We have heard moving speeches, and I do not doubt the sincerity of the speakers, about the central role and volume of marriage in our society. What I still do not understand, and what the supporters of the amendment have failed to demonstrate, is why we should prevent States from deciding to open this institution to men and women who happen to be gay and lesbian all over the country.

Married heterosexual couples are shaking their heads and wondering, how, exactly, the prospect of gay marriages threatens the health of their marriages.

This amendment would make a minority of Americans permanent second-class citizens of this country. It would prevent States, many of which are grappling with the definition of marriage, from deciding that gays and lesbians should be allowed to marry. It may even prevent States from offering certain benefits of marriage to same-sex couples through civil union or domestic partnership legislation. And it would write discrimination into a document that has served as a historic guarantee of individual freedom.

Gay Americans are our neighbors, our friends, our family members, and our colleagues. Millions are loving parents in strong and healthy families. Let's not demonize them. Let's not play upon fears. Let's not use them as scapegoats for perceived social problems. Let's allow—in fact, let's encourage—States to extend rights and responsibilities to these decent, loving, law-abiding families. We can start today by rejecting this unnecessary, mean-spirited and poorly drafted constitutional amendment.

I yield the floor and suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

Mr. FEINGOLD. Mr. President, I ask the time during the quorum call be equally divided on both sides.

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

Mr. FEINGOLD. I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

Mr. BROWNBACK. How much time is remaining on our side of the aisle?

The PRESIDING OFFICER. There is 14½ minutes.

Mr. BROWNBACK. I ask when 7½ minutes have been used, I be informed.

The PRESIDING OFFICER. The Chair will inform the Senator.

Mr. BROWNBACK. Mr. President, if Members of the Senate vote as their States have voted on this amendment, the vote today will be 90 to 10 in favor of a constitutional amendment. Forty-five States have defined marriage as the union of a man and a woman.

I want to show my colleagues an outdated map. It shows the number of States that have weighed in on the topic of marriage. Yesterday, Alabama voted by 81 percent to define marriage as the union of a man and a woman. The dark green States are those that have already passed; light green are those where it is pending, and only five States have not defined marriage as a union between a man and a woman. So if Senators would represent their States, this amendment would pass 90 to 10. It would pass with the definition of marriage as the union of a man and a woman. And if anybody wants to define it otherwise, it will have to go through the State legislature, not the courts.

So there is nothing to oppose in this amendment. If your State wanted to go at it by a different route, it says it has to go through the legislature. It can't be forced by the court. What is wrong with that?

I find it a sad prospect that we might not be able to pass this 90 to 10. Marriage is a foundational institution. It is under attack by the courts. It needs to be defended in this way by defining it as the union of a man and a woman as 45 of our 50 States have done. If it is going to be defined otherwise, it must be done by the legislatures and not by the courts.

This morning we are going to vote on a constitutional amendment to define marriage as the union of a man and a woman. This is about who is going to determine the definition, whether it is the courts or the legislative bodies. The amendment is about how we are going to raise the next generation. How are they going to be raised? It is a fundamental issue for our families and for our future. It is an issue for the people. It is not an issue that the courts should resolve. Those of us who support this amendment are doing so in an effort to let the people decide.

There has been a lot of eloquent debate about this constitutional amendment. I have been on the Senate floor most of the time. I have heard very little debate against the amendment. I have heard a lot of people complaining that we ought to take up something else, that this is not so important. I look at it and say, we have this many States that have deemed it important enough that they would put it on their ballots. This is important. We have had basically one, two, maybe three speakers say they really question the amendment, but most of them say we shouldn't spend our time on this amendment. We shouldn't spend our time on the estate tax. They don't mention the native Hawaiian bill that is coming up, or suggest that we should not spend our time on that.

We are going to have this vote. People are going to be responsible for this vote. We are making progress in America on defining marriage as the union of a man and a woman, and we will not stop until it is defined and protected as the union of a man and a woman. We have far more States now that have voted on this issue than the last time we voted on it. We now have far more court challenges taking place to this fundamental definition of how we look at the union of marriage.

Marriage is about our future. I continue to be struck by the opponents of this amendment who say it is an effort to promote discrimination. The amendment is about promoting our future, our families, how we raise that next generation, and about allowing a definition of a fundamental institution to be made by the people rather than by the courts.

I have shown a number of charts demonstrating that the best situation for our children to be raised is in a home with a mother and father. Children need these two parents. It is not

that you can't raise good children in a single-parent household; you can. Many struggle heroically to do so. Yet we know from all the data that the best place is with a mother and father. Children do best academically and socially, and they are more likely to be raised in financially stable homes when a mother and father are both present.

More importantly, they have the security of knowing there are two people in their lives who provide security and stability, two people who provide something, each differently, but that is very important.

These two people become one. They are united. They become one bonded together. This past weekend, my mother-in-law and father-in-law celebrated 56 years of marriage. While often they may disagree with one another—sometimes pretty heatedly, sometimes one could call it almost barking at each other—they are inseparable. They are one. It is a beautiful thing to see. It is the way that we should uphold these institutions. Their children and their grandchildren and great-grandchildren get to see these two people, two old trees leaning against each other, holding each other up, physical bodies not anything near what they used to be, but supporting and helping and setting a foundation for all future generations to look at and say: That is the way it ought to be done.

Life hasn't always been easy for them. There have been difficulties through time. They have had some hardships, working together. My father-in-law has done very well, served in Korea, during which time they were separated by many miles.

My parents have been married over 50 years. You look at them and say: That is the way it should be, where two become one. Out of that union comes more people, more children, raised with a solid set of foundational values that you hope can be good citizens. We are all going to have difficulties and problems, but isn't that something that we can do and we should do for the next generation?

We have an important issue in front of us, the definition of marriage. We have a country that is watching and that knows what they believe marriage should be defined as, the union of a man and a woman, as 45 States have defined it. The courts are moving otherwise. We say let the legislatures decide, and that it is an important issue, meritorious of our vote.

To those who oppose this amendment, I think they will have to explain to a lot of people why they oppose marriage as the union of a man and a woman and why they don't think the State legislatures should be the ones responsible for defining this but, rather, that this should be defined by the courts. I don't think their position is across America.

This is important. I hope my colleagues support this constitutional amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. ALLARD. Mr. President, I begin by thanking the majority leader and the 32 cosponsors of S.J. Res. 1, the Marriage Protection Amendment. I thank the Senator from Kansas for his leadership, courage, and for standing in support with me of marriage.

We as Senators are called to duty to debate this issue today out of respect for the democratic process. The voice of the people has been heard loud and clear. Marriage is the union of a man and a woman.

It has been heard in the 20 States with constitutional amendments passed by an average of over 70 percent of voters. It has been heard in the 26 States with statutes protecting traditional marriage. It has been heard in 45 States and in this Congress.

Unfortunately, dissatisfied with the outcome of the democratic process, a handful of activists have launched a carefully coordinated campaign to circumvent the democratic process and redefine marriage through the courts.

As a result, I introduced S.J. Res. 1, an amendment to the Constitution, that simply defines marriage as a union of a man and a woman, while leaving all other issues of civil unions or domestic partnerships to the States. I am pleased the issue has this week been debated in a democratically elected and deliberative body—where it belongs.

Throughout the course of the past 2 days, I have heard countless arguments in favor of marriage from both sides of the aisle. Surprisingly, many of the same people making those arguments will not vote for our amendment to protect marriage.

Equally as surprising, notwithstanding their opposition, I heard few arguments opposing my amendment on the merits. Instead, most of those opposed to the amendment shifted the debate to issues other than the pending business. I suspect these shifts were meant to divert attention away from their intent to vote differently than an average of 70 percent of their constituents do when they vote on the issue of same-sex marriage at home.

While other issues are without a doubt very important, the Senate has and continues to devote considerable time and will likely devote even more time to debate on these important issues this year. With the overwhelming support that was voiced on this floor for the institution of marriage, one would think that addressing the nationwide attack on marriage that is underway would warrant at least 1 full day of debate on the issue.

The one tack taken by those opposed to the amendment most closely resembling an argument on the merits came in the form of States rights. While well meaning, the argument is unfounded.

First, my amendment actually protects States rights. Same-sex advocates have, through the courts, systematically and successfully trampled on laws democratically enacted in the States. My amendment takes the issue out of the hands of a handful of activist judges and puts it squarely back in the hands of the States.

Secondly, the process to amend the Constitution is the most democratic, federalist process in all our government. It is neither an exclusively Federal nor an exclusively State action. It is the shared responsibility of both. Once passed by the Congress, legislatures in all 50 States will have the opportunity to debate and decide this issue for themselves.

Finally, under my amendment, States remain free to address the issue of civil unions and domestic partnerships. Citizens acting through their State legislatures can bestow whatever benefits to same-sex couples they choose. The real danger to States rights would be to do nothing and to acquiesce to the recognition of unenumerated constitutional rights in which the States have had no participation.

The truth is, the Constitution will be amended whether we pass this bill or not. The only question is whether it will be amended through the amendment process or by unaccountable activist judges. If we fail to redefine marriage, the courts will not hesitate to do it for us.

I, for one, believe the institution of marriage and the principles of democracy are too precious to surrender to the whims of a handful of unelected activist judges. I urge my colleagues to join me in my stand for democracy and marriage by voting yes on S.J. Res. 1, the Marriage Protection Amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, one of the first things a Member of the Senate should learn is humility, humility when it comes to some of the documents that guide our Nation. We certainly understand the Constitution we are sworn to uphold and defend is a treasured document which has guided us for over two centuries. I, for one, come to the subject of amending this Constitution with real humility. I think it is bold of some of my colleagues to believe that their handiwork, their words, could stand the test of time, could be measured against the work product of Thomas Jefferson and the greats in American history.

This matter before us today is an attempt by some of my colleagues to amend the Constitution, to change the document which has guided America for so long. I have seen a lot of these amendments come and go as a member of the Judiciary Committee. Some of them, frankly, couldn't even make it

through the committee, let alone on the Senate floor or be sent to legislatures for approval.

But still Members come forward with a variety of ideas. Today, we consider the so-called Marriage Protection Amendment. My friend, my colleague from Colorado, Senator ALLARD, the lead sponsor of it, says this amendment will not infringe on the rights of States to determine the status of different relationships. Yet let me read the language of his amendment:

> Neither this Constitution, nor the Constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.

So if my State of Illinois decides to establish a domestic partnership law and say that two people of the same gender can live together and share health insurance and can be in a relationship where there would be a guarantee that they would have access to visit one another in times of hospitalization and sickness, where property rights could be established, is that a legal incident of married life? Most people would say yes. Clearly, this language says it would be prohibited. So what we have here goes far beyond the concept of marriage. We have to take care not to put language in this Constitution that will come back to haunt us.

I step back, too, and look at this debate and wonder, why are we here on the floor of the Senate doing this? Why are we debating this issue above all others? Why are we taking virtually a week of Senate business time to debate the issue of gay marriage? I think it goes back to a statement made by President Bush a couple weeks ago on the issue of immigration. This is what he said:

> We cannot build a unified country by inciting people to anger, or playing on anyone's fears, or exploiting [an] issue . . . for political gain.

He was referring to the issue of immigration, but the standard is a good one. We have a responsibility to unite America and not divide it.

Mr. President, I wish you could hear the telephone calls to my office. The people calling in support of this amendment—many of them—are very courteous and ask me to vote for the amendment. But, sadly, so many of them call spewing their hatred and bigotry of people of different sexual orientation. You think to yourself, is this good for America? Is it good for us to have this sort of angry display brought out by our actions on the floor of the Senate at a time when we know this constitutional amendment will not be enacted by the Senate? Nobody believes it will receive the 67 votes that are necessary for final passage, and few believe it will even come close to the 60 votes necessary on a cloture motion. Yet we come today, as we have times before, to bring up this issue.

This debate is not about the preservation of marriage. This debate is about the preservation of a majority. The Republican majority believes that if they can bring these issues which fire up their political base to the floor, they will have better luck in the November election. So at the risk of dividing America, at the risk of putting language in the Constitution that could not stand the test of time, they will take the time of the Senate and engage us in this debate. That is unfortunate when you think of so many other things we should be dealing with.

Would this not have been a great week to deal with energy policy and reducing our dependence on foreign oil, to make America less dependent upon the Middle East and the foreign powers that push us around because we need their oil to propel our economy? Would this not have been a perfect week to debate affordable and accessible health care for every single American? Would this not have been a perfect week for us to decide what in the 21st century we need to do to make sure our schools prepare our citizens to continue to lead in this world? Would this not have been an important week for us to come together and have a meaningful debate on the war in Iraq which has claimed 2,476 of our best and bravest young men and women?

No. The Republican majority said no. They said this is a perfect week for us to come together and discuss a flawed amendment to the Constitution, for us to come together on an issue that, sadly, divides us rather than unites us as Americans, and to take that time off the Senate calendar. I think it is very clear that this is not a voter priority. It is not an American priority. When the American people were asked in a Gallup Poll in April, ''What do you think is the most important problem facing this country today,'' this issue came in at No. 33. But for Senator FRIST and the Republican majority, it is No. 1 this week. I think most people realize there is political motivation here and that is what it is all about.

We should also consider the reality that this is clearly a State issue. States have always established the standards for marriage. That has been the tradition in American law, a tradition which would be upset and voided by this amendment. Each State may have slightly different standards.

A few years ago, under a Democratic President, Congress passed the Defense of Marriage Act. The Defense of Marriage Act said that no State would be compelled to recognize the standards of another State when it came to same-sex marriage. Now, that means in the State of Massachusetts, where gay marriage is allowed, they can make that decision. The people in that State can validate that decision and courts can approve that decision, but they cannot impose that decision on Kansas, Colorado, Illinois, or Alabama.

The Defense of Marriage Act has never been successfully challenged, never been overturned, and it is the law of the land. But it is not good enough for those who propose this amendment. They want more. I believe that is unfortunate. It is unfortunate when we consider that we are taking the precious time of the Senate on an issue which we should not be considering at this moment. The Republican leadership ought to listen to First Lady Laura Bush. She was asked about this amendment last month on ''FOX News Sunday''—the fair and balanced FOX, remember that? This is what she said:

> I don't think it should be used as a campaign tool, obviously.

That sentiment was echoed last month by the daughter of Vice President CHENEY. This is what she said:

> I certainly don't know what conversations have gone on between Karl [Rove] and anybody up on the Hill, but . . . this amendment . . . is writing discrimination into the Constitution and . . . it is fundamentally wrong.

Now consider the wise words of another former Senator, a loyal Republican, John Danforth of Missouri—a conservative man, but he opposes this amendment. He said this in a recent speech:

> Some historian should really look at all of the proposals that have been put forth throughout the history of our country for possible constitutional amendments. Maybe at some point in time there was one that was sillier than this one, but I don't know of one.

In fact, over 11,000 constitutional amendments have been proposed by Members of Congress throughout our history. Only 17 of them actually passed into the Bill of Rights. Why? Because amending our Constitution should take place under only the most extraordinary circumstances. We should amend it only when it is essential to protect the rights and liberties of the American people.

I am joined in this belief not only by Democrats but by Senator Danforth, the Vice President's daughter, the First Lady, and by many true conservatives.

Listen to what Steve Chapman, a libertarian writer from the Chicago Tribune, wrote:

> If there is anything American conservatives should revere, it's the U.S. Constitution, a timeless work of political genius. Having provided the foundation for one of the freest societies and most durable democracies on Earth, it shouldn't be altered lightly or often.

As United States Senators, we take an oath. We solemnly swear to support and defend this Constitution. I believe part of that oath requires us to take care when it comes to changing the Constitution.

I have listened to some of the debate on the floor. The Presiding Officer from Kansas spoke yesterday about marriage in America. I think it is a legitimate concern. America's strength is its families. The family of Americans has been the model—the goal, really—and the leadership of our Nation. But to argue for this amendment, suggesting that the increase in births to unmarried women is somehow

linked to gay marriage—I don't understand that connection in any way whatsoever. To suggest that lower income level people are less likely to marry and that has something to do with gay marriage—I don't understand that connection, either.

If we are truly going to strengthen the American family, would we not want to increase the minimum wage in America, which hasn't been increased by this Republican Congress in 9 years? Would we not want to provide basic health insurance to families so they can have peace of mind when their children get sick? Would that not strengthen families? Would we not want to make sure we have good-paying jobs in America that create opportunities so people can look ahead with optimism? Would that not strengthen families and our country? Instead, we have the gay marriage amendment.

In the State of Kansas, the former Republican State chairman has decided to become a Democrat. He said he was tired of the culture wars the Republican Party tended to always want to fight. We saw it here in the Congress last year when the House Republicans were in trouble and they brought up the tragic case of Terri Schiavo—an invasion of the Federal Government into the most personal, private decision a family could face. Now, again, facing political difficulty, they bring up this Federal marriage amendment. It will not pass today. We must set it behind us and move forward on the important agenda the American people sent us to Washington to work on. Let us do it in the spirit that President Bush reminded us of a few weeks ago—building a unified country, not inciting people to anger or playing on anyone's fears or exploiting an issue for political gain.

I hope my colleagues will join me in opposing amending the Constitution, despite the best efforts of those who bring this issue before us today in S.J. Res. 1. This does not merit inclusion in the most treasured and important document that guides America and its democracy.

Mr. LEVIN. Mr. President, the Senate is once again debating an amendment which proposes to establish a Federal definition of marriage in the U.S. Constitution. Only 2 years ago, the Senate rejected a similar effort.

One stated reason for considering this amendment is to protect States from having to honor the decisions of other States regarding marriage laws. This is unnecessary because 10 years ago this body overwhelmingly passed, and President Clinton signed into law, the Defense of Marriage Act, DOMA, which I supported, which states that ''No State . . . shall be required to give effect to any public act, record, or judicial proceeding of any other State . . . respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State . . . or a right or claim arising from such relationship.'' The Defense of Marriage Act has clearly already defined ''marriage'' as ''only a legal union between one man and one woman as husband and wife.''

Proponents of this amendment argue that it is only a matter of time before the Federal courts become involved with marriage law, and they raise the fear that the Defense of Marriage Act could be struck down by so-called ''activist'' judges and courts. However, this simply has not been the case. This same argument was made in the Senate in 2004, but the Defense of Marriage Act still stands and remains law.

Since 2004, DOMA has been upheld three times in Federal courts. In 2004, a Washington Federal judge upheld DOMA in a case where a couple had obtained a Canadian marriage license. In 2005, a Florida Federal district court upheld DOMA as constitutional in a case where a couple married in Massachusetts sought recognition of their marriage in Florida. And only last month, the Ninth Circuit Court of Appeals upheld a lower court decision dismissing a challenge to DOMA in California. There is no particular reason to believe that another pending challenge currently in district court or future challenges to DOMA will be successful.

I believe that the laws regarding marriage are matters to be dealt with by the States. My State of Michigan, for example, enacted a constitutional amendment in 2004 which provides that marriages and other similar unions shall only be recognized as being between one man and one woman. DOMA continues to protect each State's right to define marriage.

The language of the proposed constitutional amendment contains a number of other problems. The amendment reads ''Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.''

The principal sponsor of this amendment, Senator ALLARD, states that this amendment will give ''State legislatures the freedom to address civil unions however they see fit,'' even though this is a power the States already possess. In fact, the very language of this constitutional amendment would make it unconstitutional for the States to create civil unions or domestic partnerships in their constitutions with any of the same legal benefits currently afforded to marriage.

Our Constitution should not be altered lightly. It has been amended only 17 times since the enactment of the Bill of Rights over 200 years ago. As former Republican Congressman Bob Barr, the author of the Defense of Marriage Act, stated in testimony before the House Judiciary Committee 2 years ago, ''We meddle with the Constitution to our own peril. If we begin to treat the Constitution as our personal sandbox, in which to build and destroy castles as we please, we risk diluting the grandeur of having a Constitution in the first place.''

The Constitution has been amended in the past to broaden and affirm the rights of Americans and never to narrow the rights of a group of Americans. Amendments to our Constitution have freed enslaved Americans and given women the right to vote. And it is the first 10 amendments, our Bill of Rights, which protect our most cherished freedoms like the freedom of speech.

For all these reasons, I will oppose the adoption of this constitutional amendment.

Mr. KERRY. Mr. President, for the past 3 days, the Senate has been bogged down debating a constitutional amendment on gay marriage.

You might ask yourself, why now? What's the constitutional crisis that needed to be addressed this week? Did the Republican leader bring this legislation to the floor in response to a marriage crisis in the United States?

States, which have had the responsibility of setting marriage laws for two centuries, have taken action on gay marriage as they've seen fit. No crisis there.

No, this amendment is front and center in the Senate in response to a political crisis: a crisis in the Republican Party.

What is most outrageous to Americans is the cost of this debate in opportunities lost to address very clear and present crises in our country. Debating the constitutional amendment to ban gay marriage displaces Americans' real priorities—dealing with gas prices and our dangerous dependence on foreign oil, providing health care to the 45 million uninsured, lowering health care costs, advancing stem cell research, securing our ports, bringing our troops home from Iraq, and ensuring our returning veterans have the support they need.

Why the sudden call from so-called conservatives to take the power to regulate marriage away from the States? The Federal Government does not even have the jurisdiction to regulate marriage. Since this country was founded, States have had the authority to regulate marriage and other family-related matters. Currently 49 States limit marriage licenses to heterosexual couples, and 18 States have adopted State constitutional amendments banning same-sex marriages. For over 200 years, this balance of power has worked.

The Federal Government is not in the business of issuing marriage licenses or dissolving marriages. Congress does not dictate the age at which people can get married or the grounds for seeking an annulment or divorce. I do not believe the Federal Government even has the power to legislate such things.

Should this amendment pass, it would be the first time that the Constitution is amended to deny rights to

a particular group of Americans, singling them out for discrimination. The discrimination would not be limited to actual marriages either. The wording of the amendment could limit rights afforded under civil unions. When similar State amendments were adopted in Ohio, Michigan, and Utah, domestic violence laws and health care plans for couples—gay and straight—were taken away.

In the past, we have amended our Constitution to protect groups of citizens suffering from discrimination, to ensure that everyone enjoys the same basic civil rights. I strongly oppose any effort by the Senate to change the course of history in such a dramatic way, and I particularly resent that this is being done for raw political purposes.

In 2004 when this amendment was brought up, only 48 Senators supported it. The outcome of today's vote is no surprise. Instead of spending 3 days debating a doomed constitutional amendment, we should have spent these 3 days guaranteeing all American children health care, addressing record-breaking gas prices, stimulating the economy after a month of sluggish job growth, or working out a real plan for dealing with the mess in Iraq. We should have been doing the work of the American people, but instead we debated a constitutional amendment that never had any hope of passing.

Mr. President, I hope that in the future the Senate can get its priorities straight, and I am confident that if it doesn't Americans will find their own way of holding the system accountable.

Mr. JEFFORDS. Mr. President, I am very troubled by the Senate leadership's decision, with limited days remaining in the session, to spend valuable time trying to amend the Constitution to define marriage. This issue should not be at the top of our priority list.

Unfortunately, it is a recurring theme here in the Senate during election years, to concentrate on issues that fuel partisan politics, rather than addressing our country's important needs. For the reasons I will lay out, I will once again oppose a Federal marriage amendment.

The Federal marriage amendment comes up at a time when many other critical issues face our Nation. We have soldiers in Iraq and Afghanistan fighting wars with no end in sight. Veterans are still not granted adequate medical support, and now have also been exposed to the threat of identity theft. Millions of Americans still have no health insurance, and gas prices are too high.

There are many pieces of pending legislation the Senate should be taking up other than the Federal marriage amendment, such as those addressing increased support for education, Head Start reauthorization, global warming, and a rapidly increasing deficit.

Some of my colleagues insist that the institution of marriage is under attack by the courts, and, therefore, passage of this constitutional amendment is critical. This argument is questionable at best.

In 1996, the Defense of Marriage Act was passed by the Congress and signed into law. This law gives each State the power to determine its own marriage laws and not be forced to accept another State's definition of marriage. I voted in favor of the Defense of Marriage Act because I believe in the importance of allowing States, including Vermont, the right to define marriage in a manner they deem appropriate.

As of this date, no court has overruled the Defense of Marriage Act. In fact, the court that many of my colleagues consider to be the most liberal, the Ninth Circuit, has upheld the Defense of Marriage Act. The proponents of a Federal marriage amendment also point to a case in Nebraska, Equal Protection Inc. v. Brunning, to prove their point. But that case only addressed the right of people to petition the government, it did not rule on the definition of marriage. Because the Defense of Marriage Act remains the law of the land, each State retains the right to define marriage as it sees fit, rather than have a definition forced upon it.

I am proud that in my State of Vermont, the legislature, in a bipartisan manner, was able to pass a law that affords same-sex couples the same legal rights as other married couples. Vermont's civil union legislation proved to the Nation that the rights of marriage do not have to be an exclusive privilege.

The Congress should be focusing on unity, not on exclusion and discrimination. I am proud that during my 32 years in Congress I have been a supporter of inclusive, unifying pieces of legislation. I have been a leading advocate of the Employment Non-Discrimination Act, the Permanent Partners Act, and of expanding the definition of hate crimes to include crimes motivated by gender and sexuality.

Here in the Senate, the leadership continues to insist on prioritizing a Federal marriage amendment. They insist on spending floor time on this amendment when other, more pressing issues remain in the shadows.

What message is the Senate sending to the American people? That real and pertinent issues can be swept aside so we can discuss a way to further exclude our fellow Americans? That we would rather spend time on a partisan fight than expanding our health care programs or increasing funding for education?

This is not a message I can support. We must change our focus from symbolic theoretical debates to concrete policy improvements that yield positive results for all Americans. I will vote against a Federal marriage amendment, and hope this issue will be laid to rest so the Senate can begin addressing the needs of the American people.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, let me say this has not really been my issue. We have been involved in some other things, but it is one about which I cannot remain silent.

I have to say I am probably the wrong person to talk about the marriage amendment for a couple of reasons. One reason is I am not a lawyer—one of the few in this body who is not a lawyer. However, I have to say sometimes that gives you a better insight into these things than if you are.

I enjoyed listening to some of the liberal Democrats on the Sunday shows saying they are for a marriage between a man and woman, yet immediately starting to back down, backpedal, and think of every reason in the world. It reminds me a little bit of my English as the national language amendment that we had a couple of weeks ago. Everyone was saying they were for it, and then they turned around and thought of reasons to vote against it. That is what is happening now. What does that tell you? It tells you the vast majority of people in America want this amendment.

When they talk about the polling being only 50 percent of the people in America supporting a constitutional amendment for marriage between a man and a woman, they normally are talking to people who are very much for that but think we can do it some other way. They think there is another way of doing it, that we can do it State by State or we can do it statutorily. But it doesn't work out that way.

I think, even not being a lawyer, I can see that a State-by-State approach to gay marriage will be a logical and legal mess that will force the Federal courts to intervene and require all States to recognize same-sex marriages.

Apparently, most people do agree that is the problem. I find all of those who are concerned about the very strong lobby, the homosexual marriage lobby, as well as the polygamous lobby, that they share the same goal of essentially breaking down all State-regulated marriage requirements to just one, and that one is consent. In doing so, they are paving the way for legal protection of such practices as homosexual marriage and unrestricted sexual conduct between adults and children, group marriage, incest, and, you know: If it feels good, do it.

When you look at the history of this country, you can see way back in the founding days that the marriage institution was one of the very basic values on which this country was based. Way back in 1878, Reynolds v. United States, which upheld the constitutionality of Congress's antipolygamy laws, also recognized that the one-man/one-woman family structure is a crucial foundational element of the American democratic society. Thus, there is a compelling governmental interest in its preservation.

That was 1878. That wasn't just the other day. Yet 3 years ago this month,

the U.S. Supreme Court signaled its likely support for same-sex marriage and possibly polygamy and Federal jurisdiction over the issue when it struck down the sodomy ban in Lawrence v. Texas. That happened only 3 years ago this month. The majority opinion extended the reach of due process in the 14th amendment of the Constitution to protect that.

Then they declared—this is significant—they declared:

[P]ersons in a homosexual relationship may seek autonomy for these purposes, just as heterosexual persons do.

In his dissenting opinion, Justice Scalia stated:

The reasoning leaves on pretty shaky grounds state laws limiting marriage to opposite sex couples. . . .

That is really much of a concern, when a member of the U.S. Supreme Court agrees with my interpretation as to what that particular interpretation meant.

Now we face a serious problem. Looking at the various States, right now we have 45 States that have passed laws, statutes, or have passed constitutional amendments to their State constitutions that would do away with gay marriage. Look at the percentages.

For those people who say less than 50 percent of the people want a constitutional amendment to protect marriage between a man and a wife, look at the percentages. In my State of Oklahoma, it is 76 percent of the people. That is three-fourths of the people. Down in Louisiana, 86 percent of the people said marriage should be between a man and a woman. This is 45 States out of 50 States. Only 5 States have not had that type of either statutory change or a constitutional amendment.

When you look at the percentages, it is very true that a very large percentage of people believe marriage should be between a man and a woman.

Let me mention something that has not been mentioned quite enough in this debate. A lot of people are not as emotional about this issue as I am. For those who are not, if you look at just the numbers, look at what is going to happen in this country if we follow some of these countries such as the Scandinavian countries. In those societies, they have redefined marriage. In Denmark, as well as Norway, where they have now had same-sex marriages legalized for over a decade, things that are happening there in terms of the society—it has nothing to do with emotions.

According to Stanley Kurtz's 2004 article in the Weekly Standard, a majority of children in Sweden and Norway are born out of wedlock.

Kurtz says:

Sixty percent of first-born children in Denmark have unmarried parents.

That is in Denmark.

Not coincidentally, these countries have had something close to full gay marriage for a decade or more.

Stop and think. What is going to be the result? The result is going to be very expensive. Many of these kids are going to end up on welfare, so it goes far beyond just the current emotions. I think my colleague, Senator SESSIONS, I believe it was yesterday, said:

If there are not families to raise children, who will raise them? Who will take the responsibility? It will fall on the State. Clearly it will become a State responsibility.

I am not sure. I have listened to many of my colleagues, for whom I have a great deal of respect, talk about some of the ways the language should be legally changed in one way or another to perhaps accomplish something or avoid another problem.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. INHOFE. I ask if I could have a minute and a half more?

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

Mr. INHOFE. Maybe this isn't worded exactly right. But this is the only show in town. It is the only opportunity that we will have to do anything. Again, I said maybe I am the wrong person to talk about this. I was talking to my brother, Buddy Inhofe, down in Texas. He is a Texas citizen, I say to my friend from Texas over here. He and his wife Margaret—he is 1 year older than I am—they have been married for 53 years. Every time they have a wedding anniversary, it is just like getting married again.

As you see—maybe this is the most important prop we will have during the entire debate—my wife and I have been married 47 years. We have 20 kids and grandkids. I am really proud to say in the recorded history of our family, we have never had a divorce or any kind of a homosexual relationship. I think maybe I am the wrong one to be doing this, as I come with such a strong prejudice for strong families.

When we got married 47 years ago, there were a couple of things that were said. In Genesis 2:24 it is said:

Therefore a man shall leave his father and mother and be joined to his wife, and they shall become one flesh.

Matthew 19 says:

Have you not read that He who made them at the beginning made them male and female, and for this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh? So then, they are no longer two but one flesh. . . .

I can assure you that these 20 kids and grandkids are very proud and very thankful that today, 47 years later, Kay and I believed in Matthew 19:4, that a marriage should be between a man and a woman.

Thank you for the additional time.

Mr. BURNS. Mr. President, I am generally hesitant to amend the Constitution; there are few things as permanent as a constitutional amendment, and it is something that clearly should not be done lightly. However, when activist judges repeatedly take steps to overrule the clear voice of a majority of the people, we are left with very few options. As we have seen over the past several years, Federal and State judges have time and time again struck down traditional marriage protections laws—laws overwhelmingly approved by voter ballot initiatives. This is simply unacceptable, and therefore I will vote in favor of the Marriage Protection Amendment in order to ensure that traditional marriage laws approved by the voters in a majority of the States are protected.

In my State of Montana, the people have overwhelmingly spoken on this issue on more than one occasion. In 1997, the Montana Legislature passed a State law defining marriage as between a man and a woman. Then in 2004, the people of Montana approved a ballot initiative by 67 percent which amended the Montana Constitution to state: ''Only a marriage between one man and one woman shall be valid or recognized as a marriage in this State.'' Nationally, 19 States have adopted similar State constitutional amendments, and 26 more have statutes designed to protect traditional marriage.

Unfortunately, the overwhelming consensus of the people is not good enough for some. As we have seen over the past several years, a handful of activist judges have taken it upon themselves to decide what should constitute marriage. By now, we are all well aware of the actions taken by the judges of the Supreme Judicial Court of Massachusetts. In that State, the court essentially mandated same-sex marriage. More recently, a Federal district court invalidated a Nebraska constitutional amendment protecting traditional marriage that had earlier been adopted with over 70 percent approval by Nebraska voters. As we debate this amendment, legal challenges are currently being brought against democratically approved traditional marriage laws in nine States. I fear it is only a matter of time before similar challenges are brought against the marriage protections approved by the voters of Montana.

Personally, I have always believed that marriage is between one man and one woman. However, the ultimate decision in an issue as important as what constitutes marriage must fully reflect the desire of the people, not just those of us in Washington and certainly not that of a handful of judges. Therefore, the solution is clear: we must send the States a constitutional amendment that protects traditional marriage laws, protects the will of the people, and prevents judicial activism. No other process is guaranteed to prevent the redefinition of marriage.

Mr. OBAMA. Mr. President, today, we take up the valuable time of the Senate with a proposed amendment to our Constitution that has absolutely no chance of passing.

We do this, allegedly, in an attempt to uphold the institution of marriage in this country. We do this despite the fact that for over 200 years, Americans

have been defining and defending marriage on the State and local level without any help from the U.S. Constitution at all.

And yet, we are here anyway because it is an election year—because the party in power has decided that the best way to get voters to the polls is not by talking about Iraq or health care or energy or education but about a constitutional ban on same-sex marriage that they have no chance of passing.

Now, I realize that for some Americans, this is an important issue. And I should say that, personally, I do believe that marriage is between a man and a woman.

But let's be honest. That is not what this debate is about. Not at this time.

This debate is an attempt to break a consensus that is quietly being forged in this country. It is a consensus between Democrats and Republicans, liberals and conservatives, red States and blue States, that it is time for new leadership in this country—leadership that will stop dividing us, stop disappointing us, and start addressing the problems facing most Americans.

It is a consensus between a majority of Americans who say: You know what, maybe some of us are comfortable with gay marriage right now and some of us are not. But most of us do believe that gay couples should be able to visit each other in the hospital and share health care benefits; most of us do believe that they should be treated with dignity and have their privacy respected by the federal government.

We all know that if this amendment were to pass, it would close the door on much of this—because we know that when similar amendments passed in places such as Ohio and Michigan and Utah, domestic partnership benefits were taken away from gay couples.

This is not what the majority of the American people want. And this is not about trying to build consensus in this country; it is not about trying to bring people together.

This is about winning an election. That is why the issue was last raised in July of 2004, and that is why we haven't heard about it again until now. And while this is supposedly a measure that the other party raised to appeal to some of its core supporters, I don't know how happy I would be if my party only talked about an issue I cared about right around election time—especially if they knew it had no chance of passing.

I agree with most Americans, with Democrats and Republicans, with Vice President CHENEY, with over 2,000 religious leaders of all different beliefs, that decisions about marriage, as they always have, should be left to the States.

Today, we should take this amendment only for what it is—a political ploy designed to rally a few supporters and draw the country's attention away from this leadership's past failures and America's future challenges.

There is plenty of work to be done in this country. There are millions without health care and skyrocketing gas prices and children in crumbling schools and thousands of young Americans risking their lives in Iraq.

So don't tell me that this is the best use of our time. Don't tell me that this is what people want to see talked about on TV and in the newspapers all day. We wonder why the American people have such a low opinion of Washington these days. This is why.

We are better than this, and we certainly owe the American people more than this. I know that this amendment will fail, and when it does, I hope we can start discussing issues and offering proposals that will actually improve the lives of most Americans.

Ms. COLLINS. Mr. President, I rise to speak on S.J. Res. 1, the Marriage Protection Amendment to the Constitution. Let me begin my remarks by stating my position on the issues raised by this amendment.

First, it is my strong personal belief that marriage is between a man and a woman. Second, principles of federalism dictate that the responsibility to define marriage belongs to the States. Third, the proper role of the Federal Government is to ensure that each State can exercise that right and responsibility by preventing, as the Defense of Marriage Act does, one State from imposing its view on others.

The constitutional amendment under consideration would potentially affect two types of relationships that are fundamental to our society. The first is the union between a man and a woman. The second is the compact between the States and the Federal Government. In our zeal to protect the former, we must not do unnecessary harm to the latter, as it is the bedrock principle of our country's highly successful Federal system.

When the Senate considered this amendment in July 2004, the Massachusetts Supreme Court had only recently issued its 4-to-3 decision in the Goodridge case. I urged that we should not overreact to the single decision of a State court and rush to amend the Constitution in such a way as to strip away from our States a power they have exercised, wisely for the most part, for more than 200 years. I also opposed efforts to amend the Constitution without evidence suggesting that States could not be trusted to make decisions in this area for themselves.

During the period since our last debate, many States have taken steps to define marriage within their borders. Currently, 45 States have enacted laws or constitutional amendments protecting marriage. Nineteen States have State constitutional amendments limiting marriage to a man and a woman, with 15 States passing State constitutional amendments since our last debate. Twenty-six other States, including Maine, have statutes limiting marriage in some manner. Maine law explicitly states that ''[p]ersons of the same sex may not contract marriage,'' and further provides that Maine will not recognize marriages performed in other jurisdictions that would violate the legal requirements in Maine. Thus, even if lawfully performed in another State, a same-sex marriage will not be valid in Maine.

Voters in at least seven States will consider State constitutional amendments in 2006 and another four State legislatures are considering sending constitutional amendments to voters in 2006 or 2008. And it is still the case, as it was 2 years ago, that no State law has been enacted to allow same-sex couples to marry. Nor has a popular referendum to that effect passed in any State.

I respect the right of the people of Maine and the citizens of other States to define marriage within their boundaries. Were I a member of the Maine Legislature, I would vote in favor of a law limiting marriage to the union of a man and a woman.

This does not mean that Congress can play no role in this area. To the contrary, Congress has two very important roles. The first is to protect the right of each State to define marriage within its own borders, and the second is to define marriage for Federal purposes.

To its credit, Congress did both of these when it enacted the Defense of Marriage Act, or DOMA, in 1996. Signed into law by President Clinton, DOMA enjoyed broad, bipartisan support in both Chambers of Congress, passing by a margin of 85 to 14 in the Senate and 342 to 67 in the House. The statute grants individual States autonomy in deciding how to recognize marriages and other unions within their borders, and ensures that no State can compel another to recognize marriages of same-sex couples. Of equal importance, DOMA defines marriage for Federal purposes as ''the legal union between one man and one woman as husband and wife.'' I strongly endorse both of the principles codified by DOMA.

Even though DOMA has not been successfully challenged during the nearly 10 years since its enactment, many supporters of the marriage amendment point to the Supreme Court's decision in Lawrence v. Texas as presaging DOMA's ultimate demise on constitutional grounds. They argue that DOMA's vulnerability necessitates approving the amendment under consideration.

I reject that argument. The conclusion that DOMA is inevitably destined to die a constitutional death is inconsistent with language in the Lawrence decision. In striking down a Texas statute criminalizing certain private sexual acts between consenting adult homosexuals, the majority opinion written by Justice Kennedy was careful to note that the case before the Court ''does not involve whether the government must give formal recognition to any relationship that homosexual persons seek to enter.''

In her concurring opinion, Justice O'Connor was even more explicit when she observed that the invalidation of the Texas statute ''does not mean that other laws distinguishing between heterosexuals and homosexuals would similarly fail. . . . Unlike the moral disapproval of same-sex relations—the asserted State interest in this case—other reasons exist to promote the institution of marriage beyond mere moral disapproval of an excluded group.'' These statements persuade me that the Supreme Court is, in fact, unlikely to strike down DOMA. In fact, in August 2004, a Federal bankruptcy court in Washington State ruled to uphold the constitutionality of DOMA, finding that there was no fundamental constitutional right to marry someone of the same sex.

Let me end where I began. This amendment is not just about relationships between men and women but also about the relationship between the States and the Federal Government. I would not let a one-vote majority opinion of a single State court lead us to ascribe to Washington a power that rightfully belongs to the States. To the contrary, our role should be to safeguard the ability of each State to exercise that power within its own borders.

Ms. MIKULSKI. Mr. President, today I will vote against cloture on the motion to proceed to the Marriage Protection Amendment. This amendment is unneeded and unnecessary. It is divisive and it is a distraction from what the Senate should be doing, which is making families stronger and safer. First, I will vote against this amendment because it is unnecessary. Congress has already spoken on the issue. There is a Federal law and a State law in Maryland that defines marriage as between a man and a woman. I supported the Federal law because it allows each State to determine for itself what is considered marriage under its own State law. And no law—not a Federal law, not a State law—can force a church, temple, mosque, or any religious institution to marry a same-sex couple.

I am also opposing this amendment because I take amending the Constitution very seriously. In the entire history of the United States we have only amended the Constitution 17 times. Seventeen times in over 200 years—that's it. We have amended the Constitution to extend rights, not to restrict them. We have amended the Constitution to end slavery, to give women the right to vote, and to guarantee equal protection of the laws to all citizens. We have never used the Constitution as a weapon against a minority of the population, to condone discrimination, and we should not embark on that path today. It is wrong and it undermines the integrity of our Constitution.

This amendment is about politics; it is not about strengthening families. It is about helping Republicans get reelected. If Republicans were serious about helping families they would focus on jobs, health care, the raising cost of energy, and the cost of college tuition. This proposed amendment does not create one new job, pay for one bottle of prescription drugs, lower prices at the gas pump, or send one child to college. This amendment does not help a family pay for the health care of a sick child. It does not make sure that the parent of that child has a job with health care coverage. What it does is divide. Americans don't want to see this divisive debate as part of this year's elections. It is a dangerous distraction; it is an election year ploy.

What do the American people want? They want to see how the Congress is fighting to make families stronger and safer. They want to see how we are standing up for all families. Families are stronger when we create jobs, control the costs of health care, and when we make sure that kids and schools have the resources they need to learn and educate. Families are stronger when we make sure our children have the best education we can offer and when we put these values in the Federal lawbooks and the Federal checkbook. And families are safer and stronger when they have help raising healthy children, when we build communities where they can thrive and when we create a family friendly Tax Code. Those are the actions that help to strengthen families and family values, not this amendment.

Finally, I believe that we need to recognize the rights of gays and lesbians and their families. We should be focusing on helping to strengthen their families and all families. That is where we need to be putting our energy and devoting our attention, instead of on this divisive constitutional amendment.

Mr. BYRD. Mr President, today I voted to invoke cloture on the motion to proceed to debate the constitutional amendment to ban same-sex marriage. Let me be clear: I have always strongly opposed same-sex marriage. I believe that there is much confusion about the role of the Federal Government and the institution of marriage, and that the public should have the benefit of a debate on the matter. It is my belief that the State of ''marriage'' can exist only between a man and a woman. The Bible tells us that marriage must be defined this way, and that the marriage vow between a husband and wife, meaning between a man and a woman, is sacred. I believe it. I have lived it. My darling wife Erma and I were married for nearly 69 years.

I also believe that any substantive debate on this issue must examine not only the marriage relationship between a man and a woman but also the constitutional relationship between States and the Federal Government. It is the role of the Federal Government to preserve each State's prerogative to make laws concerning marriage and the family, since this is an area of the law traditionally left to the States. This is the essence of federalism. The job of the Congress is to preserve and protect the legislative authority of each State, so that, for example, unions legal in another State cannot be foisted onto the God-fearing people of West Virginia.

Largely because I believe so strongly in protecting West Virginia's ability to legislate in this area, I have been, and continue to be, an ardent advocate of the Defense of Marriage Act, DOMA. This law, which was passed by a bipartisan majority of the U.S. Congress and became law in September 1996, makes it clear that no State, including West Virginia, is required to give legal effect to any same-sex marriage approved by another State. DOMA also defines marriage for Federal purposes as being ''a legal union between one man and one woman as husband and wife,'' and a spouse as being only ''a person of the opposite sex who is a husband or a wife.''

I strongly endorse the principles codified by DOMA. Not surprisingly, in 2000, West Virginia enacted its own law against same-sex marriage, similar to DOMA. Thus, title 48 of the West Virginia Code now precludes the State of West Virginia from giving legal effect to unions of same-sex couples from other jurisdictions.

As a consequence, both State and Federal law now prevent same-sex marriage in West Virginia. With these laws on the books, I do not believe it is necessary to amend the U.S. Constitution to address this issue. States such as West Virginia already have the power to ban gay marriages. State marriage laws should not be undermined by the Federal Government. Thus, our goal should not be to lessen the power of the several States to define marriage, but to preserve that right by expressly validating the role that they have played in this arena for more than 200 years.

Mr. President, throughout the annals of human experience, the relationship of a man and woman joined in holy matrimony has been a keystone to the stability, strength, and health of human society. I believe in that sacred union to the core of my being.

Mr. ENZI. Mr. President, I rise in support of S.J. Res. 1, the Marriage Protection Amendment. This important legislation, which was introduced by my distinguished colleague from Colorado, is simple and straightforward. It amends the U.S. Constitution to clearly define marriage as the union between one man and one woman.

It is important to have this debate because the institution of marriage is under attack by some rogue local officials and activist judges who wish to push their agenda onto the majority of Americans. We need to have this debate to give the American people the opportunity to define marriage as they see fit. We need to remove the definition of marriage from the courts and return the decision making power to the American people.

Marriage has traditionally been considered the union between a man and a

woman. State common law practices have always assumed this to be the case. In addition to that, 45 States have some form of protection for the traditional marriage of a man and a woman. These States have done so with strong support from their citizens. Nineteen States have gone so far as to enact State constitutional amendments to define marriage as the union between one man and one woman. Those amendments have passed with support averaging more than 71 percent.

What do these statistics make clear? The vast majority of Americans want the institution of marriage to be protected. They want to keep it as it has been: a union between one man and one woman.

How can we be certain that the American people support defining marriage as the union between one man and one woman? By using the ultimate democratic tool: the constitutional amendment.

Amending the Constitution is a rigorous task, and when our Founding Fathers drafted the Constitution, they worked to ensure that any decision to alter it was a decision that would be made by the American people. In order to amend the Constitution, we must get a two-thirds vote in each body of Congress, which as my colleagues know, is no simple task. After that vote has taken place, the proposed amendment is sent to the States, where three-fourth's of State legislatures must vote to ratify the proposal. That means that 38 of the 50 States must support this amendment.

This is how the Framers of the Constitution intended our government to operate. A constitutional amendment places the final decision with the people, where it should be. Courts will no longer have the power to legislate the definition of marriage. Local officials will no longer have the ability to arbitrarily change the rules. The people will make the final call. Considering this amendment and sending it to the States for ratification is, in my opinion, the closest we can get to a truly democratic self-government.

Why is such an amendment necessary? Opponents of S.J. Res. 1 argue that this is a State issue and that our Nation is governed by the Defense of Marriage Act. According to the Defense of Marriage Act, no State can be forced to recognize the marriage laws of another State. Although this is true, the Defense of Marriage Act is not exempt from the Constitution, and therefore, is not exempt from the political rulings of activist judges.

The Defense of Marriage Act will not prevent an activist judge in State court from ignoring the will of that State's citizens if that judge forces them to redefine marriage. It does not prevent an activist judge in Federal court from ignoring the will of the people and forcing them to recognize a definition of marriage that is not their own.

The only way to ensure that the American people define marriage is to pass a constitutional amendment. If the definition of marriage is clearly laid out in the Constitution, neither an activist judge nor a rogue local official can ignore that definition and impose his or her will on the American people.

It is important to note that the Marriage Protection Amendment deals only with the institution of marriage. It does not alter a State's right to recognize civil unions or domestic partnerships. It does not deal with a State's ability to confer benefits upon same-sex couples, and so State governments can continue to grant those benefits if they so choose.

Congress must enact the Marriage Protection Amendment to stave off the fragmentation that is sure to happen if different definitions of marriage exist. Passage of the Marriage Protection Amendment is necessary to the end judicial activism that has surrounded the marriage debate. It is necessary so that the American people can define marriage for themselves. And so, in closing, I strongly urge my colleagues to vote in favor of the Marriage Protection Amendment.

Mr. MCCONNELL. Mr. President, I rise to support S.J. Res. 1, the Marriage Protection Act, because any change to an institution as fundamental to our society as marriage should be made by the people, not unelected judges. The constitutional amendment process, being the closest process we have to a national referendum, is the best way for the people to speak on this important issue.

By supporting this amendment, I in no way intend to question or slight the value and dignity of any American. Nor, in my judgment, do my colleagues who join me in supporting this amendment. Anyone who claims otherwise is wrong. The question that faces this Senate is a question of means—when something as profound as changing the institution of marriage arises, how should it be addressed?

I submit that a handful of judges in a few States are not empowered and should not be permitted to make this decision for the entire country. But if we do not pass the Marriage Protection Act, that is precisely what may happen.

Today, nine States face lawsuits challenging their traditional marriage laws. State supreme courts in New Jersey, Washington, and New York could decide same-sex marriage cases as early as this year. In California, Maryland, New York and Washington, State trial courts have already struck down marriage laws and found a right to same-sex marriage in their States' constitutions. Those decisions are awaiting appeal.

Same-sex marriage advocates also have made Federal constitutional claims. In Nebraska, a Federal district court struck down that State's popularly enacted State constitutional amendment protecting traditional marriage, and the case is on appeal to the U.S. Court of Appeals for the Eighth Circuit. Challenges to the Defense of Marriage Act—DOMA—are also pending in federal district courts in Oklahoma and Washington, and before the U.S. Court of Appeals for the Ninth Circuit.

These attempts to redefine marriage through the courts have not gone away since this body last voted on a constitutional amendment to protect marriage in 2004. Since then, state courts in Washington, New York, California, Maryland, and Oregon have found traditional marriage laws unconstitutional.

Every time they have been given the opportunity, the American people have strongly supported a traditional definition of marriage—the union of a man and a woman. Forty-five States currently have statutory protection for that very definition of marriage—all but Massachusetts, New Jersey, New Mexico, New York, and Rhode Island. Only four States had such statutory protection 12 years ago. The American people have made their wishes known to their State legislators: they are clearly and overwhelmingly for protecting marriage as we have always known it.

I believe that traditional marriage, the union between a man and a woman, is the cornerstone of our society and the best possible foundation for a family. I believe that traditional marriage, the union between a man and a woman, should be the only form of marriage recognized by law. And I believe most Americans agree with me. But if nothing else, they deserve a chance to be heard.

Mr. AKAKA. Mr. President, I rise today to oppose S.J. Res. 1, the Marriage Protection Amendment, which would bar same-sex marriages and prohibit the Federal Government and all States from conferring ''the legal incidents'' of marriage on unmarried couples. I oppose this amendment on several grounds. First, if passed, this amendment would restrict the rights of an entire class of people. Second, the amendment would turn back the clock on the Supreme Court's decisions guaranteeing the right to privacy. Third, this amendment would abridge the traditional jurisdiction of State governments. Finally, the amendment would compromise the welfare of children currently being raised by same-sex parents.

The proposed Marriage Protection Amendment directly contradicts one of the Constitution's fundamental principles—the guarantee of equal protection for all. Since the adoption of the Bill of Rights in 1791, the Constitution has been amended only 17 times and, with the exception of prohibition, each time it has been to expand the rights of the American people. Adoption of the Marriage Protection Amendment would tarnish that rich tradition by targeting a specific group for social, economic and civic discrimination. I

believe that, as government leaders, it is our responsibility to protect individual liberties, not to take them away or restrict them.

The Marriage Protection Act also undermines the numerous Supreme Court decisions which ensure individuals' right to freedom from government interference with regard to their personal lives. The Supreme Court has repeatedly reaffirmed that the Constitution protects an individuals fundamental freedom to make decisions regarding private matters such as marriage and family. The Marriage Protection Act would go a long way toward eroding these constitutional guarantees to the right to privacy.

Customarily, marriage law has been left to the jurisdiction of the States. Passage of the Marriage Protection Amendment would define marriage at the Federal level and would prohibit States from exercising their authority over family law issues. As such, it would clearly violate the traditions of federalism and local control that have been a proud part of our national heritage. Allowing the Federal Government to co-opt what historically has been a prerogative of the States sets a dangerous precedent with regard to the erosion of States rights. My vote against the Marriage Protection Amendment is a vote for the preservation of State sovereignty.

Given the Marriage Protection Amendment's broad and ambiguous language, it would have a potentially devastating effect on existing same-sex families. In particular, I am concerned how this amendment would impact the children currently being raised by same-sex parents. Not only would it curtail States from granting equal marriage rights to same-sex couples, it could also, through their parents, deprive children of access to health insurance, life insurance benefits and inheritance rights. According to the 2000 Census, more than one-half of the same-sex households in the United States have children under the age of 18. Passage of the Marriage Protection Amendment could place the current well-being and future security of these children at risk. This is a chance I am unwilling to take.

I urge my colleagues in the Senate to reject this divisive bill. With so many problems currently facing our Nation such as the ongoing threat of terrorism, soaring gas prices and the high cost of medical care, now, more than ever, we need to work together as an ohana—a family. This amendment will only serve to segregate a portion of our population and prevent them from participating as full citizens. Instead I urge us all to work together to ensure that the freedoms enumerated by the Constitution can be equally enjoyed by all.

Mr. SANTORUM. Mr. President, the Catholic Charities case in Boston, just 2 years after the introduction of same-sex marriage in America, highlights the growing concerns and indicates that the impact of this development on religious freedom has ceased to be a hypothetical discussion.

As Maggie Gallagher wrote in her Weekly Standard piece ''Banned in Boston,'' ''[w]hen religious-right leaders prophesy negative consequences from gay marriage, they are often seen as overwrought . . . [and that the] First Amendment . . . will protect religious groups from persecution for their views about marriage.''

So who is right? Is the fate of Catholic Charities of Boston an aberration or a sign of things to come? Some say we are overreacting, but the truth is that while the ramifications in the battle for social policy, procreation, and even protecting children may be clear, the real—but hidden—battlelines are for the religious liberty of all faiths. Recently the Becket Fund convened a group of scholars to discuss the implications of same-sex marriage on religious liberty. This group was from all parts of the political spectrum and had varying viewpoints, but all agreed on one thing—the legalization of same-sex marriage posed a real threat to the free exercise of religion.

As I mentioned before, one of the participants, Maggie Gallagher, went on to write a prescient account of the participants' views on this issue, and I admit it was disturbing to read.

In times past, it would have been unthinkable for a Christian or Jewish organization that was opposed to same-sex marriage to be treated as racists or bigots. But today the unthinkable may have become the inevitable. As Anthony Picarello summarizes, ''All the scholars we got together see a problem; they all see a conflict coming. They differ on how it should be resolved and who should win, but they all see a conflict coming.'' Why? Because of cases like that of Catholic Charities in Boston.

As I discussed a little bit on the floor yesterday before I ran out of time, Catholic Charities in Boston has been the adoption provider in Massachusetts for many of the hardest to place children, including children with special needs. Following the legalization of same-sex marriage in Massachusetts, the Boston Globe reported that Catholic Charities of Boston had placed a small number of children with same-sex couples. Cardinal O'Malley of Boston responded that Catholic Charities would adhere to the Vatican statement prohibiting such placements in the future. That produced a hubbub with the Catholic Charities Board that was later quelled, but if Catholic Charities thought that was the end of the issue it was wrong.

Like many States, Massachusetts requires that an entity be ''licensed'' by the State in order to do adoptions. And to get the State license, the entity must agree to obey State laws barring discrimination—including in Massachusetts the prohibition on discrimination based on sexual orientation. When the Massachusetts Supreme Court legalized same-sex marriage, discrimination against same-sex couples was also prohibited. These requirements juxtaposed with Catholic doctrine put the Catholic Church-affiliated Catholic Charities into a bind—one that legislatures, including this one, have often solved by allowing faith-based and religious organizations to maintain their integrity.

Knowing that, Cardinal O'Malley and Governor Romney tried to get a religious exemption for Catholic Charities from the Massachusetts legislature. The silence from the politicians in that State was deafening. Without that protection, the bottom line is that the legislators in Massachusetts chose to put Catholic Charities out of the adoption business.

Some say that the rightwing is pushing to pass this amendment, but I take you back to the scholars from the Becket Fund conference. Marc Stern, the general counsel for the center-left American Jewish Congress can hardly be called a rightwinger, but when asked what he would say to people who dismiss the threat to free exercise of religion as evangelical hysteria his quote was—''It's not hysteria, this is very real . . . Boston Catholic Charities shows that.'' He went on to say that ''in Massachusetts I'd be very worried.'' Stern noted that while the churches themselves might have a first amendment defense if a State government or State courts tried to withdraw their exemption, ''the parachurch institutions [affiliated organizations such as Catholic Charities and United Jewish Communities] are very much at risk and may be put out of business because of the licensing issues, or for these other reasons—it's very unclear. None of us nonprofits can function without [state] tax exemption. As a practical matter, any large charity needs that real estate tax exemption.''

Anthony Picarello of the Becket Fund sounded a more ominous note, that this change could fundamentally alter our view of religious liberty. ''The impact will be severe and pervasive,'' Picarello says flatly. ''This is going to affect every aspect of church-state relations.'' Recent years, he predicts, will be looked back on as a time of relative peace between church and state, one where people had the luxury of litigating cases about things like the Ten Commandments in courthouses.''

Picarello points out something I discussed yesterday—that the church is surrounded on all sides by the government, and often the boundaries are hidden because of the ease with which they are navigated. However, as he notes, ''because marriage affects just about every area of the law, gay marriage is going to create a point of conflict at every point around the perimeter.''

But not all of these scholars agree on the intensity or imminence of these consequences. Doug Kmiec of Pepperdine law school argued that the public could tell the difference between

racial discrimination and the differentiation of traditional and same-sex marriage, saying that racial discrimination is ''irrational, and morally repugnant'' and the issue of same-sex marriage is ''at least morally debatable.'' Doug Laycock, a religious liberty expert at the University of Texas law school, noted that the legal situation is a long way away from equating sexual orientation with race in the law. However, Stern and Feldblurn were much more clear on the coming legal issues that religious organizations will face in the wake of same-sex marriage.

And it is that distinction that is important—if sexual orientation is like race, then anyone, religious or otherwise, who opposes same-sex marriage will be viewed as and likely treated in the same way as the bigots who opposed interracial marriage. It is the political pressure—and in some cases the legal pressure—that will ''punish'' those of differing opinions.

For Chai Feldblum, a Georgetown law professor who refers to herself as a leader in the movement to advance LGBT—lesbian, gay, bisexual, transsexual—rights, the emerging conflicts between free exercise of religion and sexual liberty are real. ''''When we pass a law that says you may not discriminate on the basis of sexual orientation, we are burdening those who have an alternative moral assessment of gay men and lesbians.'' Raised an Orthodox Jew, Feldblum argues that ''the need to protect the dignity of gay people will justify burdening religious belief, [b]ut that does not make it right to pretend these burdens do not exist in the first place, or that the religious people the law is burdening don't matter.''

What effects could this ''sea change'' have on religious liberty? Let's consider a few examples.

A religious educational institution could have its admissions policies, employment practices, housing rules, and regulation of clubs challenged. For example, Marc Stern is concerned about a California case where a private Christian high school expelled two girls who according to the school announced they were in a lesbian relationship. Will the schools be forced to tolerate both conduct and proclamations by students they believe to be acting in a sinful manner?

Public accommodation laws can be used to force commercial enterprises to serve all comers, which begs the question of whether religious camps, retreats, or homeless shelters are considered places of public accommodation. Could a religious summer camp operated in strict conformity with religious principles refuse to accept children coming from same-sex marriages? What of a church-affiliated community center, with a gym and a Little League, that offers family programs? Must a religious-affiliated family services provider offer marriage counseling to same-sex couples designed to facilitate or preserve their relationships?

Licensing issues will continue to be a bone of contention in not only adoption but psychological clinics, social workers, and marital counselors. We had to face this issue already in the Access to Recovery Program where program administrators were interpreting language in a way that sought to penalize faith-based providers such as Teen Challenge.

And there are probably a plethora of other areas of friction that will emerge.

Will speech against same-sex marriage be allowed to continue unfettered?

Will anyone be able to again say that marriage should be between a man and a woman without being branded a bigot?

Will a minister be able to preach from I Corinthians 6:9 that the unjust and immoral such as adulterers, prostitutes and sodomites will not inherit the earth?

Will our local Catholic Charities lose their tax-exempt status if they do not bend their religious faith to the new norm?

Will a rabbi or priest be forced to preside over same-sex marriages in order to continue to be able to consecrate traditional marriages?

The scope of the ramifications of this debate are unclear, but there is no doubt that very serious issues arise. As Maggie Gallagher noted in her article, ''Marc Stern is looking more and more like a reluctant prophet: 'It's going to be a train wreck,' he said 'A very dangerous train wreck.' ''

I urge my colleagues to think carefully about the implications of doing nothing to protect the sanctity of marriage. If we do not act, then not only are we leaving this important issue in the hands of unelected judges, we are leaving the fate of all of these faith-based organizations in their hands as well. I urge my colleagues to support this amendment. Let's move forward in the democratic process and let the people decide.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. One minute 43 seconds.

Mr. ALLARD. Mr. President, I yield 1 minute 15 seconds to the Senator from Alabama.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, the people of the United States do care about marriage. Marriage is important. Our culture and the quality of life of our people in this Nation are important.

Just yesterday, the people of my State, by an 81-percent majority, approved a constitutional amendment to the Alabama Constitution which said that no marriage license shall be issued in Alabama to parties of the same sex and the State shall not recognize a marriage of parties of the same sex that occurred as a result of the law of any other jurisdiction. But that amendment is in jeopardy by the court rulings in the United States, and a ruling that the U.S. Constitution requires that same-sex marriage be recognized just like other marriages will trump Alabama's constitution and that of the 19 other States which passed such resolutions by a vote of 71 percent.

The only reason to oppose this amendment would be to deny the States the right to make this decision without having it overruled by the Supreme Court.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, you just heard the latest report from Alabama, a state constitutional amendment protecting marriage just passed with 81 percent of the vote. That is what my amendment is all about—to protect that vote conducted in Alabama from being subverted by a minority of activists going to court to try to overturn a vote like we just saw in Alabama.

I ask my colleagues to join me in voting for S.J. Res. 1.

The ACTING PRESIDENT pro tempore. Who yields time?

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

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

The bill clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, the ranking member of the Judiciary Committee, Senator LEAHY, is on his way to the Chamber. I know the time is running. I will speak until he arrives. I wanted to make a point or two based on arguments used in this debate.

Mr. President, 45 of 50 States passed either a constitutional amendment or a law defining marriage as between a man and a woman—45 of 50 States. There is only one State in America where same-sex marriage is legal, and that is Massachusetts. No other State, county, city, or anyplace in America permits same-sex marriage.

Incidentally, it is ironic that the State with the lowest divorce rate in America happens to also be Massachusetts. There is simply no crisis or controversy before us today that requires amending the Constitution.

Another reason I oppose this amendment, as I indicated earlier, is that the language is vague and overbroad. The reference to ''legal incidents'' of marriage is troubling. The Senate Judiciary Committee held hearings on the meaning of the term ''legal incidents'' of marriage. I attended those hearings and questioned witnesses. There was

simply no consensus on how the courts might interpret that.

Some of the witnesses predicted courts would read it to ban civil unions. Some even think this amendment would be read by the courts to prohibit other efforts to equalize benefits, such as domestic partner benefits, adoption rights, and even hospital visitation rights.

Is that what we want to do in the Senate, ban those who have a loving relationship from visiting their partners who are sick in a hospital? Passage of the Federal marriage amendment may well have that effect. We don't know.

It is also a bad idea because it exemplifies the excessive overreaching by Congress into the personal lives and privacy of American citizens. How many times will the Republican majority march us into this question as to whether we can protect and defend the privacy of our rights as individuals and families?

As I mentioned earlier, it is a sad reminder of the debate over the tragedy of Terri Schiavo, a woman who was sustained with medical care for some 15 years, and when the decision was made not to provide additional care for her through the courts, there was an effort made by the Republican leadership in Congress to bring the Federal courts into the picture to overturn the family's personal decision and the decision of the Florida courts. Congress tried to impose its own morality and its own will over the most personal, private, and painful decision any family can face. This amendment would impose the morality of some on the lives of all.

A few months ago, this Nation lost one of its most famous and foremost civil rights leaders, Coretta Scott King. Upon Mrs. King's death, Majority Leader FRIST submitted a Senate resolution to honor her life and commitment to social justice, and it was adopted unanimously.

I wonder if the majority leader is aware of what Mrs. King had to say about the constitutional amendment that Senator FRIST has brought to the floor this week. Here is what she said in 2004:

> A constitutional amendment banning same-sex marriages is a form of gay-bashing and it will do nothing at all to protect traditional marriages.

I hope the Republican leadership, I hope every Senator, takes to heart the words of the civil rights hero they were so quick to honor a few months ago.

It has been my experience in life that some members of my family, many of my acquaintances and friends are people of different sexual orientation. Most of them want to be left alone. They want the privacy of their own lives. They want to make their own decisions. And here we have an effort to impose in our Constitution a standard which reaches into the legal incidents of marriage, a standard which could deny to them some of the most basic things which we treasure, such as access to health insurance, access to visitation in hospitals, and the common decency of the social relationship which is all they are asking.

Under those circumstances, I think it is important for us to reflect on the fact that when it comes to amending this Constitution, we should be ever so careful because a change in a few words in the Constitution can have a dramatic long-term negative impact on this great Nation.

I see that my colleague, Senator LEAHY, has arrived. I yield the floor to him.

The ACTING PRESIDENT pro tempore. The Senator has 1 minute 15 seconds remaining.

Mr. LEAHY. Mr. President, I thank my distinguished colleague from Illinois.

This morning we will be voting on whether to proceed to a proposed amendment to the Constitution. I strongly oppose this divisive exercise.

At a time when the Senate should be addressing Americans' top priorities, including ways to make America safer, the war in Iraq, rising gas prices, health care and health insurance costs, stem cell research, the erosion of Americans' privacy and the reauthorization of the Voting Rights Act, the President's political strategists and the Republican Senate leadership, instead, try to divide and distract from fixing real problems by pressing forward with this controversial proposed constitutional amendment.

Rather than seek to divide and diminish, the Senate could be working against discrimination. I was honored to sponsor the Mychal Judge Police and Fire Chaplains Public Safety Officers' Benefit Act of 2002 to ensure that the survivors of 9/11 were treated fairly regardless of sexual orientation. If we really want to do something that the Senate can do, we should join together in a bipartisan way to pass the hate crimes bill that would help stamp out and punish violent crimes against those attacked because of the color of their skin or their nationality or sexual orientation. If we really want to do something worthy of the Senate we should debate and pass legislation to end discrimination in employment based on sexual orientation. If we want to recognize the dignity and worth of others we should consider S. 1278, the Uniting American Families Act, a bill I introduced to bring fairness to our immigration laws.

The Constitution is too important to be used for partisan political purposes. It is not a billboard on which to hang political posters or slogans seeking to stir public passions for political ends.

I want all Americans to appreciate that if this proposed amendment became part of our Constitution, it would represent a dramatic departure from this Nation's history of expanding freedom and individual rights. We have only amended the Constitution seventeen times since the Bill of Rights was ratified in 1791. None of these amendments has served to limit the rights of an entire class of Americans. Furthermore, none of these amendments has dictated to the States how they should interpret their own constitutions. This proposal not only enshrines discrimination in the Constitution, it usurps what has always been the function of the States with regard to defining marriage. When each of us became Senators we swore an oath ''to support and defend the Constitution of the United States.'' I will honor that oath by opposing this effort to inject discrimination into the Constitution.

This attempt will once again fail to garner the necessary votes to proceed. But that should not excuse the Republican leadership's turning away from the legislative agenda of the Senate for this election year adventure. I hope that the American people will object to this misuse of the Senate's time and authority the way they did when the Senate injected itself into the Schiavo matter not so long ago. The American people want their leaders to unite this country and to solve real problems that they face every day. This constitutional amendment is a divisive political effort to shore up sagging poll numbers. I believe the American people will not be fooled and will see through this exercise.

I look forward to moving on to the Nation's real priorities. The Senate should return to a place where we consider solutions to the problems that plague hardworking Americans, from soaring gas prices and high health care costs to corporate and Government corruption, from national security to effective fiscal and trade policies. We might consider taking action to preserve and improve rather than pollute the environment. Someday this Chamber might even debate the ongoing pandemic of AIDS or protect against the impending pandemic from bird flu. We might join in effective action seeking to halt the genocide in Darfur or oversight of the allegations of Government violations of the rights of Americans. I look forward to that time.

Mr. President, I mentioned Monday at the start of this debate that over the last several years I have repeatedly written to the President about this issue and have yet to receive a response. I have already included in the RECORD a copy of my most recent letter to him on this constitutional amendment in which I asked what precise language it is that he supports and what it means.

I noted that President Bush said in 2004 that ''States ought to be able to have the right to pass laws that enable people to be able to have rights like others,'' but no such thing is guaranteed by the proposed amendment that we are considering.

The appearance of the President this week, where he reread what appeared to be a longer draft of his Saturday radio address to a handpicked audience of those seeking to amend the Constitution to write discrimination into it and create a constitutional intrusion

into family law issues that have always been left to the States, was troubling in so many ways. At least that event was moved out of the White House Rose Garden, for which I am grateful. Sadly, the audience, which the White House described as a diverse cross section of community leaders, scholars, family organizations and religious leaders, was selected apparently to exclude gays and lesbians. That is hardly the way to engender fair and open debate or to show tolerance or to honor the dignity of all Americans.

As this debate opened, I quoted the President's thoughtful words from the immigration debate. He said: ''We cannot build a unified country by inciting people to anger, or playing on anyone's fears, or exploiting the issue of immigration for political gain. We must always remember that real lives will be affected by our debates and decisions, and that every human being has dignity and value. . . .'' I wish that yesterday the President had honored that thought and merely substituted the issue of ''marriage'' for ''immigration''. The President is seeking to show leadership in the immigration debate and I have commended him for it. I cannot commend him for what he did yesterday.

Just before the last election, President Bush said that ''States ought to be able to have the right to pass laws that enable people to be able to have rights like others.'' He cannot square that position with his and his administration's recently announced support for a proposed constitutional amendment that prohibits States from conferring the ''legal incidents'' of marriage on same-sex couples. In January 2005, after he was reelected, President Bush himself recognized that this proposed constitutional amendment was not going to be adopted and that no good purpose was served by forcing more Senate debate on it. Yesterday, the President did not well serve this Nation or its diverse population. Our Nation would be better served if we refrained from divisiveness to score political and emotional points before an election.

Moreover, yesterday the President's activities demonstrated how the Republican leadership's misplaced priorities and politics have diverted the Senate from matters that concern and affect the American people. By way of contrast, the Democratic leader went to the Senate floor to urge that we proceed to conference on the recently passed immigration bill. Senate Republicans objected to a usual practice of taking of a House-passed bill and inserting the language passed by the Senate so that we can proceed to a House-Senate conference. Instead of spending time pandering to a segment of Republican's political base, the President could have worked with us to make progress on our bipartisan immigration initiative. Republicans and Democrats have said that we will need the President's help to make comprehensive immigration reform a reality. Yesterday the President was AWOL on the issue. He was not expending his efforts urging comprehensive immigration reform on the recalcitrant Republican House leadership or helping us in the Senate overcome threats of procedural objections to proceeding to conference.

Another consequence of the Republican leadership's misplaced priorities is that the Judiciary Committee has yet to complete hearings on reauthorization of the Voting Rights Act. This is bipartisan, bicameral legislation on which I had hoped hearings would be complete. The final hearing on the reauthorization of important minority language provisions was scheduled for tomorrow. It has been postponed, and the excuse is that the Senate debate on this proposed constitutional amendment takes precedence. So our efforts to enact meaningful, comprehensive immigration reform with strong border security and a path to earned citizenship and our efforts to reauthorize the protections of the Voting Rights Act have both been adversely affected as a consequence of the Republican leadership insisting on proceeding to this extended debate.

The demagoguery in the President's rally this week and the Statement of Administration Policy are sad to see. It is not the institution of marriage that is under attack but the Constitution and our system of federalism. They seek to justify their attack by demonizing judges. The comment the President added to his radio address was to ratchet up the rhetoric against judges by proclaiming that judges ''insist on imposing their arbitrary will on the people.'' This President just appointed Chief Justice Roberts to lead the U.S. Supreme Court and the judicial branch of the Federal Government. He has appointed approximately 250 Federal judges, including 2 Supreme Court Justices and 45 judges on the courts of appeals. The majority of Federal judges have been appointed by Republican Presidents. Any judicial decision that was a dramatic departure from the status quo on this issue would certainly be appealed to the U.S. Supreme Court where seven out of nine justices have been appointed by Republican Presidents. Does anyone really believe that Chief Justice Roberts is going to preside over a U.S. Supreme Court that imposes same-sex marriage as an act of ''arbitrary will''?

I agree with the Senior Senator from Virginia who recently voiced his ''grave concerns'' about the proposed amendment because it fails to ''speak with the clarity to which the American People are entitled.'' I too have significant concerns about the vague prohibition of ''the legal incidents'' of marriage for same-sex couples. That ambiguity raises serious questions whether State laws allowing civil unions and civil partnerships would be overridden and rendered ''unconstitutional.'' Numerous witnesses at our committee hearings testified that the proposed language would or could invalidate civil unions or prevent States from enacting laws that closely mirrored the rights of marriage couples.

Although the President and some Senate supporters contend that this proposed amendment binds only judges and not State legislatures and that it prohibits only marriage but not civil unions or partnerships, that is not clear in the language of the proposed constitutional amendment. Ironically, it will be judges who have the last word in determining the meaning of words used in a constitutional amendment. So the very ''boogeymen'' that the proponents of this proposed constitutional amendment seek to create by demonizing judges will be those who will be forced to decide the effect of its intentionally ambiguous wording.

I trust the American people will see through these escapades. I trust they will abhor the attack on the Constitution as I do. I believe they have bigger hearts and compassion of the families of committed same-sex couples. I hope they will hold accountable those who are expending the Senate's time on this futile exercise by denying them partisan gain.

I have previously noted that the news accounts and editorials characterizing this effort as crassly political are too numerous to include in the CONGRESSIONAL RECORD. On this occasion, I ask unanimous consent to have printed in the RECORD a sampling from a variety of newspapers and outlets from around the country including editorials from the Arkansas Democrat-Gazette from May 24, 2006, the Atlanta Journal-Constitution from May 28, 2006, the Berkshire Eagle from May 23, 2006, the Chicago Sun-Times from June 6, 2006, the Pittsburgh Post-Gazette from May 22, 2006, the Salt Lake Tribune from April 29, 2006, and a commentary by CNN's Jack Cafferty from June 2, 2006.

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

[From the (Little Rock) Arkansas Democrat-Gazette, May 24, 2006]

DEMOCRATS MUST CONFRONT GOP STRATEGY

(By Gene Lyons)

So here's the big Republican agenda for the 2006 elections: Other people's sex lives (a.k.a. gay marriage), flag-burning, illegal Mexican immigrants, tax cuts and Chicken Little.

There's no surprise about the first few. A GOP campaign resembles a traveling tent show. White House sideshow barker Karl Rove expects that the rubes who line up every two years to see the two-headed calf and the bearded lady will fall for flag-burning again. Never mind that Republicans have done nothing about it since President Bush's father visited a flag factory during his 1988 campaign. Flag burning as a protest all but disappeared after 9/11. Sen. Hillary Clinton, D–N.Y., also has joined this crusade, the surest sign that she's contemplating running for president in 2008.

Amending the Constitution to forbid gay marriage is another election-year shell game. Finessing it shouldn't be too hard for

Democrats. If your church refuses to solemnize same-sex marriages, that's its undeniable First Amendment right. Forbidding people to enter into domestic partnership contracts due to sexual orientation, however, would be un-American.

No, that won't persuade obsessive homophobes, but they're fewer all the time. Illegal immigration's something else Republicans have ignored for six years. Ironically, Bush's stance reflects the ''compassionate conservatism'' he campaigned on in 2000 but abandoned, maybe because Mexican immigration is a very old story in Texas that he actually knows something about.

Ironically, that's got the GOP's Knothead faction all riled up, helping GOP congressmen in safe districts distance themselves from an increasingly unpopular White House, but also hurting Republicans among Hispanic voters in swing districts.

Ditto tax cuts. Even the most credulous are getting uneasy with the GOP's ongoing war on arithmetic and worried about spiraling debt caused by Bush's profligate spending.

Influential conservative author-activist Richard A. Viguerie recently wrote a Washington Post op-ed predicting that ''without a drastic change in direction, millions of conservatives will . . . stay home this November. And maybe they should. Conservatives are beginning to realize that nothing will change until there's a change in the GOP leadership. If congressional Republicans win this fall, they will see themselves as vindicated, and nothing will get better.'' Which brings us to the Chicken Little theme on which Republican hopes appear to hinge. Sen. Elizabeth Dole, R–N.C,, first raised it in a recent fund-raising letter on behalf of the party's Senatorial Campaign Committee. If Democrats regain Congress, see, they'll act the way Republicans acted toward Bill Clinton, calling for ''endless investigations, congressional censure and maybe even impeachment of President Bush.'' And then the terrorists would win!

Many pundits who helped publicize the 1,000-odd subpoenas that congressional Republicans dispatched to the Clinton White House find the prospect of Democrats issuing subpoenas terribly alarming. Slate's John Dickerson worries that a Democratic-led House might ''get bogged down with investigations and embrace the worst Bush-hating tendencies of its members.'' Time columnist Joe Klein, a.k.a. ''Anonymous,'' author of the novel'' Primary Colors,'' who's grown adept at advancing Gap themes while affecting to deplore them, laments that the likely succession of Rep. John Conyers, D-Mich., to chair the House Judiciary Committee if Democrats win in November gives Republicans a chance to play the race card.

Because Conyers is African American and has sometimes used the words ''Bush'' and ''impeachable offense'' in the same sentence, Klein fears that Rove will have a field day depicting the veteran Detroit congressman as Kenneth Starr in blackface.

The idea that irrational hatred of Bush motivates most Democrats is a favorite topic on the talkradio right. Psychologists call it ''projection,'' attributing to others motives that mirror your own.

The best way for Democrats to deal with this Chicken Little theme is straight on, as Conyers has attempted to do. In a recent Washington Post column, he correctly identified the ''straw-man'' logical fallacy that underlies it: attacking arguments your adversary has never actually made.

Years of one-party government, Conyers said, have left Americans with many unanswered questions, such as ''whether intelligence was mistaken or manipulated in the run-up to the Iraq war . . . the extent to which high-ranking officials approved of the use of torture . . . whether the leaking of the name of a covert CIA operative was deliberate or accidental'' and who did it.

Any alert citizen can add particulars: the legality of National Security Agency's warrantless wiretaps and the constitutionality of Bush's 740 ''signing statements,'' as reported by The Boston Globe, in which the president claims the power to ignore laws with which he disagrees.

Conyers wisely stresses that the GOP-led House impeachment of Clinton proved ''that partisan vendettas ultimately provoke a public backlash and are never viewed as legitimate.'' Nobody wants a government that does nothing but investigate itself. But the Republican Congress has completely abdicated its constitutional responsibilities. Our democracy cannot long survive a president who claims the prerogatives of a king.

That's an argument the Democrats must win.

[From the Atlanta Journal-Constitution, May 28, 2006]

ON GAY UNIONS, PANDERING RISES ABOVE PRINCIPLES

(By Cynthia Tucker)

In 1964, just one congressman from the Deep South, Atlanta's Charles Weltner, voted for the Civil Rights Act. For all practical purposes, his righteous leadership on civil rights—he also supported the Voting Rights Act—cost him his congressional career.

In 1966, he resigned his seat rather than sign an act of loyalty to the segregationist Lester Maddox, as Georgia Democrats insisted. But some analysts believe he would have lost the race for re-election.

Doing the right thing is difficult because it often means losing. And the typical politician is willing to lose anything—honor, integrity, dignity—but an election.

That helps explain why, during this election season, so few politicians have stepped forward to denounce initiatives against gay marriage as the cynical and opportunistic tactics that they are. They know that playing on prejudice and fear can rally a certain constituency and provide the winning margin in tight races.

It certainly worked two years ago. Republican tacticians maneuvered to add amendments against gay marriage to the ballots in 11 States, including Georgia. The result was to lure religious conservatives to the polls in large numbers, probably giving President Bush the boost he needed in the battleground state of Ohio.

This year, conservative Republicans—struggling against voter discontent over Iraq, health care and high gas prices, among other things—are desperate to bring those religious conservatives back to the polls. So they've resurrected the same tired tactic. Next month, the Senate is expected to vote on an amendment to the U.S. Constitution banning same-sex unions.

Senate leaders haven't made much of an effort to disguise the initiative as anything other than the base political ploy that it is. After a frenzy of gay-bashing during the 2004 campaign season—they thundered against gay marriage as a threat to just about every family tradition, from man-woman marriages to peanut-butter-and-jelly sandwiches—Republican leaders hadn't even mentioned the issue again. The threat disappeared for two years. Until now, when they're facing the prospect of losing control of Congress.

Given the stakes, prominent Republicans won't get in the way of a good wedge issue. Oh, first lady Laura Bush has pointed out the unfairness of a constitutional amendment. So has Mary Cheney, the vice president's gay daughter, who lives openly with her partner of 14 years, Heather Poe, and has recently published her memoirs. This month, Cheney told CNN that ''writing discrimination into the Constitution of the United States is fundamentally wrong.''

But it's unlikely you'll hear the vice president arguing against the amendment so pointedly on the campaign trial. While he has said in the past that he opposes it, he'd rather remind his right-wing supporters of his staunch support for the invasion of Iraq. President Bush, for his part, has spent his last pennies of political capital trying to pass a humane policy on immigration. He may not fight for an amendment banning gay marriage, but he's unlikely to get in the way of it, either.

In Georgia, meanwhile, even progressive politicians have been cowed by the state's overwhelming consensus against gay marriage. Though 76 percent of Georgia voters approved the ban two years ago, a Superior Court judge recently struck down the amendment on technical grounds. After the ruling, Gov. Sonny Perdue, a Republican, quickly announced plans for a special session of the legislature to rewrite the ban and place it before voters again in November. His two Democratic opponents, Lt. Gov. Mark Taylor and Secretary of State Cathy Cox, rushed to support the move.

Cox's awkward leap onto the bandwagon was especially disappointing. While Taylor had supported the ban, Cox had pointed out two years ago that the amendment is ''unnecessary.'' Georgia law, like federal law, already bans same-sex unions. But many analysts have noted that Cox is desperate to draw black voters away from Taylor in the Democratic primary for governor; black Georgians, like their white neighbors, gave their unabashed support to enshrining bigotry in the stare Constitution.

Cox, like most other politicians, would rather pander to the prejudices of voters than stand by her principles. It's a perfectly human inclination—doing the safe thing, rather than the right thing.

There are never more than a handful like Wettner, who preferred losing a campaign to sacrificing his conscience. In his resignation speech, he declared, ''I love the Congress, but I will give up my office before I give up my principles . . . I cannot compromise with hate.''

His courage is as rare now as it was then.

[From the Berkshire Eagle, (Pittsfield, MA) May 23, 2006]

MORE AMENDMENT POLITICS

Senate Republicans want to make gay marriage an issue this election year, but the issue should be less gay marriage itself than a congressional leadership so hypocritical and devoid of real ideas that it must again resort to the politics of distraction out of desperation. Gays are not a threat to America, but congressmen who would tinker with the Constitution to protect their seats assuredly are.

By a 10–8 vote that fell strictly along party lines, the Senate Judiciary Committee last week approved a constitutional amendment that would ban gay marriage. The constitution has been amended 27 times, but always to protect civil liberties or to provide them to groups that didn't have them. This would be the first time that the Constitution was amended specifically to deprive a group of civil liberties, adding to the general assault by Washington on the rights of Americans.

The full Senate is expected to vote on the amendment when it returns from its Memorial Day recess, and while it will be difficult for the measure to win the necessary two-

thirds majority required to begin the amendment process, passage is not the primary goal of the GOP. By simply proposing the amendment, it hopes to gain support of a religious right that puts social issues above all else. A party with nothing but domestic and foreign policy failures on its résumé can't afford to lose its rabid rightwingers if it hopes to maintain power in Congress this November. It's a strategy that for all its cynicism worked two years ago when gay marriage was on several state ballots.

First Lady Laura Bush, often the voice of reason in the White House, went on Fox News earlier this month to urge Congress to abandon these efforts on the grounds that the gay marriage issue is too complex to be handled legislatively and civil rights should not be deprived by a governmental body. Ms. Bush's stance is a traditional conservative one, but the ''conservatives'' who hold sway in the modern Republican Party are in fact radicals whose affection for big government and disregard for the civil rights of Americans should be abhorrent to true conservatives. A question to be answered Election Day is whether true Republicans will reclaim their party and principles.

[From the Chicago Sun Times, June 6, 2006]

SENATE SHOULD FOCUS ON REAL ISSUES

Even by Congress' smoke-blowing standards, the insistence of Republicans on debating a constitutional amendment to ban gay marriage reeks of politics—election-year politics, whatever White House press secretary Tony Snow's doubts about this not being ''a big driver among voters.'' You would think more pressing issues would command attention in the Senate. Such a ban has failed before there, with all but one Democrat opposing it. You would think its scant chance of passing—it would require a two-thirds majority in both chambers and then approval by three-quarters of the states—would take the hot wind out of the anti-gay-marriage faction's sails.

But with public approval of the president low, Republicans are convinced restirring the emotions of this issue will rally support for him and those GOP hopefuls looking to November. President Bush is right about not wanting judges, ''activist'' or not, to decide this issue. It should, as he said, be left ''where it belongs: in the hands of the American people.'' But the last time we looked, most Americans were more concerned about national security, immigration and the avian flu than they were the supposed threat of wedded gays. The federal government should honor states' rights and let them make this call.

[From the Pittsburgh Post-Gazette, May 22, 2006]

FAMILY FEUD; SPARKS FLY IN THE SENATE OVER GAY MARRIAGE

Something petty—a shouting match in the U.S. Senate Judiciary Committee last week—nevertheless echoes strongly with a warning for any thoughtful American concerned about the temper of the times. The spat occurred as the committee considered a constitutional amendment to ban same-sex marriage.

In part, the clash between Pennsylvania Republican Sen. Arlen Specter, the committee chairman, and Sen. Russ Feingold, a Democrat from Wisconsin, was about a change in venue for the committee meeting. But the overarching context was the Democratic belief—well-founded, as it happens—that this amendment is all about currying political favor with the Republicans' rightwing base and in the process painting Democrats as the defenders of gay marriage.

This worked a treat for those supporting President Bush in the 2004 presidential election, when 11 states had initiatives on gay marriage or civil unions to inflame the voters' prejudices at the polls.

The scene in the Judiciary Committee was childish and undignified, perhaps as befitting the nonsense before it. After Sen. Feingold declared his opposition to the amendment and his intention to walk out, Sen. Specter said: ''I don't need to be lectured by you. You are no more a protector of the Constitution than am I.'' He bid the Democrat ''good riddance.''

Actually, Sen. Feingold has a better claim to be a protector of the Constitution; he doesn't want to see it larded up with a piece of bigotry in which a majority motivated by religious belief seeks to deprive a small minority of the benefits of matrimony. Ironically, Sen. Specter is ''totally opposed'' to the bill but thinks it should go to a vote. And it will—probably in the week of June 5—as the result of the committee's 10–8 party-line vote.

As a practical matter, the amendment is not needed. A majority of conservative justices on the U.S. Supreme Court can be expected to support the existing federal Defense of Marriage Act of 1996—so states such as Pennsylvania do not have to recognize any same-sex marriages granted elsewhere. Indeed, if protecting the sanctity of marriage was the real goal, the amendment would ban divorce, or at least ban divorced people from marrying again. Of course, we don't propose that ourselves, but the backers of the gay marriage amendment would do so if they were consistent.

But consistency and logic are not the point. The political power of the amendment, like the proposed effort to do something similar in Pennsylvania, resides in its bullying and hypocrisy. This is about selecting convenient scapegoats and feeling righteous as the administration pursues a sort of anti-Gospel in which social programs are cut and policies are pushed to favor the rich over the poor.

Sadly, any shouting matches—as in the Senate Judiciary Committee—are to be expected because promoting rancor and division are the real point. We can only hope that wiser heads will prevail in Congress as this amendment proceeds.

[From the Salt Lake Tribune, April 29, 2006]

BILL OF WRONGS: NO NEED FOR FEDERAL MARRIAGE AMENDMENT

It's hard to claim you are campaigning for states' rights when the measure you are promoting would rewrite all 50 state constitutions in one stroke.

And it's hard to claim you are campaigning for individual rights, or for religious rights, when the proposal you back would impose a federalized definition for the very personal and, usually, religious institution of marriage.

The proposed ''Marriage Protection Amendment'' has drawn support from The Church of Jesus Christ of Latter-day Saints and a spectrum of other faiths, known collectively as the Religious Coalition for Marriage. That group argues, as unconvincingly as everyone else who makes the point, that the growing acceptance of same-sex unions threatens the institution of marriage.

This unwise move to amend the basic law of the United States follows successful campaigns to change a few state charters, including Utah's, to ban same-sex marriage. But, beyond being merely redundant to those state efforts, the proposed federal amendment also picks up a serious flaw that was part of 2004's Utah Amendment 3.

Utah's constitution does not merely bar same-sex couples from the legal institution of marriage. It prevents them from crafting any ''other domestic union, however denominated,'' That, despite the misleading reassurances of the measure's supporters before the vote, has since been shown to be a useful tool for knocking the pins out from under simple and reasonable domestic partnership agreements that should be the right of any adult to enter, and within the purview of any religious order to sanctify, or not, as it chooses.

Likewise, the federal proposal would reasonably preserve the term ''marriage'' for the traditional arrangement of ''a man and a woman.'' But, again, it would unreasonably go on to dictate that every state read its own constitution to deny any constitutional protection to the notion that marriage ''or the legal incidents thereof' should be extended to same-sex relationships.

Such an overbroad, if not downright nasty, attack on domestic partnerships is not necessary to reserve the title of ''marriage'' to its traditional understanding. It doesn't belong in any state's constitution. And we certainly don't want it cluttering up the Constitution of the United States.

[From the Situation Room, June 2, 2006]

Jack Cafferty, CNN anchor: Hi, Wolf.

Guess what Monday is? Monday is the day President Bush will speak about an issue near and dear to his heart and the hearts of many conservatives. It's also the day before the Senate votes on the very same thing. Is it the war? Deficits? Health insurance? Immigration? Iran? North Korea?

Not even close. No, the president is going to talk about amending the Constitution in order to ban gay marriage. This is something that absolutely, positively has no chance of happening, nada, zippo, none. But that doesn't matter. Mr. Bush will take time to make a speech. The Senate will take time to talk and vote on it, because it's something that matters to the Republican base.

This is pure politics. If has nothing to do with whether or not you believe in gay marriage. It's blatant posturing by Republicans, who are increasingly desperate as the midterm elections approach. There's not a lot else to get people interested in voting on them, based on their record of the last five years.

But if you can appeal to the hatred, bigotry, or discrimination in some people, you might move them to the polls to vote against that big, bad gay married couple that one day might move in down the street.

Here's the question: Is now the time for President Bush to be backing a constitutional amendment to ban gay marriage?

In conclusion, Mr. President, we should be addressing America's top priorities, including ways to make America safer, the disastrous war in Iraq, rising gas prices, health care and health insurance costs, stem cell research, erosion of America's privacy, the reauthorization of the Voting Rights Act, but now we are going to talk about something that is here simply for politics. Rather than seeking to divide and diminish, the Senate could be working against discrimination.

Why are we amending the Constitution to do something the States can do? Every State can pass and has passed laws about what will be the marriage laws in their State. No State is able to pass a law that is going to force another State to accept something they do not want. We passed the Defense of Marriage Act in the Congress for that.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. LEAHY. Mr. President, I think we are doing what we did in the Schiavo matter: We are playing politics with the basic rights of people, and it is wrong.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The ACTING PRESIDENT pro tempore. The time until 10 o'clock is reserved for the majority leader or his designee.

Mr. LEAHY. Mr. President, obviously, I am not going to take the majority leader's time. Certainly, if anybody on the Republican side seeks recognition, I will immediately yield the floor to them. I was hoping they would be here.

I note the chairman of the Judiciary Committee and I are in an asbestos hearing. I was asked by somebody the other day if I felt that marriage would be threatened if we didn't pass this. I have been blessed to be married to the same woman for 44 years. I don't feel threatened by it.

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

Mr. REID. Mr. President, I rise once again to express my strong opposition to the motion to proceed to this constitutional amendment. There are so many other issues we should be debating instead of this divisive and deeply flawed proposal.

We should be debating the raging war in Iraq. We should be debating our staggering national debt. We should be debating global warming. We should be debating stem cell research.

But we should not be debating a vague and unnecessary proposal to amend the U.S. Constitution. This week's debate is a textbook illustration of misplaced priorities.

As Chairman SPECTER has said, the Federal Marriage Amendment is a solution in search of a problem. The 1996 Defense of Marriage Act, which I supported, remains the law of the land. It defines marriage for purposes of Federal benefits as the union of a man woman, and provides that no State shall be required to recognize same-sex marriages performed in any other.

DOMA has been challenged three times, including in the Ninth circuit, and each time it has been upheld.

DOMA is consistent with principles of federalism and the longstanding tradition in our system that matters of family law should be left to the States and not dictated by the Federal Government.

In my home State of Nevada, we passed a State constitutional amendment in 2002 making clear that only a marriage been a man and a woman can be recognized and given effect in Nevada. I supported that measure.

Supporters of the Federal Marriage Amendment say that State laws like Nevada's are under ''assault'' by ''activist judges.'' The Nevada law is not under ''assault'' by anyone. There are no court cases regarding marriage for same-sex couples in Nevada.

The decision about how to define marriage was made by the people of Nevada for themselves, and it wasn't dictated to them by politicians in Washington. That's how it should be.

In contrast, this Federal amendment would dictate to each State how to interpret its own State laws. This is an unwarranted intrusion into the autonomy of State legal systems.

In any event, this is not an appropriate subject for a constitutional amendment. For over 200 years, the Constitution has had no provision on marriage, and we have left this and other family law issues to the states and to this Nation's religious institutions.

Our Constitution has only been amended 17 times after the Bill of Rights was adopted in 1791. Only 17 times in 215 years.

Several years ago the nonpartisan Constitution Project convened a committee of constitutional scholars, civic leaders, and other prominent Americans to develop criteria for when a constitutional amendment is justified. They wrote that our Constitution should be ''amended only with the utmost care, and in a manner consistent with the spirit and meaning of the entire document.''

This amendment fails that test. It does not make our system more politically responsive. It does not protect individual rights. As James Madison wrote in Federalist No. 49, the Constitution should only be amended on ''Great and Extraordinary Occasions.'' This is not such an occasion.

Earlier this year, former Republican senator John Danforth of Missouri spoke about this amendment and this is what he had to say:

> Maybe at some point in time there was one that was sillier than this one, but I don't know of one. . . . Once before the Constitution was amended to try to deal with matters of human behavior, that was prohibition, that was such a flop that that was repealed 13 years later.

I agree with my distinguished former colleague that this is not an appropriate subject for a constitutional amendment.

I hope the American people will see this amendment for what it is. This amendment is not about whether any of the Members in this body support or oppose same-sex marriage.

This amendment is about raw election year politics. It has zero chance of passing, and everybody knows that.

Those who would use the Constitution as a political bulletin board should be ashamed of themselves. Our Constitution deserves better. And the American people deserve better.

Mr. FRIST. Mr. President, over the past couple of days, we have had a good, rigorous debate on the future of marriage in America. I thank Senator ALLARD and Senator BROWNBACK for managing the debate and my colleagues who have come to the floor to very thoughtfully and thoroughly lay out the legal and cultural issues that are at stake.

Throughout human history and culture, the union between a man and a woman has been recognized as the cornerstone of society. Marriage serves a public act, a civil institution that binds men and women in the task of producing and nurturing children—husband and wife, father and mother—building a family in a community over a lifetime.

At its root, marriage is and always has been a public institution that formalizes that family bond. Some on the other side have said that the strength and stability of marriage is a distraction of little concern to the broader public. And I couldn't disagree more.

As it so happens, they used the very same argument 2 years ago. They said the States had little interest in preserving traditional marriage; voters didn't care; other issues were more important. That argument wasn't true then, and it is even less true now.

Marriage, as we know it, is under assault. Activist courts are attempting to redefine marriage against the expressed wishes of the American people. And if marriage is redefined for some, it will be redefined for all.

Last year, voters in 13 States passed by enormous margins State constitutional amendments to protect marriage. Mr. President, 19 States now have State constitutional amendments. Another 26 have statutes doing the same. Alabama voters, yesterday, endorsed an amendment to protect marriage. In total, 45 States have either State constitutional amendments or State laws to protect marriage.

Tennessee, which will give voters the opportunity to voice their opinion this November, is one of six States with similar amendments to its constitution that are pending. No State—no State—has ever rejected an effort to protect traditional marriage when it has been on the ballot.

Voters across the country, from red States to blue, have voted overwhelmingly to protect traditional marriage. But that has not stopped the same-sex marriage activists from taking their campaigns not to the American people but to the courts. Indeed, their losses at the ballot box have only fueled their judicial activism.

Currently, nine States have lawsuits pending. In five States, courts could redefine marriage by the end of the year. In California, Maryland, New York, and Washington, State trial courts have already followed Massachusetts and declared their State constitution's definition of marriage unconstitutional. All of these cases are on appeal.

A Federal judge in Nebraska overturned a democratically enacted State constitutional amendment protecting marriage. That ruling is now under appeal in the Eighth Circuit.

Another Federal court case in Washington challenges the constitutionality of the Federal Defense of Marriage Act. That case is stayed pending resolution of litigation in the Washington State Supreme Court. Court watchers are expecting a ruling soon.

With all of this litigation pending, there is little doubt that the Constitution will be amended. The only question is whether it will be amended by Congress working the will of the people or by judicial fiat. Will activist judges override the clear intention of the American people or will the people amend the Constitution to preserve marriage as it has always been understood?

In Massachusetts, the people have never had a say. The State's supreme judicial court demanded the State sanction same-sex marriage. A majority of the court substituted their personal policy preferences for that of the people, and the consequences of that activism spread far beyond same-sex marriage itself.

I wish to read from a letter from Governor Romney sent to me as we opened the debate on this issue. In it he warns us that Massachusetts is only just beginning to experience the full implication of their court's decision. He writes:

Although the full impact of same-sex marriage may not be measured for decades or generations, we are beginning to see the effects of the new legal logic in Massachusetts just 2 years before our State's social experiment.

In the letter, Governor Romney relates the following account:

In our schools, children are being taught that there is no difference between the same-sex marriage and traditional marriage.

Recently, parents of a second grader in one public school complained when they were not notified that their son's teacher would read a fairy tale about same-sex marriage to the class.

The parents asked for the opportunity to opt their child out of hearing such stories. In response, the school superintendent insisted on ''teaching children about the world they live in, and in Massachusetts same-sex marriage is legal.''

Now second graders are being indoctrinated to accept a radical redefinition of marriage against their parents' wishes. That is the reality today in Massachusetts.

It doesn't stop there. Already religious organizations in Massachusetts are feeling the pressure to conform their views as well. In March, the Catholic Charities of Boston discontinued their work placing foster children in adoptive homes. Why? Because they concluded the new same-sex marriage law would require them to place children—require them—to place children in same-sex homes. Clearly, this is an irreconcilable conflict.

So while we have advocates denying that same-sex marriage poses any conflict with religious expression or with traditional views, we are already seeing in Massachusetts that simply is not the case. We don't know yet the range and the extent of the religious liberty conflicts that would arise from the imposition of same-sex marriage laws, but we do know the implications are serious, that religious expression will be challenged, and that it is a matter of deep public concern. That is why we seek action in the Senate on this important issue.

As I have said before, it is only a matter of time before the Constitution will be amended. The only question is by whom. Is it going to be a small group of activist judges or by the people through a democratic process? I believe the people should make that decision.

We talked about the specific wording of the marriage protection amendment. Nothing in the amendment intrudes on individual privacy. Nothing stops States from passing civil union laws or curtails benefits that legislatures establish for same-sex couples.

It simply protects the States from having civil unions imposed on them from activist courts. It protects the legislative process by letting people speak and vote. It ensures that their voices are heard and their votes are respected.

My own views on marriage are clear. I believe that marriage is the union between a man and a woman for the purpose of creating and nurturing a family. We know that children do best in a home with a mom and a dad. Common sense and overwhelming research tell us so. Marriage between one man and one woman does a better job protecting our children—better than any other arrangement humankind has devised. I believe it is our duty to support this fundamental institution.

Now we will vote on proceeding on the marriage protection amendment. We will vote on whether we believe traditional marriage is worthy of protection, and we will vote on whether the courts or the people will decide its fate.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 435, S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

Bill Frist, Wayne Allard, Jim Bunning, Conrad Burns, Richard Burr, Tom Coburn, Jon Kyl, Craig Thomas, George Allen, Judd Gregg, Johnny Isakson, David Vitter, John Thune, Mike Crapo, Jeff Sessions, John Ensign, Rick Santorum.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that the debate on the motion to proceed to S.J. Res. 1, an amendment to the Constitution of the United States related to marriage, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Nebraska (Mr. HAGEL).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The yeas and nays resulted—yeas 49, nays 48, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—49

Alexander	DeMint	McConnell
Allard	DeWine	Murkowski
Allen	Dole	Nelson (NE)
Bennett	Domenici	Roberts
Bond	Ensign	Santorum
Brownback	Enzi	Sessions
Bunning	Frist	Shelby
Burns	Graham	Smith
Burr	Grassley	Stevens
Byrd	Hatch	Talent
Chambliss	Hutchison	Thomas
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Coleman	Kyl	Voinovich
Cornyn	Lott	Warner
Craig	Lugar	
Crapo	Martinez	

NAYS—48

Akaka	Feinstein	Menendez
Baucus	Gregg	Mikulski
Bayh	Harkin	Murray
Biden	Inouye	Nelson (FL)
Bingaman	Jeffords	Obama
Boxer	Johnson	Pryor
Cantwell	Kennedy	Reed
Carper	Kerry	Reid
Chafee	Kohl	Salazar
Clinton	Landrieu	Sarbanes
Collins	Lautenberg	Schumer
Conrad	Leahy	Snowe
Dayton	Levin	Specter
Dorgan	Lieberman	Stabenow
Durbin	Lincoln	Sununu
Feingold	McCain	Wyden

NOT VOTING—3

Dodd	Hagel	Rockefeller

The PRESIDING OFFICER (Mr. VITTER). On this vote, the yeas are 49, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 12 noon.

Thereupon, the Senate, at 10:33 a.m., took a recess, and the Senate, preceded by the Secretary of the Senate, Emily Reynolds, and the Sergeant at Arms, William H. Pickle, proceeded to the Hall of the House of Representatives to hear the address by Her Excellency Dr. Vaira Vike-Freitberga, President of the Republic of Latvia.

(The address delivered to the joint session of the two Houses of Congress is printed in the Proceedings of the House of Representatives in today's RECORD.)

Whereupon, at 12 noon, the Senate reassembled when called to order by the Presiding Officer (Ms. MURKOWSKI).

DEATH TAX REPEAL PERMANENCY ACT OF 2005—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the hour of 12 p.m.

having arrived, the Senate will proceed to consideration of the motion to proceed to H.R. 8, which the clerk will report.

The bill clerk read as follows:

Motion to proceed to the consideration of H.R. 8, to make the repeal of the estate tax permanent.

The PRESIDING OFFICER. Under the previous order, the time from 12 p.m. to 3 p.m. shall be divided for debate as follows: From 12 to 12:30, the majority will have control; from 12:30 to 1 o'clock, the minority has control, alternating between the two sides every 30 minutes until 3 p.m.

The Senator from Arizona.

Mr. KYL. Madam President, today and tomorrow could be historic days in the Senate—indeed, in the history of our country—because we have an opportunity to eliminate what some have called the most unfair tax of all. I speak of what has been called the estate tax, or the inheritance tax, or more recently has become known as the death tax.

Just a word of the history of this tax would be interesting to my colleagues before I discuss the process by which this consideration will occur and some of the reasons why we need to proceed with it.

It is very interesting that the history of the estate tax actually can be traced back to ancient times and the Roman Empire, but the more relevant history for purposes of the United States, because we borrowed this concept from England, came from the Middle Ages when the sovereign or the state, of course, owned all of the assets—the land and even the personal property—within the country.

What would happen is, when the king owned all of the feudal property in England, he would grant the use of that property to the people within the kingdom. Certain individuals during their lifetimes—let's say a farmer—would have the land to till and the farm animals to take care of. When that farmer died, in effect, his family would have to buy back that property from the king in order to continue to farm that land, to raise those farm animals and so forth. When the king died, the king would let the estate retain the property on which the payment of an estate tax, called a relief, existed. That would then enable the family to continue to run the family farm or the family business, to put it in modern-day terms.

It seems very strange indeed in the 21st century we would retain this odd and clearly out-of-place custom of having to buy back our property from the king. We do not have a king anymore. There has never been a king in the United States of America. Our right to property is guaranteed in the Constitution. So it seems strange, indeed, that we should be following a custom which required us to buy back from the king our property when our father or our mother dies, for our children to have to buy it back when we die. Yet that is the etiology of the estate tax, that you pay the state to continue to enjoy the right to the property that you always thought was yours.

It is a very expensive price, indeed. In recent years, it has been 55 percent for the largest estates. Clearly, a lot of people could not afford this, people who put their life savings into their farm or their business.

I had a friend from Phoenix who owned a printing company. He started it himself, and after 40 years built it up to a prosperous printing company. He took a modest sum out for he and his family but basically plowed everything back into the company because to stay ahead in the printing business you had to buy the most modern printing equipment and technology.

On paper, his family had a lot of wealth. He had a lot of wealth when he died. But it was literally tied up in the company. His family looked at the estate tax. They had spent a lot of money buying insurance and so on. They found they were going to basically have to pay over half of the value of this company to the Government. They did not have that money. They did not have that liquid cash. So they had to sell this printing company in order to collect the money to pay the Government about half of it in the form of an estate tax.

What happened? This particular man was one of the most generous people in the city of Phoenix. He contributed millions of dollars. In fact, there is a Boys and Girls Club named after him. Every year his wife and his daughter would be involved in charitable activities. I know because my wife is one of the best friends of his daughter. They headed up charity events and raised millions of dollars for our community. When his family had to sell the business to pay the estate tax to the Government, they were no longer in a position to do the things for the community they had always done. They have remained very active and very giving but not to the same extent when they had a business to rely upon.

So this community lost in many ways. It lost a great, locally owned, family-owned business. It lost the patriarch of that business, a very generous person, who supported the community, and the family, of course, has not been able to employ those people. Over 200 people were employed in the business.

One of the modern-day rationales for the estate tax is that it prevents the concentration of wealth in just a few families. If there is any Nation that you don't have to worry about that, it is the United States of America. We are a Nation in which anyone can make wealth—and you can lose it quickly. Everyone aspires to get higher on the economic ladder. The notion that somehow there are just a few rich families in this country controlling everything is, of course, a wild myth. So it is not necessary to break it up.

But what happened when people like my friend Jerry, when he passed away and his family had to sell his printing company, what happened to the concentration of wealth? It sure took it away from his family, all right, though no one would contend they were really among the elite of this country. He was a poor Jewish kid from New York who came out west, made good, employed a lot of people and did a lot for his community. No, they sold to a big corporation, a public company. So the concentration of wealth, of course, was enhanced, not lessened, as a result of the application of the estate tax.

It is very hard for small businesses these days, or even small farms, to compete with publicly-owned businesses. When the CEO of a publicly-owned business passes on, nothing happens. The corporation simply goes chugging right along. But when the patriarch of a family-owned business passes away and half of the money in the business has to be paid to Uncle Sam, it can crush that small business. It is one of the reasons we need to eliminate this tax. The small family-owned business or family-owned farm cannot compete with the giant corporation which does not suffer the same kind of tax.

We should not have to buy back the estate from the king any longer. We need to end this most unfair tax of all, the death tax.

It is interesting that even though most Americans will not have to pay the death tax because their estates would fall within the amount that is exempted, by very large numbers, they recognize it is a very unfair tax. So when public opinion surveys ask people their opinion of the tax, the majority of people in this country say they would like to end the tax, that it is unfair and it should be eliminated. As a matter of fact, this applies to liberal and conservative voters.

According to a Gallup poll from April of this year, 58 percent of the respondents said that the inheritance tax is unfair. It is interesting, this poll was taken when Americans were filing their taxes. The death tax was called unfair by more people than the despised alternative minimum tax. Only 42 percent of the AMT said it was fair. Yet, of course, we know that also to be a very unfair tax. It was never intended to apply to average Americans. It was put in there to make sure that even the wealthiest Americans with all of their deductions, exemptions, credits and places to park their money that even they would have to pay some tax—even if they did not owe any income tax, they would owe an alternative minimum tax.

Now, that alternative minimum tax, much like the death tax, is reaching down to take money from more and more and more Americans. So we are recognizing that whatever its good intentions originally, it is an unfair tax.

It is interesting that even though more Americans will be hit with the AMT, a greater number of Americans believe the death tax is more unfair

than even the alternative minimum tax. Of course, they are both unfair. They both need to be eliminated. It shows the sense of fairness that Americans have.

There was a poll taken not long after the Presidential election last year. It was interesting to me that while 89 percent of people who identified themselves as Bush voters believed the death tax is somewhat or very unfair, 71 percent of the Kerry voters also found the death tax at least somewhat or very unfair: 25 percent, somewhat; 46 percent, very unfair. So this reaches across the economic spectrum; it reaches across the political spectrum. Americans know an unfair tax when they see it, and they think it ought to be eliminated.

Of course, the economic theory backs them up. They say it is unfair because, among other things, it is a tax on hard work. It is a tax on thrift over consumption. It is a tax on assets that have already been taxed at least once when they were earned and sometimes multiple times as that money has been invested and then returned a profit.

Americans understand we should have a tax policy that encourages savings and encourages working more. When people know that the next dollar they earn is going to be taken by the Federal Government or that half of everything that is left in this estate could be taken by the Federal Government, what is the incentive for them to continue to work?

Dr. Edward Prescott, a Nobel Prize winner in economics from Arizona State University, got that prize by proving the phenomenon that there is a direct relationship in how much more people will work and how much they have to pay in taxes. When they know most of what they earn, they can put back into their business, save, invest or give to their kids, they will continue to work. When they know it will go to Uncle Sam, guess what. They don't work anymore. That is lost productivity. It is lost productivity that damages our entire country, our economy. It obviously hurts in job creation. It hurts in our ability to continue to enjoy the kind of growth we have.

The studies verify this. The studies verify, according to the Joint Economic Committee, for example, which has done one of these recent reports, that the estate tax has reduced the stock of capital in the economy by about $847 billion over the last several decades, the last 60 years. That is almost $1 trillion in lost capital that could have been put to work creating jobs and creating products.

In comparison, the estate tax raised $761 billion in inflation-adjusted dollars over this same period of time. The bottom line is, this is a destructive tax. It is not a tax that helps taxpayers very much. It is about 1 percent of the revenues we collect, and, according to estimates, Americans actually pay about the same amount in money every year to avoid paying the death tax as it brings into the Federal Treasury.

Alicia Munnell, an economist, has made that point. She was a member of President Clinton's Council of Economic Advisers. She estimated that the costs of complying with the estate tax laws are about the same as the revenue raised. It is expected to raise about $28 billion in this fiscal year.

The bottom line is, therefore, it is a very inefficient tax. It costs, actually, twice as much as we think it does. It does not bring in that much revenue. And certainly it is very detrimental to economic growth and to capital formation.

There is a way we treat this phenomenon in the Tax Code. It really tells us how we should treat the estate tax. Think about the unintended events that occur in your life. Obviously, death is the chief among them. You cannot choose when you die. Everyone knows they are going to die, but it is not an event that is a voluntary event or that we decide when we are going to do it, certainly not for tax-planning purposes.

It is much like a couple of other things that are recognized in the Tax Code as involuntary events. One of them is what happens when there is a theft. Someone breaks into your home and steals a lot of your property. You might get the insurance company to give you that money back. Should that money be taxed as income when you get it back from the insurance company? Of course not. It is merely a replacement for what was stolen from you. The Tax Code recognizes this in what is called an ''involuntary conversion,'' and they do not force you to pay the ordinary income tax on the money you get back when you suffer that loss.

It is the same thing for death. Death is not a planned event. Death is not something like a sale of property for which you would expect to pay a capital gains tax but, rather, something that occurs to you involuntarily; certainly you should not suffer a price when the estate is passed to you from your loved one, let's say. It comes, of course, at the worst possible time in people's lives to begin with, when they are grieving the loss of a loved one and now are going to have to pay the king to get that loved one's estate. This is not something which Americans believe is fair or right or just.

There is a way we treat this in the Tax Code—involuntary conversion. You don't get taxed on it. The same philosophy ought to apply to the estate tax. There are a lot of reasons. There are the purely economic reasons. There is American public opinion. There is the philosophy of the Tax Code. All of these things mitigate against having this unfair death tax today.

What we have done is to, therefore, set up a process by which we can take up the House bill which voted overwhelmingly to eliminate the death tax. That is H.R. 8. What we are debating now is the taking up of H.R. 8 so that we, too, can vote to repeal this fundamentally unfair tax. We will have a cloture vote. It will occur presumably sometime tomorrow. I urge colleagues to vote yes on cloture so that we can take up the House bill.

Some of my colleagues do not want to support the House bill for full repeal. I understand that. They are well aware of the fact that since there may not be support for that to get 60 votes, a lot of work has been done to develop an alternative which would end the most pernicious impact of the tax but still allow some revenue to be collected from the most wealthy estates each year. I will discuss that in a moment.

The bottom line is that in order for us to vote on full repeal or to vote on an alternative to full repeal, we will have to support the first cloture motion to proceed so that we can take up the House bill. Presumably, then, the majority leader would have a cloture vote on that underlying bill and people can vote yes or no on that as they please. I will vote to repeal the estate tax. Should that fail, we will then have the opportunity to vote on an alternative. That alternative has been relatively widely discussed, and we will have an opportunity to discuss it more later.

In general terms, what it would do is provide that most people won't have to spend the $30 billion a year that is spent on insurance policies, lawyers, accountants, estate planners, and the like to try to avoid paying most of the estate tax. For most people, under this alternative compromise, the exempted amount will be large enough that they won't have to worry about it, or if even after the exempted amount, their estate will be covered—and with the increase in real estate prices today and with the value of businesses and farms going up, frequently, simply because of the value of the land or the personal property, a lot of estates could get caught even with a generous exempted amount. We have a plan that only the capital gains tax rate would apply. If that is the case, then, whether you choose to sell the property before death or you are willing to pay whatever you have to after the exempted amount after death, it is the same. It would be 15 percent today; after 2010, it would be 20 percent, if that is not changed. Everybody knows, therefore, that the penalty, in effect, to the Government is the same. You pay on the gain if you sell the property before death. If your heirs inherit the property, they would pay that same 15 or 20 percent. There may be an addition to ensure that the very wealthiest estates pay at a higher rate. That is something we are discussing with colleagues.

The bottom line is, what we will do is make clear that for most people, they won't have to worry about the death tax anymore. For the very few who do, it would be only the very largest estates which would clearly have the financial means of doing something about it.

We are not going to be able to get to either a vote on full repeal or the alternative unless we vote for cloture to

take up the House bill. That is the critical vote which will occur tomorrow.

We have a series of speakers. I believe the Senator from Texas, Mr. CORNYN, is next. Then we have Senators TALENT, SHELBY, BUNNING, ALLEN, THUNE, and GRASSLEY on the Republican side. I urge them to be here to ensure their place in line so that they have an opportunity to speak for the allotted time on this important issue, laying the foundation for what is going to be a historic vote tomorrow to finally get on the process for getting rid of this most unfair tax.

I urge colleagues' support and yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I congratulate Senator KYL, who has been a true champion of this effort and a leader on a bipartisan basis, for his good work. I know we were delayed a little bit because we thought we were going to come to the floor with this important legislation about the time that Mother Nature sent us Hurricanes Katrina and Rita. But we are back here through no small effort on the part of Senator KYL. I thank him for his leadership.

This is an issue which affects my constituents in Texas a lot and concerns Americans, as we know, across a broad political spectrum, as a result of public opinion polls. It goes back to 2001, when Congress passed the Economic Growth and Tax Relief Reconciliation Act which included a phaseout of the death tax. Eliminating the death tax was an important part of that overall tax relief package which has played no small part in the incredible economic expansion we have seen in America since that time: 2 million new payroll jobs in the past year; more than 5 million new payroll jobs since May of 2003; unemployment is at 4.6 percent, the lowest in almost 5 years; home ownership has reached alltime highs, including among those categories of minority owners who traditionally have lagged behind in terms of their pursuit of the American dream. The economic growth and expansion we are seeing today would not have been possible but for the important tax relief this Congress passed with President Bush's leadership in 2001 and 2003.

Unfortunately, because of our budget rules, because of our inability to get 60 votes for permanent repeal, Congress has been unable to completely eliminate the death tax. The death tax will amazingly disappear in 2010 but then rear its ugly head in 2011 and revert to its pre-2001 level. In other words, unless we act, the American taxpayer will see a huge tax increase.

This debate is about whether Members of the Senate truly believe that death should remain a taxable event for American taxpayers, especially those who are hit in a disproportionately disadvantageous way—ranchers, farmers, and small business owners. I favor eliminating the death tax because, fundamentally, it is an unfair tax. Once you earn income and pay taxes on your income, then Uncle Sam comes along, when your loved one is lying on their deathbed, and says: We want another bite out of your savings and assets that have accumulated due to your hard work and industry.

There are those who say this is just to benefit the rich and wealthy. That ignores the reality on the ground. The death tax brings the hammer down on Texas farmers and ranchers whose most valuable asset is their land. To pay this double tax, farmers and ranchers are threatened with the prospect of selling just to pay their tax. This is true of small business owners who have chosen perhaps not to incorporate or form a business organization such that they can take advantage of other tax exclusions and exemptions but, rather, this affects small business owners in a disproportionately negative way as well.

The death tax discourages savings. By taxing bequests, the death tax discourages small business owners and family farms from saving and reinvesting in their business. Many economists bemoan the fact that Americans don't save enough compared to other countries. Eliminating the death tax would lower the barrier to savings that so many Americans face.

Not only does the death tax discourage small businesses and farmers and ranchers from saving, it also hinders their ability to operate from generation to generation. The current death tax burden especially makes it progressively more difficult for each succeeding generation to keep an agricultural operation going. The death tax reduces the inheritance available to heirs, again discouraging people from working, saving, and investing. We are all familiar with the stories of sons and daughters having to sell the family farm their parents gave them so they could merely pay the tax bill upon the demise of their loved one.

The death tax also discourages entrepreneurial activity, which is the key to keeping America competitive in the global economy. As ironic as it may seem, the former Soviet Union, our opponent in the Cold War, understands the positive economic benefits of eliminating the death tax. Last year, Russia eliminated its own death tax. In fact, 414 Members of the Duma, the Russian Parliament's lower house, voted in favor of the proposal, a record at the time.

Dying should not be a further burdensome, expensive, and complicated event because of the death tax. Right now, it is. IRS data indicates that more than half of the estates of those who die in America are required to file a death tax return even though they never owe any death tax to begin with. In addition, complying with one or more of the complicated parts of the Internal Revenue Code can be crushing when you consider that taxpayers need to hire attorneys and accountants, appraisers, and other experts to make sure that all their t's are crossed and their i's are dotted. Many taxpayers are not lucky enough to afford the armies of accountants and tax lawyers needed to avoid the death tax through the use of legal and reasonable trusts or foundations. The IRS interacts with American taxpayers every day in one way or another. It should not be there on the day those taxpayers leave this Earth.

I know there are concerns expressed by some colleagues with regard to the budget deficit. There is no doubt that Congress needs to do all it can to responsibly control the rate at which we spend on mandatory programs which are the primary cause of our deficit, growing as they are at the rate of 8 percent or more a year—Medicare, Social Security, and Medicaid. Earlier this year, I offered an amendment to the budget resolution that would have built on the successes of the Deficit Reduction Act and further reduced the growth in mandatory spending. Unfortunately, it was not accepted.

Some advocate keeping the death tax in the IRS Code as the key to opening the door of fiscal discipline. I disagree. Following this path will lead to nowhere and lead there fast. What it will do, instead, is slam the door on ranchers and farmers and family-owned businesses. That is not something I am prepared to do. To ensure the economy's continued momentum, we need to make sure the permanent elimination of the death tax is included in this legislation. We have to end the death tax once and for all as a matter of fundamental fairness.

The fact is, by cutting taxes, we spur economic activity, which, in part, accounts for why the budget deficit is actually lower than had been projected earlier, because the revenue to the American Treasury has increased with the burst and expansion of economic activity. With more people working, more people paying taxes, there is more revenue into the Treasury. We have been through a recession, national emergencies, corporate scandals, and a war. Yet because of the President's leadership and the leadership of this Congress in passing important tax relief, we were able to put money back in the pockets of ordinary Americans so that they could then invest and help grow the economy that has benefited us all. Let us not get in the way of that important progress by failing to take the necessary action to end the death tax once and for all.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, the Book of Proverbs says:

> A good man leaves an inheritance to his children's children.

Tomorrow, the Senate will vote on whether the Government should have a part in that transaction. Tomorrow, the Senate will vote on whether to move to the consideration of a repeal of the estate tax.

During a particularly tumultuous time in American history, President Ford said:

Truth is the glue that holds government together. Compromise is the oil that makes government go.

We are not confronted with the same level of rancor today as when President Ford said that. But both of these institutional virtues—truth and compromise—are as essential today as they were then. To achieve true estate tax relief for our constituents, we will need a heavy dose of each.

The estate tax is a difficult issue. Members on both sides of the debate have strong feelings. Back home, many of us meet with ranchers, farmers, family businesses, and others who feel passionately about the estate tax. Some believe that it is an unfair tax. Others believe that it is an important source of revenue for government programs.

Personally, I believe that the estate tax has caused significant hardship for families in my home state of Montana. I often hear from ranchers and farmers who own land that has become very valuable. Often, they have little cash in their pockets to pay the estate tax when passing their land on to their children. In Montana, like many other places in the West, people are committed to their land. They are committed to their way of life.

Many of my constituents want to pass their ranch or farm on to their children. They do not want it divided up. They do not want it spoiled by developers. Their children want to stay on the land. They want to keep the lifestyle that is so important to them. They love the land. They are stewards of the proud western heritage of ranching and farming. They take their attachment to the land very seriously. And they do not take kindly to the government interfering with their link to the land. This is why I support repeal of the estate tax. From my view, from Montana's view, a tax that forces ranchers to break up their land is a bad tax.

This is my strongly held belief. But I realize that some of my colleagues believe just as strongly that inheritances over a certain value should be subject to tax. I understand that anything is possible. But it appears unlikely that we are going to change many Senators' minds on this issue. Each side is pretty well dug in.

As a consequence, we are short of the votes required to repeal the estate tax outright.

That is why I have been working together with Republicans and Democrats to achieve a compromise on the estate tax. Senator KYL, in particular has made an important effort to reach a compromise. I commend him.

My goal is to pass a repeal of the estate tax. But if we are not able to reach that goal, at the very least we should reach a resolution that will protect as many Montanans as possible from the estate tax.

I think that we can accomplish that. But we will need time. It will take real effort. It will take concessions. I am committed to that work.

I have met with many Senators from both parties on this issue. Our staffs have been meeting for months. We have been working to address the details, if we reach an agreement. After meeting with Republicans and Democrats on the estate tax, we have considered several proposals that will both increase the exemption for estates subject to the tax, and lower the rates of taxation.

These proposals will not eliminate the estate tax altogether. But they will—at the very least—eliminate the tax for 99.7 percent of Montanans and Americans alike. Only 3 tenths of 1 percent of Americans would have to worry about the tax again. That is a very small number. Only 31 out of nearly 9,000 estates in Montana would be subject to an estate tax in 2006 under the proposals we are discussing.

We are discussing proposals that amount to roughly half of the cost of full repeal. That is the ultimate consensus position. That is the middle.

I think that Senator KYL and I have made good progress. But I am willing to listen to other ideas that Members have. We should keep this process going. We should continue the work of negotiation. We have not finished our work on a compromise. But even so, the majority leader has decided to hold a vote on the estate tax.

Let's be honest. Tomorrow's vote is thus not a constructive step to actual reform. It is a political exercise. It is a reward to the noisy Washington interest groups that pray on resentment and discord. Both Democrats and Republicans are guilty, on occasion, of forcing votes just to score political points. But that is not a productive way to run the Senate. So what will we be left with tomorrow at the end of this vote? Perhaps more distrust of one side from the other. But we will not have accomplished the goal that many of us in this body seek: true estate tax relief for our constituents.

As our former Majority leader George Mitchell used to say said: ''Do you want to make a statement, or do you want to make law?'' I am committed to making law. I will work together with Republicans and Democrats alike. I will work with anyone in this body to reach a consensus on the estate tax that gives real estate tax relief to Montana families, and importantly, has the votes to pass.

But such a compromise will take time. My hope is that we can return to negotiations after this vote. I hope that then we can bring to those negotiations a renewed sense of purpose and drive to accomplish a true compromise—consistent with the best traditions of this body. We owe this spirit of cooperation to the Senate as an institution. More importantly, we owe it to the ranchers and farmers and families in Montana and across America who expect us to work together for a compromise on the estate tax that will provide real relief—not political statements.

Madam President, let us not just make statements. Let us negotiate. And let us make the law that will end this tax once and for all.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DAYTON. Madam President, today, we are witnessing another display of Republican anguish for America's oppressed minority, the rich and the super-rich. They suffer from a terrible injustice: They have to pay taxes on their millions and multimillions and even billions of dollars in accumulated wealth.

Thanks to my Republican colleagues, the rich and super-rich pay far less in taxes than they did 5 years ago. But their sympathy knows no bounds. So today we are debating eliminating taxes—not just lowering them but eliminating them—on only the wealthiest one-half of 1 percent of all Americans, taxes they don't even pay themselves but their estates pay after they die.

This debate is not about saving family farms or small businesses, although I personally favor exempting them from all estate taxes.

This proposal is about eliminating a tax that falls only on the rich and the super-rich. When it comes to tax cuts for them, the Republicans just cannot do enough. They have done so much already. They lowered the top personal income tax rates by more than any other categories. They reduced the tax rate for capital gains to 15 percent. President Bush wanted to eliminate taxes on dividends, but Congress settled on a 15 percent rate for that income as well.

Republicans and a few Democrats—but mainly Republicans—have created a Federal Tax Code where a working person with taxable income above $28,400, or a head of household with taxable income above $38,400, pays much higher tax rates than rich people pay on millions of dollars of income from dividends and capital gains.

Let me say that again. A working American pays a tax rate of 25 percent or higher on every dollar of earned taxable income above $28,400, or $38,400 for a head of a household. A multi-millionaire or a billionaire pays a tax rate of only 15 percent on any amount of unearned taxable income. Now, there is a tax injustice to the middle class working Americans that we should be doing something about.

But, no, what do my Republican colleagues propose today? More tax cuts for only the wealthiest people in America. They don't seem to care that they are sacrificing the financial strength and stability of our Federal Government to continue these tax giveaways. They are addicted to what the nonpartisan Concord Coalition has called the ''most reckless fiscal policy in our Nation's history.''

When George Bush became President, the Federal Government's operating

budget had just been balanced for the first time in nearly 40 years. Now, it is running deficits of $500 billion a year. The entire Social Security trust fund surpluses are being spent to cover part of those operating deficits. The rest of it is being borrowed. President Bush's own budget projects that in fiscal year 2011, the year this proposed repeal would become permanent, the on-budget deficit will be $415 billion.

Total Federal debt will have grown to $11.5 trillion. Over $3 trillion of that debt will be owed to the Social Security trust fund. That is the amount of the trust fund surpluses the Republican tax giveaways will squander to pay for them.

The Federal financial situation only gets worse during the following years. According to the Social Security trust fund's trustees, that fund will start to run annual deficits in 2016—that is 10 years from now—as more and more baby boomers retire. Those annual Social Security trust fund surpluses will be gone. Those previous surpluses that President Bush and most Members of Congress once promised would be saved in a lockbox until needed to pay Social Security benefits will be gone, too—gone to pay for part of the tax cuts for the rich and super-rich. So then the Federal Government's operating budget will be running huge deficits.

The Social Security trust funds will start running big deficits. The operating fund will owe the trust fund over $3 trillion, and yet this Senate is talking about eliminating a tax on the richest one-half of 1 percent of Americans.

This is beyond fiscal irresponsibility. This is fiscal insanity. These projections are right from the President's own budget office and the Social Security trust fund trustees. The revenue shortfalls are catastrophic. We are standing on the look-out tower of the Titanic and all we have to do is open our eyes and look at the financial iceberg that is dead ahead. My Republican colleagues want to keep going full speed ahead. They also want to pour more coal on the fire. The people in the first-class cabin will get to enjoy their extra champagne and caviar for a short while longer.

Nobody likes to pay taxes. This country was founded by anti-tax rebels. But once it became our country and our Government of we, the people, most Americans willingly paid their fair share of the taxes necessary for the public services that we collectively want, like national defense, education, highways, and the rest.

There used to be an ethic in this country that if you made more money as an individual or a corporation, you paid more taxes. That was your fair share. That was a reasonable price to pay for living in the greatest country in the world and for being successful in it. Now that ethic has been lost. Now too many people and companies want to make more and more money and pay less taxes or pay no taxes or get rebates.

Politicians pander to those desires by offering more and more tax cuts because they are popular and they help them get re-elected—while still increasing Government spending, because that is popular, too. But the result of that lost ethic and the insatiable desire for more and more tax cuts in the last year—setting aside Social Security—total Federal tax revenues amounted to only three-fourths of expenditures. Under existing tax policies, it won't get much better. Under this estate tax proposal, it will get worse.

So the question before us is: Who cares about the future of this country? Who will say no to the demands for more money by its most privileged people who apparently don't understand or don't care what they are doing to the financial future of everyone else? But we do know, we, the 100 elected representatives of all the people of this great and still strong Nation, we, the stewards of its financial treasures and the trustees of the public trust, we do know. It is our responsibility to know what eliminating the estate tax would do to our Nation's future financial solvency, and there is no possible way to responsibly adopt this proposal. There is no way to justify placing the financial interests of a few Americans ahead of the financial interests of all the rest of America.

If we eliminate this tax, we might as well eliminate all Federal taxes starting in the year 2011 and start over again because the Federal tax system will have been irretrievably broken, and it will be just a matter of time before everyone finds out and discovers that this country's financial future has been squandered by a few in here to benefit a few out there. Then there will be hell to pay.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, we are debating the question of whether the estate tax ought to be eliminated. It has been fashionable to call this tax the death tax. That is a name conjured up by some PR people for a handful of wealthy families whom the New York Times revealed this morning have spent $200 million over the last several years trying to convince people there is a death tax.

There is no death tax. None. We do have a tax on the wealthiest estates in the country. Currently, the exemption levels of $2 million per person or $4 million a couple mean that only one-half of 1 percent of estates are taxed.

To eliminate the estate tax would cost the Treasury $776 billion from 2012 to 2021. That is the time it would be first fully in effect. That doesn't count the interest lost. The interest lost would be another $213 billion. So the total cost to the Treasury would be nearly $1 trillion in the time 2012 to 2021.

Let's look at our current budget condition because that should inform what we do here. Do we have this money? And the answer is clearly no, we don't have the money. We already can't pay our bills. This is what has happened in the last 5 years. These are the deficits that have been run up. They are the biggest deficits in the history of our country. This year they are anticipating a deficit of $325 billion. That doesn't accurately describe our fiscal condition because what is going to get added to the debt this year is not $325 billion. What is going to get added to the debt this year is over $600 billion.

In the midst of this sea of red ink, what our colleagues are talking about doing is eliminating another trillion dollars. Let's just stack it on the debt. They are not proposing cutting spending to offset this amount. They are not proposing other taxes to offset this amount. They are proposing borrowing the money. This is our pattern of borrowing since this President took over.

In the last part of his first year, the debt of the country stood at $5.8 trillion. We don't hold him responsible for the first year because that was a budget determined in the previous administration. But here is what is happening to the debt under this President in 10 years—the first 5 years we have already seen and the 5-year budget that is before us now.

If the 5-year budget that has been passed in the House and the Senate goes forward pursuant to the President's proposal, this will be the debt at the end of that period—almost $12 trillion. This President will be responsible for doubling the debt of the country.

Already he has more than doubled the amount of American debt held by foreign entities. It took all these Presidents—42 Presidents—224 years to run up $1 trillion of external debt. This President has more than doubled that amount in just 5 years. This is an utterly unsustainable course, debt on top of debt.

The result is, we now owe Japan over $600 billion. We owe China over $300 billion. We owe the United Kingdom almost $200 billion. We owe the oil exporters almost $100 billion. And now Mexico has gotten on to our list of top 10. We owe Mexico $40 billion.

Most of the added borrowing we have done to float this boat, most of the money has not come from our own country. We have borrowed more from abroad in the last 5 years than we borrowed from America to finance these deficits.

Our colleagues are saying: Let's go out and borrow another trillion dollars, primarily from Japan and China, in order to give a tax reduction to one-half of 1 percent of the estates. This makes no earthly sense.

Under current law—here we are in 2006—a couple can shield $4 million. In fact, with any kind of estate planning, they can shield far more than that. In 2009, that will go up to $7 million. That is under current law.

Under current law, in 2009, 99.8 percent of estates will pay zero. There is no death tax. There is no death tax.

There is a tax on wealthy estates, and if we don't get some help from the very wealthiest among us, guess what. We are either going to have to ask middle-class people to pay more, or we are just going to keep running up the debt.

The proposal of our friends on the other side is just stack it on the debt, stack it on top of the debt that has already doubled under this administration's watch.

Already under current law, the number of taxable estates has dramatically fallen. In 2000, we had 50,000 estates that were taxable. That was down to 13,000 this year. By 2009, it will be further cut to just 7,000.

What is this really about? This is really about a handful of wealthy families who, according to the New York Times in this morning's paper, have spent more than $200 million over the last several years to convince people there is a death tax. I just had a colleague tell me a baggage handler stopped him and urged him to end this death tax because he was deathly afraid he was going to get taxed. That baggage handler doesn't have to worry. One has to have $4 million in their family before they pay a penny of tax. With any kind of estate planning, you can shield far more than that.

I recently spoke with a North Dakota estate lawyer. He does more estates than any lawyer in my state. I said: Is this estate tax with a $4 million exemption per family a problem?

He said: Kent, it is a nonissue. Not only do you have $4 million, but in addition, you have a whole series of things you can do to further reduce your tax liability, and on top of that, if you do have any liability, you have 14 years to pay if you have a closely held business or a farm.

You have 14 years to pay. People say there is a liquidity problem. There is no liquidity problem. The only people who have an issue are very wealthy people.

I would love to be able to say to them that we can dramatically reduce your tax burden, but the problem is we can't pay our bills now. People say it is the people's money. Absolutely it is. It is also the people's debt, and this debt that is going to be added to is in all of our names. This is in all of our names. Are we really going to take on $1 trillion of additional debt in order to help a handful of very wealthy people who really don't need the help?

We have already heard many of them say: Please, don't do this. Warren Buffett, the second wealthiest man in the world, said this makes no sense at all. Mr. Gates, the father of the richest man in the world, has come before us and said: We don't need this kind of help. We have been blessed by being in America. We have had the opportunities of being here. We expect to make an additional contribution.

There is something else that should be mentioned, and that is, we have other tax relief we need to consider, and this should be the priority over estate tax repeal. Repeal costs $369 billion from 2007 to 2016. During that same period it would cost $286 billion to extend the 10-percent bracket. That really does affect people, middle-class people. It would cost $183 billion to extend the child tax credit. That really does affect middle-class people. And it would cost $46 billion to extend the marriage penalty relief.

I submit these are priorities. These are the issues—extending the 10-percent bracket, extending child tax credit, extending marriage penalty relief—to which we ought to pay attention.

Finally, this is a quote from the chairman of the Finance Committee last year:

> It's a little unseemly to be talking about eliminating the estate tax at a time when people are suffering.

The chairman of the Finance Committee had it right last year. It is unseemly. It is unseemly to be eliminating the estate tax when our country is in deep debt, when our country is at war, when our country is running up record deficits, and when there are so many other needs that are the real priority for the people of this country.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Madam President, is it in order for our side to speak now?

The PRESIDING OFFICER. Without objection, the Senator from Missouri may proceed.

Mr. TALENT. Madam President, I wish to speak a few minutes today about the repeal of the death tax and why we ought to do it and, the very least, why we ought to vote on it. I do this with a background of somebody who chaired the Small Business Committee in the House for two terms and had occasion to have hearings on this proposal and on the death tax. And more than that, I have spoken over the years with scores and scores of small business people and farmers who are penalized by this tax in a particularly demoralizing way. I think it is time to get rid of it or at least to vote on getting rid of it. We owe that to them.

These are the people who drive America's economy. These are the people who create the jobs, who create the technical innovations on which we depend. They are particularly hard hit by our death tax, which is the most onerous estate tax or death tax in the world.

Keep in mind that death taxes work on estates that have already been taxed. There isn't anything in an estate that hasn't already been taxed as a lot of it has already been taxed several times, and our death tax allows the Government to come in on the demise of a person and collect up to 55 percent of what they have worked for, what they have earned, and what they saved in the hope they could benefit their children.

The death tax is punitive. It costs the economy. It is directed precisely at the kind of activity that we need for economic growth and at precisely the kind of people who drive economic growth. Repeal of the death tax would increase nonresidential investment capital by $25 billion, an average of 100,000 to 200,000 jobs a year, greater disposable income for American workers, and stronger economic growth. That is what the economists say when they study it.

I believe the impact of the death tax is far greater than just what the economists have been able to estimate and monetize because it is a particularly demoralizing tax. It says to the small businesspeople and the farmers, indeed, to everybody who saves and invests, that you can do everything you can to build up your business, you can do everything you can to build up your farm, you can do all that with a view toward benefiting your community, your employees, and making the kind of success we want you to make out of your life, you can be successful at the American dream, and then the Government comes in and takes more than half of it and often takes more than half of it under circumstances which have the impact of destroying the whole enterprise. This is not speculation; this is what small businesspeople are saying and what they have said year after year after year. I know because I have had them before my committee.

Many in Missouri are affected by this tax. Renee Kerchoff is the second-generation owner of Rudroff Heating and Air-Conditioning, started in Belton, MO. Because her family worked hard, because they were willing to take risks, because they reinvested what the business earned instead of keeping it for themselves, the business has done well. Her father is no longer living. Renee's mother is living. She is going through the dilemma thousands and thousands of family businesspeople go through in this country every day: she is trying to figure out how to save the business when her mother passes away because she will owe a huge financial liability to the Federal Government.

When I was chairing a committee in the House, I had one woman—not Ms. Kerchoff but a different woman—break down in front of the committee trying to explain how she and her brother were unable to save the family business. ''Mr. Chairman,'' she said, ''if we have to sell the business, what is going to happen to the employees?'' What happens to employees when you have to liquidate a business? What happens to employees when you have to sell out to a big company? They get laid off.

Farmers, in the view of this tax, are often considered to be wealthy because they have farmland maybe near a suburban area that has gone up in value. There are farms in Missouri where the land is valued at $1 million or more. Those farmers would be surprised to hear that the Federal Government believes they are wealthy. A lot of that land is near St. Louis or Kansas City. It has gone up in value, but they don't

have the cash to pay the tax. They are going to have to sell the farm to pay the tax instead of passing it on to their heirs.

This is a common story all over the United States. What are these family businesspeople and farmers trying to do? They are reacting to this. They don't want to sell the business. They don't want to sell the farm. They are spending enormous amounts of time and effort and money on lawyers and accountants trying to figure out how to preserve what they have built up for their whole lives. Do we want them meeting with their brothers and sisters and other family members and spending hours and hours on an estate plan, or do we want these innovative and hard-working people spending hours and hours figuring out how to grow their business and create jobs and grow the economy so that the rest of us will benefit?

To me, the answer is clear. We can unleash this layer of people around this country by telling them: Look, when you earn money, yes, you are going to pay a substantial amount to the Federal and State government—and many of them pay 50 percent or more of their income in Federal and State taxes—but once you have paid that, what is left is yours. It is yours and your family's. You can reinvest it in the business, you can build up the farm, and you don't have to have this hanging over your head year after year. We are not going to penalize you for succeeding at the American dream.

Heaven knows, enough small businesspeople and farmers fail. They try their best, but they don't succeed. And here we have a tax which dates back decades and decades, an out-of-date tax which punishes people for doing what we want them to do. That is what is wrong with this tax. It is economically wrong. It has bad impacts. The think tanks can study it and monetize all that and figure out all the bad, negative impacts of this tax, but it is just wrong. It is wrong, when a person has spent their whole life trying to build something up so they can leave something to their kids and their grandkids, for the Government to come in and take it all, and that is what it amounts to, especially when they have paid taxes on it already.

We have a weird tax system. We have a tax system that says to people: If you spend everything you earn, if you are a small businessperson and you take the money out of the business and you consume, if you go out and you draw the biggest salary you can draw, you don't expand the business, you don't build it up, you don't try to help your employees by creating more opportunity for them, you don't try to do anything for your community by expanding the economic base of the community, if you spend it all, the Tax Code favors that, we think that is OK. But if you try to do what my parents and the people of my parents' generation routinely did, which is live up to your responsibilities of the next generation, you try to save it and invest it and grow it because you believe in America, you believe in the future of the country, and you want to help your kids or your grandkids or somebody else's kids or grandkids, the Government doesn't like that. The Government is going to come in and take all of that. Why? Because we are afraid we are going to lose revenue.

I am a believer that if you trust in the American people, in the hard work, the decency, the foresight of the American people, we are going to do OK with revenue. If we grow this economy, the Government will have plenty of revenue.

At the very least, we ought to vote on this. I believe it is time for us to ask, as a body, are we going to filibuster everything? I mean, is there no bill we can just allow to come to a vote? If you don't like this, vote against it. Now we are filibustering the motion to go to the bill. I hope everybody in the country understands that this is a filibuster of an attempt just to debate the bill. We are not even going to allow that. Despite the expressed wishes of small business organizations and farm organizations, despite the trend in the rest of the world, we are not even going to debate it. We don't trust the American people with their money. We don't trust the small businesses and the farmers to expand the economy and to create jobs, and we don't even trust ourselves to vote on something. No wonder people are frustrated.

There is still time to do the right thing here. Let's vote on the motion to proceed, pass the motion to proceed, debate the bill, and then I hope pass the bill—if not a permanent repeal, at least a substantial permanent reform that lowers this tax substantially, creates simplification, and says to our entrepreneurs, our small businesspeople, our investors, our farmers: We trust you, and we believe in you. Go out and do what you want to do because we think that is good for America.

We still have the chance to do that. I hope we will.

I yield the floor.

Mr. SHELBY. Mr. President.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise today to voice my strong and unwavering support for a full repeal of the estate tax, or the death tax, as we often refer to it.

Until World War I, the Government only imposed an estate tax or inheritance tax to raise revenue to fund expenses directly related to the necessities of war. Even then, the rate was measured. However, that practice changed after World War I, and unlike four previous occasions, the tax was not repealed once a peace agreement was reached. In fact, the tax continued to increase until it reached 70 percent during Franklin Roosevelt's administration.

What was once a means to finance war eventually became a significant revenue stream that funded all aspects of a growing Federal bureaucracy. Today, the estate tax continues to provide a significant revenue stream to the Federal coffers and functions as a redistribution of personal wealth and punishment, basically, to those successful business owners seeking a better way of life.

The death tax places an undue burden on our Nation's family-owned farms and small businesses. These individuals work tirelessly day in and day out to make their own way, to contribute to society and the economy, only to be told their loved ones will be punished when they die. Too often I hear sons and daughters forced to sell a piece—if not all—of the legacy their parents worked to create and sustain simply to pay the estate tax. That scenario is wrong. We should not punish hard work and entrepreneurship; we should reward it. We should reward those who choose to continue their family businesses rather than shut them down. These people work hard to promote prosperity and growth in their local communities, only to be told by the Federal Government that in addition to the taxes they have paid each and every year, they must now pay an additional tax, the death tax, because someone died.

Taxing death has a negative impact on the desire of Americans to invest and to save. A basic economics class will teach you that savings and investment are positive for individuals, families, and our economy. Punitive taxes such as the estate tax, capital gains tax, dividend tax, and the gift tax all have a negative impact on our overall economic growth.

In 2001, as my colleagues well know, Congress acted to eliminate the estate tax by January 1, 2010. Unfortunately, this provision sunsets in 2011, just 1 year after it is fully repealed. As it currently stands, in 2011 the Tax Code is set to completely reverse all progress we have made to reduce the tax burden on our Nation's entrepreneurs. So those who are not fortunate enough to die, can you imagine, in 2010 will be faced with the prospect of their loved ones being responsible for as much as 55 percent of the estate's assets.

Whether it is a construction company, a cattle farm, a medical practice, or any of 100 other businesses, they all require significant capital investment in land, equipment, and materials that quickly overcome the threshold we will return to in 2011. These investments are not part of the business; in most cases, they are the business.

I am also concerned that, like other taxes I mentioned earlier, the estate tax serves as a second bite at the apple. Our current tax system too often taxes income and then asks for more. The estate tax or death tax is one of the more egregious examples of this situation.

I believe the Federal Government should work to minimize the burden on the American taxpayer and to simplify our tax system. The estate tax is contrary to both of these purposes. It not

only taxes assets a second time, it also is one of the more complicated taxes to comply with in our bloated Tax Code.

I believe repeal of the estate tax is one of the many steps we as elected representatives of our respective States and people should take to spur economic growth, remove the burden on small business, and simplify our tax system, and I urge my colleagues to support immediate and full repeal of this tax.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I rise today in strong favor of abolishing one of the most unjustified taxes we have in America today: the death tax. Americans should not have to talk to their undertaker and their tax man on the same day. Small businesses and family farms should not be forced to close down in order to pay the Government money because a loved one has passed away. Unfortunately, I see this happening when I travel back to Kentucky every week. We are not looking out for our economy or our very own people when we charge them for inheriting the American dream.

The mom and pop diner on the corner of our town squares and third-generation farms in our rural areas are being unduly burdened by a repressive Tax Code. In fact, many are forced to close their doors or sell out, just so they can afford what the Government says they owe.

America's prosperity was created by our entrepreneurial spirit, but today it is estimated that 70 percent of all businesses never make it past the first generation, while 87 percent do not make it to the third generation, and only 1 percent make it to the fourth generation. Why? One of the big reasons is the burden of the death tax.

We call this tax the death tax not only because of the time that it strikes often unsuspecting families but also because it kills American businesses and jobs. The ridiculous complexities of the death tax actually favor individuals whose tax lawyers and accountants plan for years to shield money from estate taxation. The real people who are affected by the estate tax are often small businesses and farms, when death catches them unprepared.

The estate tax is equal to an unfair double tax on savings and investment. In short, it is a tax on the American dream, the dream that if you work hard and save money you can leave your children with the opportunity to live a happier and more prosperous life than you yourself did.

Estate taxes give taxpayers an incentive to save less and spend more. We all know that is not what we need in today's economy. The Commerce Department reported recently that Americans' personal savings fell into negative territory at minus ½ percent last year. We ought to be doing all we can to encourage savings, not to penalize people for it. We should give grandparents and parents an incentive to leave their children with the fruits of their lifelong labors. It is time for the Senate to wake up and realize the death tax, which raises only a very small portion of our revenue, is ready for its own death.

Poll after poll has shown us that this is what the American people want us to do. Please, let us join the House of Representatives in repealing this unneeded, burdensome tax.

Distinguished colleagues, I urge you to join me in supporting the repeal of the death tax today. The time for talk is over. Today is the time to take an action that can really make a difference. This is the only way we can ensure that our fellow citizens experience the American dream, not the American nightmare. I urge my colleagues to vote in favor of cloture.

I yield the floor.

I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. THOMAS. Mr. President, I want to make a couple of comments with respect to the bill before us now. I just came from meeting with Wyoming youngsters who were here with the National Guard, helping young people finishing up with their GEDs, and so on. It was very impressive, very impressive to have young people moving forward and being able, hopefully, to be successful. That has a little to do with what we are talking about here today.

The fact is, the question of how we treat people who have been successful, in terms of their business, in terms of their operations, is something we are talking about here. We have had, of course, a number of discussions on the matter of estate taxes. It seems like we have been back and forth on it for a very long time. The problem is still there. I think this is a great opportunity for us to do something significant about that.

I have to tell you, in a State such as Wyoming where a lot of people are in small businesses and ranches and farms, this is a particularly important one. A family works all their lives—several families. They put together an operation—not wealthy families, but the value of the property is such that when the time comes that the older members of the family pass away, they have to sell the property in order to pay the tax. It takes it away from the continuation in that family and the business.

I know that is not a brand new idea. I think it is the important aspect here, that people have paid taxes all through their processes—whenever there is a profit, there is a tax; whenever there is a sale, there would be a tax. But to force the family to have to sell to accommodate the tax as an estate tax seems to me effectively a death tax, and that is not the way it ought to be.

Here is an opportunity for us to do something. I hope we can eliminate the tax. If we can't, we need to at least make a reasonable agreement as to how it might be done in a way that allows people to continue to pass their businesses and their farms and their ranches on to their families, and to be able to do it without being forced to dispose of the property before their family can continue to do it.

Mr. President, I yield the floor.

Mr. ALLARD. Mr. President, I rise to offer my strong support for permanent repeal of the death tax.

It is said that ''a penny saved is a penny earned.'' Unfortunately, that is not the case for many Americans—especially those who have family businesses and farms. Instead of being rewarded for their initiative and determination, entrepreneurs are penalized for taking advantage of all this country has to offer.

For much of the 21st century, the death tax has burdened this country's hardest working citizens. It is finally time for Congress to permanently repeal this unfair tax. That is why I am pleased to support the Death Tax Repeal Permanency Act. Death should not be a taxable event.

Fortunately, the Economic Growth and Tax Relief Reconciliation Act of 2001 increased the amount that taxpayers can exempt from estate and gift taxes and slowly reduced the rate over the period 2002 through 2009. This act will fully repeal the death tax for 1 year in 2010.

However, if Congress does not act to make this repeal permanent, then the death tax will return to its pre-2001 levels. Failure to permanently repeal this tax results in estate-planning uncertainty for family-owned businesses and farms that are not sure whether or not to anticipate the return of the tax in 2011. Furthermore, failure to permanently repeal this tax would reinstate an unfair regime that taxes people twice—once on their income and again at their death.

One of the tenets of a fair tax system is that income is taxed only once. Income should be taxed when it is first earned or realized, it should not be repeatedly re-taxed by Government. The death tax violates this tenet. At the time of a person's death, much of their savings, business assets, or farm assets have already been subjected to Federal, State, and local tax. These same assets are then unfairly taxed again under the death tax.

One of the most disturbing aspects of the tax is that it can destroy a family business, or force the sale of a family ranch or farm. Despite what the opponents may claim, this can and does happen. To prove this point, I would like to share the story of some of my constituents. The Laurence family was forced to sell their 1,810 acres of ranch

land just north of Carbondale, CO. The daughter of the late Rufus Merrill Laurence explained that the death tax forced the sale of the family's ranch, land Mr. Merrill had hoped to keep in the family for generations to come.

No American family should lose its business or ranch because of the death tax. The problem is that the death tax fails to distinguish between cash and non-liquid assets, and since family businesses are often asset-rich and cash poor, they can be forced to sell assets in order to pay the tax. This practice can destroy the business outright, or leave it so strapped for capital that long-term survival is jeopardized.

Similarly, more and more large ranches and farms are facing the prospect of break-up and sale to developers in order to pay the estate tax.

The death tax also discourages savings and investment. Former Federal Reserve Board Chairman Alan Greenspan repeatedly warned about the dangers of a low national savings rate, and current Fed Chairman Ben Bernanke has continued to raise the same concerns. Yet the death tax sends the message that it is better to consume today than invest and make more money in the future.

The death tax also undermines job creation. The Heritage Foundation estimates that the death tax alone is responsible for the loss of between 170,000 and 250,000 potential jobs each year. These jobs are never added to the U.S. economy because the investments that would have resulted in higher employment are simply not made.

The death tax also holds back overall economic growth. The Joint Economic Committee found that the tax reduces the stock of capital in the economy by $497 billion, or 3.2 percent. Permanent repeal of the death tax would allow individuals to save more money, spur job creation, and allow business resources to be put toward productive economic activities.

America is a nation of tremendous economic opportunity—opportunity for ownership that is available to all who go in search of it. Success is determined principally through hard work and individual initiative. Our tax policy should focus on encouraging greater initiative rather than on attempts to limit inherited wealth. The death tax is a relic, and should be treated as such. It constitutes double taxation, damages family businesses, and harms the overall economy. It is time for the death tax to go—and this time, for good.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise today to express my deep concern about efforts by the President and some in Congress to repeal or all but eliminate the estate tax.

The estate tax is an important component of our progressive Federal tax system, it is the Federal Government's only tax on wealth, and by 2009 less than one-half of 1 percent of all estates will be subject to the tax. Far from being a ''death tax,'' the tax falls on heirs who seldom had any real role in earning the wealth built up by the estate holder.

The estate tax is simple: when a very wealthy person dies, the decedent's estate pays a portion of the total assets to the Federal Government and the remainder is then passed on to heirs. Capital gains that have built up in the estate tax free are passed on to the heirs on a ''stepped up'' basis, and the heirs are not liable for any income tax on these gains. No tax is levied if the estate passes to a spouse or is donated to charity. The overwhelming majority of estates pay no Federal estate tax.

This tax raises significant revenue, it is highly progressive, and it provides an important backstop to the income tax.

Today, only estates worth more than $2 million are subject to the estate tax and an individual will be able to pass along up to $3.5 million tax-free by 2009. A couple can pass along twice that amount. And let's not forget that estate planning often shields even greater sums of wealth from taxation.

The House Committee on Government Reform estimates that the heirs of Lee Raymond, former ExxonMobile CEO, and the current CEOs of the five largest U.S. oil companies would receive a windfall of up to $211 million if the estate tax were permanently repealed. The committee has also calculated that estate tax repeal could save the heirs of President Bush, Vice President CHENEY and 11 Cabinet members as much as $344 million.

It would be hard to call this a middle class tax cut without pretending a great deal.

Indeed, the Congressional Research Service reports that in 2004 when the exemption was $1.5 million, 99 percent of estates paid no estate taxes whatsoever. It bears repeating that less than one-half of 1 percent of estates will pay any tax at all as the estate tax exemption climbs to $3.5 million by 2009.

Despite the concerns expressed by some farm and small business groups, the vast majority of taxable estates are those of multimillionaires and billionaires who made their fortunes through their business and investments in securities and real estate or were born into extremely wealthy families.

After the President's tax cuts passed in 2001, he took a victory lap through Iowa where the New York Times quoted the President as saying:

> I heard somebody say, ''Well, you know, the death tax doesn't cause people to sell their farms.''

He added:

> I don't know who they're talking to in Iowa.

Perhaps it was Neil Harl, an Iowa State, University economist whose tax advice has made him a household name among farmers throughout the Midwest. He has searched far and wide but has never found a case in which a farm was sold to pay estate taxes. ''It's a myth,'' says Professor Harl, who has only found heirs who wanted to sell the family farm.

Even the American Farm Bureau Federation, one of the leading advocates of estate tax repeal, can not provide a single example of a farm lost due to estate taxes.

The reality is that only a small fraction of taxable estates consists primarily of family-owned farm or small business assets. The Tax Policy Center estimates that in 2004, only 440 taxable estates—2 percent of all taxable estate—were primarily made up of farm or business assets. And the Congressional Budget Office found that the vast majority of family farms and small business estates would have sufficient liquid assets—such as bank accounts, stocks, bonds, and insurance—to pay the tax without having to sell any farm or business assets. CBO also found that with a $3.5 million exemption—$7 million per couple—only 13 or fewer farms would encounter any liquidity constraints.

Moreover, there are already special provisions in place to ease tax burdens for family-owned small businesses and farms, such as allowing additional sums to be bequeathed tax free and permitting estate taxes to be paid in installments over 14 years at favorable interest rates.

So if saving family farms and small businesses is not the real root of the repeal effort, you would think that there would be some sound economic rationale. However, claims by proponents that eliminating the estate tax would encourage saving and investment, reward entrepreneurship, and contribute to economic growth turn out to be myths as well.

Repeal advocates argue that capital assets have already been taxed during the taxpayer's lifetime, so a tax at death is gratuitous. But the reality is that a large share of capital assets has never been taxed. Under current law, we have a provision called the ''step-up'' in basis that allows capital gains from the appreciation of assets—such as a house or stocks—during the decedent's lifetime to escape taxation through 2009. In 2010, the lone year in which full repeal is currently slated to be in effect, we switch to a ''carry-over basis'' in which heirs of large estates would inherit the potential capital gains liability that is realized only when the asset is sold.

In effect, today under the pretax law, the heirs receive the estate but on a stepped-up basis—the current value of the home. So for the home the father purchased for $30,000 and is now worth $1 million, they receive the estate based on the value of a million dollars. No taxes were ever paid on that appreciation other than the estate tax.

The Small Business Council of America opposes the full repeal of the estate tax because they estimate that a great number of small business owners will be worse off due to the loss of step-up

in basis and only an extraordinary few will be better off. Four years from now, the Halls of Congress will be filled with heirs who won't want to pay taxes that they have inherited with repeal of the estate tax.

But any economic rationale for repeal falls apart when you learn that it will reduce national saving and hurt economic growth. According to the Joint Committee on Taxation, making estate tax repeal permanent would cost an additional $369 billion over 10 years. This estimate, however, dramatically understates the true cost of repeal. The full cost of repeal would not be felt until the second decade, beyond the time period of the budget estimates. In that decade, the cost of repeal could reach nearly $800 billion, plus debt service costs that would bring the total to nearly $1 trillion.

A compromise plan currently circulating in the Senate would permanently raise the exemption to $5 million and cut the top estate tax rate to 15 percent, which would cost nearly as much as full repeal, and it is not much of a bargain.

Rising federal budget deficits make the cost of repeal or ''repeal-lite'' even more unpalatable. The drain on the budget would occur at the very time that the baby boom generation enters retirement and rising Social Security and Medicare costs would strain our budget.

The President's tax cuts were passed at a time of huge projected surpluses in the Federal budget. The surpluses have been squandered by this administration and with deficits as far as the eye can see, it is simply irresponsible for the President and Republicans in Congress to press for full repeal of this tax.

By financing repeal with debt, we would be replacing the so-called ''death tax'' for a few very wealthy heirs with a ''birth tax'' for all, an action that seems neither wise nor fair. The cost of estate tax repeal will be paid for with borrowed money. Future generations of taxpayers—who will make significantly less than the deceased multimillionaires and billionaires whose estates would no longer owe taxes—will have to repay those funds. Estate tax repeal would raise the per-person debt burden by about $3,000 in just the first 10 years after the tax disappears.

In 2005, the CEO of ExxonMobile earned $9.1 million. Contrast that with the fact that the typical firefighter, police officer, or soldier today makes less than $50,000 a year and the inequity of this repeal is inescapable.

Clearly, estate tax repeal will predominately benefit the heirs of a handful of very wealthy estates. According to the Forbes 2005 ''World's Richest'' list, three members of the Mars family have $10.4 billion each and four members of the Walton family have nearly $20 billion each. These heirs still rank among the world's wealthiest people even after taxes.

Jamie Johnson, heir to the Johnson and Johnson fortune, put it this way, ''I was always told that the American Dream is about getting a bigger and better life than your parents have. But that dream was accomplished by my great-grandfather. ''

In their book about the history and politics of the estate tax, Death by a Thousand Cuts, Yale professors Michael J. Graetz and Ian Shapiro provide an eye-opening account of how a few very wealthy individuals and families have been working long and hard behind the scenes on repeal efforts. In the meantime, some of the wealthiest Americans—including Warren Buffett, William Gates, Sr., George Soros, and Ted Turner—have warned about the corrosive effect of eliminating the estate tax.

When Teddy Roosevelt endorsed the idea of an inheritance tax, he said that its ''primary objectives should be to put a constantly increasing burden on the inheritance of those swollen fortunes, which it is certainly of no benefit to this country to perpetuate.'' Indeed, our Founding Fathers abandoned an economic aristocracy—where large fortunes were handed down generation after generation, concentrating wealth and power—to create a meritocracy based on the ideal of equal opportunity for all. Underlying the estate tax is the notion that because our government provides a stable environment for wealth to be created and flourish—our financial markets, legal system, regulatory system, and strong national defense—society is owed a modest return on those investments.

Television ads last year depicted a World War II veteran supporting the repeal of the estate tax, the underlying message being that the tax is somehow unpatriotic. Ironically, the estate tax was first adopted in the nineteenth century to pay for government shortfalls due to wartime spending.

Today, we are at war and yet there is no sense of the shared sacrifice that has united this country in past conflicts. Our military families are making tremendous sacrifices, and too many of them have made the ultimate sacrifice in service to our country. With $320 billion appropriated or pending for Iraq operations to date and nearly 2,500 service men and women killed, the human and financial tolls are both more staggering than imagined.

With mounting war costs, the impending retirement of the baby boom generation and deficits as far as the eye can see, it is unconscionable to think that we are going to vote on repealing one of the most progressive taxes on the books.

There has been a lot of discussion about the death tax. It is not the death tax. It is the estate tax. But there is a death tax that is paid by Americans to sustain and support this country—and it is terribly unfair because it falls on a few. In Iraq, it has fallen upon 2,480 of our soldiers. In Afghanistan, it has fallen upon 299. It also falls upon the police and fire officers who each day risk their lives and some who give their lives. They truly pay the death tax. They will never be touched by this estate tax.

The average base pay of a specialist in the U.S. Army is $24,000. He won't be worried nor will his family be worried about the estate tax. Firefighters make about $40,000; police officers, $47,000 on average in this country. Yet, sadly, too many of them each year for their country pay the ultimate death tax. It is more debilitating than any check one sends to the IRS.

What do they need? What do their families need? They certainly need a strong, robust economy that will support their families in the future.

For those young Americans who are wounded in action—and right now in Iraq, 17,869—they need a strong Veterans Administration to support them years from now just when this repeal of the estate tax burden would take its toll and take more and more money away from the Federal revenue.

They are the ones who really pay the cost. If we pass this measure, we won't be able to help them when they need the help. We won't be able to support the Veterans' Administration system. We won't be able to provide the kind of support for education, for opportunities for higher education that will be so necessary for their children.

This repeal vote misses the point. The death tax was a slogan thought up by Republican operatives to sell an idea that does not have a compelling economic rationale. But there is a real death tax, and sadly, Americans in uniform must pay it for this country every day. They will receive no benefit from this repeal. Indeed, our ability to help them and their families will be limited in the years ahead.

I don't think this is just bad policy, it is unconscionable.

I yield the floor.

Mrs. LINCOLN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. LINCOLN. Mr. President, I come to the Senate today to discuss the issue of estate tax with a little bit of a different perspective from some of my Democratic colleagues who have spoken so very passionately on this issue already today.

I respect many of their approaches and concerns, but I come to this issue from a little bit of a different perspective. That perspective is because I believe the estate tax in its current form is unfair.

Outright repeal of the estate tax for family-owned businesses and farms has been a goal of mine since I entered Congress 14 years ago. I have grown up on a seventh generation Arkansas

farm. I have watched as small communities and family-owned businesses have dwindled from their inability to maintain their competitiveness in the ever-growing global community, but also with the unbelievable challenges they face of the cost of health care, the cost of doing business, real estate costs, and others.

I have seen too many small business owners and farmers in my home State restrict the growth of their enterprises in order to avoid facing the impossible choice of leaving their families with an up to 55 percent Federal tax burden or the other option of selling off portions of their assets when they die in order to pay that tax.

However, because of our current budgetary constraints, I do recognize outright repeal is not feasible. Not at this time. With that said, it is more important than ever that we do what we can now to provide some certainty and relief for those who are so drastically impacted by this tax.

Last week, I received a phone call from a constituent who owns a family trucking and farming equipment business. The business was started by the family in 1927. Over the years and through much hard work they have grown from a small dealership into a thriving family business that now employs more than 450 Arkansans.

I hope many of us will continue to focus on the issue that small businesses are the No. 1 employer in this country and are the least likely to send their jobs overseas. They are the foundation, in many instances, of our communities. Whether it is the sponsor of our Little League teams or the group that is sponsoring the Cub Scout campout, we know they are the heart of our communities in rural America.

Seeing this business grow, we all are thrilled to hear these stories. I am particularly thrilled to hear stories of families, families who have invested their capital, their hard work, ideas, and their lives in their trade, and are ultimately successful in realizing that American dream we all talk about.

This same story is repeated all over our great State of Arkansas, whether it be the jewelry store owner in Fayetteville, the meatpacker in Morrilton, the car dealer in Springdale, or the timber farmer in Monroe County.

Indeed, these stories can be heard across our entire Nation. Family businesses are the engines of our small communities. It is the family-owned businesses that provide the jobs, the wages, and the health care, in most instances, for our constituents. It is the family-owned business that sponsors our Little League teams or pays our local State and Federal taxes. They are an intricate part of the community. They live in our rural communities. They care about what happens to them.

Yet because of the estate tax, we are forcing them to spend valuable assets on estate planning and life insurance rather than creating more jobs by investing and expanding their businesses. We are putting them at a disadvantage with their publicly traded competitors.

What kind of risk do major publicly traded corporations have to mitigate against with the death of a CEO? None. But a family-owned business has to spend tremendous amounts of resources in mitigating against that risk.

I, for one, intend to fight for these family businesses, fight for these communities, and fight for these jobs in rural America. Unfortunately, as this businessman from my State was quick to point out to me, we in Washington have left far too many of these family businesses in a quagmire as a result of the erratic estate tax policy we set in 2001. Under the Economic Growth and Tax Relief Reconciliation Act of 2001, the estate tax will be phased out in 2010 only to come back in full force in 2011 at a 55-percent rate.

For the family-owned business and farms which comprise more than 80 percent of all business enterprises in America, and which spend tens of thousands of dollars each year in planning for this tax, the status quo is unacceptable. It is not acceptable because many of our mom-and-pop shops are having to lock a significant portion of their capital resources into estate planning that may or may not be needed down the road. For small businesses with very limited liquidity, the uncertainty is paralyzing at a time when we should be giving them every opportunity to expand.

At the expense of our family businesses, this issue has been used by some as a political football for far too long. It should end now. It can end now. Since current policy was set in 2001, we have revisited this issue in the Senate on multiple occasions. However, each time we have had the opportunity to act, we have failed to reach a reasonable solution, a compromise, which is what most people in this country want Congress to do, to come together to bring results for the problems they experience, not an end-all-be-all solution but a compromise that gets them some results.

In this Congress, interested parties on both sides of the aisle have been at the negotiating table since early last summer. We have the information we need to form a compromise solution. We have that opportunity now. It is my understanding from leaders on the other side of the aisle that should a true compromise be forged on this issue prior to tomorrow's vote, a vote on that compromise would be allowed.

Let me emphasize again, the time for a solution is now. Our economy is yearning for the investment of these small businesses, these family-owned businesses, that can help regenerate what we need in our economy, the jobs in our community that we need them to expand on. The time for the solution is now, not later.

We have told these family businesses now is not the time far too many times already. I am so very hopeful this time we will do better. We know we do not have the perfect solution. But we also know if we do not seize the opportunity to provide them the certainty they need to continue their businesses, to take the money they are now spending on estate planning and reinvest those dollars into the job creation and the expansion of their businesses, we will have missed a great opportunity.

We have the opportunity to come together, to provide some certainty for these family businesses through the estate tax reform by raising the estate tax exemption, reducing that tax rate to a reasonable level. Let's not let that opportunity slip away.

I encourage my colleagues, come to the table. Look at what we have to work with. We have enthusiastic American family jobs and businesses that want desperately to be a part of making this country strong. We have an opportunity to offer them some solutions, some certainty, in order to be able to do just that, to give back to this great country that has given them the opportunity to create and build a family and a family business they are enormously proud of.

Let us not let this opportunity slip away. I encourage my colleagues to please take seriously this issue—not politically, but seriously, the issue of the relief that we can provide by coming together on a compromise.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, today we have another clear chance to see the priorities of the other side of the aisle. While my Republican colleagues claim to have a plan to address gas prices, college tuition, and middle-class tax breaks, today the American people can see what the true agenda is: another gift to the wealthiest Americans who need it the least.

Tomorrow, we will vote on whether we should consider permanently repealing a tax that only affects those who inherit estates larger than $4 million. We will be voting on whether repealing this tax should be a top priority for the United States Senate. And we will be voting on whether repealing a tax for those with multi-million dollar estates is a good way to spend the American people's tax dollars—$1 trillion of those tax dollars, to be exact.

In my State of more than 8 million, only 1,100 New Jerseyans paid any estate tax in 2004. Of those New Jerseyans who inherited an estate, a small 1.5 percent paid any estate tax when the exemption was $2 million. Today, that exemption has doubled, and in three years, it will have more than tripled, so even fewer New Jerseyans will be affected. I strongly support giving estate tax relief to family farmers, small business owners and others who need it, but that's not what this bill does. This bill showers a trillion dollars in benefits on the top half percent of Americans at a time of record debt and deficits.

By contrast, however, more than 120,000 New Jerseyans have benefited

from a tax deduction for college tuition that Republicans have let expire. We had the chance to extend this deduction in the most recent tax bill, but somehow, the tuition deduction just didn't make the list of priorities in a $70 billion bill of tax cuts.

We cannot honestly pretend that repealing this tax is a priority for the American people; 99.5 percent of Americans aren't affected by this tax. And 3 years from now, under current law, even fewer will be subject to it. Congress has already acted on the estate tax, increasing the exemption level from $1.3 million to $4 million, so that only a quarter of the estates taxed in 2000 pay a tax today. Under current law, those who inherit a $7 million estate in 2009 will pay no tax.

And yet, the American people are being told that this is about saving them from more taxation. Small businesses are being told that the estate tax could be the death of their business. The average American is now in fear that they, too, might have to pay a burdensome tax when a parent dies. But the American people should see these for what they are: scare tactics.

Instead, the American people should be up in arms that this is the issue their Senators think is a high priority. They should be furious that instead of dealing with any of the issues they are concerned about, instead of addressing energy prices, instead of providing a tuition deduction to help families with the cost of college, we are talking about repealing taxes for the super wealthy.

So let's not be swayed by a few stories or scare tactics.

Instead, let's look at the facts. The fact is that under the current exemption, only 135 small businesses Nationwide have to pay any estate tax. The fact is that while full repeal would help those with multimillion dollar estates—such as Vice President CHENEY, who would save up to $60 million from repeal or former Exxon Mobil Chairman Lee Raymond, who would save $164 million—full repeal would actually hurt most small businesses, according to the Small Business Council of America.

And the fact is, while this may save a few millions for a handful of multimillionaires, the American people will be paying off the cost of repealing this tax for years to come.

Let's see this for what it is. This is a tax that does not affect 99.5 percent of Americans. This is not a tax crisis, and it is not a family business crisis. Repealing it is irresponsible. Greater debt upon the next generation of Americans for the benefit of a wealthy few is morally wrong.

I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Virginia.

Mr. ALLEN. Mr. President, I rise to strongly endorse H.R. 8, the Death Tax Repeal Permanency Act of 2005 and urge my colleagues to vote for it. This has been brought up year after year for decades. I hope my colleagues will vote in favor of giving the death penalty to the death tax. It is an unfair tax.

I like listening to all the different commentaries. The preceding speaker from New Jersey was acting as if it is the Government's money, that this is the taxpayers' money somehow going to those who have estates. It is individuals, human beings. Americans are the ones who are the owners of their property, not the Government. My view, as a matter of principle, is that death should not be a taxable event. The sale of an asset ought to be the taxable event.

This is an important tax policy that affects family businesses, small farms, people all over this country who would like to pass on their American Dream, what they worked on and worked for and accrued through their lives, to their children.

I was listening to the Senator from Arkansas who said she wanted a solution, fairness, and certainty. There is going to be a chance to have that fairness, that certainty and solution. Tomorrow we will vote on this measure, and we can repeal the death tax. That will bring a solution. It will bring fairness, and it will bring certainty.

In 2001, I proudly supported efforts to reduce taxes on families, individuals, and small businesses, and also to phase out over a period of time the death tax. We reduced the death tax in the strange way that they do things in Washington. The death tax was at 55 percent. It gets reduced over a period of years, until the year 2010, to zero. In 2006, it is one amount; in 2008, it is another. By 2010, it is down to zero. But then in the year 2011, it goes back up to 55 percent and a $600,000-something exemption. One would think in looking at this tax policy that the folks in Washington are incentivizing the American people to die in the year 2010. If they die that year, there is no death tax. If they survive, then they will be subjected to a 55-percent tax. This is a strange and odd policy. It hurts hardworking taxpayers who wish to leave their life's work to their loved ones.

It has harmed entrepreneurs and innovators who want to rely on a predictable, consistent tax system so that they can invest and create jobs and expand opportunity and spur economic growth. This absurd, complicated tax policy does not allow people to plan with a simple, stable, and certain tax law.

We have an opportunity to give the death penalty to the death tax once and for all. This is the right thing to do for a number of reasons. First and foremost is the issue of fairness. Talking about whose money is this, if an American man or woman earns money, they get hit with an income tax. If they invest it, they get hit with taxes on any interest. If they sell an asset that they have invested in, that ends up getting hit with a capital gains tax. Dividends are taxed. Interest is taxed. If they buy something with that earned money that has already been taxed once or twice before, they pay a sales tax. And as a practical matter, the Government taxes people to death. Then, after they do die, what happens? You have, in effect, the IRS, like a bunch of buzzards, hovering around at the funeral trying to get another chunk out of what is left from that person who is deceased.

I like to paraphrase Virginia's first Governor, Patrick Henry: There should be no taxation without respiration in the United States of America. We do need to get rid of this death tax.

Part of the American dream is to be able to pass on what you have worked for or the business you have started. You may have inherited it from someone else or bought it, but you built it up and would like to pass it on. A majority of Americans agree. About 70 percent of Americans, according to surveys, support it, even if they would not be subjected to this tax, because they recognize how unfair it is to be taxing death. This is a matter of fairness that the American people understand.

The second reason to eliminate the death tax is that it has a harmful effect on our economy. In many cases, the assets that are subjected to the death tax have already been taxed once or twice or three or four times before. That means the death tax is the fourth or fifth tax. It drains our economy. It provides little incentive to keep a farm and provides little incentive for a business to expand or to improve because its value would go up.

We have done a lot of things in the last few years that are beneficial for small business: For example, the $100,000 expensing for capital equipment as opposed to $25,000. That new equipment will make that company or that enterprise more productive, more efficient, and undoubtedly more profitable. But if you keep doing that year after year and improving it, you will improve the value of your business, making it subject to the death tax which is obviously counterproductive.

Another way this unfair tax hits people in the Commonwealth of Virginia is to look at the outer suburbs, Prince William County, Loudon County, the Piedmont of Virginia, the Shenandoah Valley. Someone may have farmland or forestry property in the hills and mountains. That property, when someone dies, is not taxed at what the value would be for running cattle on it or growing trees. It is taxed by the Federal Government at its highest and best use. The highest and best use of most of this property is not running cattle or growing soybeans or timber. It is going to be taxed at what the value would be if it were subdivided into a development or if it were along a highway commercially. So what happens so often is urban sprawl or suburban sprawl in the Piedmont, the Shenandoah Valley, the Richmond area, and elsewhere in Virginia and in the country because that forestry property will give you just the return when you harvest the timber. But to pay those

taxes, you will have to get a loan. You are not going to get enough income off of that property to be able to pay those taxes. So what happens is that that forestry property or that family farm gets subdivided to pay the Federal Government death taxes. And whatever remains of that farm, if any, after it is subdivided, is a less efficient farming or agricultural or forestry operation.

This does harm people in a variety of ways, not just fairness, not just impeding and countering incentives for improving a business. It also means for Virginia ending up with more suburban sprawl. Talk to developers when they develop a subdivision. It is usually and so often from an estate sale where that family cannot keep the family farm going, and it changes the nature of many communities.

I have listened to all the arguments: Gosh, why can't we do this, and why can't we do that. We can do a lot tomorrow. We can act. It is something that has been promised year after year. Some people may not think it is entirely how they would like it, but why not do something positive, constructive and useful and follow the will of the majority of the Senators. Those of us advocating this are not in the minority. We are in the majority. There is a supermajority needed to keep proceeding, but stop the obstruction. Let's follow the will of the majority of the American people, the will of a majority of the Senate, and for tax fairness, for tax simplification, for certainty and stability of tax policy, let's kill the death tax once and for all and provide new life to the American economy and the American Dream.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I echo what my colleague from Virginia has said and rise in support of repealing the unfair death tax.

It is fair to say that death should not be a taxable event. There is decisive majority support in the Senate for repealing the death tax. And if you look at what happened in the House of Representatives, 272 votes in favor of repealing the death tax, a bipartisan vote in the House, and a big, bipartisan support vote in the Senate. What is happening is it gets filibustered. It takes 60 votes to end the filibuster. I hope my colleagues will join with the rest of us, those who have chosen to try to block this from consideration, and vote with us to at least allow us to proceed to consideration, to proceed to a vote, to allow the will of the Senate and what I believe is the will of the majority of the people in the country to be worked.

It is an unfair tax because the Donald Trumps and Paris Hiltons of the world, which are the examples most often used by our colleagues on the other side, are not going to pay it. They have a team of lawyers and accountants who are going to make sure that they pay little or no death tax. It is family-owned farms and small businesses that will end up paying the tax.

There are a lot of numbers being put up by both sides in this debate. After spending a little time in Washington, it becomes clear that just about everyone can find a statistic to support their particular point of view. I brought with me some real South Dakota stories that can help us understand who the death tax can hit and how it can hurt or even shut down a family farm or business.

Perhaps the most well-known example of a family-owned and operated business in my State of South Dakota is Wall Drug. I had hoped to have a poster to show it because people across this country, anybody who has traveled down interstate 90 in South Dakota has seen signs for Wall Drug. Although it currently draws thousands of people every day, Ted and Dorothy Hustead never imagined the success of their family-owned and operated business. Wall Drug wasn't always the tourist attraction it is today.

In fact in 1931, Ted and Dorothy Hustead and their son Bill moved to the prairie town of Wall, SD. Ted was a pharmacist and started his own drugstore with $3,000 left behind for him by his father. After a 5-year trial, the Husteads were ready to give up their family-owned business until Dorothy's extraordinary advertising idea.

The Husteads began advertising free ice water on the billboards to draw people in who were traveling across the hot, vast prairie of South Dakota.

The story is told that before they could get back to the store, after putting the signs up on what used to be highway 16 in South Dakota, there were already customers streaming into the store to get some of this free ice water. The first sign sprung up on highway 16 and it turned out to be the key to their success. Today, Wall Drug's advertisements are still along the highways of South Dakota, still advertising free ice water, along with other more modern draws. Their signs can also be seen all over the world, often with the mileage dutifully added. My office is 1,565 miles from Wall Drug.

This didn't happen overnight. In 1951, Ted and Dorothy's son, Bill Hustead, joined the business, working to create the family attraction that Wall Drug is today. The second-generation Husteads expanded the business and increased advertising spending.

In 1981, Bill's oldest son Rick became the first member of the third generation to join the business. Later joined by brother Ted, the third-generation owners continue to run the family business based upon the same western hospitality once embodied by their grandparents. Holding its reputation high, Wall Drug represents America's strong entrepreneurial spirit, built on innovation and perseverance and passed down through three generations of the Hustead family.

Why do I use this illustration to tell the Wall Drug story? Because it would be a shame to see family operations such as Wall Drug be sold off because of an untimely death in the family. That is what might happen to this business and these two other South Dakota stories that I will share with you. The effect of the death tax is very real on these family-owned operations, family-owned businesses.

In central South Dakota sits a 3,000-acre family farm. I will describe it as a medium-sized farming operation in South Dakota—not too big, not too small. Unfortunately, a death occurred in the family. As a result, $750,000 will likely be paid in taxes. This is a huge amount of money for a farm operation in my State, where land values can make an operation look a lot more valuable on paper than they are in reality. In other words, farmers like this can often be described as ''land rich'' and ''cash poor.'' All their value is in their land. When a massive death tax bill comes due, the only option is often to sell the land to pay this unjust tax. Thus, a family legacy comes to an end.

There is another operation in my State of South Dakota, with 10,000 acres in the north central part of the State. Like so many farms and ranches in South Dakota, the parents who have run the place for decades are now advancing in years. In this particular family, the mother passed away and the father is getting on in age. Their kids would like to continue in the business, but the tax on the farm would likely be $1.5 million. That might make it impossible for the kids to stay on and keep that family farm alive. I find it very disturbing that our Federal Tax Code could influence a family's ability to keep their farm from being broken up and sold off.

These are examples of real family farms that are facing the effects of the death tax. This is just not an exercise in the theoretical. Real farms, ranches, and real small businesses are watching how the Senate is going to act on this important issue. Our action, or inaction, this week will affect real businesses in each of our States.

Mr. President, in my State and other rural States, we are seeing the next generation leave for school and, too often, not coming back. We need to put in place incentives for our young people to keep rural America alive and strong. The death tax is an incentive for exactly the opposite effect. It can help push young people away from carrying on the family business in rural places. I hope the Senate will do the right thing and bring a permanent end to the unfair death tax.

I will offer one final thought on an argument we are hearing from the other side of the aisle. I have heard it said that repealing the death tax will add up to $1 trillion to the deficit. We heard a similar argument made when it came to reducing the tax rate on capital gains. The other side was wrong then, and they will be wrong again this time.

The analysts who have churned out figures in the trillion-dollar range are

not taking into consideration the nature of the death tax and its larger impact on the economy. With the death tax permanently killed, family business owners would then reroute tens of thousands of dollars from lawyers and accountants hired to avoid being hit by the death tax back into their business. There this capital would be used to hire another employee or add value to their operation.

In fact, repealing the death tax would remove the asterisk on the American promise of passing your hard-earned business or nest egg to your children or grandchildren. The death tax in its current form has a chilling effect on the creation of new family businesses that would be created if assets could be passed down to the next generation. How many next generation beneficiaries would have invested in a new business if only they had sufficient capital to do so? How often has the death tax prevented this? How many potential jobs were not created as a result?

The changes in economic behavior if the death tax was no longer a factor to consider is hard to determine. But the dividend and capital gains rate reductions serve as a good indicator. Those rate reductions have paid for themselves many times over in increased Government revenue.

Last month's budget report from the Treasury Department has tax receipts up by $137 billion, up 11.2 percent for the first 7 months of fiscal year 2006. The year before, if you look at 2004 to 2005, there was a $274 billion increase in Federal revenues, or 14.6 percent more Federal revenues for fiscal year 2005. Reducing those taxes spurred economic growth and increased Government revenue. That is exactly what I expect would happen if we were to eliminate once and for all the death tax.

So I ask my colleagues to take a look at the death tax and getting rid of it simply as a matter of bringing fairness to our Tax Code. That is how the American people view it; that is how South Dakotans view it. Even though many Americans might not have a substantial nest egg to pass on to their children, they understand the death tax to be unfair. For that reason, they oppose it. They also know that it is those very same small businesses, small farms, and ranch operations that are creating jobs and making it possible for young people to continue to stay in the rural areas of this country.

One recent poll suggests that 68 percent of Americans support repealing the death tax. It is simply unfair for death to be a taxable event. I urge my colleagues to allow us to vote, allow us to proceed to the debate, and to get an up-or-down vote on the floor of the Senate, and to join the House of Representatives, which passed it by a very big bipartisan vote—legislation that would repeal and end the death tax once and for all.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I speak in favor of doing away with the death tax. To follow a principle of taxation and not just for the sole purpose of doing away with the tax, but following on what the Senator from South Dakota said, an obvious one is that death should not be an incident of taxation—not because it is death, but because when you collect taxes in an instance like that, it is like a fire sale. When you force a sale at a particular time to pay taxes, the value is going to be less than if the marketplace works. So by letting the asset pass from one generation to the other and letting the succeeding generation sell it according to the willing buyer/willing seller, more money is going to come in. That is a principle that has been laid out by the Senator from South Dakota.

Another principle that hasn't been spoken about yet is when to tax for Government services—tax income the earliest it is made, and tax it once. Beyond that, you ought to let the marketplace decide the value of something and tax it accordingly. Under both circumstances, more money is going to come into the Federal Treasury.

So I believe that death should not be a taxable event. Since I have been in the U.S. Senate, I have been working on reform of the estate tax. Taxing people's assets upon their death is just plain wrong—not wrong to the heirs as much as it is wrong to think that you are going to get more money into the Federal Treasury that way than if you let the marketplace work and determine the true value of something with a willing buyer and a willing seller.

Heirs should not be forced to sell a single asset in order to meet an arbitrary tax due date—the due date caused by death. Assets should not have to be sold to pay taxes. The market should determine when things are bought and sold. That is the best measurement—when a willing buyer meets a willing seller and they agree on a price and a time when that asset should be sold.

Unfortunately, under existing law, we have it all wrong. Under current law, in 2011 when we will once again have an estate tax due and owing within 9 months of death of 55 percent, and even in some cases up to 60 percent, that is just not right. It is not right for the family involved and it is not the best thing for the Federal Treasury, because that is not going to bring in the massive amount of revenue that would come in if the marketplace were working. It is not right because we have forced many unwilling sellers to have to deal with a very willing shark of a buyer who is waiting in the murky waters of tax uncertainty.

Some people wonder why I care so much about this issue. I have reporters from big city newspapers calling me, because I am a U.S. Senator, to remind me that Iowa is somewhat economically poor compared to very so-called wealthy places, like New York City, and that land and companies in the Midwest are not worth much. They take great joy in calling up my constituents—probably very randomly—and maybe stopping by once or twice for a so-called investigation about the haves and the have-nots of our State. They do it trying to find out the grassroots feeling about this great tax debate.

I may not get to write on the front page of a fancy urban newspaper, but I do get to talk to a lot of my constituents because I visit every county every year to find out what is important to my constituents through my town meetings. I will give you, from those meetings, a couple of examples, as my colleague from South Dakota did for his State, of why I think this debate is so important and this bill is so important and this cloture vote should pass.

Unfortunately, we have it all wrong. Under current law, in 2011 we will once again have an estate tax due and owing within 9 months of death of 55 percent and even in some cases up to 60 percent. That just is not right. We have forced many unwilling sellers to have to deal with a very willing ''shark'' of a buyer waiting in the murky waters of tax uncertainty. These are real people who live in Iowa. They have devoted their entire lives, for multiple generations, to building businesses and creating good jobs for people of rural Iowa.

Over 40 years ago, Eugene and Mary Sukup started a grain handling and storage manufacturing company in Sheffield, IA. On my family farm, my son and I used Sukup equipment to store our corn and soybeans and to use drying equipment for drying corn for storage. So I know that the Sukups, as a family manufacturing business, have a quality product and they serve their customers well, and they serve all Iowa well in the sense of jobs. Today, the Sukup family and the next generation of two sons and their families are involved; they are still headquartered in this little community of Sheffield, IA, with a population of 968 people. But they employ over 300 people from 5 different counties, in good-paying jobs, with good retirement plans. In fact, the original employee team that started with them 40 years ago is still there today, and, in many cases, the next generation of that family has also joined the team.

In addition, the Sukups' facilities in other States, also contributing to the economy of those other States, like Defiance, OH; Jonesboro, AR; Arcola, IL; Aurora, NE; and Watertown, SD—places where good jobs and hard work that isn't flashy and doesn't make the scandal page of big city papers are valued as important ingredients of downhome, good living. These are the places where people invest in the local economy and contribute to the community as good taxpaying citizens.

Let me tell you about another little Iowa town, Shenandoah. That is where Lloyd Inc. is located. It, too, is not a flashy company. They started making

animal dietary mixes in 1958 and now is a significant provider of veterinary drugs. Eugene Lloyd is a doctor of veterinary medicine and the CEO of the company. He tells me that the company has never laid off employees due to poor business cycles and employs over 80 well-educated people in Shenandoah, a town of less than 6,000 people.

The company has also provided generous health care and retirement plans to their employees and, like I said, in rural America, those benefits are very important.

Unfortunately, even after vigilant estate planning, these two family-owned companies will be facing a combined estate tax bill of well over $40 million. That is $40 million that will leave the State of Iowa. The companies will probably face a fire sale and so often, it is sold to someone with no interest or desire to maintain the current location or contributions to the community. So there are two companies, two towns, 6 counties, 4 families and hundreds of employees, all of which will be hurt if we don't do something about the death tax. Businesses will be sold, locations will be shut down, and real people will lose good jobs and the State of Iowa will lose $40 million of hard capital invested for almost 90 years between the two companies. Not to even mention how much salary, retirement plans and charitable contributions they have made to those little Iowa communities.

So when the multinational or foreign companies come calling, we have no one else to blame but ourselves for letting these family owned companies committed to the community go away.

All of us from rural America are trying to battle what is called out-migration. If we leave the death tax in place in its punitive form in 2011, it will suck jobs, businesses, and people out of rural America.

That is why I care about this death tax debate—real people, in real Iowa counties that have entire communities that would care. It is strange, in New York City, how many multimillionaires live on any one block in Manhattan?

Those so-called multimillionaires seem a little different when you check out the Iowa corn crop, or you sit together at church or the grandson's baseball game. They are, as the popular book says ''the millionaire next door,'' they are the pillars that help hold up all those 99 counties that I visit every year. I know these are not the kind of stories that make the front page of the big city papers, but when family businesses get sold and shut down or moved out of State or even out of the United States, it certainly makes the front page of the newspapers about which I really care.

So when you hear about the number of estates affected, keep in mind, to some extent, that statistic is only a snapshot. The estate tax return is filed by the representative of the dead person. Those statistics, so often dwelled on by many of the proponents of the death tax, don't capture the full picture. The statistic is only a look at the dead person who owned the business or farm. It doesn't take into account the dead person's family, employees, or neighbors. All of those folks are affected if the death tax burdens that family business or farm.

I plan to vote for cloture, and I hope 60 other Senators also vote for cloture on Thursday. It is time we had a real debate on a reasonable solution to this problem. Kicking the can of tax uncertainty is draining dollars out of these family owned businesses, just as well as the estate tax, only the expense of planning for these uncertainties takes money every month and not just all of it within 9 months of death. Vote yes on cloture. We owe these folks an answer.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Delaware.

Mr. CARPER. Mr. President, I have asked my staff to see if they can find some charts—maybe the kind of charts prepared by our friend, Senator CONRAD.

Let's look at this first chart. One of the charts I asked to see if they can find is a chart that deals with what has happened in this decade under current law with respect to the amount of an estate that is excluded from the estate tax so we can see what it looks like over time and what the rates look like over time.

As I recall, the amount that could be excluded from the estate tax in 2001 was about $1.35 million. It went up to $2 million, $3 million, and this year it is about $4 million combined, two people in a family, husband and wife, and then I believe in 2009 there is $3.5 million excluded for each spouse, for a total of $7 million for a family in which there are two people. The amount of the tax, going back to 2001, I believe was about 55 percent. Over time it has been decreasing, so that in 2009 the amount of the estate that will be excluded from the tax is $7 million, and I believe the rate is 45 percent. The next year, in 2010, there is no estate tax, and then in 2011 we go back to where it was in 2001, which is again about a little less than $1.5 million, and the rate would be 55 percent.

People like to have some certainty in their lives so they can do planning for a whole lot of activities. Certainly businesses like to have certainty so they can do planning. That is especially true when folks are trying to develop business plans or estate plans. When we look at a tax that goes from an exclusion of $7 million at a rate of 45 percent to the next year having no tax, and the year after that we will be back where we were in 2001, that certainly doesn't provide the kind of certainty under which businesses or families like to operate.

My hope is that during the course of this debate or this year, we can come up with some certainty. There are folks who would like to see the estate tax go away altogether. When I was Governor of Delaware, we actually eliminated the inheritance tax. We cut taxes 7 out of 8 years. Can you believe that, Mr. President? We reduced taxes 7 out of 8 years. We also balanced the budget 8 years in a row.

The concern in getting rid of the estate tax altogether is we didn't balance the budget last year or the year before that, and we are not going to balance the budget this year or for as far as the eye can see. In fact, the way to come closest to reducing the deficit, as the administration would have us believe, to cut it in half, is to assume we are not going to spend any more money in Iraq the next year and the year after and we are not going to spend any more money in Afghanistan or do anything to fix the alternative minimum tax, which is likely to cost us some money—in fact, a whole lot of money. If we ignore all those items, we can pretend the deficit will be cut in half, but I don't think we can in good faith ignore them.

Let me see what else we have in charts that might be worth looking at. This chart gives us some idea of the percentage of the estates that are going to be taxed in 2009. Again, this is if we consider a $7 million exclusion with a rate of about 45 percent. It says that in 2009, only 0.2 percent of estates will be subject to that tax. If we exclude everything up to $7 million, that doesn't leave very many estates. That is 2 estates out of 1,000 which would have to pay anything at all. And even in 2009, the rate would be down from 55 to 45 percent. This chart shows a pie. That is a pretty small sliver out of that pie. Actually, it would probably be a lot slimmer than that if we really wanted to show it in proportion.

Let's take a look at one more. This chart shows how many estates were being taxed in 2000—roughly 50,000. When we go up to the $7 million exclusion for a husband and wife, the number of taxable estates is down to about 7,000.

I wish we had another chart that actually showed what the value of the estate tax is in revenues to the Treasury. I don't know if we have a chart showing that information. If we can take a look, that would be good.

Some folks like to call the estate tax the death tax. That is actually pretty clever. But I always think of it as the estate tax.

I think of something I call the birth tax. It is a tax that every child born in the country this year inherits upon their birth because it is the amount of our debt that accrues to them and, frankly, to the rest of us. The amount of money we owe as individuals as a personal obligation—again, take the total amount of our debt divided by the total number of people, and we are talking about tens of thousands of dollars. In fact, if we look not just at the money that is accumulated debt but if we look at that more on an accrual

basis, we are looking at a birth tax that is not $20,000 or $30,000 per person but maybe 10 times that amount of money.

This is the cost of the estate tax repeal. We generally only look ahead 5 years. We have been raising the amount of estates that are excluded and lowering the tax rate for the last couple of years—actually, the last 5 years—and the amount of money lost to the Treasury is actually pretty small.

Starting right about 2010, it jumps rather considerably, and it looks like it is $60 billion a year starting in 2012, and it just climbs to 2021 and almost $100 billion a year. This wouldn't concern me if we had a balanced budget. This wouldn't concern me if we had a reasonable prospect for a balanced budget. This concerns me because we don't have a balanced budget and we don't have any prospect for a balanced budget going forward. For us to go willy-nilly into eliminating the estate tax altogether is just imprudent—woefully imprudent.

Should we do nothing? Should we just let the clock continue to tick, so we get to 2009 with a rate of 45 percent and $7 million excluded from the estate tax, and then in 2010 it all goes away, no estate tax, and then in 2011 it comes back to where it was 10 years earlier? Does that make sense? I don't think that makes much sense, either. Rather than simply criticize those who make the estate go away, we ought to find a middle ground, a third way, and the third way says: What can we do that is fair and reasonable to farm businesses, families, and so forth, and at the same time will not make the budget deficit look like this or this much worse going forward?

The approach I like is we go back to where we will be in 2009 if we don't change the law. There are several of us who are going to introduce legislation to do this. I am not sure who will be in the lead. I will be one of the cosponsors. It says: Let's think about providing continuity and certainty. Let's acknowledge the fact that moneys should be excluded from the estate tax. And what is a reasonable level? Right now, we are at $4 million for a family, and in 2009 it will be at $7 million. We are going to suggest we exclude not just in 2009 but in 2010 and 2011 at least $7 million.

I believe we should index that amount going forward, just stay at $7 million for the next 10, 20, 30 years, but it will go up every year in conjunction with some deflator, the CPI or something such as that, and say the rate that is going to be effective in 2009 on the money in excess of the $7 million that can be excluded is 45 percent and lock it in at 45 percent for a while. So not only in 2009 will the amount excluded be $7 million, but in 2010 we will exclude $7 million, maybe with a CPI adjustment, and in 2011, $7 million, again adjusting according to inflation, but the rate would stay the same at 45 percent.

I wish I had a chart that actually shows how that would affect this accumulation of debt, our deficit. It would reduce by about 70 percent the amount of red ink. It wouldn't eliminate it entirely, but we wouldn't be looking at numbers of close to $100 billion a year in 2021. We might be looking at $30 billion. We wouldn't be looking at $50 billion a year in lost revenues to the Treasury; we would be looking at something more like $15 billion.

If people don't think we should have the estate tax where it was in 2001, that is not going to make them too happy because it is still a fair amount of loss to the Treasury, but it is not this huge loss to the Treasury. As long as we are running these huge deficits with little prospects of things getting better anytime soon, we need to find a middle ground, something more fiscally responsible and something responsive to what has been expressed to me by our farm families and small businesspeople.

We are going to have a chance to vote on a cloture motion on the motion to proceed tomorrow. I understand those who want to eliminate the estate tax entirely would like to prevail tomorrow and they would like to go forward. I don't know if the cloture motion on the motion to proceed tomorrow is going to pass. If it doesn't pass, rather than throwing up our arms and saying that is it for another year or two, I hope we will actually take a closer look at what some of us are going to be introducing either today or tomorrow which says that $7 million is a reasonable amount of money to exclude from the estate tax, which is lower than the current rate on estates, 45 percent for everything above $7 million is not an unreasonable level, and see if we can't work toward that goal.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I am sure it is not going to be a surprise to anyone here that I am opposed to the repeal of the inheritance tax. Now, I don't believe people ought to be taxed beyond what is normal by increasing taxes here or there, but I do have a problem with figuring out ways to reduce taxes, inheritance taxes, on the wealthiest among us. We are talking about wealth that staggers the imagination, that is so vast that the average American can't even comprehend it. We are talking now about making it easier for the wealthiest among us to pass along the fortunes that some of them worked hard for, a lot of them inherited, and for the next generation who is waiting for dad or mom to pass away so they can make sure they can keep up with the yachts and the airplanes and the things of that nature. I don't say that everybody who is wealthy is spoiled or has bad values, but I think we have to look very carefully at what we are doing in the circumstances in which this country is living.

To give an example, this is like saying, if you are in debt, deeply in debt, the best way to solve your problems is to go out and borrow more money to pay off the old debt. It sounds foolish, doesn't it? But that is what we are about to do if we chip away at the taxes that are now—the revenue that is now collected through inheritance taxes.

At first glance, it sounds like a good idea to get rid of the inheritance tax. When you look below the surface, you learn that repealing it is a bad deal for the vast majority of Americans.

There is a lot of misinformation being passed around about who pays this tax. We have even given it a name that makes it so repulsive that as soon as you hear it, you say: Wow, what is this, a death tax? Do you mean you have to pay a tax for dying?

No. You have to pay a tax for making so much money that life can forever be comfortable. Not a bad thought, but at what cost? That is the thing that we are concerned about.

Here is the truth: One-half of 1 percent of the estates this year will be subject to tax. I don't know how many people who make $45,000 a year can understand what happens with one-half of 1 percent of the estates in this country of ours. What it says is that 99.5 percent of the estates left are not subject to any tax. To be even considered for this tax, an estate must be worth at least $2 million.

For any of you who hear my voice or look at the figures you see in the paper, remember, when someone says to you: You don't want that death tax out there, do you? It doesn't affect you unless you are worth at least $2 million. Then, on top of that, there are all kinds of tax shelters and exemptions. So very few people pay the tax. As a matter of fact, the average rate that estates pay is somewhere in the high teens, and rarely ever approaches the 55 percent marginal rate, which is the highest of them all. So I think some of my colleagues have to understand the history of the inheritance tax.

I was very lucky in my lifetime. My father died very young and left my mother a widow when she was 37 years old, and I was already in the Army. I had enlisted in the Army just over—well, over 62 years ago. My mother was this young, struggling widow, deep in debt because my father, who was a very healthy man, got sick on the job, and it took a year to rob him of his strength and his energy, so that there was nothing left except grief and debts my mother had to pay.

I was the beneficiary, as a result of my military service, to get something called the GI Bill. The GI Bill said to those who serve: We are going to help you make up for some of the years that we took for you to protect our country and protect our ideals, and we are going to provide funds for you to improve your lot, to get an education, to make up for the time lost, for building a career. The GI Bill sent me to college. I never would have been able to

go. It would never have been available to me.

When I graduated high school, I had a job loading trucks. That is what my life was like. But good fortune struck me, and the opportunities that America gives were mine in abundance.

I went to Columbia University. I went to the business school there. I sit on that school's board now. I look back in amazement at what good fortune that I had. I created a company with two other fellows named ADP, Automatic Data Processing. Automatic Data Processing is a company that today employs 44,000 people in 26 countries in which we serve. Three guys from factory-working fathers, two of them are brothers, and my father, all worked in the same kinds of factories in Patterson, NJ. So life was good.

We presented a new idea in America, those years when we started. It was called outsourcing. It was the opportunity for companies to render specialized services so that the companies who hired us could devote themselves to making their product better and selling it cheaper and being more efficient totally. So as a consequence of that—why is this story relevant? It is because as a consequence of creating a company—my old company before I came to the Senate over 20 years ago—that company had the longest growth record of any company in America at over 10 percent, each and every year, growth and income. Every year for 42 years in a row we had the longest growth record in America, and I take modest pride in knowing I was part of that development.

As a consequence, of course, I made some money, a lot of money by most standards, and I brought my four kids up to understand that they were also lucky, and not just because their father was successful, and each one of them has worked very hard to make their own lives.

I tell that story because what I want to be understood is that I would be a beneficiary, or my kids would be beneficiaries, of a no-tax estate if it was left to them. But what would that do for my children as a result? It wouldn't do anything for them, in my view, in the long run. Give them more money? No. I would rather give them a safe country. I would rather give them a chance to fight against childhood diseases. My oldest grandchild has asthma, and my daughter, when she takes them out to play sports anyplace, the first place she looks for is an emergency clinic to make sure if he has an attack, they can get there in a hurry.

That is the most important thing in my life, to make sure that my children are safe and that we know that if, heaven forbid, they are the one-third of the children in America who are going to get diabetes in their juvenile years, that we will be able to fight against it. I meet with those families. I talk to them. I talk to the children, and I ask them about the terrible inconvenience that it is to deal with sticking their fingers day and night and making sure they feel good throughout their schoolday.

So when I think of what legacy I might give my children, it is not more money in the bank. It is a safer country, it is air that they can breathe, it is water that they can drink, it is assistance, if they need it, to get through school, the same thing that every grandparent wants for their grandchildren.

Now, to say, OK, FRANK, you have been lucky. You did well. You provided a lot of people with very good jobs. But now what we are going to do is reward you on top of the rewards you have already gotten by giving you more money, by making sure that your kids can live comfortably.

I have a list of people who are lobbying against the estate tax. When you see the size of some of these estates, it blows your mind, to use a common expression. I want to take a look at the chart that shows what happens if we cut estate taxes for the wealthiest.

This is interesting. There is a company called Halliburton, a company that used to be run by the Vice President of the United States, and who still gets an income from them, almost as large as his income from the U.S. Government. This is the Vice President of the United States who gets an income from a private company that does all kinds of defense business that has been charged with overcharging us for work they did in Iraq, that got a no-bid contract that ran over $2 billion. The CHENEY family—and listen, we respect success, but Vice President CHENEY still has options, tens of thousands of options that are not yet exercised in Halliburton, whose value depends on their ability to do better.

That is the price of the stock. So if we want to reward Vice President CHENEY and Halliburton for their questionable work and their questionable morality when they still do business with Iraq through sham corporations, Iran who gives money to terrorists, who go to Iraq to kill our kids—Halliburton, that is the company. Vice President CHENEY was the CEO of the company. I am not suggesting there is a connection anymore, but I will tell you this: If you want to go to ADP and sell them something, you tell them you know FRANK LAUTENBERG—I was the chairman and CEO of the company—it does make it a notch easier to get some business. We are going to give them a $12 million tax cut—$12.6 million. That is what happens if we repeal the estate tax, as is suggested.

A famous name here, it is not the Hilton Hotel, but it is Paris Hilton, and she will get $14 million in tax cuts if we go ahead and eliminate the estate tax as suggested. The chairman of Exxon made a lot of money. He made $145,000 a day—$145,000 each and every day—and the average wage in this country is $45,000 a year, the average wage. The number of people who make $145,000 a year is very small. Senators in the United States Senate make a little more than $145,000. In fact, they make $165,000. But here, Mr. Raymond made $145,000 a day. So we are going to be nice to him because he made so little: $145,000 a day. We want to give him a $164 million tax cut, give his heirs $164 million. It is obscene, Mr. President. That is what it is.

It is really funny. When you ask for the origins—when did the inheritance tax come into play—people forget that it was originally pushed by President Roosevelt. President Roosevelt, people say? Yes, but not Franklin Roosevelt. It was developed by a Republican, Teddy Roosevelt. He believed that an inheritance tax should not be aimed at the average citizen or even citizens of above average wealth. President Theodore Roosevelt said the inheritance tax should ''be aimed merely at the inheritance or transmission in their entirety of those fortunes swollen beyond all healthy limits.'' This is what the current estate tax does. It affects only the hereditary elite, those who inherit estates of more than $2 million. I repeat: 99.5 percent of American families will not be affected by the estate tax. They won't have to pay a penny out of their legacy.

So when I look at where we stand now, deep in debt because in America we increased the debt limit so we could splurge some more and spend and borrow up to $9 trillion—not earn, borrow to get us up to $9 trillion, and it is rumored that soon we will be looking at the possibility of raising the debt limit again.

And repealing the inheritance tax will only further balloon our Nation's debt. So in order to increase the inheritance of the richest people in the country, we are going to pass more debt to everyone else's children and grandchildren.

I would like someone to explain why that is a good idea.

In 2009, the estate tax exemption will be $3.5 million—but that is not good enough for most Senate Republicans.

Here's what that means in real life:

You could have a $1.9 million mansion, a 44-foot motor yacht, a beautiful summer beach house, his and hers Porsches, and a $600,000 investment portfolio—and still—still—you would not pay a penny of estate tax.

The people who need a break are not the wealthiest one-half of 1 percent. It's everyday people who deserve a break. They deserve a break from high gas prices, rising college tuition and health care costs.

But instead of trying to help everyday people, the Republicans in the Senate are clamoring to help the richest families in America.

Forget gas prices—Congress needs to make sure Paris Hilton gets a few more million dollars in inheritance. We have to make sure that the heirs to the former CEO of ExxonMobil don't miss out.

Some of the wealthiest Americans in the country have actually spoken out against this madness.

Billionaire investor Warren Buffett said that the estate tax has played a ''critical role'' in promoting American economic growth by creating a society in which success is based on merit rather than inheritance.

Buffett said that repealing the estate tax ''would be a terrible mistake'' and would be the equivalent of ''choosing the 2020 Olympic team by picking the eldest sons of the gold-medal winners in the 2000 Olympics.''

Mr. President, if we repeal this inheritance tax, what would be the effect on everyday people and the Federal budget?

For starters, it would cost our Nation $73 billion every year by the middle of the next decade.

What could we do with that much money?

We could provide health insurance for every uninsured child in America, and have enough left over to give them full college scholarships.

We could give every family in America a $500 tax cut.

We could eliminate 75 percent of the Social Security shortfall.

We could provide clean food and water to the 800 million people in the world who lack it.

We could provide the funds necessary to pay for the war in Iraq for the next 10 years.

So that is our choice. We can help everyday people, or we can give a big gift to the richest people in America.

I have heard my colleagues on the other side say they hear stories every week about farmers or small business people having to sell their businesses to pay the estate tax. But they have not been able to cite a single example of this actually happening.

In fact, in 2001, the American Farm Bureau could not find even one family farm that had to be sold to pay the estate tax.

The estate tax mostly does not hit small business people and family farms. The vast majority of assets affected by the estate tax, more than 70 percent, were in liquid assets like stocks, bonds, and cash.

In an attempt to do away with this ''small business'' and ''family farm'' fiction once and for all, in 2002, Democrats proposed to completely and permanently exempt all family farms and all family-owned businesses from the estate tax. But those on the other side of the aisle voted against it. It was an illustration that they are interested in protecting the wealthy, pure and simple.

Mr. President, this week has really showcased how backwards the priorities of this Senate are. Instead of tackling gas prices or dealing with the war in Iraq, we tried to pass a constitutional amendment on gay marriage.

Now, instead of helping families afford college or get better access to health care, we are looking to help the richest families in the country get richer.

This is indeed the twilight zone Senate. In my view, it is time to cancel this show.

I yield the floor.

Mr. KENNEDY. Mr. President, the audacity of the Bush administration and their congressional allies truly knows no limit. In spite of all of the urgent problems facing our Nation—from the ongoing war in Iraq, to the devastating hurricane damage along the gulf coast that has not yet been repaired, to the outrageously high gasoline prices that are squeezing American families—the top Republican priority is eliminating the estate tax for the richest families in the country. President Bush's policies have already added nearly $3 trillion to the national debt in the last 5 years. Now, they are proposing more of the same, more tax breaks benefiting only the wealthiest among us.

The first 10 years of estate tax repeal would cost $800 billion in lost revenue, nearly a trillion dollars when the cost of interest on the higher national debt that would result is included. It is unaffordable. It is the ultimate example of misplaced priorities. Repealing the estate tax would cost as much each year as the Federal Government spends on homeland security, and it would cost more than we spend on education. And, it would be grossly unfair.

Today, under current law, only 5 estates in 1,000 are subject to the estate tax. By 2009, only 3 estates in 1,000 will be subject to the estate tax. Only estates over $3.5 million will be taxed. Thus, repealing the estate tax would only benefit a few thousand heirs of the richest men and women in the country. One columnist recently called it the ''Paris Hilton Tax Break'' and that description accurately identifies who would benefit from such an enormous tax giveaway.

The notion of an estate tax is nothing new or radical. We have had an estate tax for over 100 years. During much of that period, it covered a far greater percentage of estates than we are taxing today. One of the strongest advocates of the estate tax was Teddy Roosevelt, who believed it was essential to a fair and democratic society. Those who have benefited most from the opportunities America offers have a special obligation to contribute something back to their country.

Advocates of repeal always claim that the estate tax forces the sale of large numbers of farms and small businesses each year. That claim is greatly exaggerated. CBO analyzed this issue. It concluded that if the 2009 exemption level of $3.5 billion had been in place in 2000, only 94 small businesses and 65 farms in the entire country would have owed any estate tax. Of those, most had sufficient liquid assets to cover the estate tax owed without touching the business or farm. The few that did not, have the option of paying the tax in installments over 14 years.

These small businesses and farms are being used as a sympathetic Trojan horse to conceal those who would really benefit from estate tax repeal. The real beneficiaries of repeal would be the heirs of the richest men and women in America.

If we eliminate the estate tax on the largest concentrations of wealth in our society, we will be permitting the very few who inherit huge amounts of money to receive their millions tax free while working Americans have to pay substantial taxes on their wages. It would be terribly unfair to tax work while giving inherited wealth a free ride.

The estate tax is the most progressive of all Federal taxes. At a time when the income gap between the wealth few and the middle class has grown disturbingly wide—wider than it has been in decades, why would we want to transfer more of the tax burden from the rich onto the shoulders of middle class families. Make no mistake, the trillion dollars that would be lost should the estate tax be repealed will have to be made up by increasing other federal taxes, taxes paid mostly by the middle class. That is the injustice of repealing the estate tax.

What we should do is make permanent the estate tax that will be in place in 2009—covering estates over $3.5 million—$7 million per couple—with a top tax rate of 45 percent. Only three-tenths of 1 percent of estates would owe any tax under that proposal. While the maximum rate of 45 percent may sound high, that figure is very misleading. Analyses show that the effective tax rate on these estates—the rate after the $3.5 million exemption and other available deductions are taken into consideration—would be, on average, only 17 percent.

I believe all the revenue from preserving the estate tax at the 2009—level should be statutorily dedicated to the Social Security trust fund. Saving Social Security for the many who depend on it is far more important than repealing the estate tax for the wealthiest few.

No Government program reflects the values of the American people better than Social Security. We are a community that takes care of our most vulnerable members: the elderly, the disabled, and children whose parents have died prematurely. Two out of every three retirees receive over one-half of their income from Social Security. Without it, many of them would be living in poverty. Social Security does much more than provide retirement income for seniors. It also provides lifetime disability insurance protecting those who become seriously injured or ill. When a worker becomes disabled before reaching retirement age, Social Security is there to help him and his family. And when a worker dies leaving minor children, Social Security provides financial support for those children until they reach adulthood.

The revenue from the estate tax would reduce the Social Security shortfall by more than 25 percent, according to the Social Security Administration's chief actuary. It would add years of solvency to the program. That

would set the right priority for America.

The priorities of this Republican Congress have been wrong for our country. If we are serious about reducing the deficit and strengthening the economy, we must stop lavishing tax breaks on the rich, and start investing in the health and well-being of all families. These families are being squeezed unmercifully between stagnant wages and ever-increasing costs for the basic necessities of life. The cost of health insurance is up 56 percent in the last 5 years. Gasoline is up 75 percent. College tuition is up 46 percent. Housing is up 57 percent. The list goes on and on, up and up—and paychecks are buying less each year.

The dollars that Republicans now want to spend on the ultimate tax break for the rich—allowing the heirs of multimillionaires to inherit their enormous wealth tax free—are dollars that should be used to help all Americans. The American people deserve better; and in November they will insist on a new Congress that truly shares their values and cares about their needs.

Mr. BIDEN. Mr. President, I rise today to speak in support of the Native Hawaiian Government Reorganization Act of 2006. Unfortunately, this bill has been mischaracterized and therefore misunderstood by many.

Sponsored by Senator DANIEL K. AKAKA and Senator DANIEL K. INOUYE, the bill brings into focus the unique political and legal relationship that the indigenous peoples of Hawaii, Native Hawaiians, have with the United States. The United States has treated Native Hawaiians in a manner similar to that of American Indians and Alaska Natives since Hawaii became a territory in 1898. All that this legislation does—with the substitute amendment that addresses some concerns raised by the Departments of Justice and Interior—is extend the Federal policy of self-governance and self-determination to Native Hawaiians, thereby providing parity in Federal policies toward American Indians, Alaska Natives, and Native Hawaiians.

More than 160 statutes have been passed by Congress recognizing the political and legal relationship that Native Hawaiians have with the United States. These statutes demonstrate how Congress has repeatedly acknowledged the legal and political relationship between Native Hawaiians and the United States. Just as it has done with the other indigenous people of this country, the Native Americans and Alaskan Natives, Congress has established Federal programs to address the health, education, and housing needs of Native Hawaiians. As an indigenous people that exercised sovereignty over lands now comprising the State of Hawaii, Native Hawaiians are seeking parity with other federally recognized indigenous peoples. S. 147 is the vehicle for which this can be achieved.

Beginning with the debates of the Continental Congress and continuing in the records of discussion and correspondence amongst the framers of the Constitution, it was recognized that the aboriginal, indigenous people who occupied the lands now comprising the United States had a status as sovereigns that existed prior to the formation of the United States. Based upon the recognition of that preexisting sovereignty, the U.S. Constitution—article I, section 8, clause 3—vests the Congress with authority to regulate commerce with the three classes of sovereign governments identified there—foreign nations, the several States, and Indian tribes.

In numerous rulings over the ensuing 215 years, the U.S. Supreme Court has repeatedly held that legislation enacted to address the conditions of the native people of the United States is constitutional and does not constitute discrimination on the basis of race or ethnicity because the sovereign status of the Indian tribes is the basis for the government-to-government relationship the tribes have with the United States.

The Court has thus consistently drawn a distinction between legislation that addresses the conditions of the native people of the United States on the grounds that the United States has a political and legal relationship with the Indian tribes—a relationship that is not predicated on race or ethnicity but rather on sovereignty—and legislation that addresses the conditions of specific groups whose members are defined only by reference to their race or ethnicity—African Americans, Hispanic Americans, etc.

The status that the Constitution recognizes in Indian tribes was later extended to Alaska Natives in their capacity as aboriginal, indigenous people of the United States, and it is on the same basis that the Congress has enacted legislation for the aboriginal, indigenous people of Hawaii.

Many opponents of the bill are attacking and classifying reconciliation efforts between the United States and the Native Hawaiians as race-based. However, anyone who has a clear understanding of Hawaii's history cannot deny that Native Hawaiians are Hawaii's indigenous peoples, nor can they deny that Native Hawaiians have a legal and political relationship with the United States based on their status as Hawaii's indigenous peoples. It is offensive that laws intended to seek justice and equality for African Americans are now being used to oppress native peoples.

We must be fair and thorough while deliberating the merits of this legislation. It is unfair to pick and choose what aspects of the Constitution and related statutes do and do not apply. This is an opportunity that each Member of this Chamber has to demonstrate their commitment to recognizing and respecting the aboriginal, indigenous people that had a status as sovereigns that existed prior to the formation of the United States. The time to recognize Native Hawaiians and their contributions to our country is now. I urge my colleagues to support efforts of the Senators from Hawaii to secure Federal recognition for Native Hawaiians.

Mr. BINGAMAN. Mr. President, I rise today to speak in opposition to the legislation before us today, H.R. 8, which would make the repeal of the estate tax permanent starting in 2010. Without so much as a hearing, debate, or markup in the Finance Committee, the majority is bringing the largest tax bill that will be before us this Congress with the clear intent of not allowing the minority any reasonable opportunity to amend it. The Joint Committee on Taxation has estimated that repeal of the estate tax will require roughly $370 billion in debt financing through 2016, although a more accurate cost of 10 years of enactment is closer to $1 trillion when interest on the debt is calculated into the equation. At a time when interest rates are being raised steadily to address inflationary fears, it is hardly the time for our Government to be adding to our national debt in this magnitude for tax relief that only benefits the wealthiest in our country.

In 2001, in my State of New Mexico, there were only 200 people dying with any estate tax liability. This left roughly 98 percent of New Mexican estates entirely untaxed. If the exemption had been $2.5 million, as will occur in 2009 under current law, 99.7 percent of people dying in New Mexico would have owed no estate taxes. At a time when gas is over $3 a gallon and many businesses are telling me that they can no longer afford to offer health insurance to their workers, I cannot in good conscience support repealing the estate tax—an act that provides a benefit to only about .3 percent of New Mexicans.

The effort to permanently repeal the estate tax is a continuation by the majority of giving tax breaks to a small minority of Americans—those who need it least. Just a couple of weeks ago, the President signed the reconciliation tax bill into law which added 2 additional years of tax relief for those receiving dividends and capital gains. Slowly but surely, the majority is creating a society where those who work for a living will be paying taxes while those who are fortunate enough to have investments or inherited wealth will either avoid taxation or be paying at a significantly lower rate. The result will be a United States that has slid back to economic disparity not seen since the Gilded Age where extreme wealth accumulated in the pockets of our Nation's wealthiest while the average working family was left behind. At a time when gas prices are climbing, the cost of electricity is growing, and health care costs are exploding, it is simply unacceptable that this Congress is devoting time and our children's resources to providing another tax break to the wealthiest among us. Instead this Congress should be looking at ways to reduce the tax

burden on folks who only have earned income—and generally not enough of it.

I would remind my colleagues on the other side of the aisle that the impact of deficit spending is immense and one that will be borne not only by us in the coming years but by future generations who have no say in our current financial irresponsibility. Since this administration took over and Congress has been controlled solely by one party, we have seen our Nation's economic security drop precipitously. In order to pay for unaffordable tax cuts, we have become a beggar nation, forced to go to foreign countries with our hat in hand asking them to buy our debt. Many of these countries, such as China and Japan, are the very same countries that are becoming more and more competitive with our Nation for high-tech and higher salaried jobs—a fact that is not unrelated. As interest rates continue to rise to combat inflationary pressures, it is costing this Government more and more to sell our debt to our foreign competitors. At the same time, we are facing demand pressures to offer a higher rate of return to attract these wary investors, as they gradually accumulate more of our debt than most economic models would indicate is prudent. The only prudent course of action would be to tighten our belts and balance our budget thereby returning control of our economic prosperity to us instead of leaving it in the hands of our foreign competitors. But instead of coming up with rational tax policy that rewards the majority of Americans who work for a living, we are foisting on these families the delusion that estate tax relief benefits them and handing out further tax cuts to those who have seen their wealth grow at historic rates in the past several years.

Mr. President, we owe it to our children and grandchildren to provide them with the opportunities we inherited from our parents. The real ''death tax'' is the one we are leaving for our children to pay when we are gone. With the passage of the Deficit Reduction Act in 1993, we were able to correct years of irresponsible tax policy and head our Nation back in the right direction. By maintaining fiscal discipline, we were able to have our first surplus in decades. It is shameful that we are considering legislation today that, in many senses, is the final nail in the coffin of fiscal responsibility by providing additional tax cuts to the richest in our Nation to the detriment of hard-working American families. This is not the act of a Government that is supposed to represent all of the people in our Nation—a nation that was founded on the belief that the opportunity for prosperity is to be shared by everyone. This legislation is another step toward creating an America that I was not elected to represent by my fellow New Mexicans—the vast majority of whom earn their living by going to work every day. I hope my colleagues will join me in opposing this legislation.

NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2005—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the hour of 3 p.m. having arrived, the Senate will proceed to consideration of the motion to proceed to S. 147, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to S. 147, a bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

The PRESIDING OFFICER. Under the previous order, the time from 3 p.m. until 6 p.m. shall be divided for debate as follows: 3 to 3:30, majority control; 3:30 to 4, minority control, alternating between the two sides every 30 minutes until 6 p.m.

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, one of the parliamentary mysteries of the Senate is that we are now about to move, as was reported, to the Native Hawaiian Government Reorganization Act. Some might wonder why. I was presiding, as the Senator from Minnesota is now, earlier in the week. I heard an eloquent speech by a Senator from the other side of the aisle, the Senator from Vermont, who said we ought to ''focus on solutions to the high [gasoline] prices, something that hurts people in your state and mine, the rising cost of health care . . . the ongoing situation in Iraq. . . . We're not going to talk about any of those things,'' said the Senator from Vermont, from the other side of the aisle.

Yet as a result of efforts there, on that side of the aisle, we are now moving ahead to the Native Hawaiian Government Reorganization Act, S. 147.

The legislation may seem insignificant, but I am here today to say that, in this seemingly insignificant piece of legislation, is an assault on one of the most important values in our country. It is a value so important that it is carved in stone above the Chair of the Presiding Officer. It is our original national motto: E Pluribus Unum, one from many. This bill is an assault on that principle because it would, for the first time in our country's history, so far as my research shows, create a new, separate, sovereign government within our country, based on race, putting us on the path of becoming more of a United Nations than a United States of America. It will set a precedent for the breakup of our country along racial lines, and it ought to be soundly defeated.

No one has to take my word for this. The U.S. Commission on Civil Rights, a body established to protect the rights of minorities and the underprivileged, has publicly opposed this legislation. Here is what the Commission on Civil Rights said:

The Commission recommends against passage of the Native Hawaiian Government Reorganization Act of 2005 as reported out of committee on May 16, 2005, or any other legislation that would discriminate on the basis of race or national origin and further subdivide the American people into discrete subgroups, accorded varying degrees of privilege.

So this bill undermines our unity. It would undermine our history of being a Nation based not upon race but upon common values of liberty, equal opportunity, and democracy.

We have had many great accomplishments in our country. Our diversity is a magnificent accomplishment. But the greater accomplishment, greater even than our diversity, is our ability to unite all of that diversity into one Nation. We should be going in that direction and not in the opposite direction.

Our Constitution guarantees equal opportunity without regard to race. This legislation does the opposite.

Those who favor this bill like to describe a bill that is not the bill I have read. Those who favor the bill say it is not about sovereignty, it is not about land and money, it is not about race, it is what we did once in Alaska and that the Native Hawaiians would be just another Indian tribe. It is a nice bill, they say. It is sponsored by the two Senators from the State of Hawaii, whom we all greatly respect and admire, so, they say, let's just pass it.

Let me address each of those claims one by one—sovereignty, to begin with. Those who favor the bill say this is not about sovereignty. After all, they argue, the new government that would be set up would be subject to the approval of those who are ''Native Hawaiians,'' and it would have to be approved by the U.S. Secretary of the Interior. But the bill expressly states in section 4(b) that its purpose is to establish a ''political and legal relationship between the United States and the Native Hawaiian governing entity for the purposes of continuing a government-to-government relationship.''

A government-to-government relationship—such as a government relationship between the United States and France or England or Germany or any other country. That sounds like a sovereign government to me.

That's not the end of it. In an interview on National Public Radio on August 16 last year, the Senator from Hawaii, who is the sponsor of this bill, was asked if this could lead to secession of the State of Hawaii from the United States. The NPR reporter stated, ''But [Senator AKAKA] says this sovereignty could even go further, perhaps even leading to independence.'' And the Senator from Hawaii responded, ''That could be. As far as what is going to happen at the other end, I'm leaving it up to my grandchildren and my great-grandchildren.''

The office of Hawaiian Affairs, an office of the Government of the State of Hawaii at one time said on its Web site that under this bill:

> The Native Hawaiian people may exercise their right to self-determination by selecting another form of government, including free association or total independence.

Total independence, Mr. President. This bill clearly allows for the establishment of a new, sovereign government within the United States of America. I have not found another example of that in our history.

No. 2, those who favor the bill say this is not about race. But the bill itself says something else. It says that anyone ''who is a direct lineal descendant of the aboriginal, indigenous native people'' of Hawaii is eligible to participate in creating this new sovereign government. By this definition, anyone who may have had a seventh-generation Native ancestor, making him 1/256 Native Hawaiian, can qualify. They do not need to have been part of a Native Hawaiian community at any point during their lifetime. They don't even need to have lived in Hawaii. In fact, of the 400,000 Americans of Native Hawaiian descent in the United States, approximately 160,000 don't even live in Hawaii. They live all over the United States of America. But they all would be eligible to be part of this new sovereign government under the bill.

So eligibility to participate in this new government is not based on where you live. It is not based on being part of a specific community. It is based on your ancestry. That is why the U.S. Commission on Civil Rights has specifically said the bill ''would discriminate on the basis of race or national origin.''

No. 3, land and money. Those who favor the bill say it is not about land and money, but the bill says something else. My staff counted 35 references to ''land'' or ''lands'' in the text of the bill, and in section 8 of the bill it specifically delegates to this new race-based government the authority to negotiate for:

> (A) the transfer of lands, natural resources, and other assets, and the protection of existing rights related to such lands or resources;
>
> (B) the exercise of governmental authority over any transferred lands, natural resources, and any other assets, including land use.

So the bill says this is about land and ''other assets.'' It is not surprising. According to an Associated Press article from April 14 of last year on this bill, ''there is a general belief the Department of Hawaiian Home Lands would be folded into this new native government. According to that department's Web site, ''Approximately 200,000 acres of homestead lands are provided for the Hawaiian Home Lands program.'' That is from the Associated Press.

According to the Wall Street Journal, the state's Office of Hawaiian Affairs controls a trust fund worth $3 billion for the benefit of Native Hawaiians. One has to ask whether some or all of that $3 billion would be given to this so-called tribe. The bill expressly allows the transfer of land and assets, so this is a serious question.

Then the last two arguments the proponents make. They say that this is similar to what we did for the Alaska Natives. But there are some profound differences between Alaska and Hawaii. First, the history is different. When the United States acquired Alaska from Russia, the treaty stipulated we needed to deal with the Alaska Natives. And when Alaska became a State, we included in the law that Alaska Natives would have a special status. That is not true for Native Hawaiians. They have always been part of the State and lived under its jurisdiction.

Second, the provisions in S. 147 for the recognition of a native government are different from those for Alaska Natives. Alaska Natives were recognized to form corporations and other local forms of government, based largely on the village communities in which they lived. Most Native Hawaiians don't live in separate villages or communities in Hawaii and elsewhere in the United States. They are everyone's next-door neighbor. Of the 240,000 Native Hawaiians living in Hawaii, the U.S. Census reports that less than 20,000 live on ''Hawaiian homelands.'' The rest are mixed with the States' population.

Finally, there is another argument that those who support this bill make. They say: We are just recognizing another Indian tribe. This puts Native Hawaiians on an equal footing with other Native American groups.

That is their argument. But U.S. law has specific requirements for recognition of an Indian tribe. A tribe must have operated as a sovereign for the last 100 years, must be a separate and distinct community, and must have had a preexisting political organization. That is what the law says. Native Hawaiians do not meet those requirements.

In fact, in 1998 the State of Hawaii acknowledged this in a Supreme Court brief in the case of Rice v. Cayetano, saying, ''the tribal concept simply has no place in the context of Hawaiian history.'' It would be difficult to argue that Hawaii was not well represented in that debate because the current Chief Justice of the U.S. Supreme Court, Justice Roberts, was the lawyer for the State of Hawaii in this argument before the Supreme Court and they said, ''the tribal concept simply has no place in the context of Hawaiian history.''

If the bill establishing a Native Hawaiian government would pass, it would have the dubious honor to be the first to create a separate nation within the United States. While Congress has recognized preexisting American Indian tribes before, it has never created one. That is the difference. Of course, we have recognized preexisting American Indian tribes who meet a very specific definition of what an Indian tribe is in our law. But so far as I can tell, we have never created an Indian tribe, and the State of Hawaii itself recognized before the Supreme Court that its native peoples are not a tribe.

To pass this legislation would be a dangerous precedent. It wouldn't be much different than if American citizens who were descended from Hispanics who lived in Texas before it became a Republic in 1836 created their own tribes based on claims these lands were improperly seized from Mexico or it could open the door to religious groups such as the Amish or Hasidic Jews who might seek tribal status to avoid the constraints of the establishment clause of the Constitution. If we start down this path, the end may be the disintegration of the United States into ethnic enclaves.

Hawaiians are Americans. They became U.S. citizens in 1900. They have saluted the American flag, paid American taxes, fought in American wars. The distinguished Senator from Hawaii has won the Congressional Medal of Honor fighting in American wars.

In 1959, 94 percent of Hawaiians reaffirmed that commitment to become Americans by voting to become a State. Similar to citizens of every other State, they vote in national elections.

Becoming an American has always meant giving up allegiance to your previous country and pledging allegiance to your new country, the United States of America.

This goes all the way back to Valley Forge when George Washington himself signed such an oath, and his officers did as well.

Today, in this year, more than 500,000 new citizens will take that oath where they renounce their allegiance to where they came from, not because they are not proud of it but because they are prouder to be an American. And they know if we are going to be one Nation in this land of immigrants, they must become Americans.

All around the world, countries are struggling with how to integrate and assimilate into their societies people from other countries: Muslims in Europe, specifically in those countries, Turks in Germany, Great Britain, France, and Italy—all are struggling with this. They are envious of our two centuries of history of helping people from all countries come here, learn a common language, understand a few principles, and become Americans. They are proud of where we came from, prouder of who we are.

This goes in exactly the opposite direction. This may seem like an insignificant piece of legislation, but within it is embedded an assault on one of the most important fundamental values in our country: the value that is expressed and carved right there, ''E Pluribus Unum,'' one from many.

This legislation would undermine our national unity by treating Americans differently based on race. It would begin to destroy what is most unique

about our country. It would begin to make us more of a ''united nations'' instead of the United States of America.

I hope the Senate heeds the advice of the U.S. Commission on Civil Rights and defeats this legislation, legislation which the commission said ''would discriminate on the basis of race or national origin and further subdivide the American people into discrete subgroups accorded varying degrees of privilege'' and create a new, separate, race-based government for those of Native Hawaiian descent.

I have tried in my remarks to show that this bill is about sovereignty, that it is about land and money, that it is about race, that it is not like what we did for Alaskans, that the Native Hawaiians would not just be another Indian tribe. We don't create new tribes in our country. We recognize preexisting ones, and we have very specific provisions in the law about how we do that.

The question before us is about what it means to become an American. And this bill is the reverse of what it means to be an American. Instead of making us one Nation, indivisible, it divides us. Instead of guaranteeing rights without regard to race, it makes them depend solely upon race. Instead of becoming one from many, we would become many from one.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. 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. KYL. Mr. President, I rise today in strong opposition to the Akaka bill. If cloture is invoked on that bill, there is a process by which we will debate and amend the bill.

I would like to discuss with my colleagues today some of the infirmities with the bill that we would hope to address through the amendment process. There is no way to sugarcoat this bill.

This bill proposes that the Federal Government establish a racial test for Americans who want to participate in the creation of a new government—a government that will gain, according to section 8 of this legislation, lands and natural resources, civil and criminal jurisdiction, and governmental authority and powers. It is unconstitutional, it offends basic notions of American values, and it should be rejected.

I would like to spend a few minutes talking about an amendment that we would be voting on should this bill be brought forward.

First, keep in mind that we are going to have to decide once and for all if we believe in racial tests and race-based government. Government anticipated by this bill is created through a racial test. Read section 3, subparagraph 10: Native Hawaiians, those eligible to participate in the creation of this government, are defined ''as an individual who is one of the indigenous, native peoples of Hawaii and who is a direct lineal descendent of the aboriginal, indigenous, native people in the Hawaiian islands on or before January 1, 1893, and exercised sovereignty there, or a person who descends from one who was one-half Native Hawaiian in 1921.''

What is that test? It is a racial test. As the Supreme Court emphasized, ancestry is a proxy for race.

Some advocates insist that it is not a race-based government, no matter what the actual language of the bill says.

So we will offer an amendment to put this question to the Senate.

The amendment will say that this new government will not have any governmental powers if membership in the entity is in any way determined by race or ancestry. The Senate will have a straightforward up-or-down vote on whether it supports or rejects the principle of race-based government. If I am wrong and the bill's text is wrong, and this isn't about race, then that amendment will surely pass overwhelmingly.

When I discussed this amendment with the bill's sponsors in the past, they have said they would strongly oppose it. So we will let the Senate vote directly and resolve the issue. All Senators should look forward to a vote on whether they support race-based government.

Second, we will have to decide whether the Constitution and basic civil rights are to be left to a negotiation process after the bill's passage.

As I have explained previously, this bill would allow the creation of a government not subject to the Constitution and Bill of Rights. It could also be immune from the Civil Rights Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, and all other State and Federal civil rights laws. It would authorize creation of an enclave where Native Hawaiians would be subject to a different set of legal codes, taxes, and regulations.

Proponents deny this. They say it is preposterous to say that civil rights won't be protected. They say the bill won't result in unequal tax and legal systems in Hawaii. They say basic fairness would be preserved. But then they say just how this happens is entirely up to subsequent negotiations between the Native Hawaiian entity and State and Federal bureaucrats.

Obviously, basic civil rights should not be up for negotiation. So we will offer an amendment to clear this up. My civil rights amendment will apply the entire Bill of Rights to the new government. It will apply all Federal antidiscrimination laws. It will ensure that the new government doesn't have any special immunities from lawsuits under those laws.

It will prevent the creation of any racially defined liabilities, so that no person is subject to any law, regulation, tax, or other liability if any person is exempted on the basis of race or ancestry. And it will guarantee fairness and equal treatment. It will not leave these matters up to future ''negotiations.''

This civil rights amendment deserves a vote, and it will get one.

The New York Times editorialized today that the bill does not ''supersede the Constitution.'' I disagree, but we can resolve this.

So let's vote and not leave it up to chance. Let's adopt my amendment and guarantee civil rights and equal treatment.

Again, I have shared the drafts of this amendment with the sponsors of the bill who said they oppose it. Perhaps they will reconsider, but the Senate will have an opportunity to vote on this amendment.

Third, there is a dispute over whether the people of Hawaii, who are most personally affected by this legislation, actually want this bill. The sponsors say yes, and point to opinion polls that speak vaguely of ''recognizing'' Native Hawaiians. I can point to alternative polls which show strong majorities opposed when the citizens understand that with recognition comes the potential for unequal treatment. Do the Hawaiian people want this? We know much of the political establishment does. But what about the citizens? I am concerned that this bill will divide Hawaii and encourage racial division there and elsewhere.

Indeed, as the U.S. Commission on Civil Rights noted in its report, if you listen to the citizens of Hawaii rather than just their political leaders, it is clear that this legislation has already divided that State. Why would the Senate want to impose a divisive result upon the State of Hawaii without giving Senators a voice?

So one of my colleagues will offer an amendment that will give us the answer to the question. It will simply require that all citizens of Hawaii have a voice by requiring a statewide referendum once the negotiations are complete.

The Senate should not be passing on the question of what is good for Hawaii when we have evidence of such division.

Again, I have floated this idea by the bill's sponsors, and they have opposed a referendum requirement. But why would they not want to ensure that the people of Hawaii have a direct voice in approving or rejecting the final product of the negotiations called for in the bill?

So we will have an amendment. The Senate can decide if the people of Hawaii should be denied their opportunity to speak.

As I have said in the past, I will support a cloture vote and will support the Senate having an opportunity to debate and vote on amendments to this bill. But should cloture be accepted and the Senate get on this bill, I have also

noted I strongly oppose it and will offer amendments to try to ensure the result of the bill is most fair to the people of Hawaii. That I will most surely do.

I look forward to that debate. I look forward to the debate and amendments that will be offered as a result.

I yield the floor.

The PRESIDING OFFICER. At this time, the hour of 3:30 having arrived, the next 30 minutes is under the control of the minority.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I expected my colleague from Arizona would speak on the estate tax. He, in fact, spoke about the subject which we will now spend the next 30 minutes on, on this side, the Native Hawaiian Government Reorganization Act. He raises some questions, and my expectation is that debate and discussion about this proposal will promote some rather aggressive discussion in the Senate. That is fine. It is nice at this point that after all these many years we are debating this issue.

I will give a little bit of the history as vice chairman of the Committee on Indian Affairs. That committee is the committee that brought this legislation to the Senate. The action was bipartisan. We have decided this is a worthy piece of legislation. I support it. The committee supports it. That is the basis on which it is in the Senate now.

I don't know the history nearly as well as my colleagues, Senator AKAKA and Senator INOUYE, but let me describe a little of the history, if I might. I know a bit of this because I represent a State in which we have numerous Indian tribes. Those are the first Americans. Those are the folks who were there before my ancestors showed up. They owned the land. They farmed along the Missouri River. I understand something about Indian tribes, tribal governments and self-determination. I understand that because I work in that area a lot with the Indian tribes from my State.

Let me describe the issue of aboriginal and indigenous peoples in the United States, and especially in Hawaii, from the small amount of history that I know. Again, the rich history here will be better recited by my colleagues, Senator INOUYE and Senator AKAKA.

January 16, 1893—that is a long, long time ago—the United States Minister John Stevens, who served, then, as Ambassador to the court of Queen Liliuokalani, directed a marine company onboard the USS *Boston* to arrest and detain the queen. This is the queen that served the indigenous people in Hawaii. She was arrested. She was placed under arrest for 9 months at the palace.

That event was engineered and orchestrated by the Committee of Public Safety which I understand consisted of Hawaii's non-native Hawaii businessmen, with the approval of Minister Stevens.

So we have a people in Hawaii who were the first Hawaiians, the indigenous people to Hawaii, who had a government, who had a structure. The head of that government was summarily arrested and a new government was created in Hawaii. That new government apparently was a government that would meet at the pleasure of those who engineered the arrest of the queen.

Today, after many decades raising questions, should there not be an opportunity for Native Hawaiians, very much as there has been an opportunity in our country in what is called the lower 48 for Indian tribes to seek reorganization, to seek reorganization—there should be some opportunity along the way for there to be a Native Hawaiian Government Reorganization Act. The reason this is a ''reorganization'' is because that government existed. This is not the creation of a new government. This is a government that previously existed, but many decades ago was essentially dissolved or destroyed as a governing unit by the actions I previously described.

My colleagues have come to the Congress from the State of Hawaii and have asked that a bill authorizing the reorganization of a Native Hawaiian governing entity that could negotiate agreements with the United States and the State of Hawaii to address a good number of issues relating to self-determination and self-governance of the Native Hawaiians be brought to the Senate and be considered and debated. That is the basis on which it is here today.

Upon introduction last year by my colleagues from Hawaii, this bill was referred to the Committee on Indian Affairs. We held a hearing on the bill, received testimony that demonstrated broad bipartisan support, strong support for this bill in Hawaii and also in Indian country around America.

We heard from Governor Lingle from the State of Hawaii about the importance of this bill to the people and to the economy of Hawaii. We heard from Native Hawaiians about the significance of this bill on all aspects of Native Hawaiian life. We heard from the National Congress of American Indians about its long-standing support for Native Hawaiians to be formally afforded the right to self-determination. This bill does not by itself do that. It establishes the process for a reorganization in order to create that structure.

There has been back and forth between interested parties on this bill. There are some who have concerns and questions about it. Significant efforts, I know, have been spent by my two colleagues, Senator AKAKA and Senator INOUYE, to address concerns relating to jurisdiction, claims and gaming issues. I believe these concerns in almost all cases have been adequately resolved.

Even more importantly, I believe the Members of the Senate, finally, deserve the opportunity, and my two colleagues from Hawaii deserve the opportunity, to have this legislation before the Senate open for discussion and open for debate.

Senator AKAKA requested floor time for this bill 1 year ago. His request was not granted because we were compelled to address other imminent concerns relating to hurricane relief and other matters at that time that were urgent.

Bills on this issue have been introduced since the 106th Congress. None have received time for floor debate. Fairness, I believe, now requires this Congress to offer this bill in the Senate for full debate.

Let me finally say this. I know of no two Members of the Senate who have worked harder, with greater determination to advance the cause in their State that has broad bipartisan support in their State on behalf of Native Hawaiians, a right that is already afforded to many other aboriginal and indigenous peoples around the United States that has not been afforded to those Native Hawaiians. I know of no one in this Senate who has worked harder for an important issue of passion in their hearts than Senator AKAKA and Senator INOUYE. I am very pleased that the Senate Committee on Indian Affairs was able to pass this legislation and bring it to the Senate today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, today I discuss legislation that is critically important to the people of Hawaii, all the people of Hawaii, the Native Hawaiian Government Reorganization Act of 2005. While I am pleased to see this bill finally come to the Senate floor after 6 long years, I remain perplexed by the constant barrage of misinformation that has been provided by opponents to this legislation.

Tomorrow we will be voting on a motion to invoke cloture on the motion to proceed to S. 147, the Native Hawaiian Government Reorganization Act of 2005. I ask all of my colleagues, to let this bill come to the floor for a debate—whether you are for or against it. At the minimum, we should be allowed to discuss what this bill is really about.

I also want to alert my colleagues to the fact that a new substitute amendment has been drafted which incorporates legislative language negotiated between Senator INOUYE and myself and officials from the Executive Branch to address policy concerns regarding the liability of the United States in land claims, the impact of the bill on military readiness, gaming, and civil and criminal jurisdiction in Hawaii. While I realize that we will not consider the substitute amendment until we get to the actual consideration of the bill, I share this with my colleagues so that they know that our negotiations with the administration have been successful in addressing their concerns and adhering to the intent and purpose of this bill.

This bill is about process and fairness. Hawaii's indigenous peoples, Native Hawaiians, have been recognized

as indigenous peoples by Congress through the one hundred sixty-plus statutes we have enacted for Native Hawaiians. Congress has historically treated Native Hawaiians, for more than a hundred years, in a manner similar to American Indians and Alaska Natives. What our bill does is to authorize a process so that the federal policy of self-governance and self-determination, a policy formally extended to American Indians and Alaska Natives, can be extended to Native Hawaiians, thereby creating parity in the way the United States treats its indigenous peoples.

We have bipartisan support for the enactment of this bill. I extend my deep appreciation to the cosponsors of this legislation, Senators CANTWELL, COLEMAN, DODD, DORGAN, GRAHAM, INOUYE, MURKOWSKI, SMITH, and STEVENS, for their unwavering support of our efforts.

I especially want to recognize Hawaii's Governor, Linda Lingle, who serves as the first Republican governor in Hawaii in 40 years. Despite our political differences, Governor Lingle and her cabinet, primarily Attorney General Mark Bennett and Hawaiian Homes Commission Chairman Micah Kane, have worked tirelessly with us for the past 4 years in an effort to enact this bill for the people of Hawaii.

In Hawaii, support for the preservation and culture of Hawaii's indigenous peoples is a nonpartisan issue. In Hawaii, diversity is precious. The more we understand our culture, traditions, and heritage, the more we can contribute to the fabric of society that has become the local culture in Hawaii. While my opponents see diversity as a threat, the people of Hawaii embrace diversity and celebrate it as a means of understanding the foundations upon which our local culture, the culture that brings us all together, is based.

Let me be the first to say that the people of Hawaii, including Hawaii's indigenous peoples, are proud to be Americans. The many Native Hawaiians in the National Guard who were away from their families for eighteen months, serving in Operation Iraqi Freedom, are proud to be American. In fact, it is a well-documented fact that native peoples have the highest per capita rate of serving in our military to defend our country. It is absolutely offensive to read opponents' mischaracterization of this bill as an effort to secede from the United States or to question the right of Hawaii's indigenous peoples to have a mechanism of self-governance and self-determination within the framework of Federal law.

This bill is of significant importance to the people of Hawaii. It is significant because it provides a process, a structured process, for the people of Hawaii to finally address longstanding issues resulting from a dark period in Hawaii's history, the overthrow of the Kingdom of Hawaii. The people of Hawaii are multicultural and we celebrate our diversity. At the same time, we all share a common respect and desire to preserve the culture and tradition of Hawaii's indigenous peoples, Native Hawaiians.

Despite this perceived harmony, there are issues stemming from the overthrow that we have not addressed due to apprehension over the emotions that arise when these matters are discussed. I have mentioned this to my colleagues previously, but it bears repeating that there has been no structured process. Instead, there has been fear as to what the discussion would entail, causing people to avoid the issues. Such behavior has led to high levels of anger and frustration as well as misunderstandings between Native Hawaiians and non-Native Hawaiians.

As a young child, I was discouraged from speaking Hawaiian because I was told that it would not allow me to succeed in the Western world. My parents lived through the overthrow and endured the aftermath as a time when all things Hawaiian, including language, which they both spoke fluently, hula, custom, and tradition, were viewed as negative. I, therefore, was discouraged from speaking the language and practicing Hawaiian customs and traditions. I was the youngest of eight children. I remember as a young child sneaking to listen to my parents so that I could maintain my ability to understand the Hawaiian language. My experience mirrors that of my generation of Hawaiians.

While my generation learned to accept what was ingrained into us by our parents, my children have had the advantage of growing up during the Hawaiian renaissance, a period of revival for Hawaiian language, custom, and tradition. Benefiting from this revival is the generation of my grandchildren who can speak Hawaiian and know so much more about our history.

It is this generation, however, that is growing impatient with the lack of progress in efforts to resolve longstanding issues. It is this generation that does not understand why we have not resolved these matters. It is for this generation that I have written this bill to ensure that we have a way to address these emotional issues.

There are those who have tried to say that my bill will divide the people of Hawaii. My bill goes a long way to unite the people of Hawaii by providing a structured process to deal with issues that have plagued us since 1893.

This bill is also important to the people of Hawaii because it affirms the dealings of Congress with Native Hawaiians since Hawaii's annexation in 1898. Congress has always treated Native Hawaiians as Hawaii's indigenous peoples, and therefore, as indigenous peoples of the United States. Federal policies towards Native Hawaiians have largely mirrored those pertaining to American Indian and Alaska Natives.

Again, let me reiterate, Congress has enacted over 160 statutes to address the conditions of Native Hawaiians including the Native Hawaiian Health Care Improvement Act, the Native Hawaiian Education Act, and the Native Hawaiian Home Ownership Act. The programs that have been established are administered by federal agencies such as the Departments of Health and Human Services, Education, Housing and Urban Development, and Labor. As you can imagine, these programs go a long way to benefit Native Hawaiians, but they also serve as an important source of employment and income for many, many people in Hawaii, including many non-Native Hawaiians. There are many Hawaii residents whose livelihoods depend on the continuation of these programs and services.

While I took the time a few weeks ago to talk about Hawaii's history, I want to spend the next few moments discussing that history once again. This is very important to understand the context of what we are trying to accomplish with this bill.

The year 1778 marks the year of first contact between the Western world and the people of Hawaii. That year, Captain James Cook landed in Hawaii. Prior to Western contact, Native Hawaiians lived in an advanced society that was steeped in science. Native Hawaiians honored their land (aina) and environment, and therefore developed methods of irrigation, agriculture, aquaculture, navigation, medicine, fishing and other forms of subsistence whereby the land and sea were efficiently used without waste or damage. Respect for the environment and for others formed the basis of their culture and tradition.

Society was structured. Chief, alii, ruled each of the islands. Land was divided into ahupuaa, triangular-shaped land divisions which stretched from the mountain to the ocean. Each ahupuaa controlled by a lower-chief. The lands were worked on by the commoners, referred to as makaainana. There was an incentive for the chiefs to treat the makaainana well as they could always move to another ahupuaa and work for another chief.

The immediate and brutal decline of the Native Hawaiian population was the most obvious result of contact with the West. Between Cook's arrival and 1820, disease, famine, and war killed more than half of the Native Hawaiian population. By 1866, only 57,000 Native Hawaiians remained from the basically stable pre–1778 population of at least 300,000. The result was a rending of the social fabric.

This devastating population loss was accompanied by cultural, economic, and psychological destruction. Western sailors, merchants, and traders did not respect Hawaiian kapu, taboos, or religion and were beyond the reach of the priests. The chiefs began to imitate the foreigners whose ships and arms were so superior to their own.

By the middle of the 19th Century, the islands' small non-native population had come to wield an influence

far in excess of its size. These influential Westerners sought to limit the absolute power of the Hawaiian king over their legal rights and to implement property law so that they could accumulate and control land. As a result of foreign pressure, these goals were achieved.

The mutual interests of Americans living in Hawaii and the United States became increasingly clear as the 19th Century progressed. American merchants and planters in Hawaii wanted access to mainland markets and protection from European and Asian domination. The United States developed a military and economic interest in placing Hawaii within its sphere of influence. In 1826, the United States and Hawaii entered into the first of the four treaties the two nations signed during the 19th Century.

King Kamehameha I began the Kingdom of Hawaii in 1810 upon unifying the islands. The Kingdom continued until 1893 when it was overthrown with the help of agents of the United States. The overthrow of the Kingdom is easily the most poignant part of Hawaii's history. Opponents of the bill have characterized the overthrow as the fault of Hawaii's last reigning monarch, Queen Lili'uokalani. Nothing could be further from the truth.

America's already ascendant political influence in Hawaii was heightened by the prolonged sugar boom. Sugar planters were eager to eliminate the United States' tariff on their exports to California and Oregon. The 1875 Convention on Commercial Reciprocity eliminated the American tariff on sugar from Hawaii and virtually all tariffs that Hawaii had placed on American products. It prohibited Hawaii from giving political, economic, or territorial preferences to any other foreign power. It also provided the United States with the right to establish a military base at Pearl Harbor.

While non-Hawaiians were determined to ensure that the Hawaiian government did nothing to damage Hawaii's growing political and economic relationship with America, Hawaii's King and people were bitter about the loss of their lands to foreigners. Matters came to a head in 1887, when King Kalakaua appointed a prime minister who had the strong support of the Hawaiian people and who opposed granting a base at Pearl Harbor as a condition for extension of the Reciprocity Treaty.

The business community, backed by the non-native military group, the Honolulu Rifles, forced the prime minister's resignation and the enactment of a new constitution. The new constitution—often referred to as the Bayonet Constitution—reduced the King to a figure of minor importance. It extended the right to vote to Western males whether or not they were citizens of the Hawaiian Kingdom, and disenfranchised almost all native voters by giving only residents with a specified income level or amount of property the right to vote for members of the House of Nobles. The representatives of propertied Westerners took control of the legislature. This is the constitution that the opponents to the bill have characterized as bringing democracy to Hawaii.

A suspected native revolt in favor of the King's younger sister, Princess Liliuokalani, and a new constitution were quelled when the American minister summoned United States Marines from an American warship off Honolulu. Westerners remained firmly in control of the government until the death of the King in 1891, when Queen Liliuokalani came to power.

On January 14, 1893, the Queen was prepared to promulgate a new constitution, restoring the sovereign's control over the House of Nobles and limiting the franchise to Hawaiian subjects. She was, however, forced to withdraw her proposed constitution. Despite the Queen's apparent acquiescence, the majority of Westerners recognized that the Hawaiian monarchy posed a continuing threat to the unimpeded pursuit of their interests. They formed a Committee of Public Safety to overthrow the Kingdom.

On January 16, 1893, at the order of U.S. Minister John Stevens, American Marines marched through Honolulu, to a building known as Arion Hall, located near both the government building and the Hawaiian palace. The next day, local revolutionaries seized the government building and demanded that Queen Liliuokalani abdicate. Stevens immediately recognized the rebels' provisional government and placed it under the United States' protection.

I was deeply saddened by allegations made by opponents of this legislation that the overthrow was done to maintain democratic principles over a despotic monarch. As you can tell by the history I just shared, our Queen was trying to restore the Kingdom to its native peoples after Western influence had so greatly diminished their rights. Colleagues, I want you to understand Hawaii's history and the bravery and courage of our Queen, who abdicated her throne in an effort to save her people after seeing United States Marines marching through the streets of Honolulu.

The Republic of Hawaii was formed in 1893, and in 1898, Hawaii was annexed as a territory of the United States. At the time of the overthrow, the Republic of Hawaii took control of approximately 1.8 million acres of land which were held in a trust for the people of the Kingdom of Hawaii. The driving force of the overthrow, the formation of the Republic, and the drive towards annexation was land ownership and control over land.

Native Hawaiians, like other indigenous cultures, could not grasp the concept of fee simple ownership of land. The concept of owning land was as foreign to them as the concept of owning air would be to us today. For ancient Hawaiians, and for many Hawaiians today, it is understood that all fortune comes from the aina, or land. Therefore, it was important to cultivate and protect the aina and its resources, but the concept of owning it was inconceivable. Ancient Hawaiian society was based on sharing—everyone cultivated, everyone protected, everyone reaped the benefits.

From the time of annexation until present day, as I noted previously in my statement, Congress has treated Native Hawaiians in a manner similar to that of American Indians and Alaska Natives. Federal policies towards Native Hawaiians have always paralleled policies towards American Indians and Alaska Natives. As early as 1910, Congress included Native Hawaiians in appropriating funds to study the cultures of American Indians and Alaska Natives.

In 1921, Congress enacted the Hawaiian Homes Commission Act of 1920, which set aside approximately 203,500 acres of land for homesteading and agricultural use by Native Hawaiians. The act was intended to ''rehabilitate'' the Native Hawaiian race which was estimated to have dropped from between 400,000 and 1 million, to 38,000. At the time, prevailing Federal Indian policy was premised upon the objective of breaking up Indian reservations and allotting lands to individual Indians. Indians were not to be declared citizens of the United States until 1924, and it was typical that a 20-year restraint on the alienation of allotted lands was imposed. This restraint prevented the lands from being subject to taxation by the states, but the restraint on alienation could be lifted if an individual Indian was deemed to have become ''civilized.'' The primary objective of the allotment lands to individual Indians was to ''civilize'' the native people. The fact that the United States thought to impose a similar scheme on the native people of Hawaii in an effort to ''rehabilitate a dying race'' illustrates the similarity in federal policies toward Native Hawaiians and American Indians.

Opponents of my bill have unfortunately conjured a theory that there was no intent to recognize Native Hawaiians as indigenous peoples at the time of Statehood. I've gone back and reviewed the constitutional convention of 1950 which resulted in the constitution that was adopted in 1959 when Hawaii was admitted to the Union. The delegates to this convention reflected the multi-ethnic diversity in the islands. Only 19 percent of the delegates were Native Hawaiians. The 1950 convention deliberately incorporated provisions of the Hawaiian Homes Commission Act of 1920.

It was not without controversy. At least one delegate opposed its inclusion. Yet, the majority of convention delegates voted to include the provisions and the Hawaiian Homes Commission Act remains a part of the Hawaii State Constitution today.

In addition, the Hawaii Admission Act also required the State to take title over the majority of the public lands which had been ceded to the United States at the time of annexation. The Act required that the lands be held by the state as a public trust, with income and proceeds being used for five public purposes, one of which was to address the conditions of Native Hawaiians. It is clear to me after reviewing these documents that while this issue has not been unanimous, there has always been overwhelming support for efforts to recognize Native Hawaiians as Hawaii's indigenous peoples, and to accord them such treatment.

From 1959 to 1978, little was done at the state level to benefit Native Hawaiians. In 1978, the state held a constitutional convention. One of the results of the constitutional convention was the establishment of the Office of Hawaiian Affairs, a quasi-State agency which was set up to address Native Hawaiian issues. The agency would be directed by a Board of Trustees, all Native Hawaiians, who were to be elected by Native Hawaiians. The State of Hawaii ratified the constitutional convention's proposal and from 1978 to 1999, the Board of Trustees for the Office of Hawaiian Affairs was elected by Native Hawaiians.

In 1999, the United States Supreme Court ruled in the case of Rice v. Cayetano that because OHA receives state funds, the vote for the Board of Trustees could not be restricted to Native Hawaiians. The vote for the Board of Trustees has since been open to the entire State of Hawaii and all state citizens are eligible to run for a position on the Board of Trustees. The people of Hawaii have elected Native Hawaiians to each of the nine positions.

Some of my opponents have claimed that this bill would circumvent the Rice case. There is no intent to circumvent the Rice case. Nothing in this bill would address the election of the Board of Trustees for the Office of Hawaiian Affairs.

In 1993, P.L. 103–150, the Apology Resolution, was signed into law. The bill apologized to Native Hawaiians for participation of U.S. agents in the overthrow of the Kingdom of Hawaii and committed the United States to a process of reconciliation with Native Hawaiians. In 1999, officials from the Departments of the Interior and Justice traveled to Hawaii for public consultations with Native Hawaiians. In 2000, the Departments issued a report, From Mauka to Makai: The River of Justice Must Flow Freely. One of the primary recommendations in the report is that legislation should be enacted which would provide Native Hawaiians with greater self-determination within the federal framework over their assets and resources. S. 147 would make this recommendation a reality.

The reconciliation process I referred to is still an ongoing process. I see this measure as an important step in the reconciliation process—a necessary step that provides the structure for us to continue to progress in reconciliation between Native Hawaiians and United States.

I also want to share a unique fact about Hawaii's history. We have had six forms of government. Pre-1810 the islands were ruled by chiefdoms. The Kingdom of Hawaii was established, following the unification of the Islands by King Kamehameha I in 1810, and continued until the overthrow of the Hawaiian Monarchy in 1893. From 1893–1898, the Republic of Hawaii ruled. The territorial government followed from 1898–1941. During World War II, martial law was declared, resulting in the civilian government being dissolved and a Military Government ruling the territory of Hawaii from 1941–1944. We returned to our territorial government in 1944 and in 1959 we were granted admission into the Union.

I can assure my colleagues that the political status of Native Hawaiians has been a hot topic in Hawaii since 1959. In 1999, Hawaii's Congressional delegation formed the Task Force on Native Hawaiian issues. I was selected to head our delegation's efforts. I immediately established five working groups to assist us in addressing the clarification of the political and legal relationship between Native Hawaiians and the United States. The groups included the Native Hawaiian community, state officials, including agency heads and state legislators, Federal officials, Native American and constitutional scholars, and Congressional members and caucuses. We held several public meetings in Hawaii with the members of the Native Hawaiian community working group and the state working group. Individuals who were not members of the working group, and many who opposed our efforts, were allowed to attend and participate in the meetings. Overall, we had more than one hundred individuals provide initial input to the drafting of the legislation.

The bill was first considered by the 106th Congress. Five days of hearings were held in Hawaii in August 2000. While the bill passed the House, the Senate failed to take action. The bill was subsequently considered by the 107th and 108th Congresses. For each Congress, the bill has been favorably reported by the Senate Committee on Indian Affairs and the House Committee on Resources. Unfortunately, until now, we have not had an opportunity for the Senate to consider this legislation.

S. 147 the Native Hawaiian Government Reorganization Act of 2005, does three things: (1) it establishes a process for Native Hawaiians to reorganize their governing entity for the purposes of a federally recognized government-to-government relationship with the United States; (2) creates an office in the Department of the Interior to focus on Native Hawaiian issues and (3) establishes an interagency coordinating group comprised of federal officials from agencies who implement federal programs impacting Native Hawaiians.

The process for the reorganization of the Native Hawaiian governing entity has received the most publicity and most attention. I am very proud of the careful balance between structure and flexibility provided in the reorganization process. Native Hawaiians will truly be able to make critical decisions in shaping their reorganized governing entity.

Some have asked, why do you need to reorganize the entity? My answer is simple—our history requires it. Unlike some of our native brethren, when the Kingdom of Hawaii was overthrown, our native peoples were not allowed to retain their governing entity. Article 101 of the Constitution of the Republic of Hawaii required prospective voters to swear an oath in support of the Republic and declaring that they would not, either directly or indirectly, encourage or assist in the restoration or establishment of a monarchical form of government in the Hawaiian Islands. The overwhelming majority of the Native Hawaiian population, loyal to their Queen, refused to swear to such an oath and were thus effectively disenfranchised.

Similarly at the time of annexation, an overwhelming number of Hawaiians signed a document in protest of annexation, referred to as the Ku'e Petition. It is this document that I have here. A substantial number of Native Hawaiians signed this document in further protest of what had happened to their government.

My bill provides for the reorganization of the governing entity, because upon the overthrow of the Kingdom of Hawaii, Native Hawaiians lost their governing entity. Despite the lack of a government, Native Hawaiians have maintained distinct communities and perpetuated their culture, traditions, customs, and language. While the United States has always treated us in a manner similar to that of American Indians and Alaska Natives, the Federal policy of self-governance and self-determination has not been extended to us because we lack a governmental structure.

Opponents of my bill say that I am creating a government. I believe it is clear that, rather than creating a government, I seek to provide an opportunity for the restoration of a government which requires the reorganization of an entity.

Similarly, because of our history, the governmental authority in Hawaii is held by the State, local, and Federal governments. For that reason, the bill requires that following the reorganization of the entity and the recognition of the entity by the United States, the Native Hawaiian governing entity will negotiate with the State and Federal governments regarding matters such as the transfer of lands, assets, and natural resources, and the exercise of governmental authority. Everything remains status quo until addressed and resolved in the negotiations process.

It is anticipated that Hawaii's State Constitution is likely to require an amendment which will require the vote of all residents in Hawaii. It is also anticipated that implementing legislation at the state and federal levels will be required to implement negotiated matters. This is what I referred to as the structured process that would allow the people of Hawaii to address the longstanding issues resulting from the overthrow of the Kingdom of Hawaii. This process is inclusive and allows for all interested parties to participate.

Opponents of my bill have sought to either mischaracterize potential outcomes or to predetermine the process. I have opposed both efforts. As you can see, enactment of this bill alone does not, for example, allow for the native government to exert criminal and civil jurisdiction over people in Hawaii. Rather, for the Native Hawaiian governing entity to exert any jurisdiction, the state and federal government would need to agree to allow the Native Hawaiian governing entity to exercise such authority. Implementing legislation at the state level would also need to be enacted to make this a reality.

Others have sought to predetermine this matter. Given the inclusive process that the bill provides, and the fact that the people of Hawaii need to address these matters, I do not believe it is appropriate for Congress to predetermine the outcome of this process. Given everything that I have shared with you, I would hope that you agree with me.

Finally, before I conclude, I'd like to speak briefly about what this bill does not do. The enactment of S. 147 will not lead to gaming in Hawaii. There is only one federal statute that authorizes gaming in Indian Country, the Indian Gaming Regulatory Act, and it does not authorize Native Hawaiians to game. In addition, the State of Hawaii is one of two states in the union that criminally prohibits all forms of gaming. Therefore, gaming by the entity would only be allowed with changes to both federal and state law.

The enactment of this bill also does not impact funding for Indian programs and services. As I described earlier, Congress has established programs and services for Native Hawaiians. These programs are appropriated from accounts completely separate from those that fund Indian programs and services. The bill clearly states that it does not create eligibility for Native Hawaiians to participate in Indian programs and services.

I will conclude where I began. Colleagues, for the people of Hawaii, native issues are not partisan. Many of my constituents merely ask that we do right by Hawaii's indigenous peoples and enact this measure that provides Native Hawaiians with the opportunity to reorganize their governing entity for the purposes of a Federally recognized government-to-government relationship with the United States. Many of my constituents ask that you enact this bill because it provides a structured process for us to finally address longstanding issues resulting from a painful history so that we can all move forward as a State.

Mr. AKAKA. After 6 long years, we will be voting tomorrow on a motion to invoke cloture to proceed to S. 147. Whether you are for or against it, I ask all Members to let this bill come to the Senate so we can discuss its merits. It is only through this dialog, through the airing of facts and the dismissal of misunderstandings and myths, that we can provide a fair and honest consideration of what this measure really means to Native Hawaiians as well as to this great Nation of ours. That is what this honorable body has always done. This is why we gather in this Senate to discuss matters of law and governing and of fairness and of human and civil rights.

At the heart of it, this bill is about fairness and about creating a process to achieve it. Native Hawaiians have been recognized as indigenous peoples by Congress. After more than 160 statutes, for more than 100 years, Congress has treated Native Hawaiians in a manner similar to American Indians and Native Alaskans. But when it comes to having a process and Federal policy on self-governance and self-determination, Native Hawaiians have not been treated equally.

What this bill does is authorize a process to examine whether a policy of self-governance and self-determination can be extended to Native Hawaiians, thereby creating parity in the way the United States treats its indigenous peoples.

We have bipartisan support for this bill. I extend my deep appreciation to its cosponsors, Senators CANTWELL, COLEMAN, DODD, DORGAN, GRAHAM, INOUYE, MURKOWSKI, SMITH, and STEVENS for their unwavering support. Again, I especially want to honor Hawaii's first Republican Governor, Governor Lingle, in 40 years. Despite our different political affiliations, Governor Lingle, Hawaii's Attorney General Mark Bennett, Hawaiian Homes Commission Chairman Micah Kane, and the rest of the Lingle administration have worked tirelessly with us to support this bill.

While that may surprise some in Washington, DC, you have to understand back home, support for Hawaii's indigenous peoples is a nonpartisan issue. We see our diversity as our strength and not as a threat. It is a point of pride and a thing that unites, not divides us. We embrace our diversity and celebrate it as part of our social fabric. It is who we are as a people and as a State. That is why we are not threatened by efforts to preserve and strengthen the culture and traditions of Hawaii's indigenous peoples.

Let me also say that the people of Hawaii, including Native Hawaiians, are proud to be Americans and to share that system of government that always has and allows us to be many and also to be one. They include the many Native Hawaiians who are members of the Hawaii National Guard and who are called away from their families to serve in operation Iraqi Freedom. Moreover, it is a well-documented fact that native peoples have the highest per capita rate of those serving in our military.

That is why it is absolutely offensive to read mischaracterizations of this bill as an effort to secede from the United States.

What this bill really does is provide a structured process to finally address long-standing issues resulting from a dark period in Hawaii history, the overthrow of the kingdom of Hawaii.

A few weeks ago I took time to talk about Hawaii's history. I have given a review of that history and its ramifications on this measure. I believe it is absolutely essential for anyone voting on this bill to understand historical context. I strongly encourage all Members to again review this history because there remain issues stemming from the overthrow that have not been addressed because of apprehension based on emotions rather than facts.

Instead, there has been fear of where these discussions might lead, causing people to avoid the issue altogether. Such behavior has led to frustration and misunderstanding between some Native and non-Native Hawaiians. But let me bring this complex history and how it has affected us down to a more human scale and to a more personal level.

As young child, I was discouraged from speaking Hawaiian because I was told it would not allow me to succeed in the Western World. My parents, God bless them, lived through the overthrow and endured the aftermath, when all things Hawaiian, including language, hula, custom, and tradition, were viewed negatively. I was discouraged from speaking the language and practicing Hawaiian customs and traditions. I was the youngest of eight children. I remember as a young child sneaking to listen to my parents so that I could maintain my ability to understand the Hawaiian language. My experience mirrors that of many other Hawaiians of my generation.

While we dealt with the stigma of being Hawaiian, my children have had the advantage of growing up during a period of revival for Hawaiian language, custom, and tradition. My grandchildren, who can speak Hawaiian and know so much more about our history, also benefited from this revival. It is this generation, knowing the history, that grows impatient with the lack of progress and efforts to resolve longstanding issues. It is this generation, steeped in American values of justice, equality, and self-determination, who cannot understand why we have not yet resolved these matters. It is for this and future generations that we have written this bill to address these important issues.

There are those who have tried to say that my bill will divide the people of Hawaii. I believe my bill goes a long way to unite the people of Hawaii by providing a structured process to deal with unresolved issues and unhealed wounds that have plagued us since 1893.

Essentially, the Native Hawaiian Government Reorganization Act does three things: One, it establishes a process for Native Hawaiians to form a government-to-government relationship with the United States. Two, it creates an office in the Department of the Interior to focus on Native Hawaiian issues. And three, it establishes a coordinating group comprised of officials from Federal agencies who implement programs impacting Native Hawaiians. But it is the process for reorganizing a governing entity that has received the most attention. That is why I am very proud of the careful balance between structure and flexibility provided in this process. Native Hawaiians will truly be able to make critical decisions in shaping their government.

Some have asked: Why do you need to reorganize a governing entity? My answer is simple: Our country's history requires it. Our sense of justice and fairness requires it. When the kingdom of Hawaii was overthrown, our native peoples were not allowed to retain their governing entity. Article 101 of the Constitution of the Republic of Hawaii required prospective voters to swear an oath in support of the Republic and declare that they would not, either directly or indirectly, encourage or assist in the restoration or establishment of a monarchy in the Hawaiian Islands. The overwhelming majority of the Native Hawaiian population, loyal to the Queen at that time, refused to swear to such an oath and was thus effectively disenfranchised.

Similarly, at the time of annexation, an overwhelming number of Hawaiians signed a document of protest referred to as the Ku'e petition—it is this document that I have—as a substantial number of Native Hawaiians signed this document in further protest of what had happened to their government. Despite the lack of a government, Native Hawaiians have maintained distinct communities and perpetuated their culture, tradition, customs, and language.

Opponents of the bill say I am creating a new government. I believe I am providing an opportunity for the restoration and reorganization of a government that once existed and was unjustly removed.

Before I conclude, I wish to speak briefly about what this bill does not do. This bill will not result in the taking of private lands in Hawaii. No one will lose their home or business because of my bill. The enactment of S. 147 will not lead to gaming in Hawaii. There is only one Federal statute that authorizes gaming in Indian Country—the Indian Gaming Regulatory Act. And it does not authorize Native Hawaiians to game. In addition, the State of Hawaii is one of only two States that criminally prohibits all forms of gaming. Therefore, gaming would only be allowed with changes to both Federal and State law.

Enactment of this bill does not impact funding for Indian programs and services. Congress has established separate programs and services for Native Hawaiians. These programs are appropriated from accounts separate from those that fund Indian programs. Moreover, the bill clearly states that it does not allow Native Hawaiians to participate in Indian programs and services.

Finally, gaining an understanding of a history of a culture and people we are not familiar with is not an easy task. I commend Members of the body for doing their homework. It can be so easy to simply dismiss this bill as racially based, as a threat to the sovereignty of the United States or as a ploy for one group to gain an undeserved advantage. The harder task is a studied one. But it is the right one.

If I might take you back in history one more time for just a moment: In the 1840s, recognizing the strategic importance of the Hawaiian Islands, the great maritime powers of the day—principally England, France, and the United States—jockeyed for positions of advantage, even as they acknowledged the islands as an independent nation. It was a time of much international intrigue. Urged on by local British residents, the commander of the British squadron in the Pacific sent an armed frigate to Honolulu to ''protect British interests.''

King Kamehameha III was forced to yield to British guns, and for 5 months the islands were placed under British rule. International pressure, as well as personal intervention from Queen Victoria herself, eventually forced the British Government to declare the action as unauthorized. On July 31, 1843, the Hawaiian flag was raised once again.

During a service of thanksgiving held at historic Kawaiahao Church in Honolulu, Kamehameha III recited a phrase that has since become Hawaii's State motto: Ua mau . . . ke ea . . . o ka aina . . . I ka pono—the life of the land . . . is perpetuated . . . in righteousness. That has always been the case, not only in Hawaii but throughout our Nation's history.

The people of Hawaii are asking that we do right by Hawaii's indigenous peoples and enact this measure that provides Native Hawaiians with an opportunity for self-determination and self-governance. They ask that we enact this bill because it provides a structured process to finally address long-standing issues resulting from a painful moment in our history, so that we can move forward as a State. They ask that we enact this bill because it is just, because it is fair, because it is the right thing to do.

We are a nation of immigrants, and we celebrate our diversity every day at dining room tables around the country. In this grand experiment of democracy, we have found we can be many and yet be indivisible. The United States of America has pledged itself to liberty and justice for all people. This bill does that for the Native Hawaiians.

I yield the floor.

The PRESIDING OFFICER. There are 2 minutes 7 seconds remaining on the minority's time.

Mr. AKAKA. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALEXANDER. 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. ALEXANDER. Mr. President, I said earlier that I think we will hear on the Senate floor many times during this debate about the enormous respect we have for our two colleagues from Hawaii and how much we would prefer not to disagree with them. I think it is fair to say that this bill would not have a chance of being seriously considered on the floor if it weren't for our respect for them.

Despite that respect, I have to say, after hearing the Senator from Hawaii, this bill is worse than I thought. Many of my colleagues in the Republican caucus have come to me and said this is not about sovereignty or about race. The Senator from Hawaii made very clear that this is about sovereignty. He said in his own words that this is a bill to create—he says ''restore''—let's just say establish—a new government within the United States of America, and admission to that government is based upon race. So you cannot pass this bill off and say it is not about sovereignty. It is about sovereignty. There is no difference of opinion about that between the Senator from Hawaii and me.

He said specifically that the first objective of this legislation is to establish a process to establish a government which would have a government-to-government relationship with the United States. That is a sovereign government composed of American citizens who would now become part of a new government because they might be a small percentage Native Hawaiian, and certain benefits would come to them. So it is about sovereignty and race.

Why is that a problem? Let me add that the Senator from Hawaii referred to this new sovereignty as their government. But we have one government. That's why there are Americans, just like my family, which is Scotch-Irish American, like those of African descent who are Americans, and like those of every descent who are Americans, who share in our government.

That is what is special about this country. Of course we admire our diversity. What a great strength diversity is. No country is more diverse. We are a land of immigrants. Out of that

great mix comes our strength. But there is one greater strength, and that is taking all of that diversity and making one country of it.

How do we do that? We do it in an extraordinary way that goes all the way back to Valley Forge, when George Washington administered an oath to his officers that said:

I renounce, refuse, and abjure any allegiance or obedience to the king, and I swear that I will, to the utmost of my power, support, maintain, and defend the United States of America.

Now, new citizens of this country have ''become Americans'' ever since then by taking that same oath. In the immigration bill we passed a couple weeks ago, we codified that oath. So every year, a half million people come here from countries such as Bangladesh, China, France, and every part of the world. They don't come to salute India or speak the language of China or to adopt the principles of France. They respect where they came from, and they are proud of it, but they become Americans. We don't do it based on race. We don't do it based on ancestry. We do it based upon a few principles in our founding documents. One of those is that we don't discriminate based upon race or ancestry, and another great principle is E pluribus unum, which this bill would turn upside down.

So this is not a bill which should be passed just because we greatly respect our colleagues, which we do. But Hawaiians are Americans. Tennesseans are Americans. Oklahomans are Americans. Hawaiians have been American citizens since 1900. In 1959, they voted 94 percent to become a State, to be Americans. When you become American, you renounce your allegiance to some other government and pledge allegiance to the United States of America. If we don't do that, we take step toward being a sort of United Nations instead of a United States.

I hope my friends, who have looked at this bill and said: We love our colleagues and this doesn't seem like a very important bill, so let's do it for them, will look at the assault upon a tremendously important principle embedded in this bill. It is about sovereignty. It is about land and money. It is about race. It is not the same as what we did in Alaska. Native Hawaiians are not just another Indian tribe. We don't create Indian tribes; we recognize Indian tribes. This is not an Indian tribe under the language of our laws.

I am afraid that what has happened here is that in 1998, the Supreme Court of the United States made a decision and they said Native Hawaiians could not have an organization if the voting membership was based upon being Native Hawaiian because the 15th amendment to the U.S. Constitution says you cannot vote based on race. So this is an attempt—it is a breathtaking attempt—to establish a new nation within the United States of America.

I suppose there might be a lot of aggrieved people in the United States who might like to establish a nation. This Nation isn't without pain. We have stories from our beginning, whether it is Native Americans, whether it is African Americans, whether it is Mormons who may have felt mistreated, murdered in State after State, whether it is one religion today—maybe it is Hasidic Jews or an Amish group. There are a great many people who, in our history, may not have been properly treated. But an understanding of American history is that it is a great saga of setting high goals for ourselves and then always moving toward those goals. We never reach them. We say ''all men are created equal,'' but we have never been. The men who wrote that owned slaves. But what have we done? We have systematically, over our history, chipped away, moving ahead, falling back, fighting a great Civil War, saving the Nation, waiting another hundred years before African Americans could sit at a lunch counter in Nashville, always moving toward that goal. Most of the debates in this Senate are about establishing high goals—pay any price for freedom, equal opportunity, E pluribus unum. Those are our goals, and we never reach them, but we always try for them.

What is our goal here? Our goal is that we should hope that every single citizen in this wonderful State of Hawaii be equal—if there ever were a multiethnic, diverse State, it is Hawaii. It is a wonderful example of our diversity. According to the 2000 census, 40 percent of Hawaiians are of Asian descent, 24 percent are White, 9 percent say they are Native Hawaiian or Pacific Islanders, 7 percent claim to be Hispanic, 2 percent Black. Twenty-one percent report two or more racial identities. There is much diversity of which Hawaiians are proud and of which we are proud. What unites them? What unites us all is that we have become Americans. We are proud of where we came from, proud of our ancestry, but prouder to be American.

There may be some issues that need to be addressed. We can find ways to address them. There may be some wrongs that need to be righted. Certainly, Native Hawaiians would want to renew their culture and their customs and their language. All of us do that. I go to my family reunion of Scotch-Irish Presbyterians every summer. I have been to the Italian-American dinner here in Washington, DC. I never went to an event where there was more emotion or Italianness. But the greatest emotion came when the Italian Americans stood up and pledged allegiance to the United States. They didn't have a problem saying: We are proud to be Italian, but we are prouder to be American. So how could we be seriously discussing on the floor of the Senate establishing for 400,000 Americans who live there, I think from almost every State of this country, a new government based on race to which they would be privileged and the rest of us could not be a part of? That is not American. That might be the United Nations, but it is not the United States. It is not consistent in the most basic ways with the history of this country.

So I hope that my colleagues, who have considered this legislation as maybe not too important, as something that should be done primarily out of respect for our two distinguished friends from Hawaii, will look at this carefully and not be lulled in by comments that this isn't about sovereignty. I think Senator AKAKA was very candid and very direct when he said the first objective of this bill was to establish a process to create an entity which would have a government-to-government relationship with the United States.

Mr. President, this is a dangerous precedent. It is the reverse of what it means to be an American. We have other issues that should come to the floor before this. I hope colleagues will think carefully before moving ahead on this piece of legislation.

I see the Senator from Alabama has arrived.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator from Tennessee, Mr. ALEXANDER, for his thoughtful comments on this subject and other related subjects. He taught me a phrase that he uses, which is that we need to make sure everyone who grows up in this country knows what it means to be an American. To be an American is not a racial thing. An American is a person who adopts the American ideal of equal justice under law, without regard to race, religion, national origin, or any other matter of that kind.

Our Founders of this Nation were very wise in a number of important ways. One of the most important ways was they had a clear vision of the Nation they birthed and they saw it far into the future. They always considered the importance of principle because principle was important to the growth and progress of the Nation they loved for the long term. They never failed to think of the impact their actions may have on the future, even the distant future of the country they birthed, the country they loved.

I do not believe we are as thoughtful today in that matter as we used to be. Too often, we make decisions based on perceived immediate needs or on political forces at the time or friendship or some deal we thought we were forced to make or needed to make at a given time; and too seldom in this busy, hectic place do we take the time to consider the long-term implications of our actions on the great Republic which we have been given.

We simply must think in the long term in a principled way as we consider the Native Hawaiian legislation. It is not too much to say the legislation could create a crack in the American ideal of equal rights and colorblind justice. This would be a huge step. It is a

step we must not take. This Nation in its maturity and wisdom must not succumb to any balkanization of America. A great nation must set crystal clear policies on these matters, crystal clear policies on this question. The Republic must firmly reject, must nip in the bud now and whenever it may appear in the future, any notion of creating sovereign governments within our borders unless they meet every criteria of the Indian Tribe Program.

National Review said in a recent article:

> You might have thought after watching the immigration debate that the Senate could not be more cavalier about the unity and sovereignty of the Nation. Think again. The Senate is about to vote to pave the way with a bill to create a race-based government which is on the verge of passing.

This bill has been around a number of years, but we have never had a full debate about it. Unfortunately, many in Congress don't seem to fully understand yet the enormous implication of establishing what can really fairly be said to be a race-based government. And further, the American people have not been informed of the breadth and significance of the legislation. That is why it is good we are having the debate at this time.

We must talk about it. We ought to let the American people know that this bill would create a nation out of United States citizens. The territory known as Hawaii is the epitome really of our country's great melting-pot concept and has always been made up of a diverse group of citizens with different racial backgrounds. They are famous for that.

If we pass this bill, we will divide them. The bill would result in the State of Hawaii giving up substantial lands to the new nation which would begin a downward spiral from an America that is based on a shared ideal to one where race, ancestry, our nationality constitute a legally approved basis for segregation and really discrimination.

What is discrimination? Discrimination is saying you have an advantage or a disadvantage based on race.

This legislation seeks to create an extra constitutional race-based government of Native Hawaiians by arbitrarily labeling that race of people as an Indian tribe.

Essentially, it seeks to create a sovereign entity out of thin air, something that the Supreme Court said as far back as 1913 cannot be done. Indian tribes existed before our Constitution, before our Nation, in many cases, with continuity of leadership, centralized locality, and cultural cohesiveness. Therefore, the United States recognizes qualified Indian tribes as sovereign entities. Indeed, we signed treaties with many of them and made promises in those treaties to provide them certain degrees of sovereignty.

Equating Native Hawaiians with a legitimate Indian tribe is not possible because Native Hawaiians share none of the unique characteristics possessed by recognized tribes. Native Hawaiians never lived as a separate, distinct, racially exclusive community, much less exercise sovereignty over Hawaiian lands. They never established organizational or political power. They never lived under a racially exclusive government. All Hawaiians, regardless of race, were subjects to the same monarch in 1893. In other words, Native Hawaiians have never exercised inherent sovereignty as a native indigenous people, as the bill asserts and must assert if it were to have any chance of withstanding constitutional muster.

Nonetheless, the bill would carve out a special exemption in the Constitution for these people based on race solely. A special exception being sought for Native Hawaiians is extraordinary.

Under the bill, there is no guarantee that members of a new government would be subject to constitutional rights and protections, such as the first, fourth, and 15th amendments. The U.S. Constitution guarantees to every citizen a republican form of government, and this has been defined to mean all the protections of our Constitution.

At a minimum, the Founding Fathers intended that a republican form of government ensure popular rule and no monarchy, but under this bill, nothing guarantees these basic principles will be honored. This new government, this new sovereignty will be free to reinstate a monarchy or establish any other method of government they may choose.

Essentially, persons who are now citizens of the United States and who are now guaranteed these protections, a republican form of government, would now be turned over to a government that is not bound to honor that.

One should not be deprived of the right to vote or be denied free speech or have property taken without due process. These are deeply rooted principles in the United States, but they will not be guaranteed as part of a Native Hawaiian government. Under the bill, Congress would strip United States citizens of these and other great protections they now enjoy.

Perhaps this is why there is a lot of unease in Hawaii about this legislation. Indeed, so many residents oppose it. In May of 2006, in a telephone pole, 58 percent of Hawaiian residents said they opposed the bill. Of the respondents identifying themselves as Native Hawaiian, only 56 percent said they supported it. Of the Native Hawaiians, only a little more than half said they supported it. Given this split among even Hawaiians, is it not surprising that 50 percent of all respondents said they want a vote on the bill before it becomes law, which is not provided for in this legislation?

I will share a few thoughts by the U.S. Commission on Civil Rights. They oppose the bill. The U.S. Commission on Civil Rights voted recently to oppose the legislation because of its concern with the bill's discriminatory impact.

The Commission is an independent Government agency tasked with the duty to examine and resolve issues related to race, color, religion, sex, age, disability, or national origin. It is composed of eight members, though currently only seven. Four are appointed by the President and four are appointed by Congress. At no time may more than four members of the same party sit on the Commission.

Pursuant to its authority to submit reports, findings, and recommendations to the Congress, the Commission released their report last month on this bill recommending ''against the passage of the Native Hawaiians Government Reorganization Act or any other legislation that would discriminate on the basis of race or national origin and further subdivide the American people into discrete subgroups accorded various degrees of privilege.''

That is strong language. I submit that is what the bill does. I submit that is why we should not pass it.

Let me repeat that. They oppose this act and any other legislation that would ''discriminate on the basis of race or national origin and further subdivide the American people into discrete subgroups accorded varying degrees of privilege.'' And, I would add, based on their national ancestry or race.

ThIs report was issued after—the Commission held a hearing on January 20, 2006, where experts—both opposing and supporting the bill—testified about the legislation. The Commission held the briefing record open until March 21, 2006, to receive additional comments from the public. Sixteen public comments were received during the period, and most of the commentators wrote to express their opposition to the bill.

Interestingly, the report notes that ''While most commenters oppose the legislation, the governmental and institutional commenters primarily support it. The report also states that ''Many [opponents] argued, in very personal terms, that the proposed legislation would be inconsistent with basic American principles of equality, traditional Hawaiian values, and their own personal ethics.

Commission Chairman Gerald A. Reynold, himself an African American, agreed with opponents, stating that:

> I am concerned that the Akaka Bill would authorize a government entity to treat people differently based on their race and ethnicity . . . This runs counter to the basic American value that the government should not prefer one race over another.''

In a case called Rice v. Cayetano, the Supreme Court found a similar attempt to create a race-based classification unconstitutional. In that case, the Court struck down a race-determinative voting restriction in Hawaii as a violation of the fifteenth amendment, which bars racial restrictions on voting. By a vote of 7 to 2, the Court held unconstitutional a system under which non-Native Hawaiians were barred from voting for or serving as

trustees of the State's Office of Hawaiian Affairs. Finding that the fifteenth amendment protects the rights of Whites, Asians, Hispanics, and persons of other races in Hawaii just as it protects all other individuals against racial discrimination, the Court stated:

One of the reasons race is treated as a forbidden classification is that it demeans the dignity and worth of a person to be judged by ancestry instead of by his or her own merit and essential qualities. An inquiry into ancestral lines is not consistent with respect based on the unique personality each of us possesses, a respect the Constitution itself secures in its concern for persons and citizens.

Proponents of this bill seek to circumvent this Supreme Court decision by completely separating the Native Hawaiian community into its own sovereignty, placing it and its members outside of Constitutional protections. This is the only way it can be done.

Instead of carving Native Hawaiians out from constitutional protections, and separating them from America, we must uphold constitutional principles, as well as American—especially Hawaiian—ideals, by not discriminating against anyone on account of race.

Our Constitution seeks to eliminate racial separatism, not promote it. How can we promote equality while separating our people into distinct, legally-recognized racial sovereignties with more or less rights and still be ''one nation''?

Because they existed prior to the establishment of our Constitution and Federal Government, Native American Indian tribes have long been recognized as sovereign entities—most signed treaties to that effect.

Tribes have never been, nor can they now be, created out of thin air by Congressional legislation. Instead, ''tribes'' seeking recognition after statehood must adhere to a process established by the Federal Government. To be formally recognized, a tribe must demonstrate that it has operated as a sovereign for the past century, was a separate and distinct community, and had a preexisting political orgranization. The Native Hawaiian people cannot meet these criteria and have conceded such on at least one occasion. In the case that I previously mentioned, Rice v. Cayetano, the State of Hawaii argued in its brief that:

[F]or the Indians the formerly independent sovereign entity that governed them was the tribe, but for native Hawaiians, their formerly independent sovereign nation was the Kingdom of Hawaii, not any particular 'tribe' or equivalent political entity. . . . The tribal concept simply has no place in the context of Hawaiian history.

Let me reiterate and further explain why Native Hawaiians cannot meet the Bureau of Indian Affairs' standards for tribal recognition. Those standards boil down to two basic requirements: one, the group must be a separate and distinct community, and two, a prexisting political entity must be present.

The BIA requires a tribe to demonstrate that it represents a separate and distinct community. Yet, Native Hawaiians live in almost every state in the Nation and have fully integrated into American society. Native Hawaiians do not live as a cohesive, autonomous group of people and have not done so at any point in history. Rather, they are fully immersed in all aspects of American life. For example, almost half of all marriages in Hawaii are interracial. Hawaiians serve in the U.S. military, dedicating their lives to the service of America. They are a part of American culture and certainly do not live separate and distinct from the rest of us.

The BIA requires a tribe to demonstrate that it had a preexisting political organization. Yet, no political entity—whether active or dormant—exists in Hawaii that claims to exercise any kind of organizational or political power. Knowing this, the bill's advocates rely on findings in the bill declaring that ''Native Hawaiians'' exercised ''sovereignty'' over Hawaii prior to the fall of the monarchy in 1893, and that it is therefore appropriate for Native Hawaiians to exercise their ''inherent sovereignty'' again. This argument is fatally flawed because there was no race-based Tribal Hawaiian government in 1893, so there is no ''Native Hawaiian'' government to be restored. Since the early 19th century, the Hawaiian ''people'' included many native-born and naturalized subjects who were not ''Native Hawaiians'' in the sense of this bill—those people included Americans, Chinese, Japanese, Koreans, Samoans, Portuguese, Scandinavians, Scots, Germans, Russians, Puerto Ricans, and Greeks. All were subjects of the monarch, not just those with aboriginal blood. Further, Hawaiian government, including the monarchy that existed until 1893, always employed non-Natives, even at the highest levels of government. Therefore, it would be impossible to ''restore'' the ''Native Hawaiian'' government of 1893—as the bill purports to do—because no such racially-exclusive government—or nation—ever existed.

If there ever was a time for Native Hawaiians to establish themselves as an Indian tribe, it has long passed. When Hawaii was considering statehood, there was absolutely no push to establish any tribal sovereignty. In fact, 94 percent of voters supported statehood in 1959, and at the moment it was attained, all people living in the territory became full-fledged citizens of the United States of America. They deserve every protection that our Constitution ensures.

There are many practical consequences of this legislation that must be considered. If this bill passes, it would allow for the creation of Hawaiian ''tribes'' in every State. This would have extreme social consequences—sporadic pockets of people in almost every State would be governed differently than their neighbors and would be immune from State and Federal laws and taxes. The result would be a chaotic intermixing of different rules and regulations throughout the entire country. Native Hawaiian business owners, exempt from state and local taxes, could displace non-Native Hawaiian business-owning neighbors, giving them an enormous competitive advantage. Further, the bill could conceivably lead to complete secession from the United States. In fact, a group of supporters, including the State of Hawaii's own Office of Hawaiian Affairs, views this bill as a potential step towards ''total independence.'' On a website operated by that agency, the following passage appears under a section called, ''How Will Federal Recognition Affect Me?''

[The bill] creates the process for the establishment of the Native Hawaiian governing entity and a process for federal recognition. The Native Hawaiian people may exercise their right to self-determination by selecting another form of government including free association or total independence.

How breathtaking is that? We simply cannot return to a government where different races of Americans are governed by different laws.

The bill itself does not require any percentage of Native Hawaiian blood for inclusion in the new race-based government, which could therefore include someone with only ''one drop'' of native blood. Hawaiians with significant traceable blood heritage oppose the bill, in part, for this very reason. Those Hawaiians with at least 50 percent blood quantum were given Federal assistance and lands by the Hawaiian Homes Commission Act of 1921, a requirement which still exists today, with the only exception being for children of homesteaders with 25 percent blood quantum.

Doesn't this entire process of dividing money, property, and benefits based on a person's race—the percentage of ''blood'' they have—sound an alarm? Yet this bill positively seeks to divide people based upon race and blood—all in the name of apology and restitution.

What about the French who held the Louisiana territory? Should they be given special benefits because we forced them into a sale?

We cannot go down this path. Not only would all Americans suffer if we sever Native Hawaiians from our American community, but those individuals who would become citizens of a Native Hawaiian sovereignty would lose rights that we as Americans cherish.

One of the many lessons learned from the Civil War is the importance of national unity. Abraham Lincoln referred to the principle of secession as ''one of disintegration, and [one] upon which no government can possibly endure.''

We fought a war over the issue, and the question was settled for all time. We are one Nation and will not be separated—whether by secession of a State or a racial group. Certainly we cannot promote this state-sanctioned racial separatism. If passed, this bill would create a slippery slope that could lead

to a host of pernicious possibilities for our future as a unified Nation. In an editorial written last fall, Georgie Anne Geyer quoted the eminent historian Henry Steele Commager praising the Founding Fathers for thinking hard about the future—even the distant future. They ''couldn't give a speech or write a letter without talking about posterity.''

We cannot set a precedent that would allow every racial group in America to become its own independent sovereignty. Native Hawaiians, just like any other racial group in this country, are free to practice and promote their culture. They are free to pass down their traditions from generation to generation. America celebrates her diversity, but she cannot allow her diversity to divide her citizens.

E Pluribus Unum—out of many, one—is fundamental to our national character. This bill seeks to turn that fundamental principle upside down and would make us many out of one.

Mr. President, I see my colleague from Idaho is in the Chamber. I will conclude with these thoughts. We are as Members of this Senate particularly charged with thinking about the long-term future of our Republic. That is how we are today in a relatively healthy condition because our forefathers thought about those matters. They thought about the principles on which this Nation was founded.

The concept is that once an American, based on adoption of the American ideal, you become an American regardless of your race, your ancestry, your religion, or your national origin. That is who we are as a people. And I submit, it is a matter of the greatest danger that we move away from the classical acceptance of Indian tribes to now start creating sovereign entities.

Sovereign means independent, to a certain degree uncontrollable by the U.S. Government. Sovereign entities within our Nation based on race, with people spread all over the Nation actually, being a member of a new government, a new government that according to the supporters and even the Hawaiian Web site indicates could lead to separation and independence, that is not a step we ought to take. We need to nip this in the bud. We need to end this now. We need not go down this road.

I so respect my colleagues from Hawaii. They are committed to their people. They understand the concerns of their citizens. They want to help them. They have a particular desire to be compassionate to the Hawaiian people, the Native Hawaiians who have grown up on the islands for many years. But I say with all due respect, in terms of the overall National Government of which we are a part and the principles to which we must adhere, that we should not go down the road creating an independent sovereign entity based on race, as this bill would do. Therefore, with reluctance and great respect for my colleagues who support this legislation, I urge our Members to vote no.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I quote:

> Hawaii illustrates the Nation's revolutionary message of equality of opportunity for all, regardless of background, color, or religion. This is the promise of Hawaii, a promise for the entire Nation and, indeed, the world, that peoples of different races and creeds can live together, enriching each other, in harmony and democracy.

That is Lawrence H. Fuchs, Hawaii Pono, 1961, written at the time of statehood.

Today, with that quote in mind, I rise in opposition to the Native Hawaiian Government Reorganization Act of 2006. As my colleague just mentioned, I respect both of my Hawaiian colleagues and the work they have done to promote the culture and heritage of their native people. At the same time, I must disagree with the underlying notion of this bill.

The major argument in favor of this bill is the notion that Congress should create a Native Hawaiian tribe in order to treat them the same as American Indians and Native Alaskans. But Congress cannot simply create an Indian tribe. Only those groups of people who have long operated as an Indian tribe, lived as a separate and distinct community—geographically and culturally—and have a preexisting political structure can be organized as a tribe.

Hawaiians could never qualify as an American Indian tribe. First, they do not have the preexisting political structure. Prior to secession from the Republic of Hawaii, Hawaii operated under a monarchy and not a tribe. Even if they were once organized in tribal governments, they have had no type of Native Hawaiian government for over 100 years.

Furthermore, in 1959, 94 percent of Hawaiians voted favorably to approve the Hawaii Statehood Act and become American citizens.

At this time, there was an understanding that Hawaii's native people would not be treated as a separate racial group and that they would not be transformed into an Indian tribe.

Second, Native Hawaiians do not have an independent and separate community. In fact, Hawaii is one of the most integrated and blended societies in America. Hawaii is, in essence, America's great melting pot. The creation of a Native Hawaiian race-based government entity would drive a wedge into the now harmonious melting pot of the Hawaiian culture. This bill is asking us to pretend that a tribe existed based on the sharing of one drop of blood. We cannot simply reorganize a tribe that never existed or create a new race-based government entity.

Furthermore, using Congress to create a tribe offends the very idea of equal protection under the law. Creating a Native Hawaiian tribe, especially one with no borders, undermines our constitutional rights.

The PRESIDING OFFICER (Mr. COBURN). The control by the majority has expired.

Mr. CRAIG. Mr. President, I ask unanimous consent to proceed for 3 more minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CRAIG. I thank my colleagues for allowing that to happen.

This would establish a set of laws for Native Hawaiians and another set of laws for non-natives, some of whom have lived on the island for generations. This division would create a wedge, in my opinion, in the Hawaiian community. It would create two sets of laws for a group of people who live in the same neighborhoods, attend the same schools, and go to church together. A Native Hawaiian could be subject to one set of laws while his neighbor is subject to a different set of laws. I think not.

The legislation offends a founding principle of this Nation: that all men and women are created equal—we have fought wars and struggled mightily down through the decades to make that happen—not men and women with Hawaiian blood are equal, and those without Hawaiian blood are equal. That is a confusing thought. As the Supreme Court stated, ''In the eyes of the government, we are just one race—it is American.''

It is astonishing that Congress is considering creating a race-based government in Hawaii given the tremendous progress that this Nation has made, as I have mentioned, in eliminating race as a distinguishing characteristic among its citizens. Presumptive color blindness and race neutrality is now at the core of our legal system and cultural environment and represents one of the most important American achievements of the 21st century.

To create a race-based government would be offensive to our Nation's commitment to equal justice and the elimination of racial distinctions in the law. The inevitable constitutional challenge to this bill almost certainly would reach the U.S. Supreme Court. We cannot simply circumvent the Supreme Court's holding and strict scrutiny of race-based tests.

The U.S. Civil Rights Commission issued a report earlier this year that recommended that Congress reject this bill or any other legislation that would discriminate on the basis of race or national origin and further subdivide the American people into subgroups accorded varying degrees of privilege. This bill would authorize a government entity to treat people differently based on their race and ethnicity. Again, this notion runs counter to the basic American value that the government should not give preference to one race.

Our most violent internal conflicts, whether in the 1860s or the 1960s, have revolved around efforts to eliminate the laws of racial distinctions and to

encourage a culture where all citizens become comfortable as a part of the American race.

Creating a race-based government in Hawaii would create a dangerous precedent that could lead to ethnic balkanization. This is a huge step backwards in our American struggle to advance civil rights and to ensure equal protection for all Americans under the law.

This journey is by no means complete, but this bill halts progress in that very important journey and sends an entirely contrary message—a message of racial division and racial distinction and ethnic separatism and of rejection of the American melting pot ideal.

As many of our colleagues have said, and I repeat: We so respect our Hawaiian colleagues, our Hawaiian friends; at the same time, we must reject this idea that there is a separation spoken to in this law unique to a race or a culture.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I rise at this moment to join Senator AKAKA speaking in support of the measure before us this day.

This bill, which is long overdue, finally will have a chance for fair consideration by this body. I hope this bill will finally begin the process of extending a Federal policy of self-governance to Native Hawaiians and will repair the injustices of the past.

As I sat here listening to the speeches, I must candidly say that I was a bit disappointed that some of my friends who oppose this measure have mischaracterized the history of my State.

Hawaii's history, as recounted by Senator AKAKA, is well-documented. After Captain James Cook arrived in Hawaii, other foreigners came to the islands, often as laborers. Over the ensuing years, like other Native people who carried no immunities to the diseases that accompanied the waves of immigrants to their shores, the Native Hawaiian population was reduced from estimates as high as several hundred thousand people at the time of first recorded western contact to a little over forty thousand. An 1854 smallpox epidemic, for instance, took the lives of 6,000 people—almost 10 percent of the population at that time.

Along with the decimating diseases, the social and economic conditions of the Native Hawaiians deteriorated as well. The influence of non-Native Hawaiians continued to grow. On January 17, 1893, the Hawaiian Kingdom was illegally overthrown with the assistance of the United States. The United States' involvement in the overthrow is thoroughly documented in a report commissioned by President Grover Cleveland.

My parents and grandparents lived through Hawaii's trying times. In my generation, I was raised with an understanding that the Native Hawaiian people had been wronged. It is for this reason that I, and the other citizens of Hawaii, ask you to do the right thing for the Native Hawaiian people.

Some of our colleagues have also questioned Congress' authority to deal with Native Hawaiians. But after serving for 28 years on the Committee on Indian Affairs, with approximately seventeen years as either the Chairman or the Vice Chairman, I am very informed of the law that governs the Federal relations with the aboriginal, native people of the United States. As such, I want to assure everyone that Congress possesses the authority to pass this measure.

Congress' authority over Indian matters has been repeatedly affirmed by the United States Supreme Court. Its power is explicit in the Constitution. It derives from the Indian Commerce Clause, Article I, Section 8, clause 3, which vests Congress with the power to regulate commerce with the Indian tribes. It also stems from the Treaty Clause, which authorizes the Federal Government to enter into treaties with other nations, as was done with various Indian tribes and the Native Hawaiian government. Although the Constitution does not authorize the Congress to make treaties, this provision does authorize Congress to address matters with which the treaties made pursuant to that power pertain.

In addition, the Court has found that Congress' power over Indian affairs derives from the Property Clause, Article IV, Section 3, Clause 2, which vests the Congress with the authority to ''dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.'' This provision was used by Congress to set aside public lands for the use of Alaska Natives and a colony, established for scattered, unrelated Indians. In Hawaii, approximately 203,500 acres of land were similarly set aside for Native Hawaiians.

And Congress' authority over Indian affairs also derives from the Debt Clause and, like any other national government, its inherent authority that is a necessary concomitant of nationality.

Congress' authority is broad and plenary. The Federal policy towards the aboriginal, indigenous people has not been constant nor consistent. But changing Federal policy is fully within the scope of Congress' authority. Congress has exercised this authority to recognize the inherent sovereignty of an Indian tribe, to terminate the government-to-government relationship between the United States and an Indian tribe, to establish a process for the reorganization of a tribal government, as Congress did with the enactment of the Indian Reorganization Act of 1934, and to restore tribes to their original federally-recognized status.

In fact, after terminating the government-to-government relationship with Indian tribes, Congress enacted legislation to restore the sovereign status of some of those tribes. Even though the Indian tribe did not exercise federally-recognized sovereign authority during the time its relationship with the United States was terminated, this was not a barrier to an exercise of Congress' power to restore the federal recognition of the native government.

When Congress exercises its authority in this manner, it is not ''creating'' sovereignty nor is it ''creating'' a native government. Native sovereignty preexisted the formation of the United States. For the purpose of carrying on government-to-government relations, the form of native government is irrelevant.

Congress established the Indian Reorganization Act of 1934 to provide a process for the reorganization of other native governments. This Act does not require that Native governments be organized as tribes. Senate bill 147 proposes to provide a similar process for Native Hawaiians.

Although Native Hawaiians are not Indians nor are they organized as Indian tribes, Congress is not precluded from dealing with them in the manner proposed by the bill. The Constitution is a living document. The authors of the Constitution intended that Congress' authority to deal with Indian tribes include all aboriginal, indigenous people of the United States, including American Indians, Alaska Natives and Native Hawaiians, wherever they were located and however they were organized.

The Supreme Court has affirmed Congress' authority over other aboriginal, indigenous people of the United States, regardless of whether they are ''Indians'' or organized as a ''tribe,'' as those terms are defined today. It is irrelevant whether the native peoples are located within the original territory of the United States or in territory subsequently acquired, whether within or without the limits of a state. In pre-colonial times, the term ''Indian'' was defined to mean ''native'' or ''the aboriginal, indigenous people'' and the term ''tribe'' was defined to mean ''a distinct body of people.''

Correspondence between James Monroe and James Madison concerning the construction of what was to become the Commerce Clause make no reference to Indian tribes, but they do discuss Indians. Clearly, our founding fathers did not intend the term ''Indian tribes'' as used in the Constitution to only extend to those pre-existing Indian tribes that were dependent nations at the time of the framing of the Constitution. Under this interpretation, Congress would have no authority.

As Senator AKAKA relayed, the first recorded western contact with the aboriginal indigenous people of Hawaii was the arrival of Captain James Cook in 1778. While recording his encounters with Native Hawaiians, Captain Cook referred to Native Hawaiians as ''Indians.'' His accounts reported that the Native Hawaiians ''lived in a highly organized, self-sufficient, subsistent social system based on a communal land

tenure with a sophisticated language, culture, and religion.'' In other words, Native Hawaiians were a distinct body of people.

The Court has upheld Congress' exercise of its broad, plenary authority to recognize Indian tribes who were and are not Indians nor were they organized as tribes at the time that Federal recognition was extended to them. For instance, the Court affirmed Congress' recognition of an Indian tribe that consisted of scattered, unrelated individual Indians, who were forced onto a reservation or colony. Even after the Supreme Court questioned whether the Pueblos of New Mexico were Indians and found that they were not organized as tribes, the Supreme Court upheld Congress' exercise of authority to recognize and treat Pueblos as Indian tribes. Despite numerous opportunities to do so, the Supreme Court has not questioned Congress' authority to treat Alaska Natives as Indian tribes.

Whether the reference was to ''Indians'' or ''Indian tribes,'' the Framers of the Constitution did not intend those terms to limit Congress' authority, but rather intended those terms as descriptions of the native people who occupied and possessed the lands that were later to become the United States. When the Constitution was drafted, they authorized the Federal government to enter into treaties with the Indian tribes because they were considered independent sovereigns, not dependent nations.

Any other interpretation would mean that Congress has been acting illegally since the formation of the Union and that the Supreme Court has wrongly decided the scope of Congress' authority.

The legal basis for the distinct status of the indigenous, native people is their sovereignty, which preexisted the formation of our country, over lands that became the United States.

This sovereignty is not created by Congress. This sovereignty did not need to be retained through treaties with the Federal government. Treaties are a mechanism for recognizing the inherent sovereignty of another government.

Like the other Federally recognized Indian tribes, Native Hawaiians are a distinct body of aboriginal, indigenous people who exercised sovereignty over land that is now the United States. Like other Native groups, the Federal government has a unique responsibility for Native Hawaiians. On November 23, 1993, the United States apologized for its role in the overthrow, acknowledged the historical significance of the overthrow and the suppression of the inherent sovereignty of the Native Hawaiian people, and committed to provide a foundation for reconciliation between the United States and the Native Hawaiian people. As such, Congress has assumed a special relationship with them.

Giving effect to the special relationship between the federal government and the native peoples is not racially discriminatory. The Supreme Court has sustained Congress' action towards Indian tribes as constitutionally valid as long as our actions are reasonable and rationally designed to further self-government and to fulfill our unique obligation towards them.

Between 1826 and 1887, the United States entered into treaties with the Native Hawaiian government. In 1893, we assisted in the illegal overthrow of their government and extinguished the government-to-government relationship between the United States and the Native Hawaiian government. Now, we propose to establish a process that may lead to the restoration of a Federal relationship with a Native Hawaiian governing entity. This bill will authorize Native Hawaiians' with more autonomy to undertake activities that they believe will better their conditions and meet their other needs in the manner that they deem best. It fulfills the Federal government's unique obligation towards Native Hawaiians. As such, it is not racially discriminatory.

Some have suggested that the Supreme Court, in Rice v. Cayetano, has ruled that the Congress does not have the authority to enact this bill.

This is incorrect.

In 1978, the citizens of Hawaii convened a constitutional convention and proposed amendments to the State's constitution to afford Native Hawaiians a means by which to express their right to self-governance and self-determination. They did so by creating the Office of Hawaiian Affairs, which is governed by a Board of Trustees. Because this was intended to be the State counterpart to the Federal policy of extending self-governance and self-determination to the aboriginal, indigenous people, the citizens of Hawaii limited eligibility to vote for the Office of Hawaiian Affairs trustees to Native Hawaiians.

The Office of Hawaiian Affairs is, however, a State agency. Thus, when the Court considered this matter, it ruled that the voter eligibility requirement violated the Fifteenth Amendment as a State may not disenfranchise voters by limiting voter eligibility for a State agency to one group of people. The Court expressly refused to address whether Congress had the authority to treat Native Hawaiians as Indian tribes. In passing, however, the Court mentioned that if the issue were before the Court, it would look to whether Congress has treated Native Hawaiians in the same manner as it has treated Indian tribes.

Congress has done that.

Hawaii became a territory of the United States in 1900 yet by 1910, Congress began treating Native Hawaiians as Indians when it appropriated funds for the ethnological research of American Indians and Native Hawaiians.

In 1921, after receiving testimony from the then Secretary of the Department of Interior who testified that the Native Hawaiians were our wards and ''for whom in a sense we are trustees . . .,'' and who explained that Congress had the right to use the same authority for dealing with Indians to set aside lands for Native Hawaiians, Congress did just that. Congress set aside land for Native Hawaiians as part of its trust responsibility to them.

In 1938, Congress recognized certain Native Hawaiian fishing rights in Hawaii National Park, in a manner similar to Congress' recognition of retained tribal hunting, fishing, and gathering rights in some national parks.

In the 1950s, Congress was terminating its government-to-government relationship with some Indian tribes and delegating some of its authority over Indian affairs to the various States, through such laws as Public Law 83–280, which delegated certain Federal authority of Indian affairs to some States. At this time, Hawaii was seeking to become the fiftieth State. Consequently, Hawaii's admission to the Union was conditioned on its administration of the public trust established pursuant to the Hawaiian Homes Commission Act.

In 1972, a Native Hawaiian employment preference was enacted in the same manner that Congress enacted Indian preference laws. The Indian preference law was subsequently upheld by the Supreme Court as constitutionally sound and consistent with laws designed to preclude discrimination in the workplace.

Notably, this was the same year that the Equal Employment Opportunities Act of 1972, which prohibited discrimination in the workplace, was enacted into law. I mention this for a reason. Congress is an intelligent, thoughtful body. It is highly unlikely that Congress would have adopted one law prohibiting discrimination in the workplace while at the same time enacting a Native Hawaiian employment preference, unless Native Hawaiians were exempt from the broader bill because Congress treats them in the same manner that Congress treats Indian tribes.

Only two years after the United States Supreme Court held that Indian preference laws were not racially discriminatory because of Congress unique responsibility towards Indian tribes, a second Native Hawaiian employment preference law was enacted. Clearly, Congress considered Native Hawaiians as having the same status as Indian tribes.

There are many more laws like these but I will not list all of them. In total, however, over 160 laws concerning Native Hawaiians have been enacted into law. Within the last five years, we have enacted additional laws, including laws that have legislatively reaffirmed our trust relationship with Native Hawaiians. Under the theory of those opposing the bill, all of these laws are illegal.

Although Senator AKAKA explained the process established by the bill in detail, I want to briefly reiterate some of his comments. This bill establishes a

process for the reorganization of a Native Hawaiian governing entity. The process is similar to processes established for the recognition of other aboriginal, indigenous people.

Upon enactment of the bill, a Commission will be created to determine whether those who voluntarily choose to participate in the Native Hawaiian governing entity meet the eligibility criteria. The Commission will prepare a roll, which the Secretary must certify. An Interim Governing Council will be established with no powers except to prepare organic governing documents for the approval of those listed on the certified roll. Once this has been approved by the membership, it must be certified by the Secretary of the Department of the Interior.

If, and when, the Secretary certifies the organic governing documents, elections for Native Hawaiian government officials must be held in accordance with the organic governing documents. At this point, the Native Hawaiian governing entity still has no power. Instead, the Native Hawaiian governing entity must negotiate with the State of Hawaii and the Federal government for any powers and authority as well as other rights.

This will be a long, thorough process that will take years to complete. And this will not be the last time that the Congress will have an opportunity to address the power and authorities of the Native Hawaiian governing entity. Bills will need to be introduced in the Congress for the enactment of implementing legislation. They will be referred to the relevant committees of jurisdiction of each House. There will be votes in each body to approve implementing legislation and the President will have to sign such legislation into law.

A similar process will be required for changes to State law. The citizens of Hawaii, through their State representatives, will have an opportunity to be involved in any changes in State law. Any changes to the State's constitution must be submitted to the voters of the State.

Before closing, I want to address some misconceptions regarding this measure and clearly inform my colleagues about what this bill does and does not provide.

This bill does not create sovereignty or extend Federal recognition to the Native Hawaiian governing entity upon passage of this bill. Instead this bill establishes the process that I outlined. As I discussed earlier, any sovereignty by the Native Hawaiian governing entity, if and when it is recognized, is inherent and preexisted Hawaii's inclusion into the Union.

Any governmental powers and authority that the Native Hawaiian governing entity will exercise must be negotiated with the Federal and State governments.

This bill does not extend jurisdiction to the Native Hawaiian governing entity over non-Native Hawaiians. Any jurisdictional authority must be negotiated between the Native Hawaiian governing entity, the State of Hawaii, and the Federal government.

Any jurisdiction that may be granted through the negotiations will be within the boundaries of the State of Hawaii, not over the United States. Critics of the bill confuse the eligibility roll with the potential jurisdiction of the governing entity. Like other native governments in the United States, anyone meeting the eligibility criteria defined in the bill or the organic governing documents, regardless of where they live, are eligible for membership in the governing entity.

The bill prohibits the application of the Indian Gaming Regulatory Act, which is the only Federal authority for the exercise of gaming by Indian tribes. Additionally, the State of Hawaii is one of only two states that criminally prohibits gaming.

The bill expressly provides that Native Hawaiians will not be eligible for Indian or Alaska Native programs. It is unnecessary to include Native Hawaiians in other programs as Congress has already established programs specifically for them.

The cost of the bill is minimal. The Congressional Budget Office estimates that the bill will cost $1 million for fiscal years 2006 through 2008, and less than $500,000 per year thereafter. The Committee on Indian Affairs has also been informed that the enactment of this bill will not affect direct spending or revenues.

I want to make it clear to all of my colleagues that this bill does not propose anything that we have not already done for Indian tribes. Years ago, Congress recognized that it has a trust obligation to the Native Hawaiians. Congress has treated Native Hawaiians in the same manner as it has dealt with Indian tribes. It is time that Congress formally extends its policy of self-government and self-determination to Native Hawaiians.

Mr. President, I want my colleagues to know that this bill will unite Hawaii. Senate bill 147, already has the broad support of both Republicans and Democrats in Hawaii. It is now time to reach out and correct the wrong that was committed so many years ago. I hope that my colleagues will also provide their support by voting for this bill.

As a member of the territorial senate at the time of statehood, and as former majority leader of the house, I was privileged to be involved in discussions and decisions reached between the Government of the United States and the government of the territory of Hawaii. Moreover, as our State's first Member of Congress, I was actively involved in the discussions and agreements between the Government of the United States and the government of the State of Hawaii.

My parents and my grandparents lived in Hawaii through Hawaii's trying times. My grandparents were immigrants from Japan. In my generation, I was raised with an understanding that the Native Hawaiian people had been wronged. This is a part of history that very few of my constituents are fully aware of. But my mother, when she was at the age of 4, lost her father who was working in the fields of the plantation. She had lost her mother at the time of childbirth, so she found herself an orphan at a very early age. But fortunately, a Native Hawaiian couple learned about this, came forward to the plantation village, and took her by the hand and adopted her. And for years she lived as a Hawaiian with the Hawaiian family, and she never forgot that.

For many reasons, including that, I and other citizens of the State of Hawaii ask all of my colleagues here to do the right thing for the Native Hawaiian people. Some of our colleagues have questioned Congress's authority to deal with Native Hawaiians, but after serving for 28 years on the Committee on Indian Affairs and approximately 17 years as either the chair or the vice chair, I believe most humbly that I am sufficiently informed of the law that governs the Federal relations with the aboriginal native people of the United States. There is no question that Native Hawaiians are aboriginal, and they are native and indigenous. They were there before the first White man came. They were there before the first Americans came.

Based on my decades of study and experience, I would like to assure my colleagues that Congress does possess the authority to pass this measure.

We speak of the special relationship between the Federal Government and the native peoples, and some have suggested that this was racially discriminatory.

Mr. President, history shows that Native Hawaiians are good and patriotic Americans. The people of Hawaii are good and patriotic Americans. If you look at the records of World War II and all the wars thereafter, including the present one in Iraq, you will find a disproportionately large number of men and women from Hawaii serving in uniform and standing in harm's way for the people of the United States. In fact, for this small, little State, with about the smallest population, we have more Medals of Honor on a per capita basis than any other State. Our government recognizes the patriotism of Native Hawaiians and the people of Hawaii. In fact, the first Native Hawaiian in the Vietnam war to receive the Medal of Honor was—yes—a Native Hawaiian, and he was one of the first in the Nation to do so. They are good American citizens.

This bill, even if it becomes the ultimate law of this land, will not change the situation. Native Hawaiians will be subject to every provision in the Constitution of the United States. That is the fact. They will be subject to the laws of the State of Hawaii and the United States. They will be subject to

the laws of the county of Hawaii. If any changes are made—for example, if we decide, as we did with many Indian nations, to give them the power to arrest—if someone goes speeding through the streets—that power has to be negotiated and granted by the supersovereign, the county to the Indian tribe. It does not come naturally.

The Native Hawaiian government, if you want to call it such, will not have the authority to establish its own army. It will not have the authority to coin its own currency. Yes, they can set up businesses, establish schools if they wish to, but they will never, under this bill, pass any measure that will be in contravention with the Constitution of the United States or the laws of the United States.

This bill does not secede the State of Hawaii or any part thereof from the United States. The lands that we speak of are lands that have been set aside, not by us, but by the Government of the United States in 1920. In 1920, the Members of Congress, without the urging of Native Hawaiians, without the urging of the people of Hawaii, finally came to their senses and realized that the takeover had been illegal, and that Native Hawaiians were indigenous, aboriginal people of the territory of Hawaii at that time.

So, on their own initiative, this Congress established a law to set aside lands which they called the homestead lands. And those qualified, 50 percent Hawaiian blood, were placed on these lands. It is still there, and Native Hawaiians still live in those places. If they ever have this law in the books, these lands will become the land base of this new entity.

They are not taking away anything from the people of Hawaii. They are not taking away anything from the Government of the United States. They will continue to pay taxes. They will continue to put on the uniform of the United States. They will continue to stand in harm's way.

I want Congress to know that, if anything, this bill will unite the people of Hawaii. This bill has the broad support of Republicans and Democrats in the State. Somewhere in this gallery is the Governor of Hawaii, the Honorable Linda Lingle. And she is a Republican. She supports this measure.

The counties of Hawaii, every one them—Oahu, Kauai, Maui and Hawaii—would support this measure. The State of Hawaii legislature, the House and the Senate, unanimously support this measure.

We have heard results of polls. We are politicians. We know all about polls. I can set up a poll myself and suggest that 99 percent of the people of Hawaii support the war in Iraq, and we know that is wrong. Yes, we can set up our own polls.

But I can tell you the legislature supports it, the county governments support it, the Governor does, and all Members of the congressional delegation. I don't know why people would say that the people of Hawaii do not support this measure.

I think it is about time that we reach out and correct the wrong that was committed in 1893. Yes, at that time the representative of the people of the United States directed a marine company on an American ship to land and take over the government. They imprisoned our queen. No crime had been committed. When the new government took over and turned itself over to the government of the United States and said, Please take us in, the President of the United States was President Cleveland at that time. He sent his envoy to Hawaii to look over the case. When he learned that the takeover had been illegal, he said this was an un-American act and we will not take over. The queen is free.

I am a proud American. I am glad that we are part of the United States of America. Senator AKAKA and I took part in World War II. We put on the uniform. He served in the Pacific. I served in Europe. We would do it again. I know our people will do it again.

I wish to discuss the report on the Native Hawaiian Government Reorganization Act which was released by the United States Commission on Civil Rights on May 4, 2006 and the ill-founded reliance on the report by some of my colleagues. It is important to note that the measure before us is supported by leading civil rights organizations, such as the Leadership Conference on Civil Rights and the National Congress of American Indians. There are many more but in the interest of time, I will only note that I am more than willing to provide any Member with a more detailed list of leading civil rights organizational support for this measure.

With respect to the Commission's report, I urge my colleagues to thoroughly examine the report and the proceedings leading to it. I say this because the majority's report lacks credibility—both procedurally and substantively. I am confident that once my colleagues learn of the serious procedural and substantive flaws of the report, they will join me in rejecting the Commission's report and supporting S. 147, the Native Hawaiian Government Reorganization Act of 2006.

The first point that my colleagues need to consider is that this report is not even based on the measure that will be before us. During the Commission's January briefing, the Commissioners were provided with a copy of the Substitute Amendment that was publicly available since last fall and that Senator AKAKA recently introduced as a separate measure. It is this language on which we will vote. Yet, even though the Commission was informed of this, the Commission based its recommendation on the bill ''as reported out of committee on May 16, 2005,'' which is substantially different from the substitute amendment.

Perhaps some think this was an oversight on behalf of the Commission but I assure you—it was not. During the Commission's May 4, 2006 meeting, Commissioner Taylor specifically asked to which version of the bill this report referred. After a discussion on the record in which it was readily apparent that the Commissioners had no idea which version the report was referring to, the Commission had to recess for 10 minutes so that staff could determine to which version the report was referencing. Then, after calling the meeting back to order, the Commission stated that the report pertained to the version as reported by the Committee on Indian Affairs, ignoring entirely the substitute amendment, which they had been informed would be the measure considered by the Senate.

Perhaps some may be thinking—what difference does it make? Let me assure you, the differences between the version reported by the Committee on Indian Affairs and the substitute amendment are substantively different. In fact, the measure that will be before us reflects several weeks of negotiation between the administration and congressional Members to address concerns raised by the administration.

Before moving on to the substantive flaws of the Commission's report, I want to point out that one Commissioner filed an amicus brief in Rice v. Cayetano without ever publicly disclosing that involvement or recusing herself from the Commission's proceedings. Apparently, actions like these are par for the course for this Commission. It is actions similar to these that led to the recent findings of the Government Accountability Office that the Commission lacked procedures to ensure objectivity in its reports.

The Commission's majority report also suffers from serious substantive flaws. Unlike the careful, thoughtful analyses contained in the dissenting opinions, the majority report is devoid of any analysis of the underlying bill or arguments. Instead, the so-called ''report'' is merely a summary of the briefing held in January, a one sentence recommendation, and copies of the written testimonies provided during the January briefing. It is nothing more than ''he said this and she said that.'' Nothing in this document explains why one argument was rejected and another one accepted. I believe it is because the commissioners know what we know—the law is on our side.

Although this is apparently consistent with the way this Commission does business, it is unacceptable. The Government Accountability Office issued a report last week specific to the Commission and recommended that the Commission should strengthen its quality assurance policies and make better use of its State Advisory Committees. More specifically, the Government Accountability Office found that the Commission lacked policies for ensuring that its reports are objective. It also found that the Commission lacks accountability for some decisions made in its reports because it lacks documentation for its decisions. A review of

the Commission's report on Native Hawaiians illustrates that this lack of accountability is clearly evident in this instance, for the Commission provides no rationale for its finding on S. 147.

Another flaw with the Commission's recent report is that the Commission ignored two previous reports on related issues by the Hawaii State Advisory Committee. The Government Accountability Office acknowledged that the State Advisory Committees are the eyes and ears of the Commission. It also found that while the Commission does not have policies to ensure objectivity for its own documents, the Commission does have quality assurance policies in place for State Advisory Committee products, including a policy to incorporate balanced, varied, and opposing perspectives in their hearings and reports. The Hawaii State Advisory Committee heard from numerous witnesses and spent substantial time preparing two articulate, balanced reports on Native Hawaiian issues relevant to the measure before us. Yet the Commission ignored these reports. Imagine reports from the State Advisory Committee in your respective State—the entity with the most knowledge of local issues, that is the entity most in touch with the local communities, and that has quality assurance policies—not even being consulted or informed about a briefing on an issue that only impacts your State.

Because the Commission's recommendation was based on a version of the bill that is not before us, is void of any analysis and is not supported by Supreme Court case law, it is difficult to address any arguments that may have influenced the Commission's decisions. Thus, I will take this opportunity to clarify some misconceptions that some of the Commissioners appear to possess.

First, this matter is not race-based as the Commission's recommendation implies. Instead, the Commission appears to have a fundamental misunderstanding of Federal Indian law. It is undisputed that the Supreme Court has upheld Congress's plenary authority over Indian tribes, including those aboriginal, indigenous peoples who exercised control over land that comprise the United States even if those peoples were not called Indians, were not organized as tribes, and did not have a government at that time.

I am confident that if challenged, this measure will be upheld. For as then Attorney John Roberts, now Chief Justice Roberts, stated during oral argument in Rice v. Cayetano, ''The Framers, when they used the word Indian, meant any of the Native inhabitants of the new-found land'' and that Congress's ''power does, in fact, extend to Indians who are not members of a tribe.''

Second, it is absurd that there are some who think that because Congress delegated some authority to the Secretary of the Department of the Interior to develop regulations to administratively recognize a group of people as an Indian tribe, Congress's power to exercise its own authority is now bound by those regulations. Let me remind everyone—the Congress is not subject to an agency's regulations. Congress still possesses the power to restore recognition to an Indian tribe and we have used this authority repeatedly without first determining whether a group met the criteria set forth in the Secretary's regulation.

I thank the Chair for allowing me this opportunity to educate my colleagues about the true impact of the Commission's report on this matter. I encourage my colleagues to examine the transcript of the January briefing and the May meeting, the report with the dissenting opinions, as well as the recent Government Accountability Office Report on the Commission. I am confident that after doing so, my colleagues will understand that any reliance on this report is misguided.

Mr. President, as Congress has done for many other Indian tribes, this measure merely sets up a process to formally extend the Federal policy of self-governance and self-determination to Native Hawaiians. This bill is about fairness and justice for Native Hawaiians—Native Hawaiians will finally be afforded the same respect that the Federal Government affords to other Native Americans. Given that Congress has already enacted over 160 Federal laws for the benefit of Native Hawaiians, there will be no harm to other Native Americans and equally important, there will be no negative effects on the other citizens of Hawaii.

There are some who claim that this bill is race-based and will divide Hawaii because of race-based preferences stemming from this measure. This is not true. This bill is not based on race and those who make this claim do not understand the people or history of Hawaii. As I said, in 1893, the United States participated in the illegal overthrow of the Kingdom of Hawaii, which resulted in longstanding issues in Hawaii that need to be addressed. This measure will ensure those issues are addressed fairly and equitably. It is because this measure starts the process of healing old wounds and bringing all of Hawaii's citizens together that the vast majority of Hawaii's citizens support passage of this bill.

I ask my colleagues to ignore the rhetoric and to look at the facts: The entire Hawaii Congressional delegation supports, and is actively working on, passage of this bill. Our distinguished colleagues in the House, Congressmen ABERCROMBIE and CASE, have introduced a companion measure, and both testified before the Senate Committee on Indian Affairs in support of this bill and its importance to Hawaii. As Congressman CASE stated, this bill is ''the most vital single piece of legislation for our Hawaii since Statehood.''

Hawaii's Republican Governor supports the bill and has stated that ''this bill will be a unifying force in Hawaii'' and that it is ''vital to the continued character of the State of Hawaii.'' Both Hawaii's State House and Senate have repeatedly and overwhelmingly approved a resolution in support of this bill. We were elected by Hawaii's citizens to represent their interests and we believe that this measure is in their best interests. We would not support a bill that would racially divide the people who elected us into office. Trust that we have the best interests of all of Hawaii's citizens in mind.

Beyond Hawaii's elected officials, Hawaii's two largest newspapers have written editorials in support of passage of this bill or condemning allegations that this bill is racially discriminatory. The Honolulu Advertiser recently stated ''this measure forges a middle path, the most reasonable course toward resolution—if only Congress would give it a shot.'' The people of Hawaii support it because, as the Advertiser recognized, ''Federal recognition would help chart a course for the difficult but necessary process of resolving festering disputes and in healing the breach caused by the overthrow of the Hawaiian monarchy.''

Hawaii's business community, including the two largest banks, support passage of this bill. The vast majority of Hawaii's citizens support passage of this bill. Given this diverse and broad level of support, I do not understand how any of my colleagues can oppose passage of this measure by claiming that it will divide Hawaii based on race.

Instead, I urge my colleagues to join me in supporting this measure as it is the fair, just thing to do and all of Hawaii's citizens will benefit from this measure when the longstanding issues will be finally be put to rest. Without this measure, without your support, those issues will remain unresolved.

Mr. President, as many of my colleagues know, S. 147 does nothing more than to establish a process to formally extend the same Federal policy of self-governance and self-determination that has been extended to other Native Americans to Native Hawaiians. When one looks at the impact that this policy has had on other Native Americans, it is clear that this policy will benefit not only Native Hawaiians but also all of Hawaii's citizens.

Since the 1970s, the Federal Government has had a policy of self-determination and self-governance for Native peoples. The success of this policy has been demonstrated over and over and it is not stopping. Every day, we see improvements in native communities as a result of this policy. Every day, we see State and local communities benefiting from Native Americans exercising self-governance. It is time that Native Hawaiians, and Hawaii, also benefit from this policy.

While Native Hawaiians are not Indians nor is there Indian Country in Hawaii—nor will there be with passage of this measure—the experience of other Native Americans since the Federal

Government adopted a policy of self-governance for Indian tribes is informative. Since implementation of the Federal policy of self-determination, other Native Americans have seen a revitalization in their native languages and culture. Because of this policy, other Native Americans have experienced higher educational achievement, stronger economies, better mental and physical health and less reliance on social programs. Although other Native Americans still have a long way to go, the policy of self-governance and self-determination has repeatedly been called the most successful Federal policy for Native Americans. I am confident that Native Hawaiians will have a similar experience and that all of Hawaii's citizens will receive benefits.

Self-governance is critical to maintaining Native Hawaiian culture, language and identity. Native Hawaiians were affected by the various Federal policies the United States had towards Indian tribes. So like other Native Americans, Native Hawaiians were prohibited from speaking their native language and practicing their culture. Native Hawaiians experience similar social characteristics—often ranking the highest in the least desirable categories and the lowest in the most desirable categories. They suffer from some of the highest rates of obesity, diabetes, high blood pressure, heart disease, and other health disparities. They experience the highest rates of poverty in the State of Hawaii and have some of the lowest educational achievement. Native Hawaiian youth suffer from high rates of depression and are more likely to attempt suicide than other youth in Hawaii. Although it will not happen overnight, Native Hawaiian self-governance will reverse these trends. Testimony before the Indian Affairs Committee indicated a link between teen suicide and depression and the lack of language and culture in other native communities. Testimony also indicated that when Indian tribes exercise self-governance and take steps to regain or incorporate their language and culture into everyday life, mental health issues decrease.

Preserving and revitalizing native language, culture and identity leads to stronger personal identity and cultural awareness. Native self-governance will lead to culturally appropriate physical and mental health programs, as well as more relevant education curriculum, for Native individuals. This, in turn, will lead to better health, higher academic achievement, strong native leadership, increased employment, less poverty and decreased dependence on Federal and State social programs. Self-governance will ensure that Native Hawaiians retain their dignity.

Consequently, all people of Hawaii will benefit. Decreased reliance on social programs, fewer children needing remedial education, and more preventative, culturally appropriate health programs will result in less funding needs over the long term. But this is not all. Hawaii is already full of rich, diverse cultures which are celebrated throughout the year but, with this measure, all of Hawaii will be able to celebrate an ever stronger native culture. Non-natives will learn more about the islands based on the traditional knowledge of Native Hawaiians gained over centuries of island occupation. Higher achieving children will no longer have to wait for their counterparts to catch up. Instead of remedial education classes, there will be more rigorous, challenging classes for our youth. Visitors already come to Hawaii to admire and appreciate the unique Hawaiian culture; with this measure, I am confident even more will come to experience the stronger, richer Native Hawaiian culture.

I invite all of my colleagues to Hawaii to experience our unique culture, diversity and spirit of aloha. This bill will enhance Native Hawaiian self-governance while benefiting all of Hawaii's citizens. This is why I am proud to cosponsor this legislation. This is why our distinguished House colleagues, Congressmen ABERCROMBIE and CASE have introduced a companion measure. I respectfully urge my colleagues to help Hawaii by supporting S. 147.

I just hope my colleagues will not look upon Native Hawaiians as those who are trying to get out of the United States. They are not. We are just trying to tell them: Yes, we recognize the wrong we have committed. Therefore, use the lands that we have provided you. Set up a government. But this is what you may do. You may set up your schools, you may set up businesses. What is wrong with that? We are not asking to establish a government in there that will put up a fence and keep everyone out. That government will not establish an army to attack us.

This is the American thing to do; the least we can do. And, incidentally, the National Congress of American Indians, representing the Indian nations of this Nation, support this measure. Alaskan natives, Eskimos, support this measure.

Granted, there are those who oppose this measure. But I just hope that they will look into their hearts and look into the hearts of Native Hawaiians. They are good people. They just want to know that someday they can tell their grandchildren the wrong that was committed in 1830 has been rectified.

I am certain my colleagues will do so. I thank you.

The PRESIDING OFFICER. Who yields time?

Mr. INOUYE. 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. AKAKA. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. AKAKA. Mr. President, I thank my dear colleague from Hawaii, the senior Senator, who has spoken from the heart about our bill and about what it means to our people in Hawaii, the unity of support that is there in Hawaii and also the support that is here nationally.

He mentioned NCAI, the National Congress of American Indians. He mentioned the AFN, the Alaska Federation of Natives. Also, the American Bar Association has supported our bill. These are national organizations that have studied it and have considered this bill to be worthwhile.

As I mentioned in my statement, this bill has been reviewed by the Departments of Justice and the Interior, the White House and the administration. They have made clarifications that we will include in our amendments and in our substitute amendment.

This is a bill that does not have anything to do with starting a government that would be able to do what it wants. This governing entity will be structured so that it can deal with the problems of the Hawaiian people and will give them a seat at the table. It will give them an opportunity to negotiate whatever they decide.

I should tell you, those who have spoken in opposition to this bill are good friends that we respect—and we will continue to do that—who have other reasons to oppose our bill. I do respect them very deeply. But our bill is one that will help the Hawaiians to deal with their concerns. When it was stated that I had mentioned that they could secede, the question that was asked me was whether that could happen. I pointed out that to secede, the Hawaiians would have to take it to this governing entity and this entity would decide whether they should take this to be negotiated with the State government and then with the Federal Government.

Let's say they do decide to secede as an entity. I don't think the State government, with the State laws, would agree to that. It has to be negotiated.

And let's say if—and I know it won't happen—the State of Hawaii agrees to that. Then it has to go to the Federal Government. So this is all within the law.

I have spoken to those in Hawaii who want Hawaii to be independent. I have told them you can use the governing entity to discuss it. This is what I meant. They can bring these issues to the governing entity and the governing entity will make a decision as to independence or returning to the monarchy. But all of this would be within the law of the United States, as mentioned by my senior Senator. It will be within the Constitution of the United States. But this gives the Hawaiians a governing entity to deal with their concerns and negotiate them on the State level as well as the Federal level.

Also, in the substitute amendments that we will be offering, it does have the clarifications from the administration as well.

So I rise to urge my colleagues to permit us to bring it to the floor, to

permit us to do that through cloture and then to let the Senate decide about our bill.

As I said, the United States of America is a nation that has consistently tried to keep liberty and justice alive and well. This is an opportunity to do that.

I urge my colleagues to consider their vote, give us their votes on cloture so we can then bring it to the floor and discuss it further.

Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. AKAKA. Mr. President, I just want to mention on the sovereignty rebuttal, the Federal policy of self-governance and self-determination allows for a government-to-government relationship between indigenous people. This is not new. It exists right now between the United States and 556 tribes, 556 native governments. The continued representation of this bill as an unprecedented new action is just plain wrong.

With all due respect to my colleagues, as I said earlier, Native Hawaiians are proud to be Americans. Native Hawaiians, however, are indigenous peoples and Congress has the authority to recognize indigenous peoples.

I yield.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I rise in opposition to this legislation. I do, however, respect the goals and the concerns that have been expressed by the Senators from Hawaii and their supporters. I certainly agree with the language used by Senator INOUYE to describe the people of Hawaii. They are indeed good people. They are indeed great patriots. I think no one better exemplifies the patriotism, the support for American ideals, and the commitment to our country, than the two Senators from Hawaii, each in their service to this institution, their service to our country, and their service to our country's military.

Senator INOUYE discussed the need to right wrongs, and how that was one of the objectives of this legislation. Even if we concede the importance of righting wrongs, we can argue, as I do argue, that this is the wrong way to go about that.

This bill does not create a sovereign state or a sovereign entity. That point was made by both Senators in their remarks. However, we cannot escape the fact that the legislation as written, on page 51, does describe very specifically the objective for Native Hawaiians to have an inherent right of self-determination and self-government. That clearly suggests a goal, whether it is short-term or long-term, of establishing self-governance; of establishing independence in some shape or form.

If this isn't an objective, then certainly it ought not to be included in the legislation.

This is not a question of tribal recognition. I think it is a mistake to make that analogy because there are very specific requirements for tribal recognition, and they are not met in this case. Therefore, that concern is misplaced.

Most fundamentally, and I think most problematically, this legislation does create a very separate and distinct governing entity, and the participation within that governing entity is based upon racial and ethnic classification. We have to ask ourselves whether this is a principle or a policy which the American people would support, whether it is one which will further our shared goals as Americans. I believe the answer is no. It is a mistake to create two distinct privileges for participation in governance at any level that is based solely on one's racial or ethnic background.

The governing power of this new entity, the Native Hawaiian governing entity, is not small nor trivial. Again quoting from the legislation:

> Among the general powers conferred on this governing entity are the power to negotiate or engage in negotiations designed to lead to an agreement addressing such matters as the transfer of land, natural resources and other assets, and the exercise of civil and criminal jurisdiction.

These are not small matters. I believe the suggestion that this is a modest entity, one with only very limited powers, is mistaken.

The proponents of the legislation might argue that there are intervening steps required on the part of the State government or the Federal Government to validate these negotiations. That doesn't change the fact that this governing entity has real power to negotiate that is not given to any other entity, and that the participation in that governance is based solely on one's ethnic or racial background. I believe that simply is not justified.

To the extent there are constitutional questions brought to bear, they ought to be focused on due process, on whether this restriction that one only participates in this governing entity if one has a certain racial or ethnic background is an unfair limitation on an individual American's right to participate in the electoral process.

Even if that were not a factor, balkanizing Americans, dispensing political power, or dispensing political recognition on the basis of ethnic or racial background is a mistake. It is bad precedent. It emphasizes differences that we might have. I believe it runs the risk of disenfranchising certain Americans and takes us in the wrong direction.

If there are wrongs that need to be set right, we should have a debate about what those actions were and what specific steps ought to be taken to address them. However, this is not the right vehicle. This is not the right approach. This does not send the right message.

In dealing with cases that have come before the Supreme Court which dealt with this question, the Supreme Court cited the 15th amendment, which forbids discrimination in voting based on race or ethnic background.

To quote from that decision, the Court said:

> One of the reasons race is treated as a forbidden classification is that it demeans the dignity and worth of a person to be judged by ancestry instead of by his or her own merit and essential qualities. An inquiry into ancestral lines is not consistent with respect based on the unique personality each of us possesses, a respect the Constitution itself secures in its concern for persons and citizens . . . [To do so would be] odious to a free people whose institutions are founded upon the doctrine of equality.

It is an approach that runs contrary to those fundamental goals and objectives which are contained in the 15th amendment.

I think on a more personal level, it is worth understanding the impact this can have on an individual.

I wish to close by referring to several comments which were provided by residents of Hawaii themselves before the Civil Rights Commission.

Quoting from one letter:

> . . . It is appropriate to say that I am of Hawaiian, Caucasian and Chinese descent only because it shall be noted that I am a descendent of the indigenous peoples of Hawaii and do not support the Akaka bill . . . If [the Akaka bill] comes to pass, I will no longer acknowledge my Hawaiian heritage as I will be forced to choose on which side of the fence to stand. I will choose the Anglo-American tradition of the right to life, liberty, property and the pursuit of happiness. This will prevent me from recognizing all that is Hawaiian in me. I consider the Akaka bill to be a proposal to violate my rights . . .

This is a resident of Hawaii testifying before the Civil Rights Commission. He wrote:

> . . . I am writing to ask for the civil rights commission to oppose the Akaka Bill on the grounds that it will divide our state among racial lines . . . I am of native American blood (Nez Pierce Indian) but cannot be considered eligible for benefits such as those desired by native Hawaiians . . . The Akaka Bill will destroy our way of life in Hawaii . . .

The third letter quoted in that report to the Civil Rights Commission:

> . . . I am a descendant of both: Kamehameha the Great, who united the islands and people, natives and non-natives and made Hawaii a model for the world: and the Mayflower pilgrims whose ideals of individual freedom and responsibility and self-reliance shaped the most inclusive and widely shared system of government in history: American democracy . . . The Akaka Bill would dishonor the unity and equality envisioned by Kamehameha the Great and the ideal of one nation, indivisible, composed of indestructible states, envisioned by the U.S. Constitution . . .

These are individual opinions of residents of Hawaii who have their own personal history and perspective. We shouldn't make decisions in Congress or anywhere else based on just anecdotal information, but I think they do reflect the difference of opinion, the difference of perspective, and the natural concerns possessed by even those who are supposed to benefit from this legislation because of the way the bill

treats people—not based on the content of their character, not based on their individual rights as Americans, but based on their particular ethnic or racial background.

If we can move away from the balkanization, classification, and unique treatment of people based on racial-ethnic background and move toward the consideration of every individual based on their character, their integrity, and their commitment to our shared ideals, I believe we will be a stronger and a better country.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I rise to speak on this bill with some trepidation, because, as I heard the Senator from Tennessee say earlier as I was watching the debate from my office, everyone in this Chamber has enormous respect and affection for the Senator from Hawaii. We understand how important this issue is to him and believe he is making his arguments in the best of faith.

I must say, though, that it is staggering to me to think of how important the issues are that underlie this bill. This is not a bill which just affects the State of the Senators from Hawaii; this is a bill which would potentially affect what it means to be an American.

One of the defining characteristics of this great country in which we live is that no matter where we come from, no matter what our ethnic or racial heritage might be, no matter where we were raised, once we pledged allegiance to the United States of America, we became an American, someone who believes in the ideal of America's values, including equal justice under the law. So the very concept that people would be treated differently based upon whether they are Native Hawaiians or whether they came from Ireland or whether they are some other ethnic or racial group is anathema to what it means to be an American.

This bill, it has been observed, would create a race-based and racially separate government for Native Hawaiians. It has been observed by the U.S. Supreme Court in the year 2000 in the Rice v. Cayetano lawsuit that this legislation is actually addressed to limit participation in a government based on one's consanguinity or bloodline, is in effect a proxy for race. What we are talking about is participating in the benefits of being a Native Hawaiian based upon race and racial differences rather than saying to anyone and everyone that America remains a nation where anyone and everyone, based upon their hard work, based upon their willingness to try to accomplish the most they can with the freedoms that we are given—it is totally in contradiction to that goal and that aspiration we have for all Americans. It is important to address some of the specific allegations that have been made.

First of all, this is equivalent to creating an Indian tribe. The State of Hawaii has stated in court, in 1985, the tribal concept has no place in the context of Hawaiian history.

In the Rice v. Cayetano case, the brief said that for Indians, the formerly independent sovereignty that governed them was for the tribe, but for the Native Hawaiians, their formally independent sovereign nation was the kingdom of Hawaii, not any particular tribe or equivalent political entity. The tribal concept, the brief went on to say, on behalf of the State of Hawaii, the tribal concept simply has no place in the context of Hawaiian history.

If we think about that, it is clear Native Hawaiians, if they are going to be identified based upon having Native Hawaiian blood, do not live on a reservation or any geographically discrete plot of land. Indeed, they are dispersed throughout Hawaii and throughout the Nation. The only defining characteristic is whether an individual has any Native Hawaiian blood.

It is completely different from Indian tribes which were, at the time of the founding of this Nation, sovereign entities unto themselves, so it was entirely appropriate that the Government negotiated relationships with those existing sovereign entities, the Indian tribes, as they exist even today.

But to say today, in 2006, we all of a sudden are going to identify some 400,000 Native Hawaiians wherever they may live in Hawaii and elsewhere and create a tribe, or a tribe equivalent, out of thin air has simply no counterpart in the way the Indian tribes are created. And, indeed, as the State of Hawaii has said for itself, the tribal concept simply has no place in the context of Hawaiian history.

As to the goals and the aspirations of this particular legislation, it is clear this bill lays down some rudimentary, I would say early, steps in the recognition of a political governing body. But as to the goals of this legislation and the supporters of this legislation, the Office of Hawaiian Affairs acknowledges what the goals are under the Akaka bill. It says:

> The Native Hawaiian people may exercise their right to self-determination by selecting another form of government, including free association or total independence.

The concept of any people within the confines of the United States claiming their total independence is not unknown to our Nation's history. Six hundred thousand people died in a civil war, claiming a right to independence from the Union. There has been much bloodshed, many lives lost, to preserve this great Union that we call the United States of America.

When I say this seemingly innocuous legislation raises profound issues that affect who we are as a Nation and what we will be as a Nation, I mean that in all sincerity. This legislation would be a serious step backward for our Nation and could not be any further from the American ideal.

From the beginning, Americans have been a people bound together not by blood or ancestry but rather by a set of ideas. These ideas are familiar to all of us: liberty, democracy, freedom, and most of all, equal justice under the law. These are the ideas that unite all Americans. They are ideas that have literally changed the course of human events.

No longer are the greatest civilizations in the world recognized or measured by how many subjects bow before a king or how many nations are conquered by armies. Today, we measure greatness of a nation to the extent that the nation's people are recognized as equal under the law. This is enshrined in our most basic documents. Thomas Jefferson's Declaration of Independence, stating ''that all men are created equal.''

But we know too well that those are words on paper. The long road to equality, on which we most certainly continue to travel and which continues to be a work in progress, has been costly to our Nation. As I mentioned a moment ago, it has been paid for with the blood of hundreds of thousands of American patriots. Unfortunately, the signposts along the way have been too often marked by violence and bigotry when we have seen Americans pitted against other Americans claiming special status because of the color of their skin or because of their relationships.

Today, however, America stands as a shining example of what happens when people set the ideal in their mind as the goal to work forward. As Justice Harlan noted in his classic dissent in the case Plessy v. Ferguson:

> [O]ur Constitution is color-blind, and knows neither nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law.

While it certainly took far too long in our own Nation's history to embrace the truth of Justice Harlan's position, and we certainly have more to do as a work in progress ourselves, America has made significant progress toward equality.

Unfortunately, this bill—whatever good the intentions may be, and I grant those without any argument—the bill threatens to undermine all of the progress we have made by establishing a race-based government and requiring the Federal Government enforce its creation.

There are the bill sponsors, the Governor of Hawaii, and the Attorney General, who argue that the bill does not establish a race-based government. Indeed, they say that the bill neither further balkanizes the United States nor sets up a race-based separate government in Hawaii.

With all due respect, a plain reading of the legislation indicates otherwise. The bill clearly states that only Native Hawaiians can participate in the newly established community, period. And a Native Hawaiian is defined in part as ''[o]ne of the indigenous, native people of Hawaii and who is a direct lineal descendant of the aboriginal, indigenous native people.''

But perhaps the most troubling description of the bill comes from our friends, the Senators from Hawaii:

> . . . the first step is to create a list of Native Hawaiians eligible . . . The individuals on the list will be verified by a commission of individuals in Hawaii with demonstrated expertise and knowledge in Hawaiian genealogy. The list will be forwarded to the Secretary of the Department of Interior who is authorized to certify the list only if the Secretary is fully satisfied that the individuals meet the necessary criteria.

In other words, the legislation requires that the Federal Government hire Federal employees to serve on a race-based commission that itself would use a racial test to determine membership in the race-based so-called tribe.

I ask my colleagues to explain to me how this does not ''set up a race-based separate government in Hawaii.'' It seems that if words have any meaning, the truth is plain to see that it does, indeed, establish a race-based system without precedent in American history.

What concerns me even more is that the proponents claim the legislation will not balkanize the United States. But this claim virtually ignores the entirety of our Nation's long and historic struggle over issues of race from slavery to Jim Crow laws and beyond, laws and policies that define our people based on race are bound to ultimately fail.

Furthermore, by claiming to create an analogy to an Indian tribe out of Native Hawaiians scattered across the planet, Congress will be giving the new government some of the same benefits as other Indian tribes. Yet the new government will operate at a very different environment with no geographic boundaries nor physical communities. The people who may be confirmed as Native Hawaiians are completely integrated with all others throughout Hawaii and throughout the 50 States. Developing this government will create a large number of structural and practical difficulties that one can only imagine.

Since time is short today, and it is my sincere hope that our colleagues will vote against cloture on this bill, I will reserve additional comments for a later time.

I conclude by saying this is an idea that runs completely counter to America as a melting pot, which has been so often used to describe our Nation as a Nation that is comprised of many races and many ethnicities, people of wildly divergent beliefs. But the one thing we do agree on is the founding ideals that have made America unique, none of which is more important than equal justice under the law. If we are to embrace for the first time in American history, as a matter of our legislative actions, race-based distinctions for Americans, it will be a day we will long rue and will be a black mark in our Nation's long march toward equal justice.

I yield the floor.

Mr. STEVENS. Can Senator AKAKA yield me some time to comment on the legislation?

Mr. AKAKA. Mr. President, I yield such time as the Senator desires from our side.

The PRESIDING OFFICER. The Senator from Alaska is recognized. The Chair notes the Senator still has 2½ minutes remaining on the majority time as well.

Mr. STEVENS. I ask unanimous consent I be allowed to speak using the time of the Senator from Hawaii. They can reserve their time.

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

Mr. STEVENS. I am in support of the legislation, and I will take my time from the other side of the aisle.

The PRESIDING OFFICER. The Senator is recognized.

Mr. STEVENS. Mr. President, I am saddened to hear some of the comments I have heard today in the Senate. Most people do not understand the circumstances that existed in both of our offshore States.

I have come to the Senate to support the Native Hawaiian Government Reorganization Act introduced by my good friends from Hawaii. I support this bill not only because of my friendship and respect for Senator INOUYE and Senator AKAKA but also because it is the right thing to do for the Hawaiian people. I have visited with the Hawaiian people very often on this subject.

Alaska, similar to Hawaii, has a rich history shaped by native cultures and traditions. These customs are a vital part of our heritage. My commitment to protecting and preserving the culture of Alaskan Natives spans now more than four decades. I believe Native Hawaiians deserve this protection as well.

While our Alaskan Native community still faces many challenges, their position has been improved because of legislation which clarified their relationship with our State of Alaska and with the Federal Government.

Soon after I came to the Senate—and that was in 1968—I began working to settle the unresolved claims of our Alaskan Natives. Many of the arguments against the Hawaiian bill now made by the opponents of this legislation were made by those who opposed the Alaskan Native Claims Settlement Act enacted in 1971. But time has proven them wrong. The Alaskan Native Claims Settlement Act did not create States within our State. It did not lead to secession. It did not lead to anyone trying to create a nation within our Nation. Those who argue that the bill before the Senate will lead to secession ignore the history. More than 562 Indian tribes are recognized by our Federal Government.

Not one of those tribes has sought to secede from their State or from the Nation. Federal recognition of these tribes has not prompted any State that they call home to try to secede from our Union. The Akaka bill reaffirms our longstanding commitment to the rights of our indigenous people. It ensures that Native Hawaiians will have the same type of recognition afforded to American Indians and to Alaska natives by the act of 1971.

The U.S. Government has a responsibility to Native Hawaiians, as it does to all indigenous people under our Constitution. The Constitution vests Congress with the authority to promote the welfare of all Native American people and to help foster their success.

Like the Alaska Native Claims Settlement Act, the bill before us, when it is enacted, will create a framework which ensures Native Hawaiian groups can address their unique circumstances. ANCSA was a crucial step in responding to the concerns of Alaska natives. It empowered them to improve their own position. The Akaka bill offers Native Hawaiians the same opportunity.

Our Federal policy of self-determination and self-governance has not been formally extended to Native Hawaiians. This omission unfairly singles them out for disparate treatment from our Federal Government. It deprives them of the processes by which other native groups may negotiate and resolve issues with the Federal and State governments. In my judgment, it is time to right this wrong.

This bill will fulfill our Federal obligation to Hawaii's native people. The Akaka bill authorizes the United States, the State of Hawaii, and the Native Hawaiian Government to conduct negotiations. Their discussions will address the unique issues facing Native Hawaiians. These steps will help ensure the future prosperity of the Native Hawaiian people.

The bill offered by the Hawaiian delegation has garnered widespread support. The legislation reflects the recommendations made by the Department of Justice and the Department of the Interior in the reconciliation report they published in 2000. The Governor of Hawaii, the Hawaii State legislature, and a majority of the Hawaiian people support this bill. Both the National Congress of American Indians and the Alaska Federation of Natives have passed resolutions in support of this bill.

Just as I sought to protect the rights of Alaska natives, Senators AKAKA and INOUYE are fighting for the rights of their native people in Hawaii. They have my full support. They have the support of the Alaska people. I believe they have the support of those who want to see these wrongs righted.

The time has come to fulfill our commitment to these indigenous people and to address the needs of the Native Hawaiians. We can no longer deny our Nation's responsibility to promote their welfare as much as we have promoted the welfare of the Indian people and the Alaska native people.

The Native Hawaiian Government Reorganization Act is a step towards meeting our Federal commitment to

Native Hawaiians. It is long overdue. I have come to urge our colleagues to support cloture and vote in favor of this legislation.

I am sorry we are no longer really a debating body. I would love to debate this. I would love to try to ask them to understand what happened in Alaska. The rights of Alaskans aren't the same. There were people who said: You can't do that; that will create a State within a State. There were people who said: You can't do that; they will rebel against the United States.

These people are good Americans. They serve in our military. They just have a different culture, and it has never been recognized by our government as it should. It was done in Alaska in 1971. It is long overdue here.

I ask unanimous consent that the time between 6 and 6:30 be controlled by the majority, and the time between 6:30 and 7 be controlled by the minority.

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

The Senator from Hawaii.

Mr. AKAKA. Mr. President, I yield as much time as he needs to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. OBAMA. Mr. President, I rise in support of the Native Hawaiian Government Reorganization Act of 2005.

Although I am a proud Illinoisan, proud to be the junior Senator from Illinois, many of you know that I was born and raised in Hawaii. Anyone who has been fortunate enough to visit or call Hawaii home, as I once did, and as my grandmother and sister and adorable niece still do, anybody who has spent time in Hawaii cannot help but recognize the uniqueness of the place. In addition to its scenic landscapes and rich history, it is the living legacy of aloha—the spirit of openness and friendliness that is ingrained in the shared, local culture that shapes and enhances each island encounter and experience.

Throughout Hawaii's history, individuals of all nationalities, races and creeds have found solace in Hawaii. In large part this stems from the culture of Native Hawaiians, who have always acknowledged and celebrated diversity. This incorporation of new cultures and practices over the years has strengthened and unified the community. And as the child of a black father and a white mother, I know firsthand how important Native Hawaiian efforts are to foster a culture of acceptance and of tolerance.

For this reason, I am proud to join Senator DANIEL AKAKA to extend the Federal policy of self-governance and self-determination to Native Hawaiians. Native Hawaiians are a vital part of our Nation's cultural fabric, and they will continue to shape our country in the years to come.

The Native Hawaiian Government Reorganization Act provides both the process and opportunity for Native Hawaiian communities to engage themselves in and reorganize their governing entity to establish a federally recognized government-to-government relationship with the United States of America. The process set forth in the bill empowers Native Hawaiians to explore and address the longstanding issues resulting from the overthrow of the kingdom of Hawaii.

There are three main provisions of the Native Hawaiian Government Reorganization Act.

First, the bill establishes the Office of Native Hawaiian Relations in the Department of the Interior to serve as a liaison between the Native Hawaiians and the United States.

Second, the bill establishes the Native Hawaiian Interagency Coordinating Group that will be comprised of Federal officials from agencies that administer Native Hawaiian programs. These provisions are intended to increase coordination between Native Hawaiians and the Federal Government.

And third, the bill provides a process for reorganizing the Native Hawaiian government entity. Once the entity is reorganized and recognized, there is a process of negotiations to resolve longstanding issues such as the transfer of and jurisdiction over lands, natural resources, and assets.

Support for this bill comes not only from the people of Hawaii but from people all across America. This bill also is supported by the indigenous peoples of America, including American Indians and Alaska natives. As Americans, we pride ourselves in safeguarding the practice and ideas of liberty, justice, and freedom. By supporting this bill, we can continue this great American tradition and fulfill this promise by affording Native Hawaiians the opportunity to recognize their governing entity and have it recognized by the Federal Government.

As someone who grew up in Hawaii and has enormous love for the Hawaiian culture, I also think it is important, as I know the two Senators from Hawaii will acknowledge, that there have been difficulties within the community of Native Hawaiians, oftentimes despite the fact that we are visitors to Hawaii; that many times particularly young Native Hawaiians have had difficulties in terms of unemployment, in terms of being able to integrate into the economy of the islands, that some of the historical legacies of what has happened in Hawaii continue to burden the Native Hawaiians for many years into the future.

This bill gives us an opportunity not to look backward but to help all Hawaiians move forward and to make sure that the Native Hawaiians in that great State are full members and not left behind as Hawaii continues to progress.

This is an important piece of legislation. I take a minute to commend the senior Senator from Hawaii, Mr. INOUYE, and most of all Senator AKAKA, particularly, for his tireless efforts to bring this to the floor. When people all across the country didn't know about this issue, Senator AKAKA was the one who made sure we did. He has been a champion for the people of Hawaii. He is always working hard and thinking big to realize this ideal for the native population of his State. They are truly fortunate to have Senator AKAKA as their Senator.

I urge my colleagues in the Senate to vote for the Native Hawaiian Government Reorganization Act of 2005. I will be proud to add my vote to the roll call.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, before I yield time to the Senator from Alaska, I would like to say a word about secession. This bill in no way allows the State of Hawaii to secede from the United States. To reiterate my prior statement, I support addressing the legal and political relationship between Native Hawaiians and the United States within Federal law. I do not support independence. I do not support secession of the State of Hawaii from the United States.

This bill extends the Federal policy of self-governance and self-determination to Hawaii's indigenous peoples, thereby providing parity in Federal policies toward American Indians, Alaska natives, and native Hawaiians. The bill focuses solely on the relationship between the United States and Native Hawaiians within the context of Federal law.

None of the numerous federally recognized tribes have been accused of seeking to cause their State to secede from the Union because of their legal and political relationship with the United States. Such claims are false and meant to instill fear in those who are unfamiliar with the nature of government-to-government relations between tribal entities and the United States.

Given Hawaii's history, I have a small group of constituents who advocate for independence. Why? Because there hasn't been a structured process to deal with the longstanding issues resulting from the overthrow. The absence of a process to resolve the issue has led to frustration and desperation. My bill provides a structured process to begin to address these longstanding issues. Contrary to the claim of divisiveness, my bill goes a long way to preserve the unity of the people of Hawaii.

I yield time from our side to Senator MURKOWSKI of Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. I thank the Senator from Hawaii for his leadership on this issue, for his leadership on behalf of the people of Hawaii. There is so much in common that the Alaskans in the north share with our neighbors in the Pacific. I would like to take a few

moments to speak a little bit about the history and how the history of our Alaska Natives ties in with the Native Hawaiians and why I stand today in support of the legislation offered by Senator AKAKA.

As Abraham Lincoln is revered by the African American community as our first civil rights President, Richard Nixon is held in esteem by America's native people for his doctrine of self-determination. President Nixon knew that in order for the native people to break out of the despair and poverty that gripped their lives, they would need to be empowered to take control of their own destiny. One of President Nixon's legacies to America's first peoples is the Indian Self Determination and Educational Assistance Act. Another one is the Alaska Native Claims Settlement Act. These two pieces of legislation eliminated any doubt as to whether the Native people of Alaska were recognized as among the first people of our United States and were, therefore, eligible for the programs and services accorded to Native people.

Yet it took more than a century from the time the United States acquired Alaska from Russia for the legitimate claims of Alaska's native people to be resolved. One hundred and three years to be exact. President Nixon signed the Alaska Native Claims Settlement Act into law on December 18, 1971. It has been amended by Congress to clarify one ambiguity or another on numerous occasions since.

The Indian Commerce Clause of the United States Constitution, which provides the legal basis for our Nation's special relationship with its native people, speaks of the authority of Congress to regulate commerce with the Indian tribes. It is now well established that this provision of the Constitution is the legal basis for our Nation's special relationships with the Native peoples of Alaska.

Some of Alaska's native people regard themselves as Indians. But the Eskimo and Aleut peoples of Alaska, who have also been recognized by this Congress and the courts as deserving of the special relationship, most certainly would not regard themselves as Indians.

In Alaska, the basic unit of native organization is the village and while some villages refer to themselves as ''tribes,'' many native villages do not.

The Inupiaq Eskimo villages carry names like the native village of Barrow, the native village of Kaktovik, and the regional governing body of North Slope Inupiaq Eskimos refers to itself as the Inupiaq Community of the Arctic Slope.

Alaska's native peoples are Aleuts, Eskimos and Indians and their units of organization include entities like traditional councils, village councils, village corporations, regional consortia and subregional consortia. Yet neither the Congress nor the Federal courts deny all fall within the purview of the Indian Commerce Clause.

Leading constitutional scholars, including our esteemed Chief Justice John Roberts, have argued that Native Hawaiians also fall within the purview of the Indian Commerce Clause. I think it is high time that this Congress confirm that they do.

The American Indian Law Deskbook, 2d edition, authored by the Conference of Western Attorneys General, an association of state attorneys general, quotes the U.S. Supreme Court's decision in United States v. Antelope for this point.

> Congress may not bring a community or body of people within the range of its Indian Commerce Clause by arbitrarily calling them an Indian tribe, but . . . the questions whether, to what extent, and for what time they shall be recognized and dealt with as tribes are to be determined by the Congress, and not by the courts.

As anyone who has been to law school knows, when the courts apply arbitrariness as the standard of review, they are highly deferential to the initial decision maker, whether that decision is made by the executive branch or the legislative branch.

And the new 2005 edition of Cohen's Federal Indian Law treatise, which has historically been regarded as the definitive authority on Federal Indian Law notes that ''no Congressional or executive determination of tribal status has been overturned by the courts'' and indeed the Supreme Court has never refined the arbitrariness standard to which I referred.

The Alaska Native Claims Settlement Act was most importantly, a settlement of land claims. But it has turned out to be so much more for Alaska's native people. It created native owned and native controlled institutions at the regional and village level. These institutions, the Alaska Native Corporations, have functioned as leadership laboratories, helping a people who traditionally lived a subsistence lifestyle gain the skills necessary to run multi-million-dollar economic enterprises. I am not only referring to the profit-making corporations created by the act, but also the people serving institutions that manage Indian Self Determination Act programs.

The Alaska native health care delivery system is a prime example of President Nixon's self-determination policies at work. At one time the Federal Government administered the delivery of health care to the native people of Alaska through the Indian Health Service. Today, the native people administer their own health care delivery system under a self-governance compact with the Federal Government.

This healthcare system is recognized around the world as a laboratory for innovation. It is a pioneer in the use of telemedicine technology to connect clinics in remote villages to doctors at regional hospitals, and at the advanced Alaska Native Medical Center in Anchorage. Confidence in the quality of care delivered by the native healthcare system rose when native people took over the system.

But for me the most gratifying thing is to see young native people who are leading their communities into the new millennium. You see them in management and developmental positions everywhere in the Alaska native healthcare system.

The institutions created and fostered by the Alaska Native Claims Settlement Act have helped countless native young people pursue educational opportunities at the undergraduate and graduate level. Young people from the villages of rural Alaska are going off to school and returning with MBAs and degrees in law and medicine, nursing, education and social work.

As I visit the traditional native villages in my State of Alaska, it is evident to me that the Alaska Native Claims Settlement Act accomplished much more than settling land claims and creating native institutions. This legislation empowered a people. The Native people of Alaska have regained their pride in being native. Even as native people are pursuing careers that their ancestors never considered, there is a resurgence of interest in native languages and native culture in many of our native communities.

The empowerment of Alaska's Native people also enriches the broader Alaska community. Thousands of Alaskans participate in programs offered by the Alaska Native Heritage Center in Anchorage. The Athabascan Old Time Fiddler's Festival and the World Eskimo-Indian Olympics enable the native people of Interior Alaska to share their culture with the Alaska community.

At the time the Alaska Native Claims Settlement Act became law, some believed that it would balkanize the State of Alaska and separate people from one another. As we approach the 35th anniversary of the Alaska native land claims settlement, I can state with confidence that this single step of recognizing the legitimate claims of Alaska's native peoples has made our State a better place. It strengthened our ties to the past. It strengthened our sense of community. It enables all of us, native and non-native alike to take pride in Alaska.

Some 112 years have passed since the overthrow of the Kingdom of Hawaii, depriving the Native Hawaiian people of their self-determination and their land. Some 112 years after the Native Hawaiian people came under the control of the United States, I am sad to note that their status among the aboriginal peoples of the United States remains in controversy.

This controversy persists even though the Congress has enacted more than 150 separate laws that recognize a special relationship between the Native Hawaiian people and the United States. Among these laws is the Hawaiian Homes Commission Act of 1921, which set aside lands for Native Hawaiians much like the Alaska Native Allotment Act set aside lands for Alaska Natives.

Now you would think that if Native Hawaiians were regarded as not having the status of Indian people under the Commerce Clause, that the Congress would not have set aside land for them or made them eligible for the sorts of programs and services for which native people are eligible. But the Congress has done so time and time again and Presidents continue to sign these bills into law.

I am referring to the inclusion of Native Hawaiians in laws like the Native American Programs Act of 1974 and the Native American Graves Protection and Repatriation Act, which protect the interests of all of America's native peoples.

I also refer to laws such as the Native Hawaiian Healthcare Act and the Native Hawaiian Education Act which specifically rely on Congress's plenary power over matters involving Indians for their authority.

This controversy persists even though this Senate passed by a margin of 65–34, an Apology Act in 1993 which was ultimately signed into law as Public Law 103–150. Through this Apology Act, the Congress expressed its commitment to provide a proper foundation for reconciliation between the United States and the Native Hawaiian people.

The bill before us, S. 147, is the logical next step in the process of reconciliation. It is the product of many years of hard work by our esteemed colleagues, Senator AKAKA and Senator INOUYE. It has earned the support of the Governor of Hawaii, the Honorable Linda Lingle, and the support of the Hawaii Legislature. It is endorsed by every major Indian group in our Nation—the National Congress of American Indians, the Alaska Federation of Natives and the Council on Native Hawaiian Advancement. It has been carefully considered by the Senate Committee on Indian Affairs which has reported the bill favorably to the full Senate.

First and foremost, it conclusively resolves the issue of whether Native Hawaiians are aboriginal peoples alongside American Indians and Alaska natives. This is a process that the native people of Alaska waited 108 years to resolve. It is important for the Congress to resolve these issues in order to assure that the programs we have enacted for the benefit of Native Hawaiians are free of constitutional challenge.

It provides for the organization of Native Hawaiians in a form that the adult members of that community determine by an open and transparent ballot. And it empowers that Native Hawaiian organization to negotiate with the State of Hawaii and the United States of America over the direction that Native Hawaiian self-determination may take. This is a modest piece of legislation that simply establishes a framework for negotiations to take place in the future.

Some of the opponents of this legislation have set out a parade of horribles that will flow from its enactment. I, for one, am unwilling to speculate on the outcome of the negotiations between the United States, the State of Hawaii, and the organization of Native Hawaiians established by this legislation. This legislation on its face states that it does not authorize Indian gaming, it does not vest the Native Hawaiian organization formed under its provisions with civil or criminal jurisdiction, and it does not require that Federal programs and services to other aboriginal peoples of the United States be reduced in order to provide access to the native peoples of Hawaii. It also does not create Indian reservations in Hawaii.

Sharing and inclusion are fundamental values to the native people of Alaska. The Alaska Federation of Natives, which is the oldest and most respected organization representing all of Alaska's native peoples, strongly supports the inclusion of Native Hawaiians among our first peoples, just as it supports the legitimate claims of the Virginia tribes and those of the Lumbees of North Carolina. I ask unanimous consent that the AFN's resolution of support be printed in the RECORD.

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

IN SUPPORT OF THE HAWAIIAN PEOPLE

Whereas: the aboriginal people of the Hawaiian Islands, like Alaska Natives and Indians of the Lower 48 states, have long been the victims of colonial expansionism and racial discrimination; and

Whereas: the Office of Hawaiian Affairs, a unit of state government, has for years administered trust funds for the benefit of Native Hawaiians under the aegis of a Board of Directors elected by Native Hawaiians; and

Whereas: in the recent Rice v. Cayetano ruling, the U.S. Supreme Court held that this electoral process violates the Fifteenth Amendment to the United States Constitution, which prohibits the use of race as an eligibility factor in voting; and

Whereas: the Rice decision opens the door to additional lawsuits that would threaten the status and well-being of Hawaiians—and could create serious implications for Alaska Natives and other indigenous Americans; and

Whereas: the most experienced legal strategists in Hawaii, including the Governor and the Congressional Delegation, have determined that the best response to the Rice decision is that the United States Congress enact legislation specifically recognizing the Hawaiians as an ''indigenous people'' of the United States; and

Whereas: the State of Hawaii, particularly when compared to Alaska, has generally treated its indigenous population with respect and it is now making a unified effort to avoid the damage that Rice could do its own future; and

Whereas: there are several compelling reasons why AFN and the statewide Alaska Native community should now stand up for the Hawaiian people during the struggle for their appropriate legal status:

(1) because it is the right and just thing to do;

(2) because all Americans have a vested interest in healthy social relationships, racial tolerance, and political cohesion; and

(3) because the Hawaiian Congressional Delegation—and above all, Senators Daniel Inouye and Daniel Akaka—have always been there for us in our long fight for Alaska Native rights, including subsistence; Now therefore be it

Resolved, That the Board of Directors of the Alaska Federation of Natives declares its unqualified concern for, and support of, the Hawaiian people in their quest for federal recognition as indigenous people of the United States; and be it further

Resolved, That the Alaska Federation of Natives' Board of Directors direct the President and staff to assist the State of Hawaii's political leadership in this critical effort, by all appropriate means.

Ms. MURKOWSKI. Celebrating the distinctive cultures and ways of our first peoples strengthens of us. The Alaska Native Claims Settlement Act has stood the test of time and proven to be a good thing for the people of Alaska—native and non-native alike.

During his introductory remarks, the Senator from Tennessee, Mr. ALEXANDER, drew some distinctions between the situation of the Native Hawaiians and those of Alaska Natives. I would like to offer a few observations for the RECORD.

It is true that some Alaska Natives now and at the time the Alaska Native Claims Settlement Act of 1971 was enacted live in Alaska Native villages. Those villages have never been regarded as Indian reservations. Non-Natives live in Alaska Native villages alongside Alaska Natives.

But more significantly, the Alaska Native Claims Settlement Act of 1971 did not require that one reside in one of the Alaska Native villages or even in the State of Alaska to be a beneficiary of the settlement. All it required it that an individual have as a result of one's ancestry a specified quantum of Aleut, Eskimo or Indian blood to be an initial shareholder in an Alaska Native Corporation. The Federal Government determined who was eligible to receive stock by formulating a roll of Alaska Natives.

Recognizing rates of intermarriage among Alaska Natives, Congress has amended this legislation to give descendants of a corporation's original shareholders an opportunity to participate in the corporations on a co-equal basis with those shareholders who had the requisite blood quantum.

At the time that the claims act was passed Alaska Natives resided in every urban center of Alaska and many resided outside of the State of Alaska. They too lived as everyone's next door neighbor and were mixed in with the State's population.

In the 34 years since the claims act was passed more and more Alaska Natives have relocated to regional hubs, to Alaska's largest cities, and to locations outside Alaska. Today, Anchorage is regarded as Alaska's largest Native village. Some even live in Hawaii. Yet they have not lost their status as Alaska Natives in fact as in law. All remain eligible for services customarily provided to American Indians and Alaska Natives under the law.

I trust in the judgment of my respected colleagues, Senator AKAKA and

Senator INOUYE, and my friend, Governor Lingle, that passage of S. 147 will enrich the lives and spirits of all of the people of Hawaii.

I ask that my colleagues support cloture to enable us to debate S. 147. With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I thank the Senator from Alaska for her support. I yield whatever time is left to the Senator from Arkansas, Mrs. LINCOLN.

The PRESIDING OFFICER. The Senator has 18 seconds.

Mrs. LINCOLN. Mr. President, first of all, I compliment my colleagues from Hawaii, Senator INOUYE, and Senator AKAKA especially, for sharing his time and for the incredible work they have done on behalf of the people they represent in the State of Hawaii. I wanted to take this opportunity to——

The PRESIDING OFFICER. The Senator's time has expired. The next 30 minutes, by unanimous consent, is to be controlled by the majority. Does the Senator from Arkansas have a unanimous consent request?

Mrs. LINCOLN. Yes. I ask unanimous consent to proceed for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object, and I have no desire to object, my time was starting at 6 o'clock, and then Senator SESSIONS has 10 minutes. He needs to leave by 6:20. He is not here. I think that was the original agreement.

Would the Senator be willing to start at 6:20 and have 5 minutes then?

Mrs. LINCOLN. If there is an objection, I will certainly yield.

The PRESIDING OFFICER. Is there an objection?

Mr. GREGG. That will still be on our time, as I understand it. If the Senator is agreeable, I suggest that at 6:20 she be recognized for 5 minutes.

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

Mr. GREGG. Mr. President, I apologize to the Senator, but Senator SESSIONS advised me he wants me to be completed by 6:10.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

REPEAL OF THE ESTATE TAX

Mr. GREGG. Mr. President, I rise today to support the effort which is being pursued in the Senate in a bipartisan way, I certainly hope, to rid ourselves of the death tax, especially as it applies to smaller estates.

The death tax makes virtually no sense from a standpoint of tax policy. Before I was elected to the Senate and before I got into public office, I was an attorney. At the time, I went back to graduate school for 3 years and got a graduate degree in tax policy and taxation, an LLM, as it is called. One of the areas I specialized in at that time was estate tax planning. It always seemed ironic to me that this was the only tax that was energized not by economic activity—in other words, usually when you are taxed, you do something that generates economic activity. You have a job so you have income; you make an investment and make a sale of that investment, so you have capital gains. Whatever it is, it is an economic event that you energize, that you initiate, and it has generated some sort of income to you.

The death tax is the only tax we have which has nothing to do with economic events. It just has to do with an unfortunate luck of the draw. You are crossing the street and you get run over by a postal truck and die, which is enough of an action to upset your day, and then the IRS comes by and they run over you again. So you end up not only having your day totally ruined because you got run over by the postal truck to begin with, but then your family has their day ruined because they not only lost you, but they suddenly have to pay this huge tax if you are an entrepreneur.

The problem is that it hits most discriminatorily that small entrepreneur in our society who basically creates jobs—the small business person—a person who has made an investment and built an asset throughout their life. Maybe it is people who go out and start a restaurant, maybe employ 10, 15, 20 people; people who go out and start a printing business or make an investment in real estate, an apartment, build housing for people. They are just getting going, they don't have a whole lot of assets, and they are not very liquid usually—in fact, these folks are not liquid at all because it is mostly tied up in real estate—and suddenly they have this traumatic event with the key person in the family dying who maybe built this business and then they get hit with a tax.

Not only is it a tax which has nothing to do with economic activity, it is actually a tax which has the ironic and unintended consequence, I presume—but it is exactly what happens—of actually crushing economic activity and reducing economic activity and, in many cases, costing jobs because the small family business or the farm, which was being operated by this sole proprietor, in most instances, or this small family unit, suddenly can't find itself capable of meeting the costs of paying the estate tax—it didn't ever plan for that or if they did plan for that the cost of planning for that was pretty high—and so they have to sell their assets which usually means the people they employ are at risk or maybe they have to just close down the whole operation.

So the economic activity contracts, and instead of having a business that might have been growing, you end up with a forced sale, the practical effect of which is you contract economic activity.

First you have this really incomprehensible concept that you are going to tax people not for economic gain, but simply because they had a terrible thing happen, which is they died, maybe accidentally, and then you are going to say that instead of encouraging economic activity, which is what the purpose should be of our tax laws, you are actually going to create a tax which contracts economic activity. So it is discriminatory, inappropriate, and irrational, and on top of that, to make things worse, the United States has the third highest estate tax, death tax rate of the industrialized world. In fact, our rate is so high that we are even above—and this is hard to believe—we are even above France. When you get above France in an area of taxation, you have really started to suffocate economic activity, entrepreneurship, and creativity because they are sort of the poster child for basically how to make an economy nonproductive and encourage people not to work and basically be a socialist state.

This whole concept of a death tax, first, makes no sense from the standpoint of tax policy; it is not generated by economic events, and it makes no sense from the standpoint of economic policy because it usually leads to contraction of growth rather than expansion of growth. And it certainly makes no sense that the United States, which should be a bastion of the promotion of entrepreneurship and a bastion of supporting family farmers, the family restaurant, the family gas station, the family entrepreneur, is taxing those families at a rate which is higher than the French do.

There is a proposal—in fact, really there is a series of proposals—in the Senate today and the next few days which will allow us to put in place a more rationalized approach to the death tax. To get to that point, we have to have, it appears, a cloture vote on full repeal, which was the House position. But three or four of our colleagues have put forward ideas that do not involve full repeal—I support full repeal—but these are more modest approaches. Senator KYL has been leading the effort in this area. Senator BAUCUS appears to be pursuing this effort. Senator SNOWE, I know, is pursuing it. There are options floating around the Congress—the Senate specifically—which, hopefully, can be pulled together and moved forward.

It truly is time to do this. We need to put in place a clear statement of what the tax policy is going to be if you have the unfortunate experience of being run over by a postal truck. And it should be a clear statement that if you are a small entrepreneur with a family-type business or a farm, that your family is not going to be wiped out by the IRS coming in on top of this terrible event and taking basically a disproportionate and inappropriate share of your assets and basically contracting and eliminating your business and putting your family's livelihood at risk.

The reason we need to do it now, even though most of this won't take effect until 2010, I can tell you as an estate tax planner before I took this job,

before I got into public service, you need that lead time to do it right. You just can't overnight plan for tax policy. You have to have lead time, you have to have a clear statement of what the tax policy is going to be, and consistency is critical. Putting this in place now so it will be effective in 2011, which is what most of the proposals are, is absolutely essential if we are going to have an effective reform of this death tax law which we presently have.

Mr. President, I see the Senator from Alabama is in the Chamber. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I couldn't agree more with Senator GREGG's comments. He is someone who has had experience with the estate tax. He understands these ramifications well.

My college professor, Harold Apolinsky, in Birmingham, one of the great estate tax lawyers in the country, has dedicated his career in recent years to eliminating this tax. He said it is the worst thing happening to our country, and it absolutely ought to be eliminated. He said: Even if it affects my business, I am doing this because I think it is the right thing to do. He has inspired me to be active in this area.

I would like to share three stories.

I was traveling in a small town in Alabama. A man came up to me with his son. They have three motels. He was sharing with me their frustration that they had to take out an insurance policy that cost the family $80,000 a year because if something happened to him, they had no cash—they had built motels, they were investing in a growing economy and expanding this small business and they had no cash—and they would be faced with a death tax.

I want my colleagues to think about this: Against whom is this small business family competing? It is competing against Holiday Inn, Howard Johnson's, Courtyard Marriott, and who all else—huge international corporations that never pay a death tax—never pay it. But this closely held family business can be devastated. And if we don't change the law, as we all know, in 2011, this tax will again be 55 percent of net worth over the base amount.

We need to be encouraging these kinds of businesses. I got a call yesterday from Robert Johnson, the founder and CEO of Black Entertainment Television. He told me that the death tax was going to make it impossible for African Americans to continue to develop wealth. He said he is competing against CBS, ABC, NBC, and Fox. He is not as big as they are, but he is competing. He has made some money. If something happens to him, the family is going to have to take out of his business huge amounts of cash reserves. What then will happen? BET will be put on the sale block, and it will be bought, as he said, by some big conglomerate. It will not be bought by an African American because they won't have the money to do it. He said we are capping off the growth rate, instead of allowing that company to devolve to his heirs so it would continue to be run in that fashion.

Think about a person who may own 5,000 acres of land, let's say. That sounds like a lot. They have managed well. They have been a good steward for 50, 60 years. They saved money. They drove an old pickup truck. They have a modest home. They are frugal. We know people like that.

What about International Paper? They own millions of acres of land. International Paper will never pay a death tax. But yet this landowner who is competing—maybe they have a forestry business—competing, in a way, directly against International Paper. But every generation of this family, Robert Johnson, the motel owner, has to pay a tax the big guys don't pay. Do you want to ask why we are seeing consolidation of wealth in America today? I submit to you that is the reason. Independent bankers, funeral home directors, they are selling out in large numbers. They can't afford to manage their business. They have to get liquid so if something happens to them, they can pay the death tax. It brings in less than 1.3 percent of the income to the United States Government. I submit the way it is working today is destroying competition. It is hurting, savaging, killing off vibrant, growing small businesses, the family-owned entities that need to be competing against the big guys.

It reminds me of going into a forest of trees and there is this little tree trying to grow up in the middle of the forest and somebody just comes in every generation and chops off the top of the little tree. How can it ever compete against the big guys if it has to pay a tax they don't pay?

I believe it is important for us for a lot of different reasons. This is why I think we ought to eliminate the whole thing: some of these companies are $50 million, $100 million companies, but they are tiny—$200 million, $300 million, but they are tiny compared to these big, international corporations. Polls show that the death tax is the most unfair tax—Americans consider it the most unfair tax because people have already paid their money. You earn money, and then you pay, if you are in the higher income bracket, a 35-percent tax rate, and then you buy an asset with it, and a few years later, you die, and Uncle Sam comes in and he wants 55 percent of it. What kind of a tax system is that? It is really a confiscation.

Also, this is very important: Any good tax should be clear, fair, easy to collect, and does not cost a lot of money to collect. When you evaluate the death tax by those standards, it is the worst tax of all.

Alicia Munnell, a professor of finance at Boston College and a former member of President Clinton's Council of Economic Advisers, has written two times that in her opinion the cost of compliance and avoidance—as the big, wealthy people spend a lot of money trying to avoid this tax—may be as high as the revenue raised. How horrible is that, to have a tax that costs as much to collect as it brings in in revenue?

I have a deep concern about the scoring that has been produced by the Joint Tax Committee on this death tax repeal. I do not believe it is accurate. I have not believed it has been accurate for quite some time. The Wall Street Journal just devastated their analysis a couple of days ago in an article. I believe it is absolutely incorrect. I would note that they scored the reduction of the capital gains tax a few years ago, reduced it from 20 to 15 percent, as costing the Federal Government billions of dollars. The truth is, the Federal tax revenues from capital gains increased when the capital gains tax was reduced, and they missed it by more than $80 billion. They had a reduction projected, we ended up with a substantial increase, and the difference between their projection and reality was over $80 billion. Do you know they won't tell us how they compute this death tax cost? They will not tell the Members of this Senate what their working numbers are.

So I will give some more information on my concerns about the score, but I will again note that it brings in less than 1.3 percent of the revenue to the Government. It is time to eliminate it. It will be great for our economy. It will eliminate a tax that costs as much to administer as it does to collect. It will stop savaging small businesses. It will stop preying on families during the most painful time in their lives: the death of a loved one.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I commend the Senator from Alabama, Mr. SESSIONS, on his remarks.

Mr. ISAKSON. Mr. President, Senator SESSIONS is absolutely correct, Senator GREGG is absolutely correct, and this Senate will be absolutely correct if we vote to go to cloture so we can proceed on the total repeal, or at least an additional repeal, of the estate tax. There are a lot of reasons, but I want to try and make my point succinctly and I want to make it briefly because I want to point out how punitive the estate tax is today.

Most Americans are employed by small business; 75, 76, 77 percent of all Americans are employed by small business. It may be a restaurant, it may be a laundry, it may be a farm, it may be a construction company, it may be a utility contractor just like the ones that are in town today lobbying all of us for the best interests of their business. Most people work a lifetime to build a business. They employ people to whom they pay income. The people to whom they pay income pay income

taxes. Yet when the tragedy of death comes, an individual owner of a small business dies, immediately they are confronted with one of the most punitive and confiscatory taxes that has ever been devised in the history of taxation.

Granted, we did a good job when we passed the accelerated improvements in the unified credit or the deduction on the estate tax. This year, based on the bill we passed a few years ago, there is a $2 million exemption, and that is a help, and it goes to $3.5 million in a couple of years. Then, magically, the estate tax is repealed in 2010, only to return to us a year later, to return to us at 55 percent. So we are asking people who work a lifetime to save and build a business, to plan, based on a tax that is here today, gone tomorrow, and then returns with a vengeance a year later.

To best illustrate what the estate tax does to American small business, ranchers, and family farmers, I would like to do a little demonstration on the Senate floor. For the sake of argument, let's just round the 55 percent estate tax off to 50 percent, and let's assume for a moment that a small business owner, a family farmer, passes away and dies and their estate becomes taxed at 50 percent. After the credit that is available now, or when we get back to 2011, no credit at all, the United States of America and the department of revenue, the IRS, want to tell the heirs of that estate that within 9 months of the death of that individual, they want this much of that person's estate. If one sheet of paper is the whole estate, they want half of it in taxation.

So when the first generation owner of a small business passes that business on to the second generation, after the Government gets its half, there is only this much left.

Let's assume that family is able, because of savings and because of borrowing and because of productivity, to pay that 50 percent tax without liquidating the business, and that second generation small business owner operates that business, employs the workers in that business, pays them the income that pays the taxes, but let's assume that second generation person meets their demise. And when they die, before they can pass that family business on to the next generation, once again, the IRS gets half of what is left.

So in two generations, what was a full estate ends up with three-fourths of it going to the United States Government, and one-fourth of it left to the individual or family. Of course, that is in reality not really what happens because before that last passing takes place, that business is sold or liquidated, or it is leveraged to such an extent that the amount of cost of the debt service on the leverage makes that business go from profitable to unprofitable. That is why the estate tax is punitive. That is why it is wrong for this country.

I want to address another point that Senator SESSIONS made that is so important for us to focus on as we listen to the two sides of this debate tonight and tomorrow. You will have some come and they will take that score on how much the repeal is going to cost us, and they will talk about that score, saying that is a reason we should not repeal the estate tax or the death tax. I submit, as Senator SESSIONS did, that score is dead wrong because just as the scoring of the reduction in the capital gains tax was dead wrong a few years ago, this scoring is equally dead wrong and it is wrong for this reason: If that family business that was reduced to almost nothing has to be sold, then along with what is sold is the jobs that went with it, the income that went with it, and the future taxes that were paid because of it.

Think of this for a second. If someone has stock they have to sell and liquidate in order to pay the one-time capital gains tax, then it is gone forever from the standpoint of the income production that they otherwise would pay with dividends year in and year out. Wouldn't we rather have people hold assets such as businesses and stocks and real estate and pay taxes on its profitability and its income year after year after year? Wouldn't we rather that happen than all at once to take 50 percent, cause the business to be sold, the stock to be liquidated, the real estate to be divided, and the revenue never to be paid again? It is shortsighted and it is wrong.

I hope the Members of the Senate, when we come to the cloture vote tomorrow, will recognize the death tax is the third bite of the apple. We charge people income tax when they earn income, with what is left they make investments, and then as those investments pay dividends or pay income, we tax that, and then we say: When you die, we want half of that asset. It is wrong. It is wrong for individuals, it is wrong for family farmers, it is wrong for landowners, and it is wrong for America.

I urge all of my colleagues when the cloture vote comes tomorrow to vote yes to bring about a meaningful debate on the repeal of the estate tax or the death tax, and let's take that third bite of the apple away from the Government and put it back in the hands of the people, so those assets, farms, and investments can be productive, not just for one year, but for a lifetime.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

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

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

The Senator should note that he is on majority time by a previous unanimous consent agreement. Is there objection to the Senator proceeding? There being no objection, the Senator from Connecticut is recognized.

Mr. DODD. Will the Chair repeat his statement?

The PRESIDING OFFICER. The Senator is speaking under the majority time previously agreed to under a unanimous consent agreement. I presume there is no objection to the Senator proceeding.

Mr. DODD. I hear no objection, Mr. President. Since no one is on the floor, obviously, that makes it easier.

MARRIAGE PROTECTION AMENDMENT

Mr. DODD. Mr. President, if I can, I wanted to spend a couple of minutes on a matter that this body voted on this morning. I was unavoidably absent this morning at a family matter in Rhode Island, so I was not here for the vote. But I wanted to just take a minute or so here to say to my colleagues and to others that had I been present this morning, I would have voted no on the motion for cloture, and had cloture been invoked, I would have voted against the amendment. I am speaking of the proposed constitutional amendment that would have banned same-sex marriages.

Like many of my colleagues who have spoken on this matter, I believe this is a matter that belongs in the States. This is not a matter that ought to be a part of the Constitution. I have been here for a number of years in the Senate, and over the history of this great country of ours there have been over 11,000—more than 11,000 proposed constitutional amendments. The Congress and the Nation in its wisdom over the years have adopted only a handful of those proposals—27 is the number of amendments that have been adopted since the formation of our country. The reason for that, of course, is the Founders insisted that it be not an easy matter to amend the Constitution and that we ought to amend the Constitution to correct problems in the governmental structures or to expand the category of individual rights such as the first 10 amendments achieved in our Nation.

Our Nation's constitutional history clearly demonstrates that change to our Constitution is appropriate on only the rarest occasions—specifically, to correct problems in the government structure or to expand the category of individual rights such as the first 10 amendments which compose the Bill of Rights. Notably, the amendment to establish prohibition is the only time that the Federal Constitution was amended for a reason other than those I just mentioned.

It was repealed 13 years after its enactment and has been judged by history to be a failure insofar as it sought to restrict personal liberty.

The Framers deliberately made it difficult to amend the Constitution. They did not intend it to be subject to

the passions and whims of the moment. Time has proven their wisdom. Since 1789, when the first Congress was convened, there have been 11,413 proposals to amend the Constitution. Sixty-four have been offered in this Congress alone. Luckily, only 27 have been successful. If all or even a substantial fraction of these proposed amendments were adopted, our founding document would today resemble a Christmas tree, a civil and criminal code rather than a constitution, and the United States would be a very different Nation.

It is unfortunate that the majority leadership of the Senate does not share James Madison's view that the Constitution should only be amended ''for certain, great, and extraordinary occasions.''

Supporters of this proposed amendment would like you to believe that there is currently an ''assault'' on traditional marriage by some American couples and families that warrants Federal action in the form of a constitutional amendment to ''protect'' the institution of marriage. They have utterly failed to marshal even a minimal degree of credible facts to support such a claim.

Indeed the facts suggest that there is no such crisis. The Defense of Marriage Act, DOMA, was enacted in 1996 to provide a federal definition of marriage and to stipulate that no state should be required to give effect to a law of any other State with respect to a definition of marriage.

There has been no successful challenge to the DOMA in the decade since its enactment. Courts have never identified a Federal right to same-sex marriage. States have never been forced to recognize an out-of-state marriage that is inconsistent with its own laws.

And no church, temple, mosque, or synagogue has been forced to perform marriages inconsistent with the beliefs of those who worship in them. For Congress to step in now and dictate to the States how they ought to proceed in this matter thus runs counter to the facts. It also runs counter to the principles of federalism and personal liberty that many proponents of this constitutional amendment claim to hold dear.

I am disappointed that we find ourselves spending valuable time on the Senate floor debating this issue. Less than 2 years ago, the majority leader brought the same measure to the Floor. It failed by a vote of 48 to 50. There is no reason to think that it will not fail again.

It is no coincidence that approximately 5 months before the upcoming midterm elections the Senator floor is being held hostage by the majority's misguided priorities. I fear that some of those leading the charge on this legislation are more interested in dividing Americans for partisan gain than uniting the country to solve problems.

Make no mistake: married couples are under considerable strain these days. But the cause of that strain is not the conduct of other American couples going about their daily private lives. Instead, married couples and all Americans are feeling the strain of high gas prices, soaring health care costs, schools in need of reform, a sluggish economy, and a war in Iraq in which American men and women are fighting with courage. Yet this administration and others in this body have little to offer to relieve these strains. Instead, they seek legislation that will only divide and distract Americans from the common challenges we should be facing together.

This proposed constitutional amendment is not the best use of our time. We should be addressing the real needs of American families. We should be legislating. That is what we are elected to do—to address issues like autism, underage drinking, the growing problem of obesity among our nation's children, and the threat of terrorism. But today we have not been afforded that opportunity. Instead, today feels like Groundhog Day.

It is another election year and we are here discussing another issue that has nothing to do with the great challenges of our time.

Only on one occasion did we deviate from that practice and that was the adoption of the amendment dealing with the prohibition of the consumption of alcoholic beverages. That was a complete deviation from the two situations in which the Founders intended that we would amend the Constitution of the United States.

I might point out that it was only a few years after the adoption of the amendment on prohibition that it was repealed by the Congress of the United States and the people across this country.

It would be a mistake, in my view, to repeat another error like that which was committed in the early part of the 20th century when we adopted the prohibition amendment.

Supporters of this amendment like to say that this debate is about an assault on the institution of marriage. I do not believe that to be the case. I do believe, however, that there is currently an assault on families. I am disappointed this body is not spending the time allocated for this debate talking about the important issues families today. For example, we could be talking about the bill dealing with autism that my colleague from Pennsylvania and I have authored and we are trying to get attention on. Obviously the issues of energy prices, education, health care—there are any number of issues I can think of that we might have spent time discussing. We should be trying to come up with some answers rather than debate a question which has marginal significance and minimal importance for most people and which ought really to be left to the States.

Let me also suggest that the motivations behind this may not be helping families but instead inciting a political debate for the elections coming up this fall. What worries me more than anything else, however, is I think it is designed to make people angry, to divide us as a country. I am deeply concerned about the growing divisions occurring in our Nation. This is a time when we ought to be coming together, when our leadership ought to be asking us to sit down and try to come up with answers on some of the overwhelming problems we face—not problems that are so overwhelming we can't answer them. Instead, we are spending that valuable time on a matter that is clearly designed to do nothing more than inflame the passions of people in this country rather than appealing to calm, to rationality, to common sense, to good discourse as a way of addressing the underlying issues. This is a great disappointment.

Again, I would have voted no on the motion to invoke cloture. I am pleased my colleagues from both parties, in a bipartisan way, rejected that cloture motion. It was a good conclusion reached here, and I regret I was not able to be here to cast a vote along with my colleagues who expressed a similar point of view.

THE ESTATE TAX

If I may, I wish to turn to the matter at hand; that is, the debate regarding the estate tax. The last time this body was scheduled to consider legislation to repeal the estate tax, the majority leader decided to postpone consideration of this bill in the wake of the devastation wrought by Hurricane Katrina. The general consensus was it was unseemly for us to be talking about having one-half of one percent—and that is what we are talking about, one-half of 1 percent of the population of this country—receive a bonanza, if you will, by repealing the obligation to share part of their estates to contribute to the growth and benefit of our Nation. The decision was it would be unseemly.

In fact, my good friend from Iowa, the chairman of the Finance Committee, for whom I have a great deal of respect, said, ''It's a little unseemly to be talking about doing away with or enhancing the estate tax at a time when people are suffering.''

I agree with my colleague from Iowa. I agreed with him then; I agree with him now. If it was unseemly to be talking about enhancing the wealth of the wealthiest in our society at a time when the Nation was suffering from the devastation of Hurricane Katrina only a few short months ago, I suggest that problems have not abated so substantially that we can now make the case that it is no longer unseemly, if you will, to use his language, to adopt a provision here that would make it far more difficult for us to address all of our other priorities as a Nation.

I hope our colleagues will agree and join with others in voting against cloture on the motion to proceed to what I consider to be irresponsible legislation.

Today's discussion is about priorities, as it always should be. I have

supported lower taxes for working Americans, including responsible estate tax reform. I think it is wrong to have excessive estate taxes imposed on ordinary farmers and small businesses owners out there who try to leave those businesses or land to their families. Because of the modest incomes most people in these groups make, they could find it impossible to do so under an excessive tax.

I note the presence of my good friend from Arkansas on the Senate floor who speaks eloquently about the farmers in her State who have been left, generation after generation, farms and land for succeeding generations to continue their great traditions. The Presiding Officer comes from a State with a strong agricultural tradition. All of our States have strong small business components, and all of us understand the importance of allowing those families to pass on to succeeding generations the ability to continue those efforts. But I hope my colleagues agree as well, that talking about the total elimination of this estate tax is, I think, irresponsible. It goes too far when we start talking about providing such a massive benefit for only the largest one-half of 1 percent of estates.

I represent the most affluent State in the United States on a per capita basis. I presume as a percentage of my population I have a larger number of estates that would benefit from total repeal than most of the other members of this body, with the exception of my colleague, Senator LIEBERMAN. I can tell you that the few estates that can benefit as a result of the distinction we are making between reform of the estate tax and total repeal seems to go too far, considering the revenue loss it would mean to our country.

We are talking about a revenue loss on an annual basis that exceeds the entire amount of money we commit to elementary and secondary education. Think of that. The entire amount of money in the Federal budget toward elementary and secondary education would be lost as a result of the complete and total repeal, rather than a modest, intelligent, thoughtful, rational reform of this estate tax. We should not bankrupt our Nation's future for a measure that would deliver no benefit to anyone outside a few extremely wealthy estates.

I might point out that some of the most wealthy Americans, people who would benefit the most from this total repeal, have been the loudest, clearest voices urging us not to do so. We ought to take note that the Gates family, people like Warren Buffett, people like John Kluge, people who have made great fortunes in this country and made those great fortunes in their own time, through creative work, not inherited wealth, are urging us, despite the fact that they would benefit to the tune of billions of dollars with a total repeal—listen to the Warren Buffetts, the Bill Gateses, the John Kluges, when they tell you this would be an unwise decision to make to just completely repeal a tax that is so important for continuing our ability to meet our obligations.

Let's not forget we are a nation at war, with American troops fighting and dying in Iraq and Afghanistan, at a terrible human and monetary cost. Repealing the estate tax will cost some $776 billion over 10 years, which would fully be applied beginning after 2011. Not a penny of this cost would be offset. It would all be added to our Nation's debt, which is already now at $8.4 trillion.

I made the case a few weeks ago—how big is $8.4 trillion? If we were to go out on the Capitol steps out here and hand out a hundred-dollar bill every single second, 7 days a week, 24 hours a day, how long do you think it would take to pay off $8.4 trillion? I will tell you the answer. It would take more than 2600 years—24 hours a day, 7 days a week, a one-hundred-dollar bill every second, handing it out. It would take 2,635 years. That is the amount of debt we have accumulated over the last few years, and now we are about to add to that to the tune of almost another trillion dollars here if you take what the revenue loss would be and the added interest cost of some $213 billion. That would be the revenue loss that would result from repealing the estate tax. More than a trillion dollars that would benefit no one at all outside the largest one-half of 1 percent of the estates in the United States; 99.5 percent of the estates in the United States would not gain at all by the proposals to have a modification or reform of the estate tax. Each year of repeal on average would cost roughly the same in today's terms as everything the Government now spends on homeland security and education.

Over the past 5½ years, the current administration has radically altered our Nation's economic and social well-being, in my view. Median incomes have stagnated, poverty rates have risen, and more and more people are living without health insurance. Our troops have struggled with inadequate body armor and other necessities of battle. Farmers, workers, and small business owners are contending with rising interest rates, higher energy and health care costs, and growing global competition. While these problems have grown, the administration has severely reduced our Nation's ability to meet them by driving our Federal budget from surplus into deep deficit.

Since the current President took office, the Federal budget has declined from a surplus of $128 billion to a deficit of more than $300 billion. The national debt has risen to $8.4 trillion. In just 5 and a half years, the administration has added more debt from foreign creditors than every other President in the history of the United States combined—in the last 5 years.

Repealing the estate tax would make these problems far worse, not better, and further hurt America's ability to address our most pressing issues.

A few months ago, the administration and the majority of this body enacted a budget reconciliation bill, the so-called Deficit Reduction Act. This bill made deep cuts to health care, childcare, and education, with the burden falling most heavily on working Americans—in particular on low-income parents and children, the elderly, and people with disabilities. The American people were told these cuts were necessary because of the deep budget deficits our country was facing. Yet here we are today, having been told only a few months ago that this great budget reconciliation act was necessary, despite the fact that we are going to ask those who are the least capable in many cases of providing for their needs, feeling the tremendous pressure they are, here we are today only a few weeks later being told that we can afford to take $1 trillion out of the budget to serve one-half of 1 percent of the estates in this great country of ours.

Where is the logic in that? Mr. President, 99.5 percent of the estates in our country would not be adversely affected by what we are talking about. They would not pay an estate tax. Only one-half of 1 percent would. Yet $1 trillion gets lost as a result of that decision, over the next 10 years, at a time, as I mentioned earlier, when we are not paying for the war and we find ourselves in tremendous need if we start talking about education, health care, and homeland security, just to mention two or three items.

Some proponents of the estate tax repeal have propagated the myth that the estate tax disproportionately harms farmers and small businesses by forcing them to sell their family farm or business in order to pay the tax. This just is not true. It is a scare tactic used by those who will benefit from repeal to create support for their cause. In reality, when the New York Times asked the American Farm Bureau Federation for real-life examples of a family farmer forced to sell by the estate tax, not a single example could be found. Not a single one.

Contrary to the misinformation that has been spread, no one but the very largest estates would ever pay this tax on inherited wealth. This year, an individual can pass on as much as $2 million and a couple can pass on as much as $4 million to their heirs, completely free of any taxation whatsoever. With these exemptions, 99.5 percent of all the estates in the United States would owe no tax at all. Those that will owe, only owe on the value of their estate that exceeds the $2 or $4 million that I just mentioned. With the exemption levels scheduled to rise in 2009 to $3.5 million for individuals and $7 million for couples, the percentage who will owe a single cent in estate tax falls to a mere 0.3 percent of the population that would pay any estate tax at all.

So 99.7 percent of the American population would have no obligation whatsoever. Yet we are about to enact legislation here that would repeal this altogether.

I do not understand that at all. How do you explain to people today that your child or your spouse serving in Iraq or Afghanistan? We are being told we don't have enough money for body armor or to up-armor the vehicles they drive, or that homeland security has to be cut because we don't have the revenues to support it. Yet we turn around and do something like this? Where is the logic in this? Under these rules, the number of Americans affected by the estate tax has declined dramatically already under current law, from 50,000 people in 2000 to only 13,000 today, and by 2009 the number will fall to 7,000. Out of a nation of 300 million people, 7,000 people in our 50 States would not be obligated to pay any estate tax at all.

Seven-thousand out of three hundred million, yet we lose $1 trillion in revenue.

Again, where is the logic or common sense in a proposal like that given the damage it would do?

As I said, my State of Connecticut ranks consistently year after year at or near the top of the Nation in per capita income and other such measures. In my State and across America, people of all incomes have worked hard, obviously, to get where they are.

I don't like class warfare. I don't like drawing those distinctions. Many of these people I mentioned, pay taxes and have worked hard, and I respect that.

I urge my colleagues to listen to some of the men and women who have accumulated the greatest wealth as a result of their ingenuity and hard work. What are they saying about this in terms of the benefit to the country and the cost it would have?

In my State, I probably have a greater percentage of constituents than almost any other State in the country who would benefit if there is a total repeal. I stand here today, telling you that an overwhelming majority of the very people who would benefit from this, think it goes too far; that we are going too far with this proposal.

I urge my colleagues to join those who have urged us to be more modest, to have a more commonsense approach than repeal or near-repeal. Again, it would be a major failure to lose the revenue equal to that which we spend on all of the education for elementary and secondary school students, all of the spending on homeland security, to once again drive us further and further into debt. I think it is a great tragedy to be passing that on to the coming generations, to say we want to give a tax break only to the top five-tenths of 1 percent, or three-tenths of 1 percent of the population. That is an indictment that future generations will look back on and ask: What were they thinking at the beginning of the 21st century that they would take such a significant step as to deprive this Nation of the ability to have the revenue we need in order to meet our obligations?

When the vote on cloture on this matter occurs, I urge Members to vote no.

There is a way to do this, and I think many of us are willing to support responsible reform in the estate tax area. But the notion of total repeal, I think, is highly irresponsible.

I urge my colleagues to join in the condemnation of that suggestion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

NATIONAL HUNGER AWARENESS DAY

Mrs. LINCOLN. Mr. President, I want to take this opportunity to spend a few moments to talk about the 36 million Americans, including 13 million children, who live on the verge of hunger.

I want to divert our conversation a little bit. I have actually waited quite some time to be able to speak about it. I started yesterday trying to get just a few minutes on the floor to bring about an awareness because today is National Hunger Awareness Day.

I often think about the children and the working American families who struggle to make ends meet. But I focus my thoughts and prayers on them today because today is National Hunger Awareness Day, 1 day out of our year. I started yesterday trying to grab 5 minutes where we could bring our attention to something so incredibly important and something so easy to fix.

There is a time when Americans are called to remember the hungry children and adults living across our great Nation. Most importantly, it is a day when we are called to put our words into actions and to help end hunger in our communities and across America.

I guess the realization that I have come to in these last 24 hours is, I have searched just to capture 5 minutes on the floor of the Senate. I suppose I could have submitted my comments for the RECORD. And maybe I am foolish to think by coming to the floor I could spark just a little bit of interest in my colleagues or others across this Nation to think about an issue that affects all of us—an issue where our fellow man is hungry, or another mother has a child out there that is suffering from hunger, that we can't stop for just a moment and realize that hunger is a disease that has a cure. It has a cure—a cure that we can provide, a cure that we all know about. And, if we took the time to think about it, to address it, we could actually cure this disease.

It is hard to find 5 minutes, it is hard to come down here and really make the difference that we want to make, but I believe this day and this issue are far too important to miss again the opportunity to talk about 36 million Americans living in food insecurity.

Two years ago today, I joined with my friends and colleagues, Senator SMITH, Senator DOLE, and Senator DURBIN to form the Senate Hunger Caucus. At that time, we pledged to raise awareness about the hunger experienced by millions of Americans, a majority of which are children and elderly, and to forge a bipartisan effort to end hunger in our Nation.

I am proud that we are working with local, State, and national antihunger organizations to raise awareness about hunger, to build partnership, and develop solutions to end hunger.

An example of a bipartisan initiative to end hunger is the Hunger Free Communities Act which I introduced along with Senators DURBIN, SMITH, and LUGAR. This bill calls for a renewed national commitment to ending hunger in the United States by 2015. Yet we find it hard to find 5 minutes to focus our attention on such an incredible issue.

It reaffirms congressional commitment to protecting the funding and integrity of Federal food and nutrition programs, and creates a national grant program to support community-based antihunger efforts in fighting the disease on the battlefield, right there at the line of attack in our communities.

I am also proud to be a cosponsor of the FEED Act, the bill that would award grants to organizations that effectively combat hunger while creating opportunity by combining ''food rescue'' programs with job training—not just feeding a fish but teaching a man or a woman how to fish so that they do not just eat for a day, that they feed themselves for a lifetime.

Close to one-third of the food in this country that is processed and prepared goes to waste—one-third, whether it is in places such as Washington where there are multiple receptions going on at one time, banquets and other events that happen across the country. One-third of that food goes to waste.

This bill would help organizations safely recover unserved or unused food while providing culinary skills training to unemployed individuals. Two birds with one stone—using something that otherwise would be thrown away. How simple that seems and yet how hard it is to bring it forward into the light of day and talk about making that effort a reality.

I urge my colleagues to support these worthy and commonsense pieces of legislation.

If it is so hard to find 5 minutes just to talk about it, I wonder how long it is going to take us to pass these commonsense pieces of legislation.

Some people may ask: What can I do to help end hunger in America?

I want to talk about some of the ways Americans can help join the hunger relief effort. Acting on this call to feed the hungry is important, and I urge all Americans who are able to take part in ending this disease.

One critical component of this effort is the willingness of Congress and the American people to support the Federal food and nutrition programs. These programs provide an essential

safety net to working Americans, preventing the most vulnerable among us from suffering and even dying from malnutrition. Our continued investment in these programs is vital to the health of this Nation.

Why does it come to mind right now? Think about all of those children across this great country who have received the nutrition they need in school during the school year as school lets out for the summer. Where will they go for that nutritious breakfast? Where will they go for that lunch that they need to sustain them because there is no dinner waiting at home?

These are critical and important programs. Without spending the time and the effort to not only make them a reality but properly fund them in a way where they can actually meet the needs of the children across this country will take our attention.

The most significant of these programs is the Food Stamp Program. It provides nutritious food to over 23 million Americans a year. More Americans find themselves in need of this program every single year. As their wages are stagnant, as they have less and less opportunity to climb a ladder of opportunity because they may not be getting the education they need, they are finding more and more dependency on programs like this to be able to feed their families.

I understand our current budget constraints. I know we all do. Yet I didn't create this mess. The spending that has been freewheeling in this Congress over the last several years has been unbelievable. Yet as my colleagues mentioned, we failed to adequately support and fund issues such as our veterans' benefits; issues like educating our children and providing them with the skills they need to be competitive.

I come here to talk about the main sustenance of life. I understand these budget constraints, but I believe as one man to another, as one woman to another, one human being to another, food, simple nutrition, is something we cannot turn a blind eye to. Even in these tight fiscal times, I believe that we have to maintain our commitment to feed the hungry among us. We must first protect programs such as the Food Stamp Program, the National School Breakfast and School Lunch Program, the Summer Feeding Program, the WIC, and the Children and Adult Care Food Program. These are all critical programs that keep Americans who are on the verge of hunger and destitution from finding themselves there permanently.

Another important tool for local organizations is the Community Food and Nutrition Program, and with support from this program, the Arkansas Hunger Coalition has sponsored a Web site, a quarterly newsletter, an annual conference, a mini grant program, along with many civic, school, and community presentations on hunger which raise public awareness and promote innovative solutions.

Organizations such as the Arkansas Hunger Coalition operate on limited budgets. Yet they are a vital source of information for food pantries, soup kitchens, and shelters that together work to share the importance of food security to the people of our home State of Arkansas.

I urge Americans to contact their congressional representatives to voice their support for these nutritional programs. This critical issue of ending hunger, the unbelievable number of hungry Americans is something that we have to bring greater awareness to not just today but every day.

I urge my colleagues to protect them from cuts and structural changes that will undermine their ability to serve our Nation's most vulnerable citizens.

In addition to the Federal food programs, eliminating hunger in America requires the help of community organizations. Government programs provide a basis for support, but they cannot do the work alone. Community and faith-based organizations are essential to locating and rooting out hunger wherever it persists.

We rely on the work of local food banks and food pantries, soup kitchens, and community action centers across America to go where government cannot. The reason I have stayed so persistent in coming to the floor of this Senate to talk about this issue on a day that we have designated for awareness is because I tried so desperately to put myself in the shoes of other mothers who are not perhaps as lucky as I am. When a child looks into your eyes and says: Mommy, I am hungry, they have no response, whereas I do.

This is a critical issue for us as a nation. It shows where the fabric of our community and our country lies. It shows where our priorities are, and it shows who we are as Americans and what values we truly grasp for our fellow man.

Recently, I have been so proud as my twin boys have gotten invitations to birthday parties. There is a note at the bottom of the invitation. It says: Please don't bring a gift, but in lieu of a gift would you please give to a worthy organization, our local food bank or shelter.

My children with their birthday coming up soon said: Mom, we don't need those gifts again this year. Let's add something for those people who need it the most. Let's make sure that we have fun at our party but that we don't take the gift that we don't need and instead ask our friend to help us in feeding the hungry and sheltering the homeless.

I will try, and I know my colleagues will, too, to work as hard as we can to provide the resources these community organizations need to continue with the difficult but necessary work they perform, to encourage our neighbors, our children, our schools, and others to be as actively involved as they possibly can.

Private corporations and small businesses also have a role to play in eliminating hunger in our great Nation. Our corporations and small businesses generate most of our Nation's health and have throughout history supported many of our greatest endeavors. Many corporations and businesses already contribute to efforts to eliminate hunger. I hope others will begin to participate as opportunities to do so present themselves in the future.

A couple of great examples of how business and nonprofits can partner to feed hungry people occurred these past few months. Together with America's Second Harvest, Tyson Food, in my home State of Arkansas, donated 6 million pounds of protein—one of the more difficult elements of nutrition to get into food banks is protein—6 million pounds of protein from one corporate citizen. Wal-Mart raised $10 million to support food banks all across this country. I am so grateful to these companies and to nonprofit organizations for their leadership in this effort to feed those who have limited access to food and nutrition.

I have also seen some of the important work being done by organizations in the local Washington, DC, area. We see it all around us. All we have to do is open our eyes and make sure we are aware. The Arlington Food Assistance Center works to provide food to those in need in the Arlington, VA, area. I have supported some of their efforts through the local school drive. Not only is it important in terms of providing the needs of food assistance through the Arlington food bank system and the assistance center, but think what it does for our children. It gives them a learning experience of how they, too, can give back not just to their community or their school but to their fellow man, someone desperately in need of a nutritious meal, a family who needs a nutritious breakfast.

Think of what it teaches our children. Despite the fact that Arlington County is one of the wealthiest areas in the country, plenty of local residents do not have enough to eat. The Arlington Food Assistance Center seeks to remedy the problem by distributing bread and vegetables, meat, milk, eggs, and other food items. Our church group routinely goes for a ''gleaning'' program where local farmers allow us to get into the fields and collect part of their crops that have been left in order to provide fresh fruits and vegetables in our area food banks.

Lastly, this effort needs the commitment of individual Americans. Our greatest national strength is the power that comes from individual initiative and the collective will of the American people. I believe we are called by a higher power to care for our fellow man and our fellow women.

As a person of faith, I feel I am called to serve the poor and the hungry. I know many of my colleagues agree. If we believe in this call, we must live it every day in our schools and in our

homes, in our workplaces and our places of worship, in our volunteering and in our prayer. This personal responsibility is a great one, but it holds tremendous power. As we have seen throughout American history, when individuals in this Nation bind together to serve a common cause, they can achieve the greatest of accomplishments. By sharing the many blessings and resources our great Nation provides, I am confident we can alleviate hunger, a disease that we know there is a cure for, both at home and abroad.

I ask all of my colleagues to take a moment to honor on this day of awareness the very brave men and women and children who live in food insecurity and whom we have an opportunity to serve.

Mr. DURBIN. Will the Senator from Arkansas yield for a question?

Mrs. LINCOLN. Absolutely, I yield to my good friend from Illinois who has done so much on the issue of hunger.

Mr. DURBIN. Let me say at the outset it is my great honor to cochair with the Senator from Arkansas this effort relative to hunger, hunger awareness. It has brought us together in terms of offering resolutions, in terms of offering legislation, filling grocery bags. We have done a lot of things together in this effort.

I am fortunate to work with Senator LINCOLN. She comes to this issue driven by her faith and her family. They are linked together in her speech today and in her life. There is hardly a decision she makes—I know from having worked with her for so many years—that is not driven by her understanding of the impact of life on her family and what it means to so many other families.

As we have met in a variety of places, filling boxes and bags with groceries, we both had cause to reflect on what leads to hunger in a prosperous Nation. How does a country so rich as America end up with hungry people? How can this be? Yet we know, as she knows, it turns out to be a lot of people are working hard to avoid hunger. It can be a mother with a low-wage, minimum wage job, a mother who has been stuck in a minimum wage that this Congress has refused to increase for 9 straight years. Think about that: $5.15 an hour for 9 years. This poor mother, trying to keep her family together, put her kids in a babysitter's hands or daycare, and then put food on the table finds that many times one job, sometimes two jobs are not enough, and she ends up at that food pantry.

We expect the poorest of the poor to come in there and many times find the working poor. That is the face of hunger found with many of our senior citizens. I cannot imagine these poor people, many of them alone in life, struggling with medical bills and fixed incomes, never knowing where they are going to turn for a helping hand, who stumble into a food pantry where they can find a loving face, a warm embrace and a bag full of groceries to keep them going.

I found that this last week when I was up in Chicago at the Native American Center on the North Side where a lot of American Indian families rely on their pantry. I said hello to the ladies who were running it. They said, sadly: Senator, business is just too darn good here. There are a lot of people coming in from all around the city of Chicago.

I find it in my hometown, Springfield, IL, at St. John's bread line, which has been there for years. I have been over there serving food once in a while. So many people rely on them.

In Chicago, only 9 percent of the half-million people who seek services from the Chicago Food Depository are homeless. The rest have a home to go to but nothing in the refrigerator and nothing in the cupboard. These people cannot afford the food they need.

Think of that: 37 million people in America, this great and prosperous country, living in poverty; many low-income families supported by jobs that do not pay a livable wage in a country where this Congress will not enact a law to raise that minimum wage. It could be that paying for health care has caused many of these families to be unable to afford food.

America's Second Harvest released a national hunger study showing that in Chicago 41 percent of households neglected their food budget to cover utility costs. You can understand that in the cold winter in Chicago. Last year, natural gas bills went up 20 percent. We were lucky. It could have been worse. And many of these families had to decide: Pay the utility bill, risk a cutoff or buy some food? It may be a combination of factors, but the food budget is often the first thing they cut.

Today, June 7, is National Hunger Awareness Day. Senator LINCOLN and I have come to the Senate encouraging our colleagues and all those following this debate to celebrate and commend the heroic efforts of so many emergency food banks, soup kitchens, school meal programs, community pantries, and so many others that make a difference in fighting hunger.

I don't know if Senator LINCOLN's hometown is the same as mine, but there is a day each year when the letter carriers all pick up food. You put out the bags of food for them. They pick them up. God bless the letter carriers; they collect that food, give it to the pantries to give to hungry people. Here are men and women who probably are footsore from all the miles they have to walk, and they walk an extra mile for the hungry of America. My hat is off to them.

Federal nutrition programs are critically important and they are not reaching enough people. Many parents still skip meals so their kids can eat. Many kids do not have the balanced meals they deserve.

Let me add, too, I am sure the Senator, as a mother of twins, will appreciate this. When I go to school lunch programs, sometimes it is depressing. Giving kids a helping of tater tots, next to a slice of pizza is not exactly my idea of fighting obesity, encouraging nutrition, and feeding kids the right things.

We need to have good nutrition programs. We need to work overtime to make sure the food given to these kids does make a difference. At the Nettlehorst School on Broadway Avenue in Chicago, which I visited a few weeks ago, we opened a salad bar for the kids for school lunch. Guess what. They were all crowded around, filling up their salad trays. They will eat good food if you present it in the right way. We need good nutrition programs with good food to make sure our kids grow the right way.

Hunger drains the strength of the people who, for a variety of reasons, are unable to provide enough food, or the right kinds of food, for themselves or their family. A few blocks away, near a school over on Pennsylvania Avenue, in Southeast Washington, DC, get there early enough in the morning, around 8 o'clock, stand by the drugstore and watch these kids file in to buy bags of potato chips and pop or soft drinks to eat as breakfast on the way to school. Too many of these children rely on that for their only nutrition. I wish their parents could do better or do more. I wonder, sometimes, if they are able to. I don't know if they are. But what those kids are buying costs them money. Maybe those parents could have done a better job. Maybe the school could do a better job. As a Nation, we all need to do a better job.

In a land of abundance, the kind of sacrifice that many families have to make to feed their family members is deplorable and unnecessary. We should end hunger in the United States. Working together, we can.

I salute my colleague from the State of Arkansas. The hour is late, and she has a couple of kids at home waiting for her to get home, maybe to fix dinner. But whatever the reason, she took the time to come to the Senate tonight to remind all of us of our civic responsibility, our social responsibility and our moral responsibility to view hunger as a challenge that we can face and conquer.

I see the Senator from Alabama is probably here to speak. I have another statement to make, but I will defer to him since he has been waiting. Then when he is finished, I will ask to speak again.

The PRESIDING OFFICER (Mr. DEMINT.) The Senator from Alabama.

DEATH TAX

Mr. SESSIONS. Mr. President, with regard to the death tax, I will be offering some remarks later in the process that deal with the estimated cost of the elimination of this tax which does not account for the lack of stepped-up basis that will not occur if the death tax is eliminated and other factors that demonstrate that the allegations being made about large losses of revenue are not true. That is an important

factor in the debate. I will not go over that tonight.

I take this moment on another subject to read to the Senate a letter we received, received by Senator FRIST, the majority leader, today, from the administration, William Moschella, U.S. Department of Justice. He deals with the Native Hawaiian bill.

I said earlier today, the Native Hawaiian legislation is exceedingly important. It has to do with whether this great republic is going to allow itself, through the vote of its own legislature, to create within its own boundaries a sovereign entity, a sovereign Nation, that, according to those who support it, even on the Web site of the State of Hawaii, indicates that it could result in an independent nation being created. So any principled approach—and the Senate, of all bodies in the Government, ought to be principled; we should think about the long-term—to dealing with this issue should convince us in the most stark way that this is not a path down which we should travel. This is not a way this Nation should go.

We should say no now and no to any other attempt to divide, balkanize or disrupt the unity of our Nation. We had a Civil War over that. The Presiding Officer is from South Carolina. I am from Alabama. That issue was settled in the 1860s. We don't need to go back to it.

It is important that we read the language of the Department of Justice and how they deal with it. It is very similar to strong language from the U.S. Civil Rights Commission that also voted to oppose this legislation.

The letter is to Majority Leader Bill Frist:

DEAR MR. LEADER: The Administration strongly opposes passage of S. 147. As noted recently by the U.S. Civil Rights Commission, this bill risks ''further subdivid[ing] the American people into discrete subgroups accorded varying degrees of privilege.'' As the President has said, ''we must honor the great American tradition of the melting pot, which has made us one nation out of many peoples.'' This bill would reverse that great American tradition and divide people by their race. Closely related to that policy concern, this bill raises the serious threshold constitutional issues that arise anytime legislation seeks to separate American citizens into race-related classifications rather than ''according to [their] own merit[s] and essential qualities.'' Indeed, in the particular context of native Hawaiians, the Supreme Court and lower Federal courts have invalidated state legislation containing similar race-based qualifications for participation in government entities and programs.

While this legislation seeks to address this issue by affording federal tribal recognition to native Hawaiians, the Supreme Court has noted that whether native Hawaiians are eligible for tribal status is a ''matter of dispute'' and ''of considerable moment and difficulty.'' Given the substantial historical, structural and cultural differences between native Hawaiians as a group and recognized federal Indian tribes, tribal recognition is inappropriate for native Hawaiians and would still raise difficult constitutional issues.

Sincerely,

WILLIAM E. MOSCHELLA,
Assistant Attorney General.

I am pleased the Department of Justice has given this letter to us. It represents an opinion of the agency of Government charged with justice. The Department of Justice is well aware of equal protection requirements. They are well aware of voting rights and the 15th amendment. They are well aware of all of the issues involving tribal questions. They have to deal with that on a regular basis. They understand this. This is part of what they do. The import of this letter is to say that the Native Hawaiians do not comply with tribal requirements. Indeed, a lawyer for the State of Hawaii has admitted as much in previous filings with the Supreme Court. It is not a tribal situation. It is a unique situation.

We are going to create under the bill, if the bill were to become law—hopefully, it will not, but I am troubled by the prospect of maybe even proceeding to this bill tomorrow. It is almost breathtaking to me that that would occur. But what we will see as we go forward is that we are talking about creating an entity, a sovereign entity which will be controlled by individuals who are given a right to vote. And their right to vote in this entity will be entirely contingent upon their race.

Indian tribes were different. Indian tribes were entities with long-established governing councils. They are native groups that have had centuries of cohesion. Many of them entered into treaties with the United States and they were given certain rights and privileges. But Hawaii came into the Union; 94 percent voted to come into the Union. They bragged and were quite proud of their melting pot reputation. They never suggested that they would later want to come back and have this sovereign entity be created. The reason it is fundamentally unfair is that there was a queen in Hawaii in the 1880s, but she did not preside over a tribe. She didn't preside over a racial group. She presided over the people in her territory of all races and entities. There were Asians, Irish, Filipinos, Chinese, and others that were there. They would not get to vote in this race-based government, even if they were there at the time she was queen. And she never pretended that she was presiding only over Native Hawaiians. Of course, I don't know how you could say a third-generation Irish or Chinese American or Japanese American who was in Hawaii, they are not a Native Hawaiian anyway, but that is the way they are defining this. There is only that certain racial group.

So these would not be able to participate, even though they were multigenerational residents of Hawaii at the time they became a State, at the time the queen's government was ended.

It is not the right thing to do. It would create a precedent of far-reaching implications and would jeopardize the unity and cohesion of our Government and would, for the first time, create a sovereign entity within the United States. You are not allowed to vote in it unless you belong a certain race.

It is a bad idea of great significance. We should not go down that road. I hope the Senate will not.

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

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

CHICAGO SCHOOLS

Mr. President, in 1932, America had suffered through three grinding years of the Great Depression. Millions of Americans were out of work and out of hope. Many people feared that capitalism, as we knew it, and democracy had failed. Campaigning for President that year, Franklin Delano Roosevelt promised the American people bold, persistent experimentation to alleviate the crisis facing this Nation.

He said: It is commonsense to take a method and try it. If it fails, admit it frankly and try another. But above all, try something.

I have just finished a book by Jonathan Alter of Newsweek about the first 100 days of Franklin Roosevelt's Presidency. If there is one thing that really was the hallmark of that Presidency, it was Franklin Roosevelt's boldness, his willingness to try new ideas. He just wasn't going to give up on America. He believed that there was no crisis, no challenge we face that could not be overcome.

For the last 5 years, the Chicago public schools have been led by a team of visionary leaders who also believe in bold, persistent experimentation. Through their hard work and willingness to try to find new solutions, Chicago Public School Board President Michael Scott and Chicago public schools CEO Arne Duncan have helped transform Chicago's school system into a national model for public school reform.

This past weekend, Michael Scott, my friend, announced that he will be leaving his position as president of the Chicago public school board this summer. Earlier today I met with him and Arne Duncan in my office in the Capitol. I have every confidence that Chicago public schools will remain a national model for improvement under the leadership of Arne Duncan and whoever the next school board president may be. I look forward to updating the Senate in the future about Chicago's continued progress and our determination to truly leave no child behind.

Some may not remember, but former Secretary of Education William Bennett went to Chicago and pronounced that school district as the worst in America. That may have been an exaggeration at the time, but not by much. Some would have given up at that

point, and many cities have. But not the city of Chicago. They made a conscious decision to change that school system.

Mayor Daley, Paul Valles, Arne Duncan, Michael Scott, and Gary Chico, these were all names of leaders who stepped up, with many professionals giving them support, and accepted the challenge to turn that school district around.

Let me speak about Michael Scott in particular. His service has meant so much to the Chicago public schools, to the city of Chicago, and I believe, with his example, to the Nation. Michael Scott grew up on the west side of Chicago, the Lawndale neighborhood. He didn't train himself to be an educator. He went to Fordham University in New York where he earned a degree in urban planning. He moved back to the west side after his college years.

He started in Chicago politics as a housing activist in the same Lawndale neighborhood where he was born and raised. In the tumultuous time he lived, Michael Scott stood out as a consensus builder. Eventually he served under three different Chicago mayors: Jane Byrne, Harold Washington, and Richard Daley. Five years ago tomorrow, Mayor Daley tapped Michael Scott as the first member of a new team charged with the daunting mission of keeping Chicago public schools a national model for reform.

At the time he was a successful businessman and executive of AT&T. When Michael Scott's appointment was announced, he said: This is not about me; it's about the children.

For the past 5 years, Michael Scott has kept his word. Listen to these statistics, if you want to understand how far the Chicago public schools have advanced due to the hard work of the people I mentioned earlier and Michael Scott.

In 1992, nearly half of Chicago's elementary schoolchildren tested in the lowest 20 percent in reading and math compared to other students across America. Now fast forward 12 years to 2004. Less than 25 percent of Chicago's students tested in the bottom 20 percent and student performance has improved since 2004. That is real progress, real progress against great challenges. Michael Scott believes that parents are the children's first and best teachers, and he has worked hard to make parents active partners in the education of their children.

An annual 2-day conference that he personally founded, entitled ''The Power of Parents Conference,'' has been attended by more than 4,000 Chicago parents since 2002. The belief that every child in every neighborhood has the right to attend a good public school, along with a commitment to bold persistent experimentation, are the foundation of Mayor Daley's Renaissance 2010 School Improvement Plan.

Under that plan and with the leadership of Mayor Daley, Michael Scott and Arne Duncan, Chicago has pushed to replace approximately 207 underperforming schools with 100 new innovative schools, including charter and small schools.

Michael Scott is a product of the Chicago public school system himself. Michael brought an unusually broad range of experience to his job as one of the leaders of that system. His resume includes work in community advocacy, corporate management, urban development, and local government administration. He built new partnerships with all of those worlds to help improve Chicago's public schools.

In 2003, the Chicago public school system established the privately funded Chicago board of education textbook scholarship program. The program awards a $1,000 scholarship to one graduating student from each of the city's 85 public high schools. The scholarships are funded by private business, many of which donated money on the spot when they heard Michael Scott make his appeal to fund this program.

Also under Michael Scott's leadership, Chicago public schools established a new office of business diversity to help Chicago's minority and women-owned businesses navigate the system's complex bidding process and ensure that they can compete fairly for contracts.

While student scores have gone up, spending in some areas has gone down, thanks to the improved fiscal management in the public schools. One example: By restructuring the transportation system, Chicago public schools saved $14 million—$14 million more that can be spent to teach the kids.

Under Michael Scott's leadership, the bond rating for the Chicago public schools was upgraded from A to A-plus, which will produce even more savings for taxpayers and more funds for the kids. Someone once said that the real test of faith in the future is to plant a tree. Before signing on as school board president, Michael Scott served as president of the Chicago Park District. In that job, he saw that plenty of trees were planted. He strengthened the park district's finances, which is widely accredited with making neighborhood parks one of the best features of one of the best cities in America.

As board president of Chicago public schools, Michael Scott helped plant something even more important to our future than trees. He helped plant the seeds of knowledge in the minds of tens of thousands of young people. Together with Chicago students, parents, educators, and business and community and political leaders, he has produced a model for public school improvement from which all of America can learn.

While Chicago public schools will miss his leadership, they and the children who depend on him will continue to benefit for years from Michael Scott's outstanding public service these past 5 years.

In closing, I will quote from an editorial that appeared in the Chicago Defender newspaper on April 28, 2003, about a third of the way through Michael Scott's tenure. The editorial was entitled ''Successful students will be Scott's, Duncan's Monument.''

Michael Scott and Arne Duncan are monument makers. Not in the usual sense—the one that explains the ancient pleasure taken by politicians who create structures commemorating something that's a recreation of their self image.

Nor in the sense that Mesopotamia's Nebuchadnezzar built Babylon's Hanging Gardens in the sixth century B.C., one of the seven wonders of the world. Nor in the sense that his successor Saddam Hussein erected bronze statues of himself, monuments that came tumbling down recently with a noticeably historic thump.

Scott, President of the Chicago Board of Education, and his chief executive, Arne Duncan, are building neither stone nor bronze images.

The two educators are building a human monument that will rise and flourish in the term of educated, productive graduates of Chicago's public schools. . . . Future students will thrive in each newly renovated school. . . . That will be Scott's and Duncan's monument.

As Michael Scott's tenure closes at the Chicago public school system, I want to acknowledge the fine contribution he made with his public service, both in the park district and the Chicago public schools. He is such a talented man that he has brought his talent and given his time to help others time and time again. That is the true definition of public service.

I wish Michael the very best in his next endeavor. I am sure it will include not only the private sector, but also a public commitment because he is a person who believes that is part of our civic responsibility. I thank him for all of his leadership in the Chicago public school system, and I wish him and his family the very best in the years to come.

ESTATE TAX

Mr. President, at this moment in history, we are considering the estate tax. It is one of the many taxes that Americans face. Some have characterized it, with a very effective public relations campaign, as the ''death tax.'' They have been so good at describing it as a death tax as to convince many people across America that when you die, you pay a tax to your Federal Government. And unless you have been through a death in the family that you followed closely, you might be misled into believing that.

In fact, the public relations campaign has been so good in characterizing the Federal estate tax as a death tax that I had an experience a couple years ago that I shared with my colleagues in the Senate. I drove out to Chicago O'Hare to take a flight to Washington. I stopped at the sidewalk there, United Airlines, and handed over a bag to be checked in. The person checking my bag took a look at me and looked at the bag and said, ''Senator, please, if you don't do anything else, get rid of the death tax.'' I didn't have the heart to tell that baggage handler that unless he won the Powerball or the Mega-

million lottery soon, he would not have to worry about it because, you see, the so-called death tax is an estate tax that is paid by 2 or 3 out of every 1,000 people who die in America each year. That is .2 or .3 percent of the people who die in America pay the tax. It is a very narrowly gauged and narrowly directed tax to the wealthiest people in America.

If you listen to the argument by the Republicans on the floor of the Senate, you think that this is an onerous, unfair tax, borne by some of the most deserving, hard-working, common people in this country, who struggle day to day to get by, and then find after they have passed away that the greedy hands of Government reach into their estate and yanks thousands of dollars out of it. That is not even close to reality. So we are actually going to debate on the floor of the Senate the notion that we need to, if not repeal, virtually repeal the estate tax in America.

It is interesting to note that this estate tax is one that affects very few. It is also interesting to note the context of this debate. This was supposed to come up about 9 months ago. We were supposed to repeal the estate tax on the wealthiest people in America, but then God intervened. Hurricane Katrina struck the Gulf coast. For 24 hours, we watched on live television as our neighbors, fellow Americans, suffered. Some died, some drowned. Many were perched on their roofs praying to be rescued. Then we saw the devastation of the flood.

The sponsors of this estate tax repeal decided this may not be the best moment to cut taxes on the wealthiest in America. Senator CHUCK GRASSLEY of Iowa, a man I greatly respect, said as follows on September 14 of last year:

> It's a little unseemly to be talking about eliminating the estate tax at a time when people are suffering.

Senator GRASSLEY was right. But I say to him that it is still a little unseemly to bring up this issue of eliminating the estate tax on the wealthiest people in America when so many people are still suffering around this country. We know what is happening in New Orleans, that devastation still has been unaddressed and people are still out of their homes, hospitals are unopened, schools are unopened, and families are still separated from communities and neighborhoods that they called home. It is still there.

Senator GRASSLEY's point is still there as well. It is unseemly for us to be reducing the revenues of this country by cutting taxes on the wealthiest people at a time when there is so much need.

People ask, what could we do with this estate tax? If you took the revenues that we will be taking out of the Federal Treasury by this reduction in the estate tax, here is what you could do with those revenues: You could provide health insurance for every uninsured child in America and have enough left over to give them full college scholarships or give every family in America a $500 tax cut or eliminate 75 percent of the shortfall in Social Security, thus buying years of longevity and stability for Social Security, or provide clean food and water to the 800 million people on Earth who lack it or pay for the war in Iraq for the next 10 years.

It is not an insignificant amount of money that we are talking about here. The elimination of the estate tax would take from the Federal Treasury funds which could have been used for tax relief for working families. Instead, this Republican proposal is to give a tax cut to the wealthiest people in America.

How many people pay this estate tax? This pie chart tells it all. In 2009, only .2 percent of estates in America will be subject to the tax. Two or, at most, 3 out of every 1,000 people who die will pay any estate tax whatsoever. And now the Republican leadership has decided these people need a break.

Senator LAUTENBERG of New Jersey decided to find out how repealing the estate tax would affect three people. The first one was the Vice President. Under this proposed estate tax cut from the Republican side, it means more than $12 million in Federal tax liability will be eliminated for the Vice President. And then Paris Hilton, with her little Chihuahua there, it is $14 million for her. Lee Raymond, former CEO of Exxon, a man who was given a $400 million going-away gift at his retirement by ExxonMobil—well, the repeal of the estate tax gives Mr. Raymond another going-away gift of $164 million in tax breaks.

These are truly deserving people, don't get me wrong. When I look at Ms. Hilton, who looks like a lovely young lady, I can see how this $14 million could have a significant positive impact on her otherwise very spare and Spartan lifestyle.

You wonder how in good conscience we can be debating tax cuts for the wealthiest people in America when there are so many things, so many compelling reasons for us to be more serious about in the work that we do in the Senate. This effort reflects the same twisted priorities that the Republican leadership continues to bring to the floor of the Senate.

We just have spent—wasted, I might add—the better part of the week of the Senate's time on the so-called marriage protection amendment. It was called for a vote after all sorts of fanfare and announcements from the White House, and the final vote was 49-to-48. This proposal for a constitutional amendment didn't even win a majority of the Senators voting; only 49 voted for it. It certainly didn't come up with the 60 votes it needed to move forward in debate. It wasn't even close to the 67 votes that are needed to enact it.

Why did we waste our time? Because the Republican leadership in the Senate knew that for political reasons they had to appeal to those folks who believe this is a critically important issue. They want to fire them up for the next election. Even though the American people, when asked, said that this so-called gay marriage amendment ranked 33rd on their list of priorities, they had to move it forward.

Now comes another plank in their platform for the November election, the estate tax. The wealthiest people in America are pushing hard for this estate tax. This morning, the Wall Street Journal printed an article that said that 18 families—listen closely—18 families in the United States of America have spent $200 million lobbying to pass this change in the estate tax—18 families.

Ask yourself why. Why would they spend $200 million? Because they will earn a lot more if this estate tax is repealed. But the cost of the estate tax is dramatic in terms of America's debts. If we repeal the estate tax, we will have $776 billion as the cost of the estate tax repeal in the first 10-year period fully in effect from 2012 to 2021. The cost of the estate tax repeal explodes under the proposal that is before us, meaning, of course, this red ink is more debt for America.

Already we are facing a dramatically deteriorating budget picture in America. Go back to the close of the previous administration, which shows a $128-billion surplus under President Clinton as he left office, and then look at the debt that has been built up under the years of the Bush administration, a debt that will explode even higher with the repeal of the estate tax on the wealthiest people in America, a debt which, unfortunately, we will have to pass on to our children.

Look at the wall of debt. When President Bush took office, the gross national debt of America—this is our mortgage I am talking about—was $5.8 trillion. Now, by 2006, it is up to $8.6 trillion. How did he manage that, almost a 50-percent increase in the debt of America in a matter of 5 years? And now look where it is headed. By the year 2011, because of the Bush-Cheney tax policies, this national debt will be up to $11.8 trillion—$11.8 trillion for our national mortgage. This President has virtually doubled the debt of America with his policies in a matter of 8 years. How can he accomplish this? He can do it with terrible policies, and this is one of them.

President George W. Bush is the first President in the history of the United States of America to cut taxes in the midst of a war—the first. Why? It defies common sense. We have a war that costs us between $2 billion and $3 billion a week. It is an expense for our Nation over and above all the other expenses we commonly face.

Every previous President, when faced with that challenge, has called on Americans to sacrifice, save, and pay more in taxes to pay for the war, but not President Bush. The Bush-Cheney

policy is, in the midst of a war with skyrocketing costs, cut taxes—meaning, of course, driving us deeper and deeper into debt, pushing more of that debt burden on our children.

This is not a tax cut which the Republicans are proposing, it is a tax deferral. They want to cut the taxes on the wealthiest estates in America and put a greater tax burden on our children and grandchildren. That is the legacy of the Bush-Cheney tax policy.

But how does this President take care of the debt? First consider this: As Senator CONRAD has brought this chart to the floor before, President Bush has decided that the way to deal with our debt is to borrow from others. President Bush has more than doubled foreign-held debt in 5 years. It took 42 Presidents, including his father, 224 years to build up the same level of foreign-held debt as President George W. Bush has done in 5 years. For 224 years, we had about $1 trillion in debt held by foreign governments. Under President George W. Bush, that figure has virtually doubled in just 5 years.

The obvious question is, Who are these mortgage holders? Which foreign governments are financing America's debt? The top 10 foreign holders of our national debt are Japan, $640 billion, China—no surprise—$321 billion, United Kingdom, oil exporters, South Korea, Taiwan, Caribbean banking centers, Hong Kong, Germany, Mexico, and the list goes on and on.

It is no surprise that the same countries, which are our mortgagers, which are holding the debt of America, are the same countries which are eating our lunch when it comes to sucking jobs out of the United States and pushing imports into the United States. They are the same countries. That is what we are dealing with. And the Republican recipe for this imbalance in this debt is to make it worse: Cut the estate tax in the midst of a war. It is not only unseemly, going back to Senator GRASSLEY's quote, it is unthinkable that at a time when we are asking for so much sacrifice from our soldiers—130,000 of them today risking their lives in Iraq, another 20,000 or 30,000 in Afghanistan, all their families at home praying for their safe return, the anxiety of their friends and relatives as they worry over them each day—at a time when so many in America are giving so much and sacrificing so much, comes the Republican majority and says: Let us give the most comfortable, the most well-off people with the cushiest lives in America a tax break—a tax break.

What are we thinking? Why would we be cutting taxes in the midst of a war? Why would we be heaping debt on our children? Why? So that 2 or 3 people out of every 1,000 who have huge estates worth millions of dollars can escape paying their Federal taxes. It is incredible to me, but true, that when you look at this chart, the number of taxable estates in the year 2000 was 50,000 nationwide. Under this bill, the number of taxable estates has gone down to 13,000 and will be reduced to 7,000. So this tax responsibility that once applied to 50,000 taxable estates annually in the United States will be a tiny fraction of that when it is over.

We also have to reflect on another reality as to why this issue is before us. I mentioned this to my Democratic colleagues, and I say this with some understanding that it is an indictment on our political system, of which I am a part. Why is it that we are so focused on helping the wealthiest people in America instead of focused on helping the hardest working, the working families, the middle-income families? The explanation is sad but true. We spend a lot of our time as Members of the Senate and House of Representatives in the company of very wealthy people. We run across them in the ordinary course of Senate business, but there is another part of our lives as well. We are out raising money for political campaigns that cost millions of dollars. People who can afford to help us are often very wealthy themselves. Some are very wonderful folks, very generous, very helpful to each one of us. But we spend a lot of time in their lifestyle seeing where they live, how they spend their time, understanding their hobbies and their lifestyles and naturally developing a friendship and empathy with the wealthiest people in America.

Our campaign financing system draws us into these situations. It is understandable that with this empathy comes an understanding that some of them are going to face taxes when they die for all the money and the wealth they have accumulated. Their pleas have not fallen on deaf ears in the Senate. Their pleas to repeal the estate tax have resulted in this bill before us now.

I think it really is a testament to campaign financing in America that instead of spending time with average people, working people struggling to get by, dealing with their issues and their concerns, we would instead draw the attention of the Senate to the most well-off people in this country and how we can reduce their tax burden and their responsibility to this Nation.

There are a few wealthy people who stand out in this debate. One of them is a gentleman by the name of Warren Buffett who is with Berkshire Hathaway, a company out of Omaha, NE, one of my favorite wealthy people, the second wealthiest person in America. He is the first to say our tax system in this debate is an outrage and disgraceful. He said at a luncheon he attended not long ago that it is true that America is engaged in class warfare, and as the second wealthiest person in America, his class was winning. It is pretty clear he is doing pretty well.

But Warren Buffett understands something which many of the families that are pushing for this estate tax repeal don't understand. He understands he is the luckiest person alive because he was born in America. He was given an opportunity people around this world people would die for. He was given the opportunity to prove himself and succeed, and he has done it. He was given a chance to accumulate his wealth and use it wisely, and he is now given a chance to pay back to this country, which has given him such a great opportunity, something for all he has benefited. And Warren Buffett considers that a pretty fair trade. I think it is, too.

To hear the Republicans on the other side of the aisle say the wealthiest people in America who live the most comfortable lives should be asked to not pay taxes back to support schools, to support health care, to support the defense of our country, to say that somehow they need more disposable income—$14 million for Paris Hilton, I can understand that—from the Republican point of view, that is really helping the truly needy. But from the point of view of most Americans, it is ridiculous that we would consider this kind of a tax cut at a time when this country is facing mounting deficits, at a time when we are at war, at a time when we are asking so much sacrifice from so many wonderful American families.

So, Mr. President, I am opposed to this resolution. I hope we come to our senses. I hope we understand that we were elected to this body to do more than just provide for those with great lobbyists and those with big bankrolls and those who come here in the corridors of power and catch our attention. We were elected to represent the people who are not here—the voiceless, the powerless, the disenfranchised, the homeless. The people expect us to step up on behalf of the entire American family, not just those who are well off but the entire American family, and do our best to help.

I hope we defeat this effort. I hope we stop it in its tracks. I hope we put an end to this tax policy of the Bush-Cheney administration which has driven America to depths of indebtedness that one could never have imagined. I hope we will put an end to this accumulation of national debt which we are passing along to our children with abandon. I hope we will put an end to this foreign borrowing with which this administration has become so enamored which has made us servile to some of the other nations around the world that would readily exploit our economy, our businesses, and our workers.

If we are going to do that, we have to make a stand—a stand for sensible tax policy, a stand for prudence, a stand for something which was once known as fiscal conservatism—fiscal conservatism. It is a great concept. It used to be the concept of the Republican Party, but that was before they discovered supply-side economics and this whole concept of the Bush-Cheney tax policy.

I urge my colleagues, when this comes up for a vote tomorrow, to vote

against cloture, vote against this giveaway to a handful of families that are already doing quite well, thank you.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

ORDER OF PROCEDURE

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I ask unanimous consent that immediately following the leader's remarks on Thursday morning, the Senate resume the motion to proceed to H.R. 8, regarding the death tax. I further ask unanimous consent that there be 1 hour equally divided between the two leaders or their designees for debate, with 10 minutes of the minority time reserved for Senator DURBIN and 10 minutes reserved for Senator DORGAN prior to the vote on invoking cloture on the motion to proceed; provided further that the last 20 minutes be reserved for the Democratic leader to be followed by the majority leader. I further ask unanimous consent that regardless of the outcome of that vote, Senators ROBERTS and CLINTON be recognized to speak as in morning business for up to 25 minutes equally divided. I further ask unanimous consent that following that debate, the time until 12:45 p.m. be equally divided again between the two leaders or their designees, with a vote on invoking cloture on the motion to proceed to S. 147 occurring at 12:45 p.m. on Thursday; provided further that if cloture is not invoked on both of the motions to proceed, the Senate then proceed to executive session for consideration en bloc of the following nominations on the Executive Calendar: No. 627, Noel Hillman, U.S. District Judge for New Jersey; No. 628, Peter Sheridan, U.S. District Judge for New Jersey; No. 633, Thomas Ludington, U.S. District Judge for the Eastern District of Michigan; No. 634, Sean Cox, U.S. District Judge for the Eastern District of Michigan; provided there be 10 minutes of debate for each of the Senators from New Jersey, 10 minutes for Senator STABENOW, and 10 minutes each for the chairman and ranking member. Following the use or yielding back of time, I ask that the Senate proceed to consecutive votes on the nominations as listed; however, no earlier than 2 p.m.

I further ask unanimous consent that following those votes, the Senate proceed to the consideration of Executive Calendar No. 663, Susan C. Schwab, to be the United States Trade Representative. I further ask unanimous consent there be 30 minutes for Senator DORGAN, 15 minutes for Senator CONRAD, 10 minutes for Senator BAUCUS, 30 minutes for the chairman. I further ask unanimous consent that following the use or yielding back of time, the Senate proceed to a vote on the confirmation of the nomination, with no intervening action or debate; finally, I ask unanimous consent that following that vote the President be immediately notified of all of the Senate's previous action and the Senate resume legislative session.

I further ask unanimous consent that if cloture has been invoked on the motion to proceed to H.R. 8, the Senate resume debate at this time with all time consumed to this point counting against cloture and the bill not be displaced upon the adoption of that motion if cloture is invoked on a motion to proceed to S. 147. If cloture is invoked on the motion to proceed to S. 147, then the Senate begin consideration of that under the provisions of rule XXII upon the disposition of H.R. 8.

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

EXECUTIVE SESSION

NOMINATION OF RICHARD STICKLER TO BE ASSISTANT SECRETARY OF LABOR FOR MINE SAFETY AND HEALTH

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of Executive Calendar No. 553, Richard Stickler.

The PRESIDING OFFICER. The nomination will be stated.

The assistant legislative clerk read the nomination of Richard Stickler, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

CLOTURE MOTION

Mr. SESSIONS. Mr. President, the nomination has been held up since March 8 when it was reported by the HELP Committee. Therefore, I now send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 553, the nomination of Richard Stickler, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

Bill Frist, Michael B. Enzi, Judd Gregg, Elizabeth Dole, Sam Brownback, Rick Santorum, Chuck Grassley, John McCain, David Vitter, Jim DeMint, Jim Bunning, Norm Coleman, Richard Shelby, Thad Cochran, John Cornyn, Orrin Hatch, Kay Bailey Hutchison.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

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

LEGISLATIVE SESSION

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate return to legislative session.

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

MORNING BUSINESS

Mr. SESSIONS. 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. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, today is National Hunger Awareness Day, and I rise to recognize the importance of ending domestic hunger.

Domestic hunger has affected the lives of more than 38 million people in the United States annually. This includes over 14 million children who live below the poverty line.

The face of hunger is diverse. In Illinois, one in every ten people is food insecure. Homeless people are often hunger, but so are single mothers working two jobs to make ends meet. So are our senior citizens whose income does not allow them to eat adequately.

In Chicago, only 9 percent of the half-million people who seek services from the Chicago Food Depository are homeless. Many people simply cannot afford the food they need and often seek emergency food programs.

How can this happen in a country as privileged as ours?

Remember that 37 million Americans are living in poverty.

Many low-income families are supported by jobs that do not pay livable wages.

It could be that paying the health care or housing bills is more than they can manage.

America's Second Harvest released a National Hunger Study showing that in Chicago, 41 percent of households neglect their food budget to cover utility costs.

It may be a combination of factors, but the food budget is often the first thing they cut.

Today, we celebrate and commend the heroic efforts of emergency food banks, soup kitchens, school meal programs and community pantries working to ease the pain of hunger.

Federal nutrition programs work, but they are not reaching enough homes. Many parents are still skipping meals so their children can eat.

Hunger drains the strength of people who, for a variety of reasons, are unable to provide enough food or the right kinds of food for themselves or their families. In a land of abundance, this kind of sacrifice is as deplorable as it is unnecessary.

We should end hunger in the United States and, working together, we can.

Mrs. DOLE. Mr. President, for the past 3 years I have come to the Senate floor on National Hunger Awareness Day to help raise concerns about the far too prevalent problem of hunger, both here in the United States and around the world. In fact, as a freshman Senator, I delivered my maiden speech on this topic and have since made it one of my top priorities in the Senate. Two years ago on Hunger Awareness Day, Senators SMITH, DURBIN, LINCOLN, and I launched the Senate Hunger Caucus, with the express

purpose of providing a forum for Senators and staff to focus on national and international hunger and food insecurity issues. Today we have 37 Members dedicated to this cause. I have stated repeatedly that the battle against hunger can't be won in a matter of months or even a few years, but it is a victory that we can certainly claim if we continue to make the issue a top priority.

It is truly astounding that 34 million of our fellow citizens go hungry or are living on the edge of hunger each and every day. In my home State of North Carolina, nearly 1 million of—our 8.6 million residents are dealing with hunger. Our state has faced significant economic hardship over the last few years, as once-thriving towns have been hit hard by the closing of textile mills and furniture factories. I know this story is not unlike so many others across the Nation. While many who have lost manufacturing jobs have been fortunate to find new employment in the changing climate of today's workforce, unfortunately having a steady income these days doesn't always guarantee a family three square meals a day.

Our Nation is blessed to have many faith-based and other nonprofit service organizations that seek to address this need. Feeding the hungry is their mission field—groups such as the Society of St. Andrew, the only comprehensive program in North Carolina that gleans available produce from farms, and then packages, processes and transports excess food to feed the hungry. In 2005, the Society gleaned nearly 7.2 million pounds of food—or 21.5 million servings—just in North Carolina. Amazingly, it only costs about 2 cents a serving to glean and deliver this food to those in need. And all of this work is done by the hands of 13,000 volunteers and a tiny staff.

The Society of St. Andrew has operations in 21 other States, and just last year, the organization saved 29.5 million pounds of fresh, nutritious produce and delivered 88.6 million servings to hungry families in the 48 contiguous States.

We should be utilizing the practice of gleaning much more extensively today—considering that 96 billion pounds of good food—including that at the farm and retail level—is left over or thrown away in this country each year.

Like any humanitarian endeavor, the gleaning system works because of cooperative efforts. Private organizations and individuals are doing a great job—but they are doing so with limited resources. It is up to us to make some changes on the public side and assist in leveraging scarce dollars to help feed the hungry.

One of the single biggest concerns for gleaners is transportation—how to actually get the food to those who need it. I am proud to say that with the help of organizations like the American Trucking Association, America's Second Harvest, and the Society of St. Andrew, we are taking steps to ease that concern. Last year, I reintroduced legislation, S. 283, which would change the Tax Code to give transportation companies incentives for volunteering trucks to transfer gleaned food.

I am also proud to be an original cosponsor of S. 1885, the so-called FEED Act, with my colleagues Senators LAUTENBERG and LINCOLN. The basic idea behind this legislation is simple: Combine food rescue with job training programs, thus teaching unemployed and homeless adults the skills needed to work in the food service industry.

It is astonishing that each year, approximately 20 percent of the food produced in this country never even reaches a consumer's table. With support from the FEED Act, community kitchens across our Nation have the potential to make good use of this food and to serve more than 2 million meals to those in need each year. In Charlotte, NC, the Community Culinary School is already recruiting students from social service agencies, homeless shelters, halfway houses and work release programs who rescue food from restaurants, grocers and wholesalers and then prepare nutritious meals, while receiving training for jobs in the food service industry.

Hunger also affects far too many children in our Nation. In fact, an estimated 13 million children in America are dealing with hunger. This is a travesty that can and must be prevented. As we know, when children are hungry they can not learn, but the obvious way to ensure that these children have a hot meal—and therefore the potential to do well in school—is through the National School Lunch Program. It feeds more than 28 million children in 100,000 schools each day. While the program provides reduced price meals to students whose family income is below 130 percent of the poverty level, State and local school boards have informed me that many families struggle to pay this fee, and for some families, the fee is an insurmountable barrier to participation. That's why I am a strong supporter of legislation to eliminate the reduced price fee for these families and to harmonize the free income guideline with the WIC income guideline, which is 185 percent poverty.

I am very proud that a five State pilot program to eliminate the reduced price fee was included in the reauthorization of Child Nutrition and WIC in 2004. And this year, 13 of my colleagues, including the chairman and ranking member of the Senate Agriculture Committee, have joined me to encourage the Appropriations Committee to include funding for this pilot program. I look forward to working with them on this important issue that truly has the potential to alleviate hunger for many American children and to help ensure their success in school.

In closing, I implore our friends on both sides of the aisle—as well as the good people throughout our great country—to join us in this heartfelt mission—this grassroots network of compassion that transcends political ideology and provides hope and security not only for those in need today—but for future generations as well.

HONORING OUR ARMED FORCES

MARINE CORPORAL CORY L. PALMER

Mr. CARPER. Mr. President, I would like to set aside a few moments today to reflect on the life of Marine Cpl Cory L. Palmer. Cory epitomized the best of our country's brave men and women who have fought to free Iraq and to secure a new democracy in the Middle East. He exhibited unwavering courage, selfless devotion to his country, and above all else, honor. In the way he lived his life—and how we remember him—Cory reminds each of us how good we can be.

Cory was born to Charles and Danna Palmer on May 10, 1984. He was the youngest of three sons. After graduating from Seaford High School in 2002, Cory studied computer engineering at West Virginia University for one semester and then decided to join the Marine Corps. Friends, family, and school officials recalled Cory Palmer as courageous yet humble, fun-loving and adventurous, an all-around good person. He viewed the Marine Corps as an opportunity to gain life experience and as a way to serve his country.

Cory was proud to be a member of the Marine Corps 2nd Recon Battalion, A Company, 1st Platoon. After his initial recruit training at Parris Island, Cory underwent marine combat training at Camp Geiger, located in North Carolina. He excelled in all of his military training and graduated from sniper school, advanced sniper school, jump school, combatant dive school and special survival training school. For his dutiful service, Cory had been awarded the Good Conduct Medal, the National Defense Service Medal, the Sea Service Deployment Ribbon, the Global War on Terror Service Medal, the Global War on Terrorism Expeditionary Medal, the Iraqi Campaign Medal, and the Combat Action Medal.

Cory was on his second deployment in Iraq. His death was caused by injuries sustained when the humvee he was riding in was hit by an explosive device near Fallujah.

Cory was a remarkable and well-respected young soldier. His friends and family remember him as a kind-hearted and mischievous young man who loved the outdoors. Cory was an avid sportsman and explorer who had planned on going hiking and fishing with his two older brothers, Thad and Kyle, upon his return. Cory also had a softer side that he wasn't afraid to show. He served as a mentor and role model to his friends and even took the time to hand-make gifts for his family.

As a youngster, Cory came to the Governor's Fall Festival in Dover that I hosted as Governor and ran with many of us in the 5-kilometer race that kicked off the festival every year.

When I visited Cory's family in their Seaford home a little more than a week ago, they shared with me a photo of Cory running in one of those races a decade before his tragic death.

I rise today to commemorate Cory, to celebrate his life, and to offer his family our support and our deepest sympathy on their tragic loss.

STAFF SERGEANT CURTIS HAINES

Mr. PRYOR. Mr. President, it is with the greatest pleasure that I rise today to honor SSG Curtis Haines of Hope, AR. He is a member of the Arkansas Army National Guard's Company A, 1–153rd Infantry of the 39th Brigade Combat Team based in Prescott, AR. For his heroic service in Iraq, Staff Sergeant Haines was recently presented the Soldier's Medal for Bravery at a ceremony in the Prescott High School auditorium.

On May 6, 2004, at a military checkpoint in Baghdad, a car bomb explosion occurred. An Iraqi citizen was seriously injured, on fire, and trapped in a burning vehicle. Without regard for his own safety, Staff Sergeant Haines rescued the man from his vehicle, carried him to safety, and administered medical aid. Because of his heroic actions, Staff Sergeant Haines ultimately saved the man's life.

Mr. President, I ask my colleagues to join me in congratulating Staff Sergeant Haines on receiving this well-deserved honor. Also, please join me in thanking all of our brave men and women in uniform for their service. They risk their lives every day to protect our freedoms and deserve our respect and support for the sacrifices they have made and continue to make for our country.

PRIVATE FIRST CLASS NICHOLAS R. COURNOYER

Mr. GREGG. Mr. President, I rise today to pay tribute to U.S. Army PFC Nicholas R. Cournoyer of Gilmanton, NH, for his service and his supreme sacrifice for his country.

Nicholas, also called Nick by family and friends, grew up in Gilmanton and was a graduate of the Guilford High School class of 2000. On January 22, 2005, he answered a call to serve our country during these tense and turbulent times by enlisting in the U.S. Army. He was sent to Fort Benning, GA where as a member of an infantry training battalion he successfully completed Infantry One Station Unit Training, which combines in one location basic training with advanced individual training. Upon graduation, he left for assignment in June 2005 with the 2nd Battalion, 22nd Infantry Regiment, 1st Brigade Combat Team, 10th Mountain Division, Light Infantry, Fort Drum, NY, where he served as an infantryman. On August 11, 2005, he deployed with his unit to Iraq in support of Operation Iraqi Freedom.

Tragically, on May 18, 2006, this brave 25-year-old soldier was killed in action along with three of his comrades and an interpreter when an improvised explosive device explosion detonated near their military vehicle during combat operations in the vicinity of Baghdad in Iraq. His awards and decorations include the Bronze Star Medal, Purple Heart, Army Achievement Medal, Army Good Conduct Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon, Combat Infantryman Badge, and Weapons Qualification Badge.

Patriots from the State of New Hampshire have served our Nation with honor and distinction from Bunker Hill to Baghdad—and Nick 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.'' Nick was a courageous and dedicated volunteer who loved his family and his country and was proud of being a soldier. He served honorably doing the job he wanted to do. This generous, fun-loving young man had a big heart and 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 Nick's parents, Denis and Lenda, his sister Natalie, and his family and friends who have suffered this grievous loss. Because of his devotion and sense of duty, the safety and liberty of each and every American is more secure. May God bless PFC Nicholas Cournoyer.

WEIGHT GAIN PREVENTION IN CHILDREN

Mr. DEWINE. Mr. President, one of my great passions as a Senator has been advocating for children and advancing initiatives that improve their health and welfare. I wish to share with my colleagues the results of a new study, funded in part by the National Institutes of Health, which reports on two simple steps that can be taken to counter a serious health crisis among America's youth.

The crisis is obesity among all ages and most seriously among children. The Journal of the American Medical Association reported last month that one-third of all children in the United States are either overweight or dangerously close to becoming so and, as a result, are at increased risk of becoming obese adults and developing diabetes and other health problems.

A new ''America on the Move Family Study,'' presented at the Pediatric Academic Societies Meeting, April 30, 2006, provides the first clinical evidence that overweight children can effectively prevent additional weight gain by making small changes to their daily lifestyle. The study was conducted by the University of Colorado at Denver and Health Sciences Center, the primary research arm for America On the Move Foundation, a national nonprofit dedicated to helping individuals and communities across the country improve health and quality of life. This study was designed to evaluate whether overweight children could reduce their risk of gaining additional weight through a combination of increasing physical activity and eliminating 100 calories a day from their diet.

In the study, investigators randomized 216 families with at least 1 overweight child to either a lifestyle intervention group or a control group. Families in the intervention group were asked to eliminate 100 calories a day from their diet by emphasizing a reduction of dietary sugar and an increase in physical activity by 2,000 steps daily. Families in the control groups were asked to monitor their diet and exercise levels. After 6 months, significantly more overweight children in the intervention group maintained or reduced their percent body mass index, BMI, compared to the self-monitoring group, 67 percent versus 53 percent.

The results of this study are striking. By taking two simple, common sense steps—engaging in more physical activity and reducing caloric intake by small amounts—families can help their children control weight gain and reduce obesity. Such steps can have an enormous impact on their health. I applaud this study for bringing this important message to the public's attention.

REDUCE KIDS' ACCESS TO GUNS

Mr. LEVIN. Mr. President, researchers from the Centers for Disease Control and Prevention estimate that 1.69 million children in the United States live in households where firearms are kept unlocked and loaded. Tragically but not coincidentally, guns kill an average of nearly eight children and teenagers each day. In addition, the Children's Defense Fund estimates that at least four times as many are injured in nonfatal shootings. The vast majority of these shootings could be prevented if safe gun storage practices were more widely used.

Some parents believe that simply educating their children about the dangers posed by firearms is enough to keep them safe. Unfortunately, this is not the case. A new study shows that parents who keep guns in their home may have dangerous misperceptions about their child's familiarity with and access to guns.

The study, which was conducted by researchers from Harvard University and the San Francisco General Hospital, compared interview responses from 201 families who have guns in their homes. For each set of interviews, children were questioned separately from their parents. More than 70 percent of the children interviewed for the study said that they knew where to find a gun in their home. Surprisingly, 39 percent of the parents who said their children did not know the storage location of their firearms were contradicted by their children. Additionally, 22 percent of the parents who said their children had not handled their guns

were contradicted by their children. These discrepancies are troubling and indicate that simply trying to hide the location of firearms in the home is not enough to adequately protect children from injuring themselves or others with a gun.

According to recent published reports, an estimated 35 percent of homes nationwide include guns. Common sense tells us that when guns and ammunition are secured, the risk of children injuring or killing themselves or others with a gun is significantly reduced. Last year, a study published in the Journal of the American Medical Association found that the risk of unintentional shooting or suicide by minors using a gun is reduced by as much as 61 percent when ammunition in the home is locked up. Simply storing ammunition separately from the gun reduces such occurrences by more than 50 percent.

While educating children about the dangers of guns is certainly necessary, the use of safe storage practices is critically important to the safety of children and families when guns are kept in the home. We should all urge firearms owners around the country to take steps to adequately secure their guns and ammunition.

EMERGENCY ENERGY ASSISTANCE FOR DISABLED VETERANS

Mr. JOHNSON. Mr. President, recently I joined my colleague, Senator NELSON of Nebraska, in introducing the Emergency Energy Assistance for Disabled Veterans Act. I am supporting this bill because I am concerned about inadequate reimbursement rates offered to veterans who must travel to VA facilities for treatment. The VA beneficiary travel program reimburses veterans 11 cents for every mile they are required to drive in order to visit a VA doctor. This reimbursement often is not enough to cover the cost of the trip, especially given high gas prices and the lengthy distances some veterans must travel.

The State of South Dakota is home to almost 77,000 veterans—approximately 10 percent of the State's population. Today gasoline averages $2.97 per gallon. In rural States such as South Dakota, many veterans must travel more than 120 miles each way in order to reach a veterans hospital. South Dakotans living in Selby and Gettysburg must travel as much as 170 miles. With the price of gas rising, the fixed mileage reimbursement leaves these veterans behind.

Oil companies are reaping substantial profits without reinvesting these profits in the infrastructure that helps keep gasoline markets operating smoothly. I am deeply concerned that these companies are being paid billions in profits while at the same time receiving tax cuts and incentives. On the opposite end of the spectrum, veterans are forced to make tough choices in order to afford driving to the VA for treatment. The men and women who defended our Nation should not have to choose between buying groceries and visiting a doctor at the VA.

For over 30 years, mileage reimbursement rates for veterans have remained stagnant, whereas Federal employees received an 8-cent increase for a similar travel program in September 2005. Currently, Federal employees are reimbursed 44.5 cents per mile when using a private vehicle for official Government business. We owe our Nation's veterans the same benefit.

President Bush has consistently supported VA budgets that short change veterans health care by billions of dollars. Unfortunately, under current law, money to reimburse veterans for travel is allocated from the same accounts used to provide medical care. This bill changes the funding formula and would mandate a separate allowance to reimburse travel costs. This will reduce the competition between programs that are equally meritorious and necessary but are forced to compete for the same pot of funds.

Mr. President, I encourage my colleagues to support the Emergency Energy Assistance for Disabled Veterans Act. It is time we rectified this glaring injustice and provide our veterans with the support they deserve.

25TH ANNIVERSARY OF THE FIRST DOCUMENTED AIDS CASE

Mr. FEINGOLD. Mr. President, it was 25 years ago this week that a little-noticed report from the Centers for Disease Control documented a peculiar cluster of deadly pneumonia cases in Los Angeles. That report was the first official mention of AIDS, although the disease had no name at the time. Since 1981, AIDS has become an international human catastrophe, killing more than 25 million people, orphaning more than 15 million children, and infecting more than 65 million people. Today, there are 40 million people living with HIV.

This issue affects us on both a global and a domestic scale. There are over 1.2 million people in the United States living with HIV/AIDS, and there are over 40,000 new infections each year. While the United States made great strides to contain the disease and reduce the number of deaths throughout the 1990s, it now appears that this trend is reversing. The death rate is beginning to destabilize, and the infection rate is growing at a staggering rate among certain populations, particularly people of color. African Americans have the highest AIDS case rates of any racial or ethnic group—more than nine times the rate for Whites.

There is still much to be done in the United States to combat HIV/AIDS, but the prevalence of HIV/AIDS in the rest of the world, particularly in sub-Saharan Africa, is truly devastating. In my role as ranking member of the Africa Subcommittee of the Senate Foreign Relations Committee, I have seen firsthand the devastation this disease has caused in Africa. Africa has accounted for nearly half of all global AIDS deaths, and it is estimated that by the year 2025 the total number of HIV infections in Africa could reach an astounding 100 million. In some African countries, the disease has caused the average life expectancy to drop below 40. HIV/AIDS has ravaged countries, economies, and families.

The most vulnerable in our global society are in many cases those who are most at risk from HIV/AIDS. Women and girls, who in Africa are often left physically, economically, and politically vulnerable, suffer disproportionately from HIV/AIDS. Nearly 60 percent of all people living with HIV in Africa are women; girls in sub-Saharan Africa aged 15 to 19 are infected by HIV at rates as much as five to seven times higher than boys their age. Gender inequalities, cultural norms, transactional sex, and all forms of violence against women and girls increase their susceptibility to HIV/AIDS. Women and girls desperately need legal protection and economic empowerment so that they can make safe health choices. These are fundamentally connected issues.

There is some cause for hope in our battle against this terrible disease; the United States has committed an unprecedented amount of money to the fight, and we are beginning to see some results. This is no cause for complacency, however. According to a recent U.N. report, while the spread of HIV/AIDS appears to be slowing down worldwide and some countries are reporting progress in bringing the pandemic under control, others are failing to reach key targets for prevention and treatment.

Most troubling is the fact that the rate of new HIV infections dramatically outpaces current efforts to reach people with life-sustaining antiretroviral therapy. According to Family Health International, for each new person who received antiretroviral therapy in 2005, another seven people became infected. We must bring increased focus to prevention efforts and do a better job of reaching out to those who are most vulnerable to this disease.

It is also becoming increasingly clear that we cannot address HIV/AIDS in isolation and that we need to deepen coordination between HIV/AIDS initiatives and other development goals. HIV/AIDS does not just affect isolated individuals but families, communities, and entire economies. One problem that has become apparent as we commit increasing funds to address HIV/AIDS is that international AIDS programs are siphoning off trained local health care workers from national health care systems. The World Health Organization has reported that the total number of health care workers per 1,000 people in Africa is 2.3—less than one-tenth the density in the Americas. This ''brain drain'' issue must be addressed. We need to

strengthen national health and social systems by integrating HIV/AIDS intervention into programs for primary health care, mother and child health, sexual and reproductive health, tuberculosis, nutrition, and education. Not only will it be more cost-efficient to work with existing systems, but it will also increase access for people who otherwise might not seek out counseling, testing, or treatment. As we look ahead to the next 5, 10 years and beyond, strong national health systems will be crucial for sustainability.

The 25-year anniversary of this terrible disease is an opportunity to take stock of where we have been and to renew our commitment to overcoming the challenges that lie ahead in the fight against HIV/AIDS.

75TH ANNIVERSARY OF THE NATIONAL HOUSING CONFERENCE

Mr. SARBANES. Mr. President, I rise today to recognize the 75th anniversary of the National Housing Conference, NHC, an organization of over 900 members dedicated to forwarding the cause of affordable housing and community development. For the past 75 years, the National Housing Conference has been an important contributor to the national debate on housing policy. Over the years, NHC has worked to achieve the goal set forth in the landmark Housing Act of 1949: ''a decent home and a suitable living environment for every American family.''

Organized in New York City in 1931 by the efforts of reformer and social worker Mary Simkhovitch, NHC has the distinction of being the first nonpartisan, independent coalition of national housing leaders from both public and private sectors. This pioneering advocacy group included bankers, builders, civic leaders, realtors, organized labor, architects, and residents. Early on, NHC was instrumental in the efforts to raise public awareness in New York City about the plight of hundreds of thousands of its people and the consequences slums had on the general welfare.

In 1945, NHC moved its headquarters to Washington, DC, and took on a tremendous challenge: get rid of the slums, and eliminate substandard housing. Through the 1940s NHC forged partnerships and mobilized grassroots forces around the country in an effort to pass Federal legislation to meet this challenge. Finally, NHC's efforts were rewarded with the passage of the landmark Housing Act of 1949, the most sweeping, ambitious housing legislation the Nation had ever had. The act called for ''a decent home and a suitable living environment for every American family.''

In the 1960s, NHC was again instrumental in the passage of the Housing and Urban Development Act of 1965, which resulted in the creation of a Cabinet-level department devoted to housing.

Throughout the 1970s, 1980s, and 1990s NHC was a constant presence in the national debate on housing policy, and continued to advocate on behalf of better housing opportunities for all Americans.

NHC continues to be a force in shaping this Nation's housing policy. Today, as NHC celebrates this milestone, it has rededicated itself to a central mission: fulfilling the dream of the 1949 Housing Act—''a decent home and a suitable living environment for every American family.'' I commend the National Housing Conference for its past efforts and honor the organization on this very special anniversary.

COAST GUARD CUTTER ''ACACIA''

Ms. STABENOW. Mr. President, today at a 10 a.m. the U.S. Coast Guard will decommission the Cutter *Acacia* in a ceremony in Charlevoix, MI.

The Acacia's keel was laid in 1942 in Duluth MN, and was commissioned on September 1, 1944. The cutter is named after the original *Acacia*, a U.S. Lighthouse Service vessel sunk off the coast of British West Indies by a German U-boat on March 17, 1942. The *Acacia* is the last of the Coast Guard's 180-foot World War II era buoy tenders still in service and has called Charlevoix, MI, home since 1990.

The *Acacia* has served as a buoy tender on the Great Lakes for 62 years and its area of responsibility extends from Chicago at the south end of Lake Michigan to Alpena on Lake Huron. The cutter's primary mission is maintaining aids to navigation but has also performed search and rescue missions, as well as providing icebreaking assistance during the winter. The *Acacia*, also know as ''The Big A'' or ''Ace of the Great Lakes'' has performed an unheralded but vital mission in the Great Lakes for more than six decades.

I commend the *Acacia* crew both past and present for their tireless service to maintain the Great Lakes navigational aids. Each fall the *Acacia* and its crew begin a race against the Lakes brutal winter weather when they set out to remove buoys in Lake Michigan and Lake Huron. These buoys can weigh over 18 tons and are covered in ice. Pulling buoys out of the frigid and unpredictable Great Lakes in October, November and December is back breaking work in rough seas and sub zero weather. However, it is crucial to keep these waterways open for commercial shipping as long as possible before the ice closes the shipping lanes and grinds any buoys left behind into scrap metal.

Mr. President, the *Acacia* and her crew have served the Great Lakes faithfully since the 1940s and we will miss her fondly.

PROCLAMATION

Mr. DEWINE. Mr. President, I request unanimous consent that my proclamation honoring the Bicentennial of the Steubenville Herald-Star newspaper be printed in the RECORD.

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

A PROCLAMATION HONORING THE BICENTENNIAL OF THE STEUBENVILLE HERALD-STAR NEWSPAPER

Whereas; The Herald-Star Newspaper was founded on June 7, 1806 in Steubenville by William Lowry and John Miller, who named it the Western Herald, and

Whereas; It is the oldest newspaper in Jefferson County and is also one of the oldest daily circulated newspapers in Ohio, and

Whereas; John Miller left the paper to fight the British during the War of 1812, where he received lands in Missouri, and earned the rank of Colonel—eventually becoming the territorial governor, and

Whereas; President Woodrow Wilson's grandfather, James Wilson bought the Western Herald in 1815. The newspaper stayed in the Wilson family for nearly three decades, and

Whereas; With the establishment of a telegraph between Steubenville and Pittsburgh, the Western Herald became one of the most widely read and influential papers in the area, and

Whereas; The Western Herald once employed journalists who went on to become powerful players in the newspaper industry, like R.B. Allison, who left Steubenville to purchase the St. Louis Post-Dispatch, and

Whereas; The Western Herald and the Steubenville Star merged in 1897 to become the Herald-Star, and

Whereas; The Herald Star is now operated by Ogden Newspapers Inc, and now resides at 401 Herald Square in downtown Steubenville.

Now, therefore, I, Mike DeWine, United States Senator from the Great State of Ohio, would like to commend The Heald-Star for two centuries of commitment to one of this country's founding ideals—the freedom of the press—and congratulate past, present and future employees for their success.

ADDITIONAL STATEMENTS

COLLBRAN JOB CORPS

● Mr. SALAZAR. Mr. President, today I recognize and commend the fantastic work and accomplishments of the students and staff at the Collbran Job Corps located in Collbran, CO.

Last year, the Collbran Job Corps was awarded the outstanding Organization of the Year award by the Colorado Special Olympics Hall of Fame for their outstanding service and dedication to the Special Olympics in Colorado. This recognition was well deserved as Collbran Job Corps has actively participated and supported the Colorado Special Olympics for almost 20 years.

Recently, the students and staff at the Collbran Job Corps Center collaborated to form a robotics team that competed in national competitions against other robotics teams from universities, colleges, and the private sector. In May, Collbran team was awarded 1st place honors in a regional robotics competition in Denver and won an opportunity to compete in the International Robotics Competition in Atlanta against robotics teams from around the globe. The judges at the international competition in Atlanta

awarded Collbran the Engineering Inspiration Award for their ability to inspire other competitors.

The students and staff at the Collbran Job Corps certainly live up to their mission statement: ''Believe, Achieve, and Succeed.'' Their first place victory at the Denver regional competition and excellent showing and award at the International Robotics Competition demonstrates that Collbran is meeting and excelling above and beyond this mission statement.

Collbran Job Corps students are well known throughout western Colorado for their achievements and commitment to the betterment of their community. They have actively been involved in community projects that utilized the skills of students in the construction trades, including the CISCO Networking Program, business technology occupations, as well as those in culinary arts training. The longstanding sense of commitment to enhancing community spirit and outreach serves as a benchmark to other Job Corps sites throughout the country.

Recently, the Department of Labor national Office of Job Corps selected Collbran Job Corps as a Career Success Standards, CSS, Pilot Center and national trainer. The CSS sets a standard for behavioral expectations of students participating in the Job Corps program in support of the President's High Growth Training Initiative. The Collbran Center was selected as a result of their outstanding core values, positive and engaging student culture, and consistent high performance.

Collbran Job Corps highlights the positive impacts the Job Corps opportunity has had on the lives of the disadvantaged youth who participate and the positive effect those youth contribute back to their communities and the strong values of community. As the budget and appropriations process proceeds, I hope the Senate will continue to support the Job Corps program and keep the wonderful example of Collbran Job Corps in mind. I know I will.

I commend the Collbran Job Corps Center for believing, achieving, and succeeding.●

TRIBUTE TO WILLIAM ''J'' THOMPSON

● Mr. PRYOR. Mr. President, it is with the greatest pleasure that I rise today to honor William ''J'' Thompson of Highland, AR. J Thompson works as a lineman for the Southern Electric Cooperative, and since 2004, he has also been a first responder and truck captain for the Highland Volunteer Fire Department.

On Christmas Eve, 2005, J Thompson responded to an emergency call from the Highland Police Department. A young man had been stopped by a police officer and had admitted to taking several tranquilizers. Shortly thereafter, he lost consciousness and was unresponsive to the officer. When Mr. Thompson arrived on the scene, the young man had stopped breathing. He was pulled from the vehicle, and it was discovered that he had no pulse. At this point, Mr. Thompson administered CPR, and the individual started breathing and regained a pulse.

Without the heroic actions of J Thompson, this young man would not be alive today. My home State of Arkansas is fortunate to have men of his caliber volunteering their time and expertise to their communities.

Mr. President, I ask my colleagues to join me in applauding William ''J'' Thompson and all the remarkable volunteer firemen for their selfless commitment to safety and humanitarian efforts in our country.●

IN MEMORIAM: ROBERT L. DUVALL, III

● Mr. BOND. Mr. President. I take this opportunity to honor the life of Bob Duvall, not only out of great respect for his contributions to technology advancements in the defense industry but also for all of those who have played a key role in the strength of our Armed Forces and Nation's security. Warfighters and commanders among all service groups have directly benefited from his engineering contributions. Mr. Duvall passed away on May 24, 2006. He was 61.

Mr. Robert L. Duvall, III, was born in Cheverly, MD, on October 8, 1944 and grew up in the suburbs of Washington, DC. His father was an electrical engineer for the Chesapeake and Potomac Telephone Company and inspired him to pursue a career in engineering. In 1967, he graduated from Cornell University, Ithaca, NY, with a degree in electrical engineering and subsequently went to work at Hughes Aircraft Company in California. Mr. Duvall furthered his education with a master's degree in electrical engineering from the University of Southern California in 1975.

After Mr. Duvall's placement within the defense industry, his technical expertise expanded to include a variety of disciplines, including circuit design, optics, infrared technology, optoelectronics, and systems integration. It was within the infrared technology and laser systems integration sector that his contributions made the most notable and recognized impact to the military capability of the United States. Early contributions and developments during his 20-plus years with Hughes Aircraft led to innovation in Naval and Air Force laser pointing and tracking technology. His contributions are better known for supporting the U.S. Army's Second Generation Forward Looking Infrared, FLIR, developments in the early 1990s.

Mr. Duvall's pioneering efforts with Hughes Aircraft and subsequently his current position as vice president of advanced technology at DRS Technologies have indeed made a difference for our present generation of warfighters. Our sons and daughters enter into battle with the decisive ability to ''own the night'' and precisely target and defeat the threat because of the incredible contribution he made as a member of our defense industry. There is no doubt Mr. Duvall contributed directly to the saving of many lives and the avoidance of great loss because of his efforts and expertise.

Mr. Duvall is survived by his wife Shirley and his two children Mark and Michelle. Their loss should not be felt alone and should not be remembered alone. It is indeed with great respect and admiration for his contribution to our Nation's defense that we pause today to recognize Mr. Robert L. Duvall, III. His effort will have a lasting effect on many, and no doubt others lives will continue because of him.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which ws refered to the Committee on the Judiciary.

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

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:22 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1235. An act to amend title 38, United States Code, to improve and extend housing, insurance, outreach, and benefits programs provided under the laws administered by the Secretary of Veterans Affairs, to improve and extend employment programs for veterans under laws administered by the Secretary of Labor, and for other purposes.

H.R. 1953. An act to require the Secretary of the Treasury to mint coins in commemoration of the Old Mint at San Francisco, otherwise known as the ''Granite Lady'', and for other purposes.

H.R. 3829. An act to designate the Department of Veterans Affairs Medical Center in Muskogee, Oklahoma, as the Jack C. Montgomery Department of Veterans Affairs Medical Center.

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 enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

At 12:00 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 bills, in which it requests the concurrence of the Senate:

H.R. 5126. An act to amend the Communications Act of 1934 to prohibit manipulation of caller identification information, and for other purposes.

H.R. 5245. An act to designate the facility of the United States Postal Service located at 1 Marble Street in Fair Haven, Vermont, as the ''Matthew Lyon Post Office Building''.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 399. Concurrent resolution recognizing the 30th Anniversary of the victory of United States winemakers at the 1976 Paris Wine Tasting.

H. Con. Res. 422. Concurrent resolution supporting the goals and ideals of the Vigil for Lost Promise day.

The message also announced that pursuant to section 703(c) of the Public Interest Declassification Act of 2000 (50 U.S.C. 435 note), and the order of the House of December 18, 2005, the Speaker appoints the following member on the part of the House of Representatives to the Public Interest Declassification Board for a term of three years: Admiral William O. Studeman of Great Falls, Virginia.

At 1:19 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5441. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

At 5:23 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. 193. An act to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5521. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2007, and for other purposes.

At 7:24 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2803. An act to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5126. An act to amend the Communications Act of 1934 to prohibit manipulation of caller identification information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 5245. An act to designate the facility of the United States Postal Service located at 1 Marble Street in Fair Haven, Vermont, as the ''Matthew Lyon Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5441. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; to the Committee on Appropriations.

H.R. 5521. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2007, and for other purposes; to the Committee on Appropriations.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 399. Concurrent resolution recognizing the 30th Anniversary of the victory of United States winemakers at the 1976 Paris Wine Tasting; to the Committee on Agriculture, Nutrition, and Forestry.

H. Con. Res. 422. Concurrent resolution supporting the goals and ideals of the Vigil for Lost Promise day; to the Committee on Health, Education, Labor, and Pensions.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 7, 2006, she had presented to the President of the United States the following enrolled bill:

S. 1235. An act to amend title 38, United States Code, to improve and extend housing, insurance, outreach, and benefits programs provided under the laws administered by the Secretary of Veterans Affairs, to improve and extend employment programs for veterans under laws administered by the Secretary of Labor, and for other purposes.

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–6997. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Inspector General Department of Defense Semi-Annual Report to Congress, October 1, 2005–March 31, 2006, along with the classified Annex to the Semi-Annual Report on Intelligence-Related Oversight; to the Committee on Homeland Security and Governmental Affairs.

EC–6998. A communication from the Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the Corporation's Inspector General Semi-Annual Report for the period from October 1, 2005 through March 31, 2006 and the Corporation's Report on Final Action; to the Committee on Homeland Security and Governmental Affairs.

EC–6999. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2005 through March 31, 2006 and the Management Response; to the Committee on Homeland Security and Governmental Affairs.

EC–7000. A communication from the Chairman, Board of Governors, United States Postal Service, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2005 through March 31, 2006 and the Management Response; to the Committee on Homeland Security and Governmental Affairs.

EC–7001. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, the Board's Semi-Annual Report of the Inspector General for the period from October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7002. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, the Board's Semi-Annual Report of the Inspector General for the period from October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7003. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Administration's Semi-Annual Report of the Inspector General for the period from October 1, 2005 through March 31, 2006 and the Management Response; to the Committee on Homeland Security and Governmental Affairs.

EC–7004. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the Administration's Semi-Annual Report of the Inspector General for the period from October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7005. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Agency's Semi-Annual Report of the Inspector General for the period from October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7006. A communication from the Acting Secretary of the Interior, transmitting, pursuant to law, the Department of the Interior's Semi-Annual Report of the Inspector General for the period from October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7007. A communication from the Chairman, United States International Trade Commission, transmitting, pursuant to law, the Commission's Semi-Annual Report of the Inspector General for the period from October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7008. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department of Energy's Semi-Annual Report of the Inspector General for the period from October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7009. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department of Labor's Semi-Annual Report of the Inspector General for the period from October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7010. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7011. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2005 through March 31, 2006 and the Management Response; to the Committee on Homeland Security and Governmental Affairs.

EC–7012. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Fiscal Year

2005 Federal Student Loan Repayment Program Report; to the Committee on Homeland Security and Governmental Affairs.

EC–7013. A communication from the Chairman, U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report entitled ''Contracting Officer Representatives: Managing the Government's Technical Experts to Achieve Positive Contract Outcomes''; to the Committee on Homeland Security and Governmental Affairs.

EC–7014. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Letter Report: Review of Relocation and Related OCTO Employees' Expenses Paid For by the Office of the Chief Technology Officer For Fiscal Years 2001 Through 2003''; to the Committee on Homeland Security and Governmental Affairs.

EC–7015. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Fiscal Year 2005 Annual Report On Advisory Neighborhood Commissions''; to the Committee on Homeland Security and Governmental Affairs.

EC–7016. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Letter Report: Comparative Analysis of Collections to Revised Revenue Estimates for Fiscal Year 2005''; to the Committee on Homeland Security and Governmental Affairs.

EC–7017. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''Official Seals and Logos'' (RIN3095-AB48) received on May 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7018. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-381, ''Organ and Tissue Donor Registry Establishment Act of 2006'' received on May 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7019. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-382, ''Closing of a Portion of S Street, S.E., a Portion of 13th Street S.E., and Public Alleys in Squares 5600 and 5601, S.O. 04–11912, Act of 2006'' received on May 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7020. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–383, ''Tobacco Settlement Trust Fund and Tobacco Settlement Financing Amendment Act of 2006'' received on May 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7021. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–384, ''Closing of Public Streets and Alleys in Squares 702, 703, 704, 705, and 706, and in U.S. Reservation 247, S.O. 05–6318, Act of 2006'' received on May 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7022. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–385, ''National Guard Operations Coordination Temporary Act of 2006'' received on May 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7023. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–386, ''My Sister's Place, Inc. Grant Authority Temporary Act of 2006'' received on May 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7024. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–387, ''Disclosure of Mental Retardation and Developmental Disabilities Fatality Review Committee and Mental Retardation and Developmental Disabilities Incident Management and Investigations Unit Information and Records Temporary Amendment Act of 2006'' received on May 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7025. A communication from the Director, Office of Personnel Management, transmitting, the report of proposed legislation entitled ''Performance Appraisal Certification Technical Corrections Act of 2006''; to the Committee on Homeland Security and Governmental Affairs.

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. MCCAIN:

S. 3457. A bill to provide a national franchise and other regulatory relief to video service providers who offer a-la-carte programming for cable television, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAYH (for himself and Mrs. BOXER):

S. 3458. A bill to require the Consumer Product Safety Commission to issue regulations mandating child-resistant closures on all portable gasoline containers; to the Committee on Commerce, Science, and Transportation.

By Mr. CHAMBLISS:

S. 3459. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density, fiberboard-core laminate panels entered in May 2003 through September 2003; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3460. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density, fiberboard-core laminate panels entered in June 2004 through October 2004; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3461. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density, fiberboard-core laminate panels entered in February 2003 through May 2003; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3462. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density, fiberboard-core laminate panels entered in October 2002 through February 2003; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3463. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density, fiberboard-core laminate panels entered in May 2002 through August 2002; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3464. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density, fiberboard-core laminate panels entered in May 2002 through June 2002; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3465. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density, fiberboard-core laminate panels entered in March 1999 through March 2001; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3466. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density, fiberboard-core laminate panels entered in March 2002 through May 2002; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3467. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density, fiberboard-core laminate panels entered in January 2002 through March 2002; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3468. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density, fiberboard-core laminate panels entered in March 2001 through October 2001; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3469. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density, fiberboard-core laminate panels entered in February 2005 through July 2005; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3470. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density, fiberboard-core laminate panels entered in October 2004 through February 2005; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3471. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density, fiberboard-core laminate panels entered in March 2004 through June 2007; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3472. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density, fiberboard-core laminate panels entered in August 2003 through March 2004; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3473. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density, fiberboard-core laminate panels entered in November 2001 through December 2004; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3474. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density, fiberboard-core laminate panels entered in July 2002 through October 2002; to the Committee on Finance.

By Mr. OBAMA:

S. 3475. A bill to provide housing assistance for very low-income veterans; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. AKAKA:

S. 3476. To amend the Homeland Security Act of 2002 to establish employee professional development programs at the Department of Homeland Security; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. FEINGOLD (for himself, Ms. MURKOWSKI, Mr. BIDEN, and Mr. LUGAR):

S. Res. 503. A resolution mourning the loss of life caused by the earthquake that occurred on May 27, 2006, in Indonesia, expressing the condolences of the American people to the families of the victims, and urging assistance to those affected; to the Committee on Foreign Relations.

By Mr. LAUTENBERG (for himself, Mr. GRAHAM, Mr. MENENDEZ, Mrs. CLINTON, Mr. REID, Mr. KENNEDY, Mr.

BIDEN, Mr. LIEBERMAN, Mr. LEVIN, Mr. KERRY, Ms. STABENOW, Ms. MIKULSKI, Mr. SCHUMER, Mrs. BOXER, Mr. DODD, Mr. BINGAMAN, Mr. ALLEN, Ms. COLLINS, Mr. SANTORUM, Mr. BURR, Mr. SALAZAR, Mr. DEMINT, Mrs. LINCOLN, Mr. DORGAN, Mr. REED, Mr. DEWINE, Mr. KOHL, Mr. HATCH, Mr. COLEMAN, and Mr. ROCKEFELLER):

S. Res. 504. A resolution expressing the sense of the Senate that the President should not accept the credentials of any representative of the Government of Libya without the expressed understanding that the Government of Libya will continue to work in good faith to resolve outstanding cases of United States victims of terrorism sponsored or supported by Libya, including the settlement of cases arising from the Pan Am Flight 103 and LaBelle Discotheque bombings; considered and agreed to.

By Mr. GRASSLEY (for himself, Mr. SALAZAR, Mr. LUGAR, Mr. HARKIN, Mr. DEWINE, Mr. OBAMA, Mr. HAGEL, Mr. DORGAN, Mr. COLEMAN, Mr. KERRY, Mr. TALENT, Mr. NELSON of Nebraska, Mr. THUNE, Ms. CANTWELL, Mr. KOHL, and Mr. JOHNSON):

S. Con. Res. 97. A concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber; to the Committee on Agriculture, Nutrition, and Forestry.

ADDITIONAL COSPONSORS

S. 420

At the request of Mr. KYL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 420, a bill to make the repeal of the estate tax permanent.

S. 484

At the request of Mr. WARNER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 495

At the request of Mr. CRAPO, his name was added as a cosponsor of S. 495, a bill to impose sanctions against perpetrators of crimes against humanity in Darfur, Sudan, and for other purposes.

S. 918

At the request of Mr. OBAMA, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 918, a bill to provide for Flexible Fuel Vehicle (FFV) refueling capability at new and existing refueling station facilities to promote energy security and reduction of greenhouse gas emissions.

S. 1064

At the request of Mr. COCHRAN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1064, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1272

At the request of Mr. NELSON of Nebraska, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1353

At the request of Mr. REID, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Kentucky (Mr. BUNNING) 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. 1575

At the request of Mr. BINGAMAN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1575, a bill to amend the Public Health Service Act to authorize a demonstration program to increase the number of doctorally-prepared nurse faculty.

S. 1691

At the request of Mr. CRAIG, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1691, a bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under State law.

S. 1722

At the request of Ms. MURKOWSKI, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1722, a bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes.

S. 2025

At the request of Mr. BAYH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2025, a bill to promote the national security and stability of the United States economy by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes.

S. 2140

At the request of Mr. HATCH, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2284

At the request of Ms. MIKULSKI, the name of the Senator from South Carolina (Mr. GRAHAM) 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. 2416

At the request of Mr. BURNS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2416, a bill to amend title 38, United States Code, to expand the scope of programs of education for which accelerated payments of educational assistance under the Montgomery GI Bill may be used, and for other purposes.

S. 2467

At the request of Mr. GRASSLEY, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Colorado (Mr. SALAZAR) 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. 2545

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2545, a bill to establish a collaborative program to protect the Great Lakes, and for other purposes.

S. 2616

At the request of Mr. SANTORUM, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2616, a bill to amend the Surface Mining Control and Reclamation Act of 1977 and the Mineral Leasing Act to improve surface mining control and reclamation, and for other purposes.

S. 2658

At the request of Mr. BOND, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2658, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2658, supra.

S. 2661

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 2661, a bill to provide for a plebiscite in Puerto Rico on the status of the territory.

At the request of Mr. MARTINEZ, the names of the Senator from Indiana (Mr. BAYH) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 2661, supra.

S. 2707

At the request of Mr. SUNUNU, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2707, a bill to amend the United States Housing Act of 1937 to exempt qualified public housing agencies from the requirement of preparing an annual public housing agency plan.

S. 2810

At the request of Mr. GRASSLEY, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 2810, a bill to amend title XVIII of the Social Security Act to eliminate months in 2006 from the calculation of any late enrollment penalty under the Medicare part D prescription drug program and to provide for additional funding for State health insurance counseling program and area agencies on aging, and for other purposes.

S. 3069

At the request of Mr. DODD, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 3069, a bill to amend section 2306 of title 38, United States Code, to modify the furnishing of government markers for graves of veterans at private ceremonies, and for other purposes.

S. 3275

At the request of Mr. ALLEN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 3275, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. CON. RES. 71

At the request of Mr. AKAKA, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Con. Res. 71, a concurrent resolution expressing the sense of Congress that States should require candidates for driver's licenses to demonstrate an ability to exercise greatly increased caution when driving in the proximity of a potentially visually impaired individual.

S. CON. RES. 96

At the request of Mr. BROWNBACK, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of 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.

S. RES. 331

At the request of Ms. LANDRIEU, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. Res. 331, a resolution expressing the sense of the Senate regarding fertility issues facing cancer survivors.

S. RES. 420

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 420, a resolution expressing the sense of the Senate that effective treatment and access to care for individuals with psoriasis and psoriatic arthritis should be improved.

AMENDMENT NO. 4189

At the request of Mrs. BOXER, her name was added as a cosponsor of amendment No. 4189 intended to be proposed to S. 2012, a bill to authorize appropriations to the Secretary of Commerce for the Magnuson-Stevens Fishery Conservation and Management Act for fiscal years 2006 through 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN:

S. 3457. A bill to provide a national franchise and other regulatory relief to video service providers who offer a-la-carte programming for cable television, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, today I am introducing the Consumers Having Options in Cable Entertainment, CHOICE, Act of 2006. This bill would encourage broadcasters and cable companies that own cable channels to sell their channels individually to subscribers. It would also promote cable programming distribution over the Internet.

For almost 10 years I have supported giving consumers the ability to buy cable channels individually, also known as a la carte, to provide consumers with more control over the viewing options in their home and their monthly cable bill. Cable companies have resisted this and have continued to give consumers all the ''choice'' of a North Korean election ballot. There is only one option available: buy a package of channels, whether you watch all the channels or not. The alternative is to not receive cable programming at all. Why have cable companies and cable programmers refused to give consumers the ability to buy and pay for only those channels consumers watch? Simply because they do not have to. They are the only game in town. But not for long, I hope.

Telephone companies have realized that consumers want more and are poised to provide consumers across the nation with an alternative to the local cable company. Many of these telephone companies, including AT&T, are also ready to offer consumers the ability to purchase channels a la carte. Such companies will offer two crucial benefits to consumers: more competition in the video service provider market, and more options for programming packages. Together, these two offerings will allow consumers to have greater control over the content that enters the home and the ability to manage their monthly cable bills.

According to a Government Accountability Office, GAO, report, in communities where there are two cable companies competing for customers, cable rates are 15 percent less than in communities without any competition. A subsequent GAO study suggests that in some markets the presence of another cable competitor may reduce rates by an astounding 41 percent. Unfortunately, today less than 5 percent of communities have two companies competing to provide consumers cable television service.

The CHOICE Act would help bring competition to the cable television market. Choice in cable television delivery is long overdue for consumers who have suffered steep rate hikes year after year. Since 1996, cable rates have increased 58 percent or nearly three times the rate of inflation. The Federal Communications Commission, FCC, has found that rates increased 7 percent in 2001 and 2002, and 5 percent in 2003. The FCC's most recent report found that rates again rose 5 percent in 2004, double the rate of inflation, but only 3.6 percent where the local cable company faced competition. I can only imagine the savings consumers could reap if presented with a choice of providers of cable service and a choice of channels. For this reason I call on Congress to pass the CHOICE Act.

A recent USA Today/Gallup poll found that a majority of Americans would like to buy cable channels individually and an AP/Ipsos poll found that a remarkable 78 percent of Americans would like to do so. According to Nielsen Media Research, households receiving more than 70 channels only watch, on average, about 17 of these. Consumers know that they could have greater control over their monthly bill if given the ability to choose their channels. This was recently confirmed by the FCC. This year the FCC found that consumers could save as much as 13 percent on their monthly cable bills if they could buy only the channels they want.

Mr. President, consider the situation of a senior citizen on fixed income living in Sun City, Arizona, who watches only a few news and movie channels, but continues to pay for high priced channels such as ESPN, Fox Sports, and MTV—channels that other consumers enjoy, but channels that certain seniors may not want and possibly cannot afford. In fact, the general manager of the Sun City cable system has told my staff that he has tried to drop several expensive music video channels from the company's channel lineup to make room for channels his viewers want to receive and to decrease costs, but the owners of the music video channels have forbid him to do so without serious repercussions. So the residents of Sun City continue to subsidize the cost of these channels for viewers around the country. That is why AARP, representing 35 million senior citizens, supports the ability for viewers to buy channels on an a la carte

basis. But again, cable companies don't have to listen to these 35 million viewers because there is no real threat of losing them. They have nowhere to turn.

The CHOICE ACT, Mr. President, is not a mandate on cable providers. Instead it is designed to encourage choice and competition by granting significant regulatory relief to video service providers, such as telephone and cable companies, that agree to both offer cable channels on an a la carte basis to subscribers and to not prohibit any channel owned by the video service provider from being sold individually. In exchange, video service providers would receive the right to obtain a national franchise; would be permitted to pay lower fees to municipalities for the use of public rights of way; would benefit from a streamlined definition of ''gross video revenue'' for the calculation of such fees; and would gain a prohibition on the solicitation of institutional networks, in-kind donation, and unlimited public access channels.

In addition, broadcasters that have an ownership stake in a cable channel would get the benefit of the FCC's network non-duplications rule if the broadcaster does not prohibit the channel from being sold individually. The FCC's network non-duplication rule provides exclusivity for broadcasters by not allowing another broadcaster with the same network affiliation from broadcasting in the same community. The bill would also modify Section 616(a) of the Communications Act that currently prohibits video service providers from using coercion or retaliatory tactics to prevent cable channels from making their services available to competing companies to extend this provision to distribution over the Internet.

For example, if Time Warner Cable offered CNN, a cable channel it owns, on an a la carte basis to its cable subscribers and allowed other cable companies, satellite companies, and video programmers who choose to distribute CNN to make it available on an a la carte basis, Time Warner Cable would be eligible for a national franchise and other regulatory relief. If Disney, which owns ESPN, allowed other cable companies, satellite companies, and video programmers who choose to distribute ESPN to make it available on an a la carte basis, Disney's ABC broadcast stations would have the benefit of the FCC's network non-duplication rule.

Mr. President, contrary to what some might want the American people to believe, the CHOICE Act does not force video service providers or broadcasters to do a single thing. It is their choice whether to act or not act. The bill provides them with such a choice even though they currently don't provide meaningful choices to their customers. This bill is incentive-based legislation that would encourage owners of cable channels to make channels available for individual purchase and would do nothing to prevent cable companies from continuing to offer a bundle of channels or tiers of channels.

The cable industry regularly touts the value of its package of channels, noting that it costs less than taking a family of four to a movie or professional sporting event. However, watching cable television is not always a family event. Several channels have programming that consumers find objectionable or that parents believe is unsuitable for young children. Complaints about indecent cable programming have increased exponentially in recent years. In 2004, the FCC received 700 percent more cable indecency complaints than it received in 2003. Most of the cable programs about which indecency complaints have been filed with the FCC aired during hours when many children are watching television.

Cable and satellite companies currently provide subscribers with a variety of methods of blocking the audio and video programming of any channel that they do not wish to receive. However, subscribers are still required to pay for these channels that they find objectionable. The ''v-chip'' does not effectively protect children from indecent programming carried by video programming distributors. Most of the television sets currently in use in the United States are not equipped with a v-chip; of the 280 million sets currently in United States households, approximately 161 million television sets are not equipped with a v-chip. Households that have a television set with a v-chip are also likely to have one or more sets that are not equipped with a v-chip.

Again, Mr. President, I am aware that not all consumers want to block and not pay for certain channels, but shouldn't all consumers have the choice to do so? Cable programmers and broadcasters have started offering individual television programs for download on the Internet. This is the purest form of a la carte—where one can watch and pay for only specific programs they choose. In addition, many of these same broadcasters and cable programmers make their channels available for individual purchase in Hong Kong, Canada, and other countries. Why do these cable programmers treat the American cable subscriber differently than a subscriber in Hong Kong or Canada or an Internet user? It remains unclear.

Lastly, Mr. President, I know that the cable programmers and broadcasters will not be the only group that may have some concerns with this bill. Many of my friends in local government are also likely to be interested in the reduced ''rights of way'' fee and streamlined definition of ''gross video revenue'' under this bill. Cable companies pay these fees to municipalities to use the right-of-way land under sidewalks, streets and bridges to reach customers' homes and then pass these fees on to subscribers. However, these fees often surpass the costs of managing ''rights of way'' land, and municipalities use these funds for other expenditures. Just last month at a hearing before the Senate Commerce Committee, Michael A. Guido, Mayor of Dearborn, Michigan, confirmed that these fees are often used to pay for other city expenses, such as emergency vehicles.

In 2004, State and local governments collected approximately $2.4 billion in these fees, slightly more than $37 per year from every household subscriber. Americans for Tax Reform believes that the ''franchise fee is just a stealth tax on our consumption of the cable television,'' as do other economists and taxpayer advocacy groups. To this end, the legislature in my home state of Arizona just recently passed a bill to reduce such fees and taxes on cable television subscribers.

The Phoenix Center, a non-partisan legal and economic think tank, has found that the introduction of competition to cable companies could allow the fee to be lowered ''significantly without doing any harm to local governments.'' Based upon this research, the CHOICE Act would reduce the fee from 5 percent to 3.7 percent for eligible video service providers and allow local governments to petition the FCC for a higher fee if it is necessary to cover the costs of managing ''rights of way'' land. I believe this would provide some real cost savings to cable subscribers.

I remain open to working with municipalities on this issue and look forward to working with all interested parties to ensure that American consumers receive greater options for affordable and acceptable television viewing. Mr. President, I hope the introduction of the CHOICE Act furthers the debate on the issue of a la carte channel selection and I look forward to the Senate's consideration of the bill.

By Mr. OBAMA:

S. 3475. A bill to provide housing assistance for very low-income veterans; to the Committee on Banking, Housing, and Urban Affairs.

Mr. OBAMA. Mr. President, I rise today to introduce the Homes for Heroes Act of 2006.

When we talk about veterans in Washington, I often think about my grandfather, who signed up for duty in World War II the day after Pearl Harbor. He marched across Europe in Patton's army, and when he came home to Kansas, he could have very easily faced some tough times.

He could have had trouble paying for college, or finding a job, or even finding a home. But at the time, he lived in a country that recognized the value of his service—a country that kept its promise to defend those who have defended freedom. And so he was able to afford college through the G.I. Bill, and he was able to buy a house through the Federal Housing Administration, and he was able to work hard and raise a family and build his own American dream.

And after I think about my grandfather, and the opportunities he had as

a veteran, I then think about a veteran I met named Bill Allen, who told me that on a recent trip he took to Chicago, he actually saw homeless veterans fighting over access to the dumpsters. Think about that. Fighting over access to the dumpsters.

Each and every night in this country, more than 200,000 of our Nation's veterans are homeless. And more than half a million will experience homelessness over the course of a year. There is no single cause for this. Homeless vets are men and women, single and married. They have served in every conflict since World War II. Many suffer from post-traumatic stress disorder; others were physically and mentally battered in combat. A large number left the military without job skills that could be easily used in the private sector.

All have risked their lives for their country. All deserve—at the very least—the basic dignity of going to sleep at night with a roof over their head. And every day we allow them to go without, it brings shame to every single one of us.

This is wrong. It is because we're quick to offer words of praise for our troops when they were abroad, but quick to forget about their needs when they come home. It's wrong because we have the resources and the programs in place to help solve this problem. And it is wrong on a fundamentally moral level—the idea that we would allow such brave and selfless citizens to suffer in such biting poverty. And so it is now our responsibility—it is now our duty—to make this right.

Last year, I introduced the Sheltering All Veterans Everywhere Act, S. 1180—the SAVE Act—to strengthen services for homeless veterans. The SAVE Act would reauthorize and expand two of the most successful programs in dealing with homeless veterans: the Homeless Providers Grant and Per Diem Program and the Homeless Veterans Reintegration Program. In addition, the SAVE Act would expand the reach of the Homeless Veterans Reintegration Program to also include veterans at risk of homelessness, so that we can work to prevent homelessness before it happens.

And while it is one thing to get veterans off the streets temporarily; it is another to keep them off—to place veterans in real, permanent homes. In fact, the VA has consistently identified permanent housing as one of the top three unmet needs in the fight against veteran homelessness.

That is why I'm introducing a bill today called the Homes for Heroes Act. This is a bill that would help expand access to long-term, affordable housing by creating a fund so that the community and nonprofit organizations could purchase, build, or rehabilitate homes and apartments for veterans.

So that we don't just leave them, to face their personal challenges on their own, the organizations would also provide services like counseling, employment training, and child care to the veterans who live in this housing. And the Homes for Heroes Act would expand the number of permanent housing vouchers for veterans from the current number of less than 2,000 to 20,000. These are vouchers that have been highly successful in giving veterans the chance to afford a place to live.

Every day in America, we walk past men and women on street comers with handwritten signs that say ''Homeless Veteran—Will Work For Food.'' Sometimes we give a dollar; sometimes we just keep walking. These are soldiers who fought in World War II, Vietnam, and Iraq. They made a commitment to their country when they chose to serve—and now we must keep our commitment to them. Because when we make the decision to send our troops to war, we also make the decision to care for them, to speak for them, and to think of them—always—when they come home.

This kind of America—an America of opportunity, of collective responsibility for each other—is the kind that any of our parents and grandparents came home to after the Second World War. Now it is time for us to build this America for those sons and daughters who come home today.

Mr. AKAKA:

S. 3476. to amend the Homeland Security Act of 2002 to establish employee professional development programs at the Department of Homeland Security; to the Committe on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce legislation that will help train and motivate our homeland security workforce. As the ranking member of the Homeland Security and Governmental Affairs Federal Workforce Subcommittee, I understand the challenges facing the Department of Homeland Security, DHS. Our committee and subcommittee have held numerous hearings on a broad spectrum of DHS-related issues, including poor contract management, ineffective financial systems, and major human capital challenges. I have met with DHS employees and management officials to discuss problems ranging from leadership deficiencies and high employee turnover rates to management challenges. Vacancies resulting from the recent departures of key, high level officials further threaten employee morale and the Department's ability to provide for the security of our Nation. DHS cannot meet its mission if it does not have a well-trained and dedicated workforce. Failure to provide adequate training and career development programs for employees will have serious consequences for our national security.

My bill, the Homeland Security Professional Development Act of 2006, will strengthen the workforce at DHS through the establishment of formal mentoring and rotational programs. The mentoring program will partner junior and entry level workers with more experienced employees to foster an understanding of how employees' roles and responsibilities fit into the Department's mission and to develop career goals. The voluntary rotation program would place midlevel employees in a different component of DHS for a period of time to provide for professional development; increased knowledge of the Department's various missions; and networking opportunities. Participants in the rotation program would be eligible for promotions or other employment preferences. Together the mentoring and rotational programs will improve communication; strengthen recruitment and retention programs; help with succession planning; enhance networking opportunities; and provide a pool of qualified future leaders.

I commend DHS for recognizing the need to strengthen its workforce. Last July, the Department unveiled its Homeland Security Learning and Development Strategic Plan to align education, training, and professional development with the Department's strategic goals. The plan addresses the need to align education and professional development with the Department's vision, mission, core values, and strategic plan. However, this plan alone will not address the daunting challenges facing DHS. Congress must act to ensure that agency-wide employee development programs are in place to eliminate cultural and educational stovepipes.

My bill will increase employee organizational knowledge and technical proficiency in the critical homeland security skill sets required to keep our Nation safe. For example, the Science and Technology Directorate, S&T, would benefit greatly from rotational programs with other DHS directorates and components, including Immigration and Customs Enforcement, ICE, and Customs and Border Protection, CBP. Rotations between these entities would ensure that S&T projects and priorities are correctly aligned with ICE and CBP requirements, in addition to ensuring a cohesive homeland security workforce.

Mentoring programs can hasten the learning curve for new employees, improve employee performance, and alter the culture of the organization by creating a collaborative, team-based, and results-oriented structure. Such programs have a proven track-record of success. According to the April 10, 2006, issue of Federal Human Resources Week, mentoring opportunities are welcomed by federal workers and help in recruitment and retention efforts. This finding is not new. A 1999 workforce study found that 35 percent of private sector employees who did not receive regular mentoring planned to seek other jobs within the next 12 months. This number was reduced to 16 percent when employees received regular mentoring. In addition, according to the International Mentoring Association, employee supervision increases productivity by only 25 percent. However, when training is combined with

coaching and mentoring, productivity is increased by an astounding 88 percent.

One positive example of the benefits of mentoring is the apprentice program at the Pearl Harbor Naval Shipyard in my home State of Hawaii. Established in 1924, the Pearl Harbor apprentice program has graduated thousands of highly qualified and skilled journeymen to ensure that the U.S. Navy remains ''Fit to Fight.''

The Department of Homeland Security continues to face considerable management, leadership, and human capital challenges. The Homeland Security Professional Development Act of 2006 will tackle these challenges by building on the current training efforts of the Department and fostering a well-rounded and well-trained homeland security workforce. I urge my colleagues to support this important legislation and ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3476

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 ''Homeland Security Professional Development Act of 2006''.

SEC. 2. ESTABLISHMENT OF PROFESSIONAL DEVELOPMENT PROGRAMS AT THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—Title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361 et seq.) is amended by inserting after section 843 the following:

''SEC. 844. HOMELAND SECURITY MENTORING PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish the Homeland Security Mentoring Program (in this section referred to as the 'Mentoring Program') for employees of the Department. The Mentoring Program shall use applicable best practices, including those from the Chief Human Capital Officers Council.

''(2) GOALS.—The Mentoring Program established by the Secretary—

''(A) shall be established in accordance with the Department Human Capital Strategic Plan;

''(B) shall incorporate Department human capital strategic plans and activities, and address critical human capital deficiencies, recruitment and retention efforts, and succession planning within the Federal workforce of the Department;

''(C) shall enable employees within the Department to share expertise, values, skills, resources, perspectives, attitudes and proficiencies to develop and foster a cadre of qualified employees and future leaders;

''(D) shall incorporate clear learning goals, objectives, meeting schedules, and feedback processes that will help employees, managers, and executives enhance skills and knowledge of the Department while reaching professional and personal goals;

''(E) shall enhance professional relationships, contacts, and networking opportunities among the employees of the Department;

''(F) shall complement and incorporate (but not replace) mentoring and training programs within the Department in effect on the date of enactment of this section; and

''(G) may promote cross-disciplinary mentoring and training opportunities that include provisions for intradepartmental rotational opportunities, in accordance with human capital goals and plans that foster a more diversified and effective Federal workforce of the Department.

''(3) TRAINING LEADERS COUNCIL.—

''(A) ESTABLISHMENT.—The Training Leaders Council established by the Chief Human Capital Officer shall administer the Mentoring Program.

''(B) RESPONSIBILITIES.—The Training Leaders Council shall—

''(i) provide oversight of the establishment and implementation of the Mentoring Program;

''(ii) establish a framework that supports the goals of the Mentoring Program and promotes cross-disciplinary mentoring and training;

''(iii) identify potential candidates to be mentors or mentees and select candidates for admission into the Mentoring Program;

''(iv) formalize mentoring assignments within the Department;

''(v) formulate individual development plans that reflect the needs of the Department, the mentor, and the mentee;

''(vi) coordinate with mentoring programs in the Department in effect on the date of enactment of this section; and

''(vii) establish target enrollment numbers for the size and scope of the Mentoring Program, under the human capital goals and plans of the Department.

''(4) SELECTION OF PARTICIPANTS FOR MENTORING PROGRAM.—

''(A) IN GENERAL.—The Mentoring Program shall consist of middle and senior level employees of the Department with significant experience who shall serve as mentors for junior and entry level employees and employees who are critical to Department succession plans and programs.

''(B) SELECTION OF MENTORS.—Mentors shall be employees who—

''(i) understand the organization and culture of the Department;

''(ii) understand the aims of mentoring in Federal public service;

''(iii) are available and willing to spend time with the mentee, giving appropriate guidance and feedback;

''(iv) enjoy helping others and are open-minded, flexible, empathetic, and encouraging; and

''(v) have very good communications skills, and stimulate the thinking and reflection of mentees.

''(C) SELECTION OF MENTEES.—Mentees shall be motivated employees who possess potential for future leadership and management roles within the Department.

''(5) ROLES AND RESPONSIBILITIES OF PARTICIPANTS IN THE MENTORING PROGRAM.—

''(A) MENTORS.—

''(i) ROLE.—A mentor shall serve as a model, motivator, and counselor to a mentee.

''(ii) LIMITATION.—Any person who is the immediate supervisor of an employee and evaluates the performance of that employee may not be a mentor to that employee under the Mentor Program.

''(iii) RESPONSIBILITIES.—The responsibilities of a mentor may include—

''(I) helping the mentee set short-term learning objectives and long-term career goals ;

''(II) helping the mentee understand the organizational culture of the Department;

''(III) recommending or creating learning opportunities;

''(IV) providing informal education and training in areas such as communication, critical thinking, responsibility, flexibility, and teamwork; and

''(V) pointing out the strengths and areas for development of the mentee.

''(B) MENTEES.—The responsibilities of the mentee may include—

''(i) defining short-term learning objectives and long-term career goals;

''(ii) participating in learning opportunities to broaden knowledge of the Department; and

''(iii) participating in professional opportunities to improve a particular career area, develop an area of technical expertise, grow professionally, and expand leadership abilities.

''(6) REPORTING.—Not later than 180 days after the date of the establishment of the Mentoring Program, the Secretary shall submit a report on the status of the Mentoring Program and enrollment, including the number of mentors and mentees in each component of the Department and how the Mentoring Program is being used in succession planning and leadership development to—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(B) the Committee on Homeland Security of the House of Representatives; and

''(C) the Committee on Government Reform of the House of Representatives.

''SEC. 845. HOMELAND SECURITY ROTATION PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish the Homeland Security Rotation Program (in this section referred to as the 'Rotation Program') for employees of the Department. The Rotation Program shall use applicable best practices, including those from the Chief Human Capital Officers Council.

''(2) GOALS.—The Rotation Program established by the Secretary shall—

''(A) be established in accordance with the Department Human Capital Strategic Plan;

''(B) provide middle level employees in the Department the opportunity to broaden their knowledge through exposure to other components of the Department;

''(C) expand the knowledge base of the Department by providing for rotational assignments of employees to other components;

''(D) build professional relationships and contacts among the employees in the Department;

''(E) invigorate the workforce with exciting and professionally rewarding opportunities;

''(F) incorporate Department human capital strategic plans and activities, and address critical human capital deficiencies, recruitment and retention efforts, and succession planning within the Federal workforce of the Department; and

''(G) complement and incorporate (but not replace) rotational programs within the Department in effect on the date of enactment of this section.

''(3) TRAINING LEADERS COUNCIL.—

''(A) IN GENERAL.—The Training Leaders Council established by the Chief Human Capital Officer shall administer the Rotation Program.

''(B) RESPONSIBILITIES.—The Training Leaders Council shall—

''(i) provide oversight of the establishment and implementation of the Rotation Program;

''(ii) establish a framework that supports the goals of the Rotation Program and promotes cross-disciplinary rotational opportunities;

''(iii) establish eligibility for employees to participate in the Rotation Program and select participants from employees who apply;

''(iv) establish incentives for employees to participate in the Rotation Program, including promotions and employment preferences;

''(v) ensure that the Rotation Program provides professional education and training;

''(vi) ensure that the Rotation Program develops qualified employees and future leaders with broad-based experience throughout the Department;

''(vii) provide for greater interaction among employees in components of the Department; and

''(viii) coordinate with rotational programs within the Department in effect on the date of enactment of this section.

''(4) ALLOWANCES, PRIVILEGES, AND BENEFITS.—All allowances, privileges, rights, seniority, and other benefits of employees participating in the Rotation Program shall be preserved.

''(5) REPORTING.—Not later than 180 days after the date of the establishment of the Rotation Program, the Secretary shall submit a report on the status of the Rotation Program, including a description of the Rotation Program, the number of employees participating, and how the Rotation Program is used in succession planning and leadership development to—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(B) the Committee on Homeland Security of the House of Representatives; and

''(C) the Committee on Government Reform of the House of Representatives.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by inserting after the item relating to section 843 the following:

''Sec. 844. Homeland Security Mentoring Program.

''Sec. 845. Homeland Security Rotation Program.''.

SEC. 3. REPORTS TO CONGRESS.

(a) IN GENERAL.—Chapter 41 of title 5, United States Code is amended by adding at the end the following:

''SEC. 4122. REPORTS TO CONGRESS.

''The Director of the Office of Personnel Management shall report annually to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives on the training, mentoring, and succession plans and programs of Federal agencies, including the number of participants, the structure of the programs, and how participants are used for leadership development and succession planning programs.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 41 of title 5, United States Code, is amended by inserting after the item relating to section 4121 the following:

''4122. Reports to Congress.''.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 503—MOURNING THE LOSS OF LIFE CAUSED BY THE EARTHQUAKE THAT OCCURRED ON MAY 27, 2006, IN INDONESIA, EXPRESSING THE CONDOLENCES OF THE AMERICAN PEOPLE TO THE FAMILIES OF THE VICTIMS, AND URGING ASSISTANCE TO THOSE AFFECTED

Mr. FEINGOLD (for himself, Ms. MURKOWSKI, Mr. BIDEN, and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 503

Whereas, on May 27, 2006, a powerful earthquake measuring 6.2 on the Richter scale occurred in Indonesia, centered near the City of Yogyakarta;

Whereas the earthquake and continuing aftershocks have caused more than 5,000 deaths, resulted in serious injuries to additional tens of thousands of people, and left hundreds of thousands of people with damaged or destroyed homes;

Whereas thousands of people in the affected region are living in temporary shelter or lack basic services, such as clean water and sanitation, thereby increasing the risk of additional suffering and death; and

Whereas the United States and donors from at least 20 other countries have, to date, pledged several millions of dollars in emergency and long-term reconstruction assistance, and have begun to deliver humanitarian supplies to survivors of the earthquake: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the tragic loss of life and horrendous suffering caused by the earthquake that occurred on May 27, 2006, in Indonesia;

(2) expresses the deepest condolences of the people of the United States to the families, communities, and government of the thousands of individuals who lost their lives in the earthquake;

(3) expresses sympathy and compassion for the hundreds of thousands of people who have been left with destroyed or damaged homes or have been seriously affected by this earthquake;

(4) welcomes and commends the prompt international humanitarian response to the earthquake by the governments of many countries, the United Nations and other international organizations, and nongovernmental organizations;

(5) expresses gratitude and respect for the courageous and committed work of all individuals providing aid, relief, and assistance, including civilian and military personnel of the United States, who are working to save lives and provide relief in the devastated areas;

(6) urges the President and the Government of the United States to provide all appropriate assistance to the Government of Indonesia and people of the affected region; and

(7) recognizes the lead role of the Government of Indonesia in providing assistance and promoting recovery for the affected population.

SENATE RESOLUTION 504 EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD NOT ACCEPT THE CREDENTIALS OF ANY REPRESENTATIVE OF THE GOVERNMENT OF LIBYA WITHOUT THE EXPRESSED UNDERSTANDING THAT THE GOVERNMENT OF LIBYA WILL CONTINUE TO WORK IN GOOD FAITH TO RESOLVE OUTSTANDING CASES OF UNITED STATES VICTIMS OF TERRORISM SPONSORED OR SUPPORTED BY LIBYA, INCLUDING THE SETTLEMENT OF CASES ARISING FROM THE PAN AM FLIGHT 103 AND LABELLE DISCOTHEQUE BOMBINGS

Mr. LAUTENBERG (for himself, Mr. GRAHAM Mr. MENENDEZ, Mrs. CLINTON, Mr. REID, Mr. KENNEDY, Mr. BIDEN, Mr. LIEBERMAN, Mr. LEVIN, Mr. KERRY, Ms. Stabenow. Ms. MIKULSKI, Mr. SCHUMER, Mrs. BOXER, Mr. DODD, Mr. BINGAMAN, Mr. ALLEN, Ms. COLLINS, Mr. SANTORUM, Mr. BURR, Mr. SALAZAR, Mr. DEMINT, Mrs. LINCOLN, Mr. DORGAN, Mr. REED, Mr. DEWINE, Mr. KOHL, Mr. HATCH, Mr. COLEMAN, and Mr. ROCKEFELLER) submitted the following resolution; which was considered and agreed to:

Mr. LAUTENBERG. Mr. President, in light of the recent announcement to remove Libya from the State Department's list of state sponsors of terror, I rise today to submit a resolution expressing the sense of the Senate that the Libyan Government should meet the terms of its financial commitment to the families of the victims of the Pan Am flight 103 bombing and other acts of terror supported by Libya before the President accepts credentials of any representative of the Government of Libya. I am pleased that Senators GRAHAM, MENENDEZ, CLINTON, KENNEDY, BIDEN, LIEBERMAN, LEVIN, KERRY, STABENOW, MIKULSKI, SCHUMER, BOXER, DODD, BINGAMAN, ALLEN, COLLINS, BURR, SALAZAR, DEMINT, LINCOLN, DORGAN, REED, DEWINE, KOHL, REID, and SANTORUM have agreed to cosponsor my resolution.

In May 2002, Libya made an unequivocal commitment to compensate the families who lost loved ones in the Pan Am 103 bombing over Lockerbie, Scotland, which killed 270 people, including 189 Americans. To date, Libya has not resolved these claims in full, particularly the last installment of compensation that is to be paid to each family upon Libya's removal from the list of state sponsors of terror. Now that the Secretary of State has announced Libya's removal from the list, the U.S. must ensure that Libya honors its commitment.

Before the U.S. normalizes its relationship with the Government of Libya, it is crucial that we underscore our expectation that Libya will fully honor its commitment to all these American families. The resolution also exhorts the President to press the Government of Libya to make a good faith

effort to resolve other outstanding cases involving U.S. victims of its state-sponsored terrorism, including the 1986 bombing of the La Belle Discotheque in Berlin, Germany, that killed two American soldiers and wounded dozens of others.

I am pleased that the Senate is considering this important resolution and urge its immediate adoption.

S. RES. 504

Whereas there has not been a resolution of the claims of members of the United States Armed Forces and other United States citizens who were injured in the April 6, 1986, bombing of the LaBelle Discothéque in Berlin, Germany, and the claims of family members of the service men and women killed in that bombing or the resolution of other outstanding cases of United States victims of terror sponsored or supported by Libya;

Whereas, on December 21, 1988, terrorists from Libya bombed Pan Am Flight 103 over Lockerbie, Scotland, killing 270 people, including 189 Americans;

Whereas, on May 29, 2002, the Government of Libya offered to pay up to $2,700,000,000 to settle claims by the families of the 270 people killed aboard Pan Am Flight 103, representing $10,000,000 for each victim of the Pan Am Flight 103 bombing;

Whereas, on August 15, 2003, Libya's Ambassador to the United Nations, Ahmed Own, submitted a letter to the United Nations Security Council formally accepting ''responsibility for the action of its officials'' in relation to the Lockerbie bombing;

Whereas, on September 12, 2003, the United Nations lifted sanctions against Libya, thereby enabling the first trigger of the agreement between the Government of Libya and the families of the victims of the attack on Pan Am Flight 103 for a payment of $4,000,000 per victim that has been paid to the victims' families;

Whereas, on September 24, 2004, the United States lifted most economic sanctions against Libya, thereby enabling the second trigger of the agreement between the Government of Libya and the families of the victims of the attack on Pan Am Flight 103 for an additional payment of $4,000,000 per victim that has been paid to the victims' families;

Whereas, on May 15, 2006, Secretary of State Condoleezza Rice announced the determination of President George W. Bush to rescind the designation of Libya on the list of state sponsors of terrorism, thereby enabling the third trigger of the agreement between the Government of Libya and the families of the victims of the attack on Pan Am Flight 103 for a final payment of $2,000,000 per victim;

Whereas, on May 15, 2006, Secretary of State Rice announced the reestablishment of full diplomatic relations with the Government of Libya, ending 26 years of isolation; and

Whereas the agreement between the Government of Libya and the families of the victims of the attack on Pan Am Flight 103 incorporated a timeline for payment of the full $2,700,000,000 that has not been met even though all of the other conditions for such payment have been satisfied.

Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) it remains an important priority for further improvement in the relations between the United States and Libya that the Government of Libya make a good faith effort to resolve all outstanding claims of United States victims of terrorism sponsored or supported by Libya;

(2) it is in the best interests of the long-term relationship between the United States and Libya that final payment be made to the families of the victims of the attack on Pan Am Flight 103; and

(3) the President should not accept the credentials of any representative of the Government of Libya without the expressed understanding that the Government of Libya will continue to work in good faith to resolve outstanding cases of United States victims of terrorism sponsored or supported by Libya, including the settlement of cases arising from the Pan Am Flight 103 and LaBelle Discothéque bombings.

SENATE CONCURRENT RESOLUTION 97—EXPRESSING THE SENSE OF CONGRESS THAT IT IS THE GOAL OF THE UNITED STATES THAT, NOT LATER THAN JANUARY 1, 2025, THE AGRICULTURAL, FORESTRY, AND WORKING LAND OF THE UNITED STATES SHOULD PROVIDE FROM RENEWABLE RESOURCES NOT LESS THAN 25 PERCENT OF THE TOTAL ENERGY CONSUMED IN THE UNITED STATES AND CONTINUE TO PRODUCE SAFE, ABUNDANT, AND AFFORDABLE FOOD, FEED, AND FIBER

Mr. GRASSLEY (for himself, Mr. SALAZAR, Mr. LUGAR, Mr. HARKIN, Mr. DEWINE, Mr. OBAMA, Mr. HAGEL, Mr. DORGAN, Mr. COLEMAN, Mr. KERRY, Mr. TALENT, Mr. NELSON of Nebraska, Mr. THUNE, Ms. CANTWELL, Mr. KOHL, and Mr. JOHNSON) submitted the following concurrent resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

Mr. GRASSLEY. Mr. President, I rise today to introduce a concurrent resolution which expresses the goal of the United States to provide 25 percent of the Nation's energy needs from renewable resources by 2025. I am pleased to be joined in this effort by Senators SALAZAR, LUGAR, HARKIN, DEWINE and OBAMA.

The goal of this 25 by 25 resolution is quite simple: to replace 25 percent of our total energy needs with renewable resources like wind, hydropower, solar, geothermal, biomass and biofuels by 2025. This is a bold goal, but given our current energy situation in the U.S., it is a necessary goal.

In the past few years, we have seen the price of crude oil skyrocket from $25 a barrel to nearly $75 a barrel. This has caused prices at the pump to escalate beyond $3 a gallon. Natural gas, used for electricity generation and industrial uses, has hovered above $6 per million BTU's, while hitting over $15 following the devastating hurricanes along the gulf coast.

The impact of these increased prices is being felt around the country by working families, farmers, businesses and industries. The increased cost for energy at the pump, in home heating and for industrial uses has the potential to jeopardize our economic security and vitality.

And, because we are dependent upon foreign countries for over 60 percent of our crude oil, our dependence is a threat to our national security. President Bush heightened the awareness of the problem by stating in his 2006 State of the Union Address that we are addicted to foreign oil. He highlighted as his goal to reduce our dependence on oil from the Middle East by 75 percent by 2025.

Our effort with this concurrent resolution is to signal to America's farmers, ranchers and forestry industry, that we believe they have the ability and resources to generate 25 percent of our energy needs. An that it is in our economic and national security interest to do so.

There are many inherent virtues in producing our own domestic energy from renewable resources. It is good for our environment. It is good for our national and economic security. It will provide an economic boost for our rural economies. And perhaps most importantly, it will ensure a stable, secure, domestic supply of affordable energy.

Already, our farmers and ranchers are working hard to use their resources to produce electricity from wind, biomass and other agricultural wastes. In addition, corn, soybeans and other crops are being used to produce transportation fuels like ethanol and biodiesel. It is evident that rural America has the drive to achieve this goal.

While this concurrent resolution states our renewable energy goal, it does not prescribe a way to achieve the goal. Rather, it recognizes the benefit of implementing supportive policies and incentives to stimulate the development and use of renewable energy. It also identifies the benefits of technological improvements to the cost and market appeal of renewable energy. The supporters of this goal commit to support sensible policies and proper incentives to work toward the goal.

I am hopeful that my colleagues will recognize the importance and timeliness of this effort, and will consider supporting us in this goal to produce 25 percent of our energy needs from renewable resources by 2025.

There being no objection, the text of the concurrent resolution was ordered to be printed in the RECORD, as follows:

S. CON. RES. 97

Whereas the United States has a quantity of renewable energy resources that is sufficient to supply a significant portion of the energy needs of the United States;

Whereas the agricultural, forestry, and working land of the United States can help ensure a sustainable domestic energy system;

Whereas accelerated development and use of renewable energy technologies provide numerous benefits to the United States, including improved national security, improved balance of payments, healthier rural economies, improved environmental quality, and abundant, reliable, and affordable energy for all citizens of the United States;

Whereas the production of transportation fuels from renewable energy would help the United States meet rapidly growing domestic and global energy demands, reduce the dependence of the United States on energy imported from volatile regions of the world

that are politically unstable, stabilize the cost and availability of energy, and safeguard the economy and security of the United States;

Whereas increased energy production from domestic renewable resources would attract substantial new investments in energy infrastructure, create economic growth, develop new jobs for the citizens of the United States, and increase the income for farm, ranch, and forestry jobs in the rural regions of the United States;

Whereas increased use of renewable energy is practical and can be cost effective with the implementation of supportive policies and proper incentives to stimulate markets and infrastructure; and

Whereas public policies aimed at enhancing renewable energy production and accelerating technological improvements will further reduce energy costs over time and increase market demand: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4192. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 4193. Mr. SESSIONS (for Ms. COLLINS) proposed an amendment to the bill H.R. 4311, to amend section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App).

TEXT OF AMENDMENTS

SA 4192. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1084. REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ.

(a) REDEPLOYMENT.—The United States shall redeploy United States forces from Iraq by not later than December 31, 2006, while maintaining in Iraq only the minimal force necessary for direct participation in targeted counterterrorism activities, training Iraqi security forces, and protecting United States infrastructure and personnel.

(b) REPORT ON REDEPLOYMENT.—

(1) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, submit to Congress a report that sets forth the strategy for the redeployment of United States forces from Iraq by December 31, 2006.

(2) STRATEGY ELEMENTS.—The strategy required in the report under paragraph (1) shall include the following:

(A) A flexible schedule for redeploying United States forces from Iraq by December 31, 2006.

(B) The number, size, and character of United States military units needed in Iraq after December 31, 2006, for purposes of counterterrorism activities, training Iraqi security forces, and protecting United States infrastructure and personnel.

(C) A strategy for addressing the regional implications for diplomacy, politics, and development of redeploying United States forces from Iraq by December 31, 2006.

(D) A strategy for ensuring the safety and security of United States forces in Iraq during and after the December 31, 2006, redeployment, and a contingency plan for addressing dramatic changes in security conditions that may require a limited number of United States forces to remain in Iraq after that date.

(E) A strategy for redeploying United States forces to effectively engage and defeat global terrorist networks that threaten the United States.

SA 4193. Mr. SESSIONS (for Ms. COLLINS) proposed an amendment to the bill H.R. 4311, to amend section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.); as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. PROTECTION OF FAMILY MEMBERS.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by inserting ''or a family member of that individual'' after ''that individual''; and

(2) in subparagraph (B)(i), by inserting ''or a family member of that individual'' after ''the report''.

SEC. 2. EXTENSION OF PUBLIC FILING REQUIREMENT.

(a) IN GENERAL.—Section 105(b)(3)(E) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking ''2005'' each place it appears and inserting ''2007''.

(b) EFFECTIVE DATE AND APPLICATION.—The amendments made by subsection (a) shall take effect as though enacted on December 31, 2005.

NOTICE OF HEARING

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources.

The hearing will be held on Thursday June 15, 2006, at 2:30 pm in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the National Park Service's Revised Draft Management Policies, including potential impact of the policies on park operations, park resources, wilderness areas, recreation, and interaction with gateway communities.

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, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Tom Lillie at (202) 224–5161, David Szymanski at (202) 224–6293, or Sara Zecher at (202) 224–8276.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on Wednesday June 7, 2006 at 9 a.m. in 329A, Senate Russell Office Building. The purpose of this committee hearing will be to discuss Agricultural Conservation Programs.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 7, 2006, at 9 a.m. to hold a hearing on Oil Dependence and Economic Risk.

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

COMMITTEE ON THE JUDICIARY

Mr. KYL. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on ''S.3274: The Fairness in Asbestos Injury Resolution Act of 2006'' on Wednesday, June 7, 2006 at 9:30 a.m. in Dirksen Senate Office Building Room 226.

Witness list:

Panel I: Governor John Engler, President, National Association of Manufacturers, Washington, DC; Peter Ganz, Executive Vice President and General Counsel, Foster-Wheeler, Clinton, NJ; Eric Green, Founder, Principal Resolutions, LLC, Professor, Boston University, Boston MA; Flora Greene, National Spokesperson, Seniors Coalition; Jim Grogan, General President, International Association of Heat and Frost Insulators and Asbestos Workers, Latham, MD; Douglas Holtz-Eakin, Director, Council on Foreign Relations, Washington, DC; Edmund F. Kelley, Chairman, Liberty Mutual Insurance Company; Bob Wallace, Executive Director, Veterans of Foreign Wars, Washington, DC.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. KYL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 7, 2006 at 2:30 p.m. to hold a closed business meeting.

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

SUBCOMMITTEE ON SCIENCE AND SPACE

Mr. KYL. Mr. President. I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation Subcommittee on Science and Space be authorized to meet on Wednesday, June 7, 2006, at 2:30 p.m. on NASA Budget and Programs: Outside Perspectives.

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

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Madam President, I ask unanimous consent that the following fellows, law clerks, and interns of the staff of the Finance Committee be allowed on the Senate floor for the duration of the debate on the estate tax: Tiffany Smith, Laura Kellams, Tom Louthan, Christal Edwards, Joseph Adams, and Justin Kraske.

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

Mr. ISAKSON. Mr. President, I ask unanimous consent that privileges of the floor be granted to two members of my staff, and they are Bradford Swann and Captain Gade.

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

Mr. CRAIG. Mr. President, I ask unanimous consent that Pele Peacock, a law clerk in my office, be granted the privilege of the floor for the duration of the debate regarding the Native Hawaiians legislation.

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

Mr. CORNYN. I ask unanimous consent a law clerk on my staff, Sam Burk, be granted floor privileges for the duration of the debate on S. 147.

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

Mr. SESSIONS. Mr. President, I ask unanimous consent that my budget fellow, Dr. Andrew Barrett, be granted the privilege of the floor for the duration of the death tax debate.

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

CONDITIONAL ACCEPTANCE OF LIBYAN CREDENTIALS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 504 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. 504) expressing the sense of the Senate that the President should not accept the credentials of any representative of the Government of Libya without the expressed understanding that the Government of Libya will continue to work in good faith to resolve outstanding cases of United States victims of terrorism sponsored or supported by Libya, including the settlement of cases arising from the Pan Am Flight 103 and LaBelle Discoteque bombings.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. 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, and that any statements relating to the resolution be printed in the RECORD.

The resolution (S. Res. 504) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 504

Whereas there has not been a resolution of the claims of members of the United States Armed Forces and other United States citizens who were injured in the April 6, 1986, bombing of the LaBelle Discothéque in Berlin, Germany, and the claims of family members of the service men and women killed in that bombing or the resolution of other outstanding cases of United States victims of terror sponsored or supported by Libya;

Whereas, on December 21, 1988, terrorists from Libya bombed Pan Am Flight 103 over Lockerbie, Scotland, killing 270 people, including 189 Americans;

Whereas, on May 29, 2002, the Government of Libya offered to pay up to $2,700,000,000 to settle claims by the families of the 270 people killed aboard Pan Am Flight 103, representing $10,000,000 for each victim of the Pan Am Flight 103 bombing;

Whereas, on August 15, 2003, Libya's Ambassador to the United Nations, Ahmed Own, submitted a letter to the United Nations Security Council formally accepting ''responsibility for the action of its officials'' in relation to the Lockerbie bombing;

Whereas, on September 12, 2003, the United Nations lifted sanctions against Libya, thereby enabling the first trigger of the agreement between the Government of Libya and the families of the victims of the attack on Pan Am Flight 103 for a payment of $4,000,000 per victim that has been paid to the victims' families;

Whereas, on September 24, 2004, the United States lifted most economic sanctions against Libya, thereby enabling the second trigger of the agreement between the Government of Libya and the families of the victims of the attack on Pan Am Flight 103 for an additional payment of $4,000,000 per victim that has been paid to the victims' families;

Whereas, on May 15, 2006, Secretary of State Condoleezza Rice announced the determination of President George W. Bush to rescind the designation of Libya on the list of state sponsors of terrorism, thereby enabling the third trigger of the agreement between the Government of Libya and the families of the victims of the attack on Pan Am Flight 103 for a final payment of $2,000,000 per victim;

Whereas, on May 15, 2006, Secretary of State Rice announced the reestablishment of full diplomatic relations with the Government of Libya, ending 26 years of isolation; and

Whereas the agreement between the Government of Libya and the families of the victims of the attack on Pan Am Flight 103 incorporated a timeline for payment of the full $2,700,000,000 that has not been met even though all of the other conditions for such payment have been satisfied.

Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) it remains an important priority for further improvement in the relations between the United States and Libya that the Government of Libya make a good faith effort to resolve all outstanding claims of United States victims of terrorism sponsored or supported by Libya;

(2) it is in the best interests of the long-term relationship between the United States and Libya that final payment be made to the families of the victims of the attack on Pan Am Flight 103; and

(3) the President should not accept the credentials of any representative of the Government of Libya without the expressed understanding that the Government of Libya will continue to work in good faith to resolve outstanding cases of United States victims of terrorism sponsored or supported by Libya, including the settlement of cases arising from the Pan Am Flight 103 and LaBelle Discothéque bombings.

TO AMEND SECTION 105(b)(3) OF THE ETHICS IN GOVERNMENT ACT OF 1978

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of H.R. 4311, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4311) to amend section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App).

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, today by amending and passing H.R. 4311, we make another attempt to extend critical protections needed to keep the Nation's Federal judges and their families safe. Last November, the Senate passed S. 1558, which extended for 4 years the ''sunset'' of a provision granting the Judicial Conference of the United States the authority to redact information from a judge's mandatory financial disclosure in circumstances in which it is determined that the release of the information could endanger the filer or the filer's family. This provision was first enacted in the ''Identity Theft and Assumption Deterrence Act of 1998'' and extended for 4 years in 2001. Chairman SPECTER and I worked with Senators COLLINS and LIEBERMAN to amend S. 1558 to again include a 4-year ''sunset'' and also to extend its protections to the family members of filers.

Like the more comprehensive court security measure Chairman SPECTER and I have introduced, S. 1968, the ''Court Security Improvement Act of 2005, CSIA, from which it is drawn, S. 1558 provides judges and their families with needed security by extending the judges' redaction authority without interruption and expanding it to their families. It also strikes the right balance with the need for continuing congressional oversight to prevent the

misuse of this redaction authority, which has been a matter of some concern to me. I appreciate that the Judicial Conference is seeking to improve its practices and the Senate passed S. 1558 because none of us wants to see judges or their families endangered.

However, the House failed to take up and pass S. 1558 before the end of the session. As I said last December, I was disappointed at this failure, which allowed redaction authority to lapse at the end of last year. Instead, the House passed a separate bill, H.R. 4311, which would make redaction authority permanent and which fails to extend it to cover family members of filers. As passed by the House, H.R. 4311 would remove Congress' critical role providing oversight over the use of this extraordinary authority to redact financial disclosure forms. As amended and passed today, H.R. 4311 restores the proper balance while extending the redaction authority, retroactive to its expiration last December, until December 31, 2007. It also makes protection of judges' family members explicit.

I hope that the House will join us without delay both in extending the redaction authority and in expanding the scope of its protections to include family members, so that we can continue to protect the dedicated women and men throughout the Judiciary in this country who do a tremendous job under challenging circumstances.

Mr. SESSIONS. I ask unanimous consent that the amendment at the desk be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid upon the table, and any statement relating to the measure be printed in the RECORD.

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

The amendment (No. 4193) was agreed to, as follows:

(Purpose: To amend the Ethics in Government Act of 1978 to protect family members of filers from disclosing sensitive information in a public filing and to extend the authority to redact financial disclosure statements of judicial employees and judicial officers)

Strike all after the enacting clause and insert the following:

SECTION 1. PROTECTION OF FAMILY MEMBERS.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by inserting ''or a family member of that individual'' after ''that individual''; and

(2) in subparagraph (B)(i), by inserting ''or a family member of that individual'' after ''the report''.

SEC. 2. EXTENSION OF PUBLIC FILING REQUIREMENT.

(a) IN GENERAL.—Section 105(b)(3)(E) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking ''2005'' each place it appears and inserting ''2007''.

(b) EFFECTIVE DATE AND APPLICATION.—The amendments made by subsection (a) shall take effect as though enacted on December 31, 2005.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 4311), as amended, was read the third time, and passed.

ORDERS FOR THURSDAY, JUNE 8, 2006

Mr. SESSIONS. On behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, June 8. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of the motion to proceed to H.R. 8, the death tax relief bill, as under the previous order.

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

PROGRAM

Mr. SESSIONS. Mr. President, we have had a full day debating the motions to proceed to the death tax relief bill and the Native Hawaiian bill. Tomorrow morning, at approximately 10:45, we will have a cloture vote on the motion to proceed to the death tax relief bill, and at 12:45 we will have a cloture vote on the motion to proceed to the Native Hawaiian bill. We have several nominations to address before the end of the week. These include several judicial nominations, as well as Susan Schwab to be United States Trade Representative, and Richard Stickler to be the Assistant Secretary of Labor for Mine Safety and Health. We hope to vote tomorrow afternoon on the Schwab nomination and four district judges.

Following these votes, the schedule for the remainder of the afternoon will be dependent on the outcome of the cloture votes on the motions to proceed to the death tax relief bill and the Native Hawaiian bill. Moments ago, cloture was filed on the Stickler nomination. Therefore, Senators can expect to have a cloture vote on Friday unless we work out an agreement to vote at an earlier time.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:06 p.m., adjourned until Thursday, June 8, 2006, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate June 7, 2006:

THE JUDICIARY

GREGORY KENT FRIZZEL, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA, VICE SVEN E. HOLMES, RESIGNED.

EXTENSIONS OF REMARKS

ROBERT ZOELLICK'S MOVING REMARKS AT U.S. CAPITOL DAYS OF REMEMBRANCE CEREMONY

HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. LANTOS. Mr. Speaker, on Thursday, April 27, 2006, the annual ceremony to observe Yom Hashoah, the Day of Remembrance for victims of the Holocaust, was held in the Rotunda of the United States Capitol. This year's theme, ''Legacies of Justice,'' commemorated the 60th anniversary of the International Military Tribunal which was held at Nuremburg, Germany, and was responsible for attempting to seek justice for an almost unimaginable scale of criminal behavior. Members of Congress joined with representatives of the diplomatic corps, Executive and Judicial Branch officials, and hundreds of Holocaust survivors and their families to commemorate the anniversary of the historical beginning of the trials at Nuremburg.

This moving ceremony featured a stirring address by Deputy Secretary of State Robert B. Zoellick. Deputy Secretary Zoellick heads the Bush administration's efforts to end the genocide in Darfur, and establish peace and reconciliation throughout Sudan.

Sixty years ago, the International Military Tribunal (IMT) delivered verdicts against those Nazis charged with war crimes. The actions of the IMT were a watershed moment in international justice, establishing precedents in international law, documenting the historical record and in seeking some beginning, however inadequate, in a search for justice. The Nuremburg trials have left a legacy of justice not only to those victims of the Holocaust, but also to preventing and prosecuting similar crimes in the future.

Mr. Speaker, I ask that the outstanding remarks of Deputy Secretary Robert B. Zoellick be placed in the RECORD, and I urge my colleagues to study and ponder his thoughtful address.

REMARKS AT THE NATIONAL CIVIC COMMEMORATION OF THE DAYS OF REMEMBRANCE
DEPUTY SECRETARY OF STATE ROBERT B. ZOELLICK

Survivors, liberators, Members of Congress, Ambassador Ayalon and Excellencies, Fred Zeidman, Sara Bloomfield, ladies and gentlemen. I was deeply moved by your invitation to join this gathering. In many years of public service, I can think of no greater honor than to help remember those who perished in the Holocaust, salute those who survived, thank those who liberated, and renew our common commitment to human freedom and justice.

Exactly sixty-one years ago today, on April 27, 1945, the 103d U.S. Infantry Division rolled into Landsberg, Germany. Pierce Evans, a radioman from Florida, came across a buddy from another company who had seen two camps on the outskirts of town.

At the first camp, a number of French prisoners had been liberated, and the men of the Division had shared some food with them. But the second, a concentration camp for Jewish prisoners, could not be described in mere words. It had to be seen to be believed.

So Pierce's friend drove him and a few others to Lager #2. Half a century later, in a book he wrote to help his grandson understand the war, Mr. Evans said, ''All of the horror story writers in their most morbid states of mind could not describe what I saw in just a few minutes. I had heard about concentration camps before, but was always suspicious about the accuracy of the stories. This time it was not hearsay. I saw it myself and will never forget it.''

What is remarkable in reading the accounts of the liberators is how similar they are. The shock, the revulsion, and the inability to put into words what they saw. But one theme is consistent above all: the determination to bear witness to what they had seen.

Corporal Evans vowed never to forget the Nazi Holocaust. His Supreme Commander made the same promise.

In a letter to General George Marshall in April 1945, General Dwight D. Eisenhower recalled the overpowering scenes when he visited a camp near Gotha. He told Marshall he had visited ''to be in position to give firsthand evidence of these things if ever, in the future, there develops a tendency to charge these allegations merely to propaganda.''

Eisenhower ordered that German civilians be shown the evidence of the bestial things that had been done in their names, on their doorsteps.

Eisenhower's vow to bear witness to genocide is etched on a wall at the Holocaust Memorial Museum in Washington. That museum, and the ceremony we gather for this morning, ensure that we never forget.

So what does it mean to bear witness? Certainly it means to remember, as we today remember the singular horrors suffered by the Jews of Europe. A more precise definition states that to bear witness means to testify to an event. I think it means even more than that.

The Holocaust was uniquely evil. But bearing witness to that genocide should also mean recognizing the lessons of history.

After all, Landsberg—a town that conjured horror stories in 1945—was the same town where Adolf Hitler had written Mein Kampf in a prison cell in 1924. Indeed, camp Lager #2 was the end of a road that had been carefully mapped out—with stark frankness—by Hitler some twenty-one years earlier.

I recently read Ian Kershaw's biography of Hitler. Kershaw details frighteningly how the Nazis further manipulated irrational myths and fears into a perverted ''logic'' that demanded the systematic destruction of the Jewish people. Even the use of the term anti-Semitism was designed to give a false scientific cover to base brutality.

In Kershaw's words, ''Most Jews in Imperial Germany could feel reasonably sanguine about the future, could regard anti-Semitism as a throwback to a more primitive era that was on its way out. But Jews in Germany underestimated the pernicious ways in which modern racial anti-Semitism differed from archaic forms of persecution of Jews, however vicious, in its uncompromising emphasis on biological distinctiveness, its links with assertive nationalism, and the ways it could be taken over and exploited in new types of political mass movements.''

Jews made up only 8 tenths of 1 percent of the population of Germany. Nevertheless, Hitler was able to feed off pervasive anti-Semitism in Europe, as well as the despair of a nation that was reeling from a loss in war and a devastating economic depression.

The cautionary tale is that when national anxieties mix with widespread prejudice, the result can be a visceral hatred—masquerading as reason—that blames one group for the failure of an entire society. Evil breeds in such a swamp.

Our own country is not immune to dangerous attitudes. A report last year by the Anti-Defamation League noted an alarming increase in anti-Semitic incidents in the United States.

Not long ago, I attended a conference in Europe, and many were commenting on the upheavals among the Palestinians.

I suggested to the audience that none of us should take Israel's position for granted: It also faces upheavals. We needed to reflect on how Israelis might view events, too. In Israel, the election of Hamas looks like a return to 1947, when the country's neighbors refused to accept Israel's very existence.

In its response to the recent terrorist Passover bombing in Israel, Hamas continued to justify terrorism and feed hatred. Instead of facing up to the challenges of creating a democratic Palestinian state, Hamas has retreated to blaming the Palestinians' problems on the Jews.

Equally troubling, today the modern Jewish democracy that emerged from the Holocaust faces a new threat from an Iranian leader who denies the very existence of that Holocaust . . . who threatens to wipe Israel and its people off the map . . . and who seeks nuclear weapons.

This leader's statements are plain. And the threat he poses is not just to Israel, but to the world.

That is why the United States is working to build a global coalition to prevent Iran from acquiring weapons of mass destruction.

In Iran and with Hamas, we are seeing scenes from the rise of political Islam. Theirs is a violent strain of radicalism that seeks to pervert a religion into an ideology of hatred and racism.

There is a struggle for the soul of Islam. While some use religion to justify murder, other Muslims honor Islam's noble past, welcoming diverse thought and living peacefully with people of other faiths, including Judaism. Courageous Islamic reformers have embraced economic reform, free speech, the rights of women, peace, and democracy.

It is not for Americans to determine the outcome of this struggle, though our interest in the result is immense. From the Mahgreb to Southeast Asia, only fellow Muslims can lead their brothers and sisters of faith to a better Islamic future.

However, with policies that encourage development, open markets, tolerance, individual freedom, and democracy, the United States can bolster the chances of those who believe in a peaceful and hopeful Islam.

Our recognition of genocide must also apply to other lands and peoples.

Last year, I traveled to the Kigali Memorial Centre in Rwanda. As I lay flowers at an open grave, I was chilled by the specters of the site. More than 250,000 victims of the Rwandan genocide are buried there, on a bright hillside overlooking a reviving city.

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In 1994, more than 800,000 Rwandans were murdered in only a hundred days.

Twelve years later, Rwandan peacekeepers in Sudan show us what it means to bear witness to genocide. On my four trips to Darfur last year, I was privileged to meet with many of the brave African Union soldiers who are struggling to offer peace and security to some 2 million Sudanese who have been herded or retreated into camps.

The Rwandans are among the best of the AU peacekeepers. They are serious men and women. They know what genocide is, and they are determined to do everything they can to stop it.

This weekend, thousands of people will come to Washington—from synagogues, churches, college campuses, and communities across the country—to give voice to their concern about Darfur.

I look forward to meeting with some of them. And I will discuss with them what I think it means to bear witness to genocide.

Bearing witness means we remember . . . but memory is not enough.

Bearing witness means giving testimony . . . but statements are not enough.

Bearing witness means learning from history . . . but knowledge is not enough.

Bearing witness must also mean acting against evil.

President Bush has been pressing the world to help the people of Darfur.

Our first imperative is to continue providing humanitarian relief to those who are suffering. To date in 2006, the United States has provided more than 86% of the food distributed by the World Food Program in Sudan. On my visits, I have had the privilege to meet with the brave humanitarian relief workers—mostly from nongovernmental organizations—who risk their lives to feed the hungry and care for the sick and frightened.

Second, we need to improve security on the ground for the people of Darfur. This means transitioning from the current African Union peacekeeping force to a larger, more robust United Nations peacekeeping mission with a strong mandate, and with support from NATO. There is resistance to overcome, but it must be done. There is no time to waste.

Finally, although humanitarian relief and peacekeeping forces are vital, they are only holding actions: We need a peace agreement to settle the Darfur conflict. The United States is working side-by-side with the African Union and the European Union to energize the Abuja peace talks. A peace accord for Darfur is within reach. But such an agreement would only be the foundation of the next phase—to provide assistance to allow people to return home, reconcile tribes, and offer a path for development, opportunity, and hope.

Another quote on the wall of the Holocaust Museum—this one from the Book of Isaiah—reminds us that we are all witnesses.

As witnesses, we are here to remember.

As witnesses, we must be ever vigilant.

But above all, witnesses cannot be bystanders.

And so today we renew our resolve to take action, so that we can fulfill the promise of the survivors and the liberators: ''Never Again.''

IN HONOR AND RECOGNITION OF SISTER MARY ASSUMPTA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Sister Mary Assumpta, superior of the Sisters of the Holy Spirit, whose 43-year ministry at the Jennings Center in Garfield Heights continues to heal the hearts and minds of countless residents and their loved ones.

Sister Assumpta grew up in Pennsylvania, where she was instilled at an early age with love for family and service to others. She entered the Catholic ministry at the youthful age of 17, and her commitment to faith and to helping those in need has never wavered since. Sister Assumpta's leadership, vision and love is evident within every facet of the Jennings Center, a home for elderly residents and haven for their families. Her service as director of development, director of pastoral care, and her vital work with hospice programs continues to set a foundation of quality care and support that is reflected throughout the center.

Sister Assumpta's undeniable spirit, energy, quick wit and joy for life continue to frame her life. Her passion for baseball began in her youth and continues to this day. An avid Cleveland Indians fan, Sister Assumpta bakes more than 300 chocolate chip cookies every year for the players. Her major league expertise is sought out annually by the CBS TV network, where she provides commentary for the World Series games, and by WEWS, TV 5 in Cleveland, where she is a feature baseball writer.

Mr. Speaker and colleagues, please join me in honor and recognition of sister Mary Assumpta, superior of the Sisters of the Holy Spirit. Sister Assumpta's love for life, for her colleagues, and most significantly, love for every resident of the Jennings Center, continues to raise their lives into a place of faith, hope and peace. Her influence and service cannot be accurately expressed in words, yet the lives she has touched and the joy she has shared has had a profound impact throughout the Jennings Center, and throughout our entire community, and we are forever grateful.

IN RECOGNITION OF LEW TODD ON THE OCCASION OF THE 20TH ANNIVERSARY OF THE ENACTMENT OF NEW YORK CITY'S LANDMARK LESBIAN AND GAY RIGHTS LAW

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to Mr. Lew Todd, an outstanding New Yorker who has devoted himself to his community, his city and his country throughout his life. Lew Todd is not just a leader, but a pioneering figure in the history of New York City's gay, lesbian, bisexual and transgender, GLBT, community, the largest of any city in our Nation. This month, his leadership is being honored by the Stonewall Democratic Club at a ceremony commemorating the 20th anniversary of the passage into law of New York City's landmark gay rights bill.

A proud veteran, Lew Todd served his Nation with honor in the United States Navy during the Korean war. Always dedicated to serving others, he made his home in New York City following his return stateside, and devoted his energies to his work and his community. He operated several small businesses, becoming a significant entrepreneur in the restaurant and nightlife industry in lower Manhattan in the 1970s and 1980s.

Continuously involved in the struggle for lesbian and gay rights in the modern era that traces its origins to Greenwich Village, Lew Todd joined the Gay Activists Alliance in 1970, before the first anniversary of the Stonewall riots. Lew Todd quickly became a regular at the Firehouse, the Alliance's legendary headquarters in lower Manhattan's historic Soho neighborhood, which became New York's first GLBT community center.

At the Gay Activists Alliance, Lew Todd emerged as a talented, determined and inspirational leader of a freshly budding branch of the civil rights movement. His political, organizational and business skills became an indispensable part of its planning and operations. In 1970 and 1971, he and his fellow activist and friend, the late Morty Manford, traveled the country as emissaries for the new gay rights movement, teaching other activists how to establish their own civil rights advocacy organizations.

In its nascent phase, the gay and lesbian rights movement could only succeed in making its voice heard by engaging in civil disobedience and staging colorful, attention-getting and frequently disruptive demonstrations. Lew Todd's sheer courage, as well as his larger-than-life physical presence, served as an anchor of strength in many such actions. At one notable event in 1972, Lew Todd and a young activist named Allen Roskoff, dressed to the nines in suits and ties, took to the dance floor at the elegant Rainbow Room atop Rockefeller Center. This action provoked a vivid demonstration of the outdated and blatantly discriminatory nature of the city's public accommodation laws, garnering considerable media attention that helped effect their eventual demise. That same year, Lew Todd placed gay rights on the national agenda as an official gay rights lobbyist at the Democratic National Convention. Thanks to his efforts, for the first time in America history a major national political party was forced to consider the rights of gay and lesbian Americans and include their concerns in its platform.

A visionary as well as a pioneer, Lew Todd possessed the ability to recognize and acknowledge the need for the growing and maturing civil rights movement to adopt new strategies and new tactics. As government, business and the news media began to take heed, Lew Todd saw that the gay rights movement would need to employ negotiation and painstaking political organizing in order to more effectively achieve its goals. Inspired to open this new front in the struggle despite the objections of less far-seeing radical activists, Lew Todd became one of the founders of the National Gay & Lesbian Task Force. It was the first truly Nation-wide gay rights organization to rely more on negotiation and organization than an confrontation. He went on to found many of New York City's most important GLBT political organizations, including Gay & Lesbian Independent Democrats and the influential citywide Stonewall Democratic Club, on whose executive board he has served since its founding 21 years ago. In its first years of operation, he served as a board member and treasurer for the Hetrick-Martin Institute, which operates the Harvey Milk School for GLBT youths. In 1984 he played a key role in convincing New York City to sell the building that

today houses New York City's Lesbian and Gay Community Services Center. In 1992, Lew Todd served as a delegate to the Democratic National Convention as an early supporter of a promising candidate named Bill Clinton.

Mr. Speaker, I ask that my distinguished colleagues join me in recognizing the enormous contributions to civic and political life made by Lew Todd, a true pioneer and civil rights activist in the finest traditions of our great republic.

IN RECOGNITION OF THE 75TH ANNIVERSARY OF THE NATIONAL HOUSING CONFERENCE (NHC)

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Ms. VELÁZQUEZ. Mr. Speaker, today on the floor of the U.S. House of Representatives to recognize the 75th anniversary of the National Housing Conference (NHC), an organization with over 900 members dedicated to forwarding the cause of affordable housing and community development.

Organized in 1931 by Mary Simkhovitch, a reformer and social worker, this pioneering advocacy group was the first non-partisan, independent coalition of its kind to include national housing leaders from both public and private sectors. NHC's early membership included an array of bankers, builders, civic leaders, realtors, organized labor, architects and residents from across the greater New York City region. Since its inception, the organization has worked to elevate public awareness on the plight of America's millions of working class families and its consequences on general welfare.

Early on, NHC was committed to making a difference in low-income communities across the country. The organization was instrumental in garnering support for the passage of key legislation, including the Federal Home Loan Bank Act, and the National Housing Act of 1934 that created the Federal Housing Administration (FHA). After President Roosevelt stressed in his second inaugural address of 1937 that ''one third of the nation is ill-fed, ill-clothed and ill-housed''—NHC sprang into action and mobilized national support to persuade Congress to pass the critical Housing Act of 1937.

After moving its headquarters from New York City to Washington, DC in 1945, NHC took on a new and tremendous challenge—''get rid of the slums, eliminate substandard housing.'' Working in conjunction with the labor movement to mobilize grassroots support, NHC's incredible efforts helped to secure the passage of the landmark Housing Act of 1949. This sweeping and ambitious housing legislation called for ''a decent home and a suitable living environment for every American family.''

During the 1950s and 1960s, NHC continued to draw upon its early successes to advocate for the needs of America's hardworking families and individuals. NHC played a major role in the passage of the Housing and Urban Development Act of 1965 that established the Cabinet-level Department of Housing and Urban Development, and the 1968 Fair Housing Act that prohibited discrimination based on race, religion, color, or national origin.

NHC's advocacy does not stop here. Over the past 35 years, the organization has never ceased to fight for a variety of legislative proposals to improve the landscape of the affordable housing industry. From Section 8 housing, to home ownership programs, and even low income tax credits—NHC continues to fight for the integrity of these programs, despite a constant battle for available federal resources.

In honor of the organization's 75th anniversary, an incredible milestone, NHC has rededicated itself to a central mission: Fulfilling the Dream of the 1949 Housing Act—''a decent home and a suitable living environment for every American family.''

Therefore, Mr. Speaker, I rise today to honor the 75th anniversary of the National Housing Conference, and join with my colleagues in the House of Representatives to commend this organization for its outstanding service and dedication to making affordable housing a reality for the millions of working class American families across the country.

IN HONOR OF AUGUSTINE ''GUS'' STANDARD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Augustine ''Gus'' Standard, upon his retirement that follows nearly 30 years of outstanding service with the City of Cleveland.

In 1977, Mr. Standard joined the City of Cleveland workforce as Chief Deputy Clerk in the criminal division, before joining the Department of Utilities as a security specialist. While there, Mr. Standard safeguarded the utilities division from various acts of theft and sabotage. He was later promoted to collections manager with the Department of Community Development, where his insight, expertise and diligence reflected in his creation of a successful in-house system of loan collection. Within a short time, millions of dollars of outstanding loans were repaid to the Department.

Mr. Standard was later promoted to Supervisor of the Record Room, Division of Building and Housing. In that capacity, he established greatly needed internal control and systems to prepare and archive files and records. Since 1983, Mr. Standard has worked as a MA/E Coordinator in the Contract Administration Section of Administrative Services. His responsibilities included contract and budget preparation; contract compliance; program evaluation; and special report preparation for City Hall and HUD, just to name a few. Mr. Standard consistently went above and beyond the usual call of duty, and was always willing to assist others whenever needed. Moreover, Mr. Standard's enthusiasm, kind heart and concern for others framed his professional life—inspiring and motivating others to do their best by cultivating an atmosphere where a true sense of teamwork and friendship flourished.

Mr. Speaker and Colleagues, please join me in honor, recognition and gratitude to Mr. Augustine ''Gus'' Standard, upon his retirement from the City of Cleveland that follows nearly three decades of outstanding service and accomplishment. His dedication, expertise, leadership, and energy, focused on making the City run as efficiently as possible, has lifted all facets of operations at Cleveland City Hall, and most importantly, has raised the lives of countless colleagues and citizens into the light of friendship and unity. I wish Mr. Standard and his family an abundance of health, peace and happiness as his journey begins from here.

INTRODUCTION OF THE ''EMPOWERMENT OF IRAQI WOMEN ACT OF 2006''

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mrs. MALONEY. Mr. Speaker, today I, along with Representatives ZOE LOFGREN (D–CA), SUSAN DAVIS (D–CA), and CAROLYN MCCARTHY (D–NY), introduce the ''Empowerment of Iraqi Women Act of 2006.'' This legislation would establish an Iraqi Women's Fund to help Iraqi women and girls in the areas of political, legal, and human rights, health care, education, training, security, and shelter, and it would authorize $22,500,000 in each fiscal year 2007, 2008, and 2009 for this fund. The ''Empowerment of Iraqi Women Act'' would also provide that 15 percent of the aggregate amount of economic and humanitarian assistance authorized for Iraq in each fiscal year 2007, 2008, and 2009 shall be made available for assistance directly to Iraqi-led nongovernmental organizations (NGO) with demonstrated experience in delivering services. Moreover, of that 15 percent, not less than 5 percent shall be made available for Iraqi women-led organizations. The bill establishes requirements related to U.S. activities in Iraq including the inclusion of the perspectives and advice of Iraqi women's organizations in U.S. policymaking related to the governance of Iraq, promoting the achievement of 25 percent of the seats in the National Assembly, and encouraging the appointment of women to high-level positions within Iraqi Ministries. Finally, this legislation would place certain requirements on post-conflict reconstruction and development related to the partnering of U.S. organizations with Iraqi-led organizations and would require that the training of Iraqi military and police include the protection, rights, and needs of women.

It is vitally important that the equality and rights of Iraqi women are assured. I have met with several delegations of Iraqi women during my trips to Iraq and here in Washington. I am always inspired by their strength and courage to speak out in support of equality, even in the face of danger. While these women have hope, they understand that the future is very uncertain. There must be full participation and equal treatment under the law for women in Iraq. Every country that protects its women is a stronger country, and Iraq will be a stronger country if women are able to preserve their representation in the new Iraqi government.

IN RECOGNITION OF IRENE RIOS DE PÉREZ

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Ms. VELÁZQUEZ. Mr. Speaker, I rise today on the floor of the U.S. House of Representatives to recognize the extraordinary life of Ms. Irene Rios de Pérez, a woman who exhibited great strength and determination over the years to overcome obstacles and achieve success for herself and her family.

Born April 22, 1911 in the village of Santa Rosa, Dorado, Puerto Rico, Irene persevered to overcome the challenges of an early orphaned childhood. She later married Don Francisco Pérez Ramos, and emigrated to New York City with her husband and seven children—Patricia, Elizabeth, Iris, Manuel, Samuel, David, and Francisco.

Working to make a home for her family in New York City, Irene faced many difficulties—including those associated with discrimination, alienation, low income housing, and cultural adaptation. Yet, she never allowed her family to succumb to the challenges they encountered. While continuously caring for her family and loved ones, Irene pushed herself to attend night school and, in the late 1960's, was awarded a high school diploma for her efforts from the New York City Board of Education.

Throughout her long and full life, Irene has always had an enduring faith in God—which has enabled her to live a life that epitomizes respect for herself and others. She is also a capable singer who has used her talent to serve the spiritual needs of the close knit church community.

After 95 years, Irene represents the very best of the human spirit, and continues to exude love, warmth, optimism, compassion, and forgiveness to all those around her. She remains committed to her family—which includes 11 grandchildren and 14 great-grandchildren—friends, and community around her. Her children are fortunate enough to share many of these same qualities and interests, as evidenced in their pursuits in fields such as human services, government, trade, military services, and finance.

Therefore, Mr. Speaker, I rise today in honor of Ms. Irene Rios de Pérez, and join with my colleagues in the House of Representatives to recognize her many outstanding achievements.

IN HONOR AND RECOGNITION OF RICHARD DISTELHOSRT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of my friend, Richard Distelhosrt, upon his induction into the Des Moines County Democrats Hall of Fame. Mr. Distelhosrt's unwavering, sense of civic activism and volunteerism on behalf of vital social issues continues to make a positive difference within our democratic system of government—in Des Moines, Iowa and across the country.

Mr. Distelhosrt's life is framed by family, community and service to others. His quick wit, friendly personality and passion for social justice frames his character and inspires others. His devotion and compassion for all of humanity originates with family, where he took loving care of his wife Virginia, until her recent passing. Mr. Distelhosrt continues to be a guiding source of support and wisdom for his children, grandchildren and many friends.

A political activist and staunch Democrat, Mr. Distelhosrt has volunteered countless hours that focused on creating positive change across the grassroots landscape of politics, both locally in his Des Moines community and nationwide. He is a long-time member of the Des Moines County Democratic Party, having served as the treasurer and Congressional liaison. He worked tirelessly on behalf of the 2004 Kucinich for President Campaign, serving as the local chairperson. Additionally, Mr. Distelhosrt has organized and led rallies for peace, and continues to educate the people of Des Moines on significant legislative issues of concern, including the Monetary Act, by writing and distributing periodic newsletters.

Mr. Speaker and Colleagues, please join me in honor and recognition of Mr. Richard Distelhosrt, as we celebrate his induction into the Des Moines County Hall of Fame. Mr. Distelhosrt 's passionate activism, unwavering vision and expansive heart continues to raise up the community of Des Moines into the light of hope and possibility as he continues to lead, challenge and inspire us all.

TRIBUTE TO THE SESQUICENTENNIAL OF THE CITY OF WISCONSIN DELLS, WISCONSIN

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Ms. BALDWIN. Mr. Speaker, it is with great pride that I rise today to recognize the sesquicentennial celebration of the city of Wisconsin Dells, Wisconsin. I am indeed fortunate to represent such a great city.

The impact the city of Wisconsin Dells has had on the history of the state of Wisconsin is indescribable. Located along a breathtaking 7-mile stretch of the Wisconsin River, it has been a tourist destination for over 150 years, and has now grown to be the largest recreation center for families in the state of Wisconsin and the Midwest, hosting over 2.5 million people annually.

In 1856, when the city was not even 1 year old, an editor of a Wisconsin paper wrote, ''We conclude that the wild, romantic scenery of the Dells will always make them a place of resort for seekers of pleasure.'' The natural beauty which originally attracted early settlers and tourists 150 years ago has still been maintained for the enjoyment of current and future generations.

Since its beginning, the industrial nature and forward thinking maintained by the community have brought numerous changes and growth. The Dells are widely recognized for diverse entertainment and recreation options. With attractions such as Tommy Bartlett's water ski show, amusement parks, Duck rides on Lake Delton, the oldest family-owned photographic studio in the Nation, and two state parks, Wisconsin Dells is sure to enchant everyone who visits.

The celebration for this landmark achievement will be marked over the days of June 10 and June 11, 2006 through events such as the Taste of the Dells Festival, musical performances, and other community activities. The people of Wisconsin Dells deserve recognition for their great contributions to the state of Wisconsin, and I congratulate them on reaching this historical benchmark.

HONORING THE CAREER OF CHIEF MASTER SERGEANT ROBERT VAN OSS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. COSTELLO. Mr. Speaker, today I rise to honor the retirement of Chief Master Sergeant Robert Van Oss, who will be retiring from the United States Air Force after more than 30 years of service to his country. Chief Van Oss has led an exceptional military career specializing in healthcare. His proficiency in the medical field has proved to be an invaluable service in numerous ways during his years of service.

Robert J. Van Oss was born on June 20, 1958 in Denver, Colorado. Upon finishing high school at John S. Greenway High School in Phoenix, Arizona in 1976, he enlisted in the Air Force. Upon completion of his training as a Medical Service Specialist, he applied his skills to numerous and important tasks.

Chief Van Oss has performed a variety of assignments at bases in Texas, Louisiana, North Carolina, the Phillipines, Japan, Saudi Arabia, and South Korea. Recently he was deployed in support of Operation Iraqi Freedom where he played a key role in the task of reconstructing an Iraqi healthcare system. He has also made vital contributions to the process of obtaining equipment for the purpose of medical evacuations in both the Air Force's aeromedical evacuation system and the Army medical evacuation system.

Chief Van Oss will be retiring as Chief of Medical Enlisted Issues for Air Mobility Command where he provides professional advice to the AMC Command Surgeon on issues pertaining to the 3,900 enlisted medical personnel who provide healthcare services throughout the command and at Scott Air Force Base. In addition, he is currently the AMC Aerospace Medical Service Technician Functional Manager and is responsible for technicians located at 15 bases throughout the United States.

Mr. Speaker, I ask my colleagues to join me in congratulating CMSgt Robert Van Oss on his long and distinguished military career and thanking him for his service in the United States Air Force and to his country.

IN HONOR AND RECOGNITION OF AMBASSADOR ANDREW YOUNG

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Ambassador Andrew Young, as the City Club of Cleveland honors him with the Citadel of Free Speech Award.

Ambassador Young was born and raised in New Orleans to parents who instilled within him and his brother the value of hard work, education and the significance of giving back to others. Following his graduation from Howard University, Ambassador Young's unwavering social conscience directed him to a life of social activism, leadership and the Christian ministry. He studied the writings and ideology of Gandhi, and became drawn to the methods of non-violent resistance as a catalyst for change within the civil rights movement, including organizing civil rights demonstrations and drives to register African Americans to vote. Ambassador Young formed a close bond with Dr. Martin Luther King, Jr., and chose to stay in Atlanta to work as one of Dr. King's lead commanders on the front lines of the civil rights movement. Ambassador Young was named the executive director of the Southern Christian Leadership Conference. Like other civil rights heroes who dared to challenge the status quo, Ambassador Young remained committed to the cause, despite death threats and being jailed for his participation in the movement.

In 1972, Ambassador Young was elected as the first African American Congressman from Georgia. He was re-elected in 1974 and 1976. Following his third term in Congress, President Jimmy Carter appointed him as the United States Ambassador to the United Nations, where he served with courage, conviction and integrity. In 1981, President Carter awarded him with the Presidential Medal of Freedom. Later that year, Ambassador Young was elected as Mayor of Atlanta. He was reelected in 1985. During his tenure, he raised Atlanta onto a platform of economic strength and international investment, which set a course for Atlanta as a vibrant, thriving city that continues today.

Mr. Speaker and Colleagues, please join me in honor and recognition of Ambassador Andrew Young, whose vision, commitment, activism and wisdom continue to raise America into the light and promise of social justice for all. As recipient of the Citadel of Free Speech Award, presented by the City Club of Cleveland, Ambassador Young continues to personify the words—grace, courage, and devotion to our freedoms and commitment to people here in America and around the world. Ambassador Young's life continues to be a journey of inspiration for every American, and his goodwill and activism continues to extend from across our Nation to places around the world, lending us all hope for the promise of a better day.

IN HONOR OF SANTA CRUZ FOUNDATION FOR THE DREAM

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. FARR. Mr. Speaker, I rise today to commend the efforts of all fundraising efforts for the MLK Memorial and in particular the ''Santa Cruz Foundation For The Dream.'' As you know, Congress has approved the design and building of the Martin Luther King Jr. Memorial on the National Mall in Washington D.C. Congress has vowed to financially assist as much as they can for the construction of the memorial, but substantial monetary donations by American people are still necessary to commence construction of this Memorial.

The MLK Memorial has drawn the attention and efforts of Americans nationwide. Celebrities, such as Morgan Freeman and Halle Berry have volunteered their time and services in fundraising efforts by participating in Public-Service Announcements that intend to educate and initiate the public's involvement in the Memorial's construction. Furthermore, such corporations as Toyota and Tommy Hilfiger Inc. have become highly involved in fundraising by special endorsements and hosting a celebrity golf tournament raising $1.5 million for the memorial. In addition to these celebrity and, corporate efforts, our local efforts should be recognized too as key contributors to the MLK Memorial.

Led by the ''Santa Cruz Foundation For The Dream'', the people of Santa Cruz County have embarked on a tireless effort to raise consciousness of Martin Luther King, Jr. teachings. Additionally, they have been working extensively on obtaining funds for the Memorial. This foundation has initiated a movement to incorporate a conscience-awareness program in area schools ''Kids for King.'' Building from these efforts, the foundation hopes that local governments, businesses, families, and individuals will participate in the collective effort of raising funds and awareness for the Memorial.

In recognition of Santa Cruz County's efforts, I support including on the Founding Members Wall on the Memorial, an acknowledgement for ''the People of Santa Cruz, California''. With Santa Cruz County's continuing efforts in the memorial effort, I am hopeful this founding members acknowledgement will occur.

COMMEMORATING SOPHRONIA M. TOMPKINS HIGH SCHOOL CLASS OF 1966

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. KINGSTON. Mr. Speaker, I wish to commemorate the Sophronia M. Tompkins High School Class of 1966 on celebrating their 40th class reunion.

Sophronia M. Tompkins High School was built in 1955 where a dedicated group of educators shaped the lives of hundreds of forthright men and women. Although the school as it was once known is no longer standing, the students that gained life-changing lessons in this learning institution have not forgotten the ideals taught.

This institution has brought forth playwrights, educators, entrepreneurs, nurses, civil servants, ministers, and public servants who credit their tenure at Sophronia M. Tompkins High School to launching their futures.

IN HONOR AND RECOGNITION OF CHIEF ANTHONY H. JACKSON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Chief Anthony H. Jackson, whose recent retirement as the chief of police with the Cuyahoga Metropolitan Housing Authority Police Department, CMHAPD, reflects 33 years of excellence in law enforcement, framed by leadership, accomplishment, integrity and an unwavering commitment on behalf of the security and safety of the public housing residents of our community.

Chief Jackson's illustrious career in law enforcement began in 1973 when he became a police officer with the city of Cleveland Police Department, CPD. He quickly rose through the ranks, serving as detective, sergeant, district lieutenant and commander for the CPD. He accepted the appointment of police chief with the CMHAPD in 1994. For the past 12 years, Chief Jackson's leadership, vision and expertise has transformed the CMHAPD into a nationally recognized and respected department that serves as a model of efficiency and security for numerous public housing police departments.

Because of his guidance, the CMHAPD is one of only six State certified public housing police departments in the entire Nation to attain national accreditation, bestowed in 1998. Additionally, the CMHAPD was the first police department of its kind to achieve 100 percent compliance in its initial assessment for accreditation in 1998, and for every subsequent reaccreditation since. Though busy with family and his profession, Chief Jackson also found time to volunteer on behalf of numerous civic and community endeavors, including his longtime commitment to the Boys & Girls Club of Cleveland.

Mr. Speaker and colleagues, please join me in honor, gratitude and recognition of Chief Anthony H. Jackson. His highly regarded, admired and emulated tenure as a police officer with the city of Cleveland and as chief with the CMHAPD has uplifted the organization onto a platform of efficiency and accomplishment, and most significantly, has strengthened the foundation of safety and security for every resident, thereby uplifting our entire community. I wish Chief Jackson, his wife Michele, their five daughters and one granddaughter, an abundance of health, peace and happiness as he journeys onward from here.

A TRIBUTE TO MICHAEL A. MAIER HONORING HIS CONTRIBUTIONS TO OREGON ON THE OCCASION OF HIS RETIREMENT

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. WALDEN of Oregon. Mr. Speaker, it is my great pleasure to pay special tribute to one of Oregon's most dedicated and accomplished public servants. After 27 years, Mr. Michael A. Maier is retiring from the position of Deschutes

County Administrator. During his career, Mike has led Deschutes County through a period of unprecedented growth which has transformed a small rural community into a thriving region that attracts visitors and new residents from throughout the country.

Mike was born and raised in Santa Barbara, California. Upon entering adulthood, he proudly served his country as a member of the United States Marine Corps, holding the position of Group Communication Center Supervisor. Following his discharge, he attended, California State University where he graduated with a Bachelor of Science Degree in Public and Business Administration in 1974. He then proceeded to obtain a Masters Degree in Public Administration from the University of Southern California in 1976.

After completing his education, Mike moved to Oregon and became an Administrator in the Oregon Circuit and District Court system. However, Mike's interest in government continued to grow, and by 1979, he chose to pursue a career in the broader field of public administration. He assumed his current position as Deschutes County Administrator in May 1979 and has been a highly respected and valued contributor to both the community and local government ever since.

During Mike's tenure, Deschutes County has consistently ranked as one of the fastest growing regions in the United States. The rapid increase in population, from approximately 62,000 in 1979 to nearly 145,000 in 2005, has presented a wealth of challenges and opportunities. Mike skillfully guided the County through this transition, managing organizational growth from 250 employees to well over 800 and an annual budget of just over $16 million in 1979 to almost $228 million today.

Among Mike's many accomplishments as a Public Administrator, he is justifiably proudest of those that brought fiscal strength and stability to Deschutes County. His creativity and innovation are the source of a system in which existing property and partnerships are leveraged to construct new County facilities without additional cost to the taxpayer. He also initiated a self-insurance program that has saved millions of taxpayer dollars while creating an environment of trust and cooperation between County management, employees, and labor organizations and serving as a model for other communities.

Mr. Speaker, I ask all of my colleagues to join me in honoring one of Oregon's finest public servants, Mike Maier. On behalf of the citizens of the Second District of Oregon, I am proud to recognize Mike's numerous achievements and to wish him the best as he enters a well-deserved retirement.

HONORING ARMANDO DE JESUS DOMINGUEZ

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to recognize Mr. Armando de Jesus Dominguez of Saga Bay for his remarkable work as an artist.

Most recently, Mr. Dominguez has been selected out of 4,000 entries as one of ten artists featured by the Smithsonian's National Portrait Gallery. Mr. Dominguez's works and journals are published on the gallery's "Portrait of an Artist" web site. His competition entry Mr. Williams is a riveting portray of a Palmetto Senior High School teacher, an expression of the artist's patience and skill.

Mr. Dominguez was born in Havana, Cuba, and came to Miami with his family at the age of 12. A self-taught painter, he works as a graphic designer for the Spanish-language network Univision. In his artistic work, he focuses on landscape painting and now has a three-year backlog of commissioned work. Dedicated to his community, he also visits local schools and gives presentations to expose children to the arts.

Mr. Dominguez, thank you for your continued commitment to the promotion of the arts. Your unwavering pursuit of your vision through painting has been an inspiration to others. It is this passion, incredible talent, and service to the community of Saga Bay that makes our lives richer and Florida stronger. I congratulate Mr. Armando DeJesus Dominguez on his achievement and service to the community.

AMENDING TITLE 49, UNITED STATES CODE

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in strong support of Congressman LATOURETTE's bill, H.R. 5449. I am pleased my fellow Ohioan has brought this important issue to the floor of the House.

The contract negotiations between air traffic controllers and the FAA that began in July of 2005 have been an arduous process for both sides. But the resolution of the negotiation stalemate should not be an imposition of the FAA's most recent contract offer on the union. Rather, both parties should return to the bargaining table, or make use of another collaborative process, such as the Federal Service Impasse Panel, to reach a resolution.

News reports in recent weeks have highlighted the upcoming summer travel season and the expected record numbers of air passengers. With more travelers in the air and likely delays associated with the severe weather of summer, he important role of air traffic controllers is even more vital. We need experienced controllers to ensure safe flights and timely arrivals. We need controllers who are able to focus on their jobs and not distracted by contract negotiations.

The result of this extensive negotiation should not be the unilateral imposition of the FAA's will. The negotiated contract should be a result of a collaborative process, as Congressman LATOURETTE'S bill would ensure. I urge my colleagues to support H.R. 5449.

THE INTRODUCTION OF THE NORTH AMERICAN WETLANDS CONSERVATION REAUTHORIZATION ACT

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. POMBO. Mr. Speaker, I am pleased to introduce legislation today to extend the North American Wetlands Conservation Act. Joining with me in this effort are Representatives NICK RAHALL, WAYNE T. GILCHREST, THELMA DRAKE, MARK KENNEDY, JOHN D. DINGELL and CURT WELDON.

First enacted in 1989, the North American Wetlands Conservation Act or NAWCA has become one of the most popular and effective conservation programs in the history of this Nation. Since the first Wetland Grant was a warded 15 years ago, more than 1,500 conservation projects have been funded involving more than 3,200 partners. As a result, more than 23 million acres of wetlands and associated habitat has been protected, restored or enhanced in the United States, Canada and Mexico.

Wetlands are among the world's most productive environments. They are critical to the survival of not only thousands of species of marine fish and invertebrates, amphibians, reptiles, birds and wildlife populations but also to the people who live along our coasts. In essence, they are horizontal levees. Without these wetlands and coastal barriers, the impact of last year's huge hurricanes in the Gulf of Mexico would have been far worse in terms of loss of human life and wildlife habitat and the destruction of private property. According to the U.S. Geological Survey, for every 2.7 miles a hurricane travels across marshes and wetlands the storm surge is reduced by one foot.

Wetlands protect ground and surface water, purify water by removing sediments and nutrients, reduce the severity of flooding, prevent erosion and provide habitat for a diverse community of plants, animals, fish and birds. In particular, millions of migratory birds depend on wetlands throughout their life cycles as breeding, staging and resting grounds. Sadly, more than half of our Nation's original colonial wetlands have been lost. The fundamental goal of the North American Wetlands Conservation Act is to conserve remaining wetland habitat. It is a program that is working and it is a sound investment of U.S. taxpayer funds.

In my own Congressional District in California, there have been a number of approved NAWCA projects. A recent example is the $1 million grant issued to the North San Joaquin Valley Wetland Habitat Project to protect, restore and enhance over 36,000 acres of wetlands, riparian and upland habitats. The prime sponsor of this project is the California Waterfowl Association. This organization is working, with local landowners to ensure that critical habitat can provide maximum benefits to migratory birds and a host of other wildlife species. Under their leadership, the California Waterfowl Association and its non-governmental partners will contribute $2.3 million towards the success of this grant.

Since the inception of this program, the amount of private non-governmental matching money has been remarkable. In fact, it now

stands in excess of $2.1 billion. This unique public-private wetland conservation partnership effort is a classic case of how government should work and because of these proactive conservation grants dozens of species are witnessing a renaissance in the growth in their population numbers.

It is, therefore, not surprising that this program has been enthusiastically supported by nearly every conservation organization in America including Ducks Unlimited, the Congressional Sportsmen's Foundation, the Association of Fish and Wildlife Agencies, California Waterfowl Association, National Audubon Society, Nature Conservancy, the National Rifle Association, Pheasants Forever and the Wildlife Management Institute.

For the past 5 years, Congress has appropriated about $40 million each year for the North American Wetlands Conservation Program. In its budget submission, the Bush administration recommend an allocation of $41.6 million and under current law the maximum amount that can be appropriated in FY'07 is $75 million. Under the terms of this legislation, the North American Wetlands Conservation Reauthorization Act of 2006, existing funding levels would be extended for an additional 5 years.

Mr. Speaker, the North American Wetlands Conservation Act has been remarkably effective and successful in conserving wetlands. This program has earned an extension and I compliment my colleagues for joining with me in this effort.

I am confident that this important legislation will be warmly embraced by the Administration and President Bush who has stated that ''The North American Wetlands Conservation Reauthorization Act shows our concern for the environment and our respect for future generations of Americans''. I look forward to giving the President the opportunity to sign this important conservation measure into law this year.

VERMONT'S OUTSTANDING BUSINESS IS EMPLOYEE-OWNED

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. SANDERS. Mr. Speaker, I want to bring to the Nation's attention, and to celebrate, the winner of this year's Deane C. Davis Outstanding Vermont Business Award, King Arthur, Flour of Norwich, Vermont.

Founded in 1790, back when the Nation's President was George Washington, King Arthur is the oldest flour company in America. It is also one of the most progressive. It had three owners 215 years ago; today, it has 200. For those who work at King Arthur Flour are not just employees: They own the company. In 1996 its management began an Employee Stock Ownership Plan [ESOP]. Today, King Arthur Flour is a 100 percent employee-owned company.

And King Arthur's president and CEO, Steven Voigt, is helping businesses all across the Nation follow the company's example, for Steve Voigt is chair of the ESOP Association. The ESOP Association, founded in 1978, is a national non-profit membership organization, with 18 local chapters, serving approximately 2,400 ESOPs.

King Arthur Flour itself was founded in Boston, Massachusetts, in 1790 and moved its headquarters to Vermont in 1986. The company has grown since then from a regional staple to a brand known nationwide for its purity and consistent quality; from a small mail-order business with five employees in 1990 to the premier baker's resource in America with nearly 200 employees today; from a family-owned operation for five generations to a 100 percent employee-owned business. Its flour is sold in supermarkets in everyone of the Nation's 50 States.

While most of America's flour makers for the retail market have seen their sales decline, King Arthur has bucked the trend: Its sales have increased 15 percent over the past decade. This should be no surprise. Employee ownership is good for business.

Ten years ago, King Arthur made the move toward employee ownership. It holds quarterly owners' meetings, and its employees gather monthly in what they call ''Town Meetings'' to keep information flowing and to make sure decisions are participatory. The company's books are open.

An employee-owned company can have a larger and more progressive agenda than just its core business. King Arthur's employee-owners have established a program that allows them to volunteer up to 40 hours a year to a non-profit orgnization—and get paid by the company for that time. King Arthur knows that simply making and selling healthy, non-bleached and non-bromated flour is not enough: It has been offering free bread-making classes to 12,000 people a year in 40 American cities. And it has taught over 60,000 middle school students to bake bread—and taught them about giving and sharing, by providing the students ingredients so that they can bake bread for local foodbanks.

King Arthur Flour employees are worth recognizing because they show so plainly that CEOs who run companies from the top down, and who reward themselves with 431 times the amount that their average employees make, are not essential to running a corporation efficiently and well. ESOPS are soundly managed, good to work for, forward-looking, environmentally conscious. And they make a profit.

So there are many reasons why, in Vermont, one of our major ESOPs, King Arthur Flour, has just been recognized by the Chamber of Commerce and Vermont Business Magazine as the outstanding business in the entire state.

There is much to be learned from the model that the employees at King Arthur Flour have developed so successfully.

AMENDING TITLE 49, UNITED STATES CODE

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. BACA. Mr. Speaker, I rise today in support of H.R. 5449.

This bill, sponsored by Representative LATOURETTE, will restore fairness and accountability to the FAA's negotiating process.

It is time that Congress steps in to ensure that no serious damage is done to the integrity and safety of our aviation system. We must support the men and women who help keep our airways safe and on time.

The Federal Aviation Administration (FAA) has been trying to circumvent real negotiations and to unilaterally impose a contract on the air traffic controllers. Increasingly, they have refused to negotiate in good faith in an effort to create a false impasse.

Congress must act! Earlier this week, the FAA moved to start implementing its unilateral changes to the terms and conditions of employment for our nation's air traffic controllers.

The system is already facing a massive staffing crisis that could leave fewer and fewer qualified and trained controllers guiding record air traffic. More than 7,000 air traffic controllers are expected to retire over the next nine years. Air traffic controller staffing is critical. We will need 1,000 new air traffic controllers per year over the next five years to avert a staffing crisis. These conditions will lead to an erosion of talent at the agency because retirement-eligible controllers, the FAA's most experienced, would see the imposition as a reason to retire. This will in turn make recruiting replacement controllers of quality and excellence much more difficult. Possible delays due to staff shortages and inexperienced staff, as well as the closing of severely understaffed facilities could impose hundreds of millions of dollars in unnecessary costs for consumers and communities.

H.R. 5449 would encourage the FAA and the National Air Traffic Controllers Association (NATCA) in the contract negotiations to reach an agreement and turn toward other important matters, including the future growth and safety of the U.S. air traffic system.

This bill would allow for the existing sections of the law to be utilized to solve the contractual differences—the same way disputes are settled for other federal workers. It would allow for this and future disputes to be settled in a manner that ensures a fair hearing for both sides.

I urge my colleagues to support H.R. 5449 and restore fairness to this negotiating process and keep America's airways flowing safely and professionally.

PERSONAL EXPLANATION

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. LARSON of Connecticut. Mr. Speaker, I was present and voting during the series of rollcall votes that included rollcall No. 226, final passage of the FY2007 Homeland Security Appropriations bill. While I believed that I had voted ''yea'' on the measure, apparently the electronic voting system did not register this vote. I would like to ensure that the record reflect that my vote, had it been recorded, would have been ''yea'' on rollcall No. 226.

CYCLING ACROSS AMERICA—ADVENTURES FOR THE CURE

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. BLUMENAUER. Mr. Speaker, according to the American Diabetes Association, there are 20.8 million children and adults in the United States, roughly equivalent to 7 percent of the population, who are living with diabetes.

I would like to recognize three young athletes as they ride across America to raise awareness for Diabetes. Adam Driscoll, Jesse Stump, and Patrick Blair, riding exclusively fixed gear bicycles, left from Washington State on Sunday, May 14, 2006. They are hoping to arrive at their destination in Maryland sometime in early September. They are also riding to raise awareness for ''Kupenda for Children,'' an organization that provides support for children with disabilities in Africa.

Driscoll, Stump, and Blair will be accompanied on portions of the ride, by African born Emmanuel Yeboah. Yeboah, the subject of the feature length documentary, ''Emmanuel's Gift,'' overcame disability—he is missing one of his legs—to ride 600km across Ghana, Africa.

During their ride the athletes plan to make public appearances in communities to get the word out about what they are doing. They welcome opportunities to schedule additional visits along the way.

To read more about this exciting and unique endeavor in honor of people with disabilities everywhere, and to follow the adventures of the athletes, please visit their web site (*http://www.adventuresforthecure.com*).

HONORING THE COMMUNITY SERVICE OF MARSHALL SLOANE

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. CAPUANO. Mr. Speaker, I rise to congratulate Marshall Sloane who is being honored by the Anti-Defamation League's New England Region with their Distinguished Community Service Award. As the former Mayor of Somerville, MA where Mr. Sloane founded the Century Bank Trust and Company, I have witnessed firsthand the commitment that he has to improving the community around him. This honor is well deserved.

A World War II Navy veteran, Mr. Sloane attended Somerville High School and Boston University. He founded the Century Bank and Trust Company in 1969: Today, there are 23 branches in the Greater Boston area.

Mr. Sloane's civic involvement includes membership on the National Executive Board of the Boy Scouts of America, Co-Chair of the Dimock Community Health Center's Board of Visitors, Board of Trustees of the Somerville Museum and a Member of the Corporation of the Perkins School for the Blind.

He has been honored by many organizations for his dedication to community service. Some of these include the American Cancer Society, Boston University's School of Management, the City of Somerville and the Boy Scouts of America.

Marshall Sloane has received the Israel Peace Medal for his support of the State of Israel. The Knighthood of St. Gregory the Great was conferred on him on behalf of his Holiness Pope John Paul II. He has also received the Boy Scouts of America's three highest honors: the Silver Beaver, the Silver Antelope and the Silver Buffalo.

As Marshall Sloane's business grew, he never forgot the importance of giving something back to the community. Marshall Sloane has lived by this conviction his entire life, as evidenced by his volunteer work and numerous awards. He inherited this dedication to others from his parents, shared it with his wife Barbara, who joined him in many community efforts, and passed it on to his children. It is fitting that the Anti-Defamation League honors him for his unwavering commitment to improving the world around him. Marshall Sloane's belief that one must give something back to the community serves as a shining example for all of us.

WORLDWIDE ENVIRONMENTAL RANKINGS: A USEFUL TOOL FOR POLICYMAKERS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. RANGEL. Mr. Speaker, I rise today to enter into the RECORD, information about the new Environmental Performance Index (EPI) ranking that was researched by experts at Yale and Columbia Earth Institute, and revealed in the World Economic forum in Davos, Switzerland in early 2006. ''The index draws on available data to measure 133 countries on 16 indicators in six established policy categories: environmental health, air quality, water resources, and sustainable energy.'' EPI is the brainchild of Daniel Esty, director of the Yale Center for Environment Law and Policy and Hilhouse Professor of Environmental Law and Policy, who has high hopes for the project. An overarching score and ranking such as the EPI can be instrumental in drafting environmental policies. For example Haiti has an EPI of 114 whereas the Dominican Republic, a country of similar geography and natural resources, has a ranking of 54. A comparative analysis of these two countries would be extremely helpful to policymakers who are trying to improve the environmental standards of Haiti. EPI also provides an evaluation of the performances of the current governments in terms of their environmental standards. EPI is an excellent resource that encourages discourse and is a potentially useful tool for preparing environmental legislation.

I would like to draw the attention of the Congress to this resource.

WORLDWIDE ENVIRONMENTAL RANKINGS: WILL NATIONS COMPETE TO BE GREEN?

At the World Economic Forum in Davos, Switzerland, in early 2006, a new global survey was unveiled that assigns a numerical ranking to individual nations based on their environmental practices and outcomes.

The Environmental Performance Index (EPI), which has prompted both praise and controversy in the international environmental community, draws on available data to measure 133 countries on 16 indicators in six established policy categories: environmental health, air quality, water resources, biodiversity and habitat, productive natural resources, and sustainable energy. A team of experts at Yale and Columbia University's Earth Institute analyzed the data to produce the rankings.

The EPI is the brainchild of Daniel C. Esty, director of the Yale Center for Environmental Law and Policy and Hillhouse Professor of Environmental Law and Policy. Esty, a member of RFF's Board of Directors, believes that it will be a critical tool in bolstering successful pollution control and natural resource management worldwide. (Full text of the report and a summary for policymakers are available at www.yale.edu/epi.)

Resources asked Esty to explore the policy aims and outcomes of the EPI with Senior Fellow Jim Boyd. Their conversation follows.

Boyd: Give me the big picture as a place to start. What was your primary motivation for doing this? And how does your ranking system relate to other performance measures, such as national welfare accounting?

Esty: Our goal is to shift environmental decisionmaking onto firmer analytic foundations. We're trying to make policymaking—across the full spectrum of pollution control and natural resource management issues—more empirical, more fact based, and more durable.

One of our motivations was to provide a counterbalance to the emphasis on GDP growth, which is taken so seriously, not only by economists, but also by decisionmakers in government. We believe the index provides a fairly clean and clear look at current government performance across a spectrum of core environmental challenges.

Boyd: One of the things that will immediately jump out at people is the fact that the United States ranks 28, not far from Cyprus. That's a little surprising to me personally, but how do you view that?

Esty: When I present the EPI in the United States, people are often surprised—even shocked—that the United States ranks as low as 28. When I present the EPI in Europe, people are often surprised—even shocked—that the United States ranks as high as 28. The United States does very well on some issues, like provision of drinking water—it really is unsurpassed in the world in terms of the percentage of the population that has access to safe water. But it does much worse, if not quite poorly, on a range of other issues, like greenhouse gas emissions. So, if you are sitting in America, where the air looks pretty clear and the drinking water looks pretty clean, you might say, gee, why aren't we closer to the top? But in Europe, where people are very much focused on the U.S. failure to step up to the climate change challenge, people think the United States should rank about 130 out of 133 countries.

Boyd: Certain things that you are measuring are more amendable to control by government or society, while others seem more like a country's natural resource inheritance, such as its geography or climate. Are areas for improvement things that all countries can act on—or are some countries stuck with their bad environmental luck?

Esty: All six of the core policy areas that we are looking at represent important challenges that governments can be held accountable for: the quality of their air, water, land-use, and biodiversity, how they manage productive natural resources, habitat protection, and energy and climate change.

Clearly, some governments are better positioned to hit the established targets because of their underlying natural resource endowments or, for example, because of their relatively low population density so they don't strain the resources of their land—a good example would be Sweden. But are these things

that governments should be looking at? Absolutely. Are governments being held accountable for these things? All across the board.

Boyd: When you come up with a ranking like this, there's a power in boiling it all down to that one number. Talk to me about your philosophy of doing that versus disaggregating what you have done and going deeper on the specific issues.

Esty: What we found is that there is enormous power in presenting a single, overarching score and a ranking related to that. This is what attracts top-tier government officials, presidents, ministers, and the media. Everyone loves rankings, and everyone wants to know who is up and who is down. From a policy point of view, however, that's just a hook to draw people into a dialogue.

What we are really excited about—and where I think we are succeeding—is what comes after people look at that top-line number, when they get a chance to drill down to the underlying rankings that relate to the core policy categories and even below that, to the issue-by-issue analyses that are the foundation of the index. The rankings lure people into a policy dialogue that can surface best practices that put some nations nearer the top of the ladder.

Boyd: Tell me your thoughts on how this work relates to the Millennium Ecosystem Assessment, issued in 2005.

Esty: The Millennium Ecosystem Assessment and the EPI share a common vision of a more data-driven approach to environmental decisionmaking, where we really look at on-the-ground facts and results so that policy priorities can be based on good information and good science. What differentiates the EPI and gives it particular traction is that it is aligned not on an ecosystem basis, like the Millennium Ecosystem Assessment, but rather on a national basis. National-state boundaries are the true lines of accountability.

In our index, where countries rank low, there's no ducking, there's no hiding. The political officials find they are called upon to answer for poor performance, and we think that's a very powerful tool. No one wants to be at the bottom of the rankings: every country would like to be higher up. We made particular efforts to group countries with regard to appropriate peers so that they are not ranking themselves against the top of the spectrum, per se, but against others that are similarly situated.

Take Haiti, for example, which ranks really quite low on our scale, at 114 out of the 133 countries we ranked. It's not Haiti's job to figure out why it is not number 2, like Sweden, or number 3, like Finland. But it is interesting, if you are Haiti, to figure out why you are doing so much worse than the Dominican Republic, at number 54. These are two countries that share an island, that have a lot in common. And obviously, something is going seriously wrong in Haiti with regard to natural resource management and pollution control. But for a poor country, the Dominican Republic is doing quite well. So we think there is some learning there for Haiti, and perhaps for the Dominican Republic as well, because across 16 issues, there are probably some things that Haiti is doing better.

Boyd: Inherently this is a global data exercise. Comment on the increasing availability of spatial data on environmental conditions, but also about where a government, particularly the U.S. government, stands on its ability to produce and present information that people like you would find useful.

Esty: We are moving into an era of information-age environmental protection, which is exciting. There is a great deal of data that weren't out there before, which gives us a much better handle on problems, the chance to track trends, and a better basis for evaluating policies and understanding what's working and what's not. Having said that, I think the U.S. government still underinvests in producing relevant data.

Boyd: In that regard, how close a connection is there between the top five countries in the ranking and the quality of the data you are getting about those countries? Or is there no correspondence?

Esty: Much better data sets are available for the top 30 countries—basically the ones that are part of the Organisation for Economic Co-operation and Development, the Paris-based, ''developed country'' think tank. Beyond that, the data become very thin, and frankly, after about 130 countries, it becomes so thin that we can't include all the countries that we would like. So if this move toward a more data-driven approach to environmental protection is to gain further traction, we are going to have to collect data on many more countries. We are also going to have to go after some issues that aren't tracked at all, not even in the most developed countries. These include exposure to toxic chemicals, waste management practices, releases of SO_2 and acid rain, recycling rates, lead and mercury exposure, and wetlands loss.

Boyd: In principle, a country could do poorly because it is using its resources to produce commodities, like cutting trees for lumber. How do you handle the fact that some of those crops and therefore the benefits of that land use are exported? In effect, you are measuring the negative consequences in one country but countries elsewhere are benefiting from that degradation. Is there any way to factor that into your index?

Esty: We took a hard look at this question in the context of exporting dirty businesses and whether countries benefit because someone else is willing to take up the challenge of producing things like steel or aluminum. And it turned out to be very difficult to get at that and hard to do consistently with our model, which centers on the government's responsibility for what it can achieve within its borders. For example, the United States imports steel from Korea but the numbers don't exist to allow us to shift some of the public health and environmental burdens that Korea faces back to this country. It's a weakness of the structure and means that in some respects we haven't captured the full picture.

Boyd: When you unveiled the index at the World Economic Forum in Davos, what indications did you get that the environment is present in the minds of these world leaders?

Esty: It's a very exciting place to release a study because you have lots of people producing reports, businesses releasing statements, major world leaders talking about critical questions, and business leaders like Bill Gates speculating on the future of the information world. So the competition for air space is tough. In that regard, we were very pleased, first by the good turnout for the release in Davos itself, and then, by the stories around the world in the weeks that followed that came from more than 100 countries and appeared in more than 500 newspapers. To date, there have more than half a million downloads of the report from our website.

Speaking more broadly, business leaders overseas take environmental protection very, very seriously, incorporating it into their operating strategies—it's one of their top concerns, falling behind only globalization and competitive strength. A dominant theme at Davos was the rise of India and China and the enormous implications this will have, both positive and negative. Obviously, it means that many, many people will rising out of poverty, and hundreds of millions, if not billions of new consumers will be driving the economy of the world. But it also means vast consumption of natural resources and potentially significant rats of pollution, locally and at a global scale, threatening to exacerbate problems like climate change.

HONORING ROY L. WHITE

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mrs. BLACKBURN. Mr. Speaker, I ask my colleagues to join me today in recognition of Roy L. White of Shelby County, Tennessee for a lifetime of achievement.

As the founder and chief executive officer of Third Party Solutions, LLC, of Memphis, Roy has been a business pioneer.

The devoted husband of Martha Walton White, father of 6 and grandfather of 12, Roy has dedicated countless hours to the charities, civic organizations and educational institutions that help make our community a better place.

We are grateful for his dedication to helping others. He truly has given back more than he has taken, and I'm not alone in recognizing his contributions. Union University has awarded Roy an Honorary Doctor of Philosophy Degree. It's clear his work is having an impact.

A dedicated and active member of Bellevue Baptist Church in Memphis, Roy is setting an example for us all and I want to thank him for that.

Please join me in honoring the life of a beloved Tennessean on his birthday.

IN MEMORY OF VERA JEAN STURNS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. BURGESS. Mr. Speaker, I rise today to give tribute to Mrs. Vera Jean Sturns in the 26th Congressional District of Texas, for her life-long contributions to her community and to her fellow citizens. Mrs. Sturns died on June 4, 2006 at the age of 67.

I would like to recognize and celebrate Vera Sturns life. Raised in rural east Texas near Henderson, Mrs. Sturns later moved to Fort Worth with her husband, the love of her life, Vernell Sturns. She attended the University of Kansas and later served as a drug and alcohol counselor with Tarrant County Mental Health and Mental Retardation.

In addition to her professional life, Vera was involved with a number of various community organizations. She was a longtime member of the Twilight Temple Elks Lodge and a member of Community Christian Church and its Christian Women's Fellowship.

Mrs. Vera Jean Sturns is survived by her sons Robert and Michael Sturns and her daughter Paula Sturns, as well as four grandchildren. I join in mourning the loss of Mrs. Sturns and extend my deepest sympathies to her friends and family. She will be deeply missed and her service to her community will always be greatly appreciated.

IN MEMORIAM: ROBERT L. DUVALL III

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. SESSIONS. Mr. Speaker, I rise today to honor the life of Bob Duvall for his contributions to technology advancements in the defense industry. As an expert engineer with Hughes Aircraft and as Vice President of Advanced Technology at DRS Technologies, Mr. Duvall made a lasting impact on defense technology and military members. Bob passed away on May 24, 2006. He was 61.

Bob Duvall was born in Cheverly, Maryland on October 8, 1944 and grew up in the Maryland suburbs of Washington, DC. His father was an electrical engineer for the Chesapeake and Potomac Telephone Company, and he inspired Bob in his career as an engineer. In 1967, Mr. Duvall graduated from Cornell University with a degree in electrical engineering and subsequently went to work with Hughes Aircraft Company in California, where his technical expertise expanded to include circuit design, optics, infrared technology, optoelectronics and systems integration. Bob furthered his education with a master's degree in electrical engineering from the University of Southern California in 1975.

Bob's early contributions and developments during his more than 20 years with Hughes Aircraft led to innovation in Naval and Air Force laser pointing and tracking technology that today is considered a step forward to a high energy laser system for ballistic missile defense systems.

Following the first gulf war, our military leaders recognized Forward Looking Infrared (FLIR) as a key combat overmatch capability for our mounted and dismounted troops. In response, Bob Duvall was the lead for Hughes Aircraft in partnership with Texas Instruments to develop this next generation of night vision systems using thermal sensors. The Army's Second Generation FLIR involves the insertion of a common second-generation thermal sensor, known as the B–Kit into the Army's highest priority ground-based platforms.

These systems have played an important role in our efforts to fight the Global War on Terrorism. Because of Mr. Duvall, these systems have been fielded with the capability to see when the enemy can not and to fight during conditions that are obscured by weather or time of day. Our troops now enter into battle with the decisive ability to ''Own the Night'' and precisely target and defeat the threat. Because of his efforts and expertise, Mr. Duvall contributed directly to saving many lives and avoiding great loss.

Bob Duvall was unequaled not only as an Engineer, but as a friend—full of good humor, a wonderful storyteller with an infectious laugh, a patient listener, and a willing contributor to others in need. Bob Duvall's family was his greatest joy and he is survived by his wife Shirley and his two children, Mark and Michelle. He will be sorely missed by his loved ones, his colleagues, and others who benefited from his contribution.

TRIBUTE TO JOSEPH D. PETERS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. RANGEL. Mr. Speaker, I rise today to pay a special tribute to the late Joseph D. Peters, a sports pioneer who demonstrated leadership and commitment to extending the reach of sports as a positive force for social change. Peters was born on June 2, 1938 in Wilmington, Delaware and he passed away on January 9, 2006 at his home in New York City.

His commitment to service began in 1962 when he joined the United States armed forces. He was a former director of the Southern Christian Leadership Conference (SCLC) Sports Project. As director he was responsible for many projects including The International Freedom Games track and field meet and the Martin Luther King All-Star basketball classic.

Peters was inspired by the legendary baseball great Jackie Robinson, who in 1947 broke the color barrier in Major League Baseball. This inspiration was very much reflected in his philosophy on sports. He viewed sports as much more than athletic competition; sports had a deeper purpose and he dedicated his life to making people realize that. He strongly believed that sports were capable of bringing people together and bridging the gaps that divided nations. He also knew how influential sports could be on the home front as well.

Sports have provided economic opportunities and hopes for many disadvantaged but athletically gifted young people. For athletic competition whether as amateurs or professionals has provided a way to move forward when all else around may have seemed to be standing still.

Peters was diagnosed with stomach cancer after the disaster of Hurricane Katrina, yet he continued working to organize a special benefit basketball game in which the Argentine and French Olympic gold and silver medal winners would challenge NBA stars for the benefit of the victims. This was another extension of his sports philosophy.

Peters also attempted to organize a U.S.-Cuban baseball game aimed at bringing the two countries together by engaging in an activity common to both countries. He knew the influence and power that such an event would have on people. We need to continue to believe in his philosophy because it is important to see what further impacts sports can have on our world.

Peters' ambitious initiatives were not always successful, but neither his passion or his resolve ever faded. His dedication was an inspiration not only to athletes but to many others in our community who are seeking ways to make a contribution.

MOUNT ZION AFRICAN METHODIST EPISCOPAL CHURCH OF NORRISTOWN, PENNSYLVANIA

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. GERLACH. Mr. Speaker, I rise today to honor Mount Zion African Methodist Episcopal Church of Norristown, Pennsylvania for its 176th anniversary celebration.

The first gathering of this congregation was held in 1830 in a small building on the corner of Airy and Walnut Streets. Under the influence of Richard Allen, the Founder of the African Methodist Episcopal Church, more and more individuals began to become members. However, the members had to meet in local homes and businesses and were not officially recognized as a church body until 1832.

In 1832, the congregation officially organized and adopted the name Mount Zion, a name derived from highest point in the City of Jerusalem. A more modern interpretation of the name refers to one's ''spiritual homeland'' or ''safe haven''. The name Mount Zion appropriately applies to the congregation because many of its earliest members from 1832 to 1845 fled to Canada to escape slavery and oppression. A large majority of the original members returned in 1845 with great determination and courage to acquire and build their very own spiritual safe haven. Adversary seemed to later follow the congregation and the Church lost many of its buildings, funds, and records through a series of improper transactions.

However, the congregation never lost faith and one member, Mother Caroline Lewis, supplied the funds necessary to secure the Basin Street Church property. On May 20, 1867, the Church was granted its charter under the name Mount Zion African Methodist Episcopal Church of Norristown.

The Church has provided the Borough of Norristown outstanding spiritual, communal, and political leadership ever since. The Church was often used as a school, safe house, and shelter and it moved current location in 1915.

Mr. Speaker, I ask that my colleagues join me today in honoring Mount Zion African Methodist Episcopal Church, Norristown, Pennsylvania on its 176 years of history, heritage, and community leadership.

HONORING EXCEPTIONAL HIGH SCHOOLS

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mrs. BLACKBURN. Mr. Speaker, last year I had the opportunity to honor Brentwood High and Franklin High as two of our Nation's top schools.

I am proud to say these schools have once again been recognized by Newsweek Magazine for excellence in education. This year Centennial High School in the Seventh District has also been added to the exclusive list.

I want to take a moment to applaud the hard work and dedication it has taken for these schools to achieve such excellence. It's a real team effort and the students, parents, teachers and staff who've dedicated their energy to this success all deserve recognition.

I want to make specific mention of our principals and thank them for their leadership. Brentwood High Principal Kevin Keidel, Centennial High Principal Terry Shrader and Franklin High Principal Willie Dickerson have earned our respect and our thanks, and I hope they'll continue inspiring our kids to work hard and make the most of their education.

IN RECOGNITION OF THE WOMEN'S DIVISION OF THE FORT WORTH METROPOLITAN BLACK CHAMBER OF COMMERCE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. BURGESS. Mr. Speaker, I rise today to recognize the contributions of the Women's Division of the Fort Worth Metropolitan Black Chamber of Commerce in its support for the development and recognition of women as business leaders in Fort worth.

I am proud to represent an organization so dedicated in its efforts to empower African American women and to create an expanded atmosphere for inclusive business development. The Women's Division annually recognizes the success of businesses and organizations that support its mission, and it has awarded over a dozen scholarships to women to enable them to attend area colleges.

The Women's Division of the Fort Worth Metropolitan Black Chamber of Commerce has recognized over one hundred individuals for their business, civic, and social accomplishments and has itself been lauded by the Texas State House of Representatives for steadfast work in behalf and support of the City of Fort Worth.

It is with great pleasure that I recognize the Fort Worth Metropolitan Chamber of Commerce Women's Division and I am honored to now represent them as part of the 26th Congressional District of Texas.

HONORING THE 45TH ANNUAL YMCA YOUTH GOVERNOR'S CONFERENCE

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. SESSIONS. Mr. Speaker, Mr. MELANCON and I rise today to honor the 45th Annual YMCA Youth Governor's Conference that begins in Washington, DC this weekend. We are pleased to have the distinct honor of being the Congressional sponsors for the Youth Governor's breakfast with our fellow colleagues in the House.

The YMCA Youth Governor's Conference brings together some of the most outstanding youth leaders in America. YMCA Youth and Government is a nation-wide program that allows thousands of teenagers to simulate state and national government.

Mr. Speaker, we would like to personally recognize each of this year's YMCA Youth Governors for their dedication and service to America's youth.

Michael Dan Admire of Texas, Julia Catherine Love of Louisiana, Neil Karamchandani of South Carolina, Brian Daniel Tinsman of Delaware, Robert Charles Adler of Minnesota, Charles Edward Strickland of Alabama, Michael Elliot Hughes of Arizona, Ian David Bruce of California, Matthew Paul Cavedon of Connecticut, Rebekah Lydia Hammond of Florida, Jerald Jake Landress of Georgia, Jordyn Suet Ha Toba of Hawaii, Thomas Naaliiolani Toyozaki, Jr. also of Hawaii, Capri H. Savage of Idaho, David Williams Simnick of Illinois, Martin Iran Turman, Jr. of Indiana, Preston Scott Bates of Kentucky, Seth D. Dixon also of Kentucky, Benjamin David Goodman of Maine, Jonathan M. Brookstone of Maryland, Zachary Ryan Davis of Massachusetts, Lauren Brenda Gabriell Hollier of Michigan, Marvin Anthony Liddell also of Michigan, Christine C. DiLisio of Missouri, Vernon Telford Smith IV of Montana, Victoria Elizabeth Gilbert of the Model United Nations program, Eoghan Emmet Kelley of New Hampshire, Danielle C. Desaulniers of New Jersey, Juan Carlo Sanchez of New Mexico, Michael J. Couzens of New York, Edgar Turner Vaughn of North Carolina, Kenneth Robert Hines of Oklahoma, Jerrod Engelberg of Oregon, Emily Claire Pramik of Pennsylvania, Allison M. Dove of Tennessee, Joshua Ray Lambert of Virginia, Morrie S. Low of Washington, Rochelle Mincey-Thompson of the District of Columbia, Max Joseph Balhorn of Wisconsin.

We wish all of the 2006 YMCA Youth Governors a very successful conference here in Washington, and we encourage them to continue their sincere devotion to leadership and public' service in this and their future endeavors.

MOVING THE WORLD KATHERINE DUNHAM CHOREOGRAPHED A LIFE THAT STRETCHED BEYOND THE STAGE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. RANGEL. Mr. Speaker, I rise today to pay tribute to a truly remarkable woman, Ms. Katherine Dunham. A woman of astounding grace and character, Ms. Dunham has altered for the better both our country and world. We recently lost Ms. Dunham on May 21, 2006, at the age of 96 at an assisted living facility in New York.

Born Katherine Mary Dunham in Chicago, III on June 22, 1909, and raised in Glen Ellyn, Ill, Dunham was fascinating from the very beginning. The author of a published short story in a magazine edited by W.E.B. DuBois at the young age of 12 she had the gift for the written word. She was class poet in high school, and later wrote a memoir entitled, ''A Touch of Innocence''.

Ms. Dunham was an enchanting beauty who often danced with a sound sense of rhythm and eroticism. Dunham was always combining and changing methods of dance, the sign of the true innovator within. Katherine Dunham was a pioneer in the first in many areas for blacks. She was among the first black artists to form a ballet troupe and achieve renown as a modem dancer and choreographer on Broadway and in Hollywood. She was responsible for exposing to mass audiences the other side of black artistic expression, a side rarely seen. She made people in the 1930's and 1940's see and understand black dance as ''more than tap and minstrelsy''.

She was also one of the first black choreographers to work for the Metropolitan Opera. Many admired Dunham because she amassed so much in a country and time where few opportunities for blacks existed.

She will forever remain an inspiration to many who seek guidance in her wisdom and words. She was noted for her no nonsense approach to the way of life as stated here, ''Don't be nervous, don't be tired and above all, don't be bored. Those are the three destroyers of freedom''. Her insight goes far beyond dance and choreography, but into the real human dilemma. It was stated that, ''she was speaking less about dance and more about an area of equal concern: human rights''. All those who knew her dignified heart of compassion could not help but follow her lead.

As a human rights activist, she spoke out publicly about the United States' position on deporting Haitian refugees. Dunham was so passionate about the matter that in 1992 she went on a 47 day hunger strike to prove her point. One notable activist, Harry Belafonte stressed the notion that, ''She didn't perform miracles; she performed acts of human kindness, which should be viewed as a miracle in itself''.

With age Ms. Dunham sought to spread her knowledge to especially young people. She wanted them to grow up with the adequate capabilities and skills necessary to live in today's ever-changing world. She kept a small museum of artifacts about her career with her in East St. Louis, Ill., where she educated local children including Jackie JoynerKersee, the Olympic long jumper, and filmmakers Reginald and Warrington Hudlin.

When asked about her work with the youth she felt she was ''trying to steer them into something more constructive than genocide''. In a way, maintaining relations with the youth of today kept Dunham youthful, a quality she never lost. In a New York Times report done on her a few years back, she mentioned, ''Did you ever see photographs of elderly divas trying to look sexy?''

I enter into the RECORD with pleasure the article published in the Washington Post and New York Times for their in-depth look at Katherine Dunham for both her artistic and humanitarian efforts. She has truly left her mark on our society and I will always remember her for that. We must keep her memory alive in our hearts and minds so that generations after us will know who she was and what she did. One cannot speak of dance and innovation without mentioning Katherine Dunham, for she has without a doubt moved our world.

[The Washington Post, May 23, 2006]

MOVING THE WORLD

(By Sarah Kaufman)

It was a bitterly cold winter day three years ago when I last saw the pioneering choreographer Katherine Dunham teach. She was rolled into the Howard University dance studio in her wheelchair, bundled up like a prized antique. First a thick fur blanket was peeled off, then a woolen wrap, and then Dunham herself was revealed, somewhat hunched, wearing lots of gold jewelry. Peering through her oversize glasses at the more than 100 students sitting on the floor in front of her, she got right to work.

''Think of everything you learn from me today as part of a way of life,'' she announced in a low, raspy voice. ''Now—breathe.''

This was not as simple as it sounds. For Dunham, a tireless activist who died Sunday at the age of 96, invested every aspect of her life—indeed, you could say, every breath—with meticulous attention and an unflinching eye.

And on this day in January 2003, that eye didn't see much it liked. Dunham hollered at the dancers to tilt their heads back, to hold their stomach muscles in, to undulate with the breath inside them. Then, unsatisfied with the beat that the drummers alongside her were producing, she leaned out of her wheelchair, grabbed one of their drumsticks and began keeping time on the table in front of her.

A few beats later, that tiny old lady had all the drummers grooving together and the whole room full of young adults breathing in unison.

Dunham's dance technique and her way of life went hand in hand. She was inquisitive, blazingly energetic and exacting as a dancer and a choreographer, but she didn't leave those qualities behind after the curtain fell. Her whole long life was about questions and activism and energy. The path that led her to Broadway, Hollywood and concert stages around the world eventually took her to Haiti, where she lived for a number of years, working feverishly and, to her great distress, ultimately unsuccessfully to bring about change for that nation's desperately poor people.

In her unparalleled career in dance, where she educated the world about the power of African dance as found throughout the diaspora, Dunham mixed academic research and showbiz flair. An anthropologist as well as a choreographer, she studied dance in the Caribbean islands, blending movements she found there with Western dance. Her style was not scholarly; she reveled in eroticism. She sought not to re-create specific rites but to transport the audience the way a spiritual experience might. And she wasn't afraid to use sex to do this. A sensuous performer, she frequently wore costumes that revealed well-muscled thighs and ample curves.

There were other dancers interested in Afro-Caribbean arts—Pearl Primus, also an anthropologist, for one—but Dunham had the most far-reaching success, perhaps because of her utter fearlessness. She founded her company in the 1930s, when a predominantly black dance troupe was unheard of. Her voluptuousness as a dancer made her especially marketable—because, let's face it, audiences at that time were not especially sensitive to the art she was creating. She caught the eye of ballet master George Balanchine, who created the role of the sexpot Georgia Brown for her in the 1940 Broadway hit ''Cabin in the Sky.'' Dunham and her company performed in other Broadway revues, and she also made her mark choreographing for film, in 1943's ''Stormy Weather'' and several others, in Hollywood and abroad.

But her twin artistic achievements were her body of choreography—works such as ''L'Ag'Ya,'' a story of love and death, and ''Shango,'' drawn from Trinidadian cult rituals—and the development of her own method of dancing.

''Dunham technique'' became part of the bedrock of American modern dance, like the techniques of Martha Graham, José Limon and Merce Cunningham. Through her own flamboyance and interpretive beauty as a performer, as well as her rigor as a teacher, she raised African-based dance to a new level.

Growing up in an America that offered few opportunities for blacks, Dunham served as an inspiration to black artists who saw her achievements as especially formidable given the racism of the times.

''She set the bar for attaining excellence in art and she instilled in us a great sense of pride in our blackness,'' said singer Harry Belafonte, speaking by phone yesterday from California. Belafonte and his wife, Julie, were close friends of Dunham's for half a century, he said. Julie was a member of Dunham's company; Harry credits Dunham with encouraging him to investigate the music of her beloved Haiti.

Without Dunham's effort to ''reveal to me the beauty of that music,'' Belafonte said, he would never have recorded songs like the gentle, lilting ode ''Yellow Bird.''

However attuned she was to musical beauty and island mysticism, Dunham could breathe fire in the studio. She was a legendary taskmaster, and even in her nineties, during that class I witnessed at Howard as part of the International Association of Blacks in Dance Conference, she was capable of whipping her students into a lather.

''Now think of your anal opening!'' she cried at one point. ''Does everyone know what your anal opening is? Think of a pole from the top of your head through that hole. That's your strength! ''

''Don't be nervous, don't be tired and above all, don't be bored,'' she lectured them. ''Those are the three destroyers of freedom of movement.''

She called on the dancers to be ''strong and easy at the same time,'' swaying in her wheelchair, her arms floating, responding to the drumbeat with a remarkable fluidity.

Her eyes never strayed from the dancers, who by the end of the class were trying to keep up the relentless tempo on their tiptoes, with bent knees, stamping and shimmying their shoulders, adding turns if they could. Dunham technique seeks to balance tricky polyrhythmic equations, with the head nodding out one beat and torso and legs keeping time with another.

The trick, say those who have mastered it, is to move with such musical and muscular intricacy that you achieve complete freedom. Dunham was scheduled to teach for an hour; she kept at it for two.

Not long after that class, I visited Dunham in her Manhattan apartment. She was in bed, where she spent much of her time when she wasn't making appearances. She suffered from crippling arthritis and had had both kneecaps replaced. Reclining against a mound of pillows, wearing a peacock-blue top, and fixing me with her dark, wide-set eyes, she spoke not of weakness but of strength.

''There is a need in the body to express itself,'' she said. ''Every culture has its own form of physical expression. An unfortunate thing about today—about Western dance—is it's too competitive in feeling. I don't dance because I can do this movement better than you. I do it because it's what I feel, and want to do.''

''When I first saw however-present and powerful dance was,'' she said, ''it came as a wonderful revelation.''

Pressed regarding about her views on dance, though, it became clear she was speaking less about dance and more about an area of equal concern: human rights.

''It's a real job to recognize dance at all,'' she continued. ''Until our Western need to compete begins to slow down and becomes a need to feel and love and express motion and care for our inner selves as well as our outer selves . . . if we can find a way to live in union with other people —'' She looked out the window at her view of the skyline. ''We have to love ourselves, love what we are doing, and find a way to express these things in unity with other people.''

Dunham banged up against politics as she sought to spread her teaching in the island she so loved.

''Long before she could teach the healthy minds, she needed the healthy bodies,'' Belafonte said. She found herself feeding the students, seeing to their health care and welfare, and eventually spreading this concern into a wholesale human rights activism that included a hunger strike of 47 days in 1992 to protest the U.S. policy of deporting Haitian refugees. Sadly, most of her good works there came to naught without government support to sustain them.

''She didn't perform miracles, she performed acts of human kindness,'' Belafonte said. ''Which should be viewed as a miracle in itself.''

How Katherine Dunham Revealed Black Dance to the World

(By Jennifer Dunning)

Whatever else Katherine Dunham was in her long and productive life, which ended on Sunday at 96, she was a radiantly beautiful woman whose warmth and sense of self spread like honey on the paths before her.

How could anyone be stopped by the color of her skin after her invincibly lush sensuality and witty intelligence had seduced audiences on Broadway, in Hollywood films and in immensely popular dance shows that toured the world? And how could anyone cram black American dance into one or two conveniently narrow categories—or for that matter ignore the good strong roots that would one day grow green stems and leaves—with the vision of her company's lavishly theatrical African and Caribbean dance revues in mind?

Miss Dunham was one of the first American artists to focus on black dance and dancers as prime material for the stage. She burst into public consciousness in the 1940's, at a time when opportunities were increasing for black performers in mainstream theater and film, at least temporarily. But there was little middle ground there between the exotic and the demeaning everyday stereotypes.

Ms. Dunham's dance productions were certainly exotic, and sometimes fell into uncomfortable cliches. But a 1987 look at her work, Alvin Ailey American Dance Theater's ''Magic of Katherine Dunham'' program, confirmed that she also evoked ordinary lives that were lived with ordinary dignity.

Miss Dunham, as she was universally known, was by no means the only dance artist to push for the recognition of black dance in the 1940's, when Pearl Primus pushed, too, though a great deal less glamorously. But though Miss Dunham's academic credentials as an anthropologist were impeccable, including a doctorate from the University of Chicago, it was her gift for seduction that helped most to pave the way for choreographers like Donald McKayle, Talley Beatty and Alvin Ailey, who were the first wave of what is today an established and influential part of the larger world of American modern dance.

Ailey's first encounter with her, as a newly stage-struck boy in his mid-teens, says a great deal about Miss Dunham's appeal. Intrigued by handbills advertising her 1943 ''Tropical Revue,'' he ventured into the Biltmore Theater in downtown Los Angeles, his hometown, where it was playing. There he was plunged into a world of color, light and heat that was populated by highly trained dancers with a gift for powerful immediacy, who were dressed in subtle, stylish costumes designed by John Pratt, Miss Dunham's husband. After the show, Ailey followed the crowd making its way backstage to her dressing room and was again stunned when the door opened on a vision of beautiful hanging fabrics and carpeting, paintings, books, flowers and baskets of fruit. And there was La Dunham, dressed in vividly colored silks and exuding irresistible gaiety and warmth.

Ailey returned to the show several times a week, let into the theater by the Dunham dancers who had looked so unapproachably

exotic on that first backstage visit. And he was still more than a little in love with her when he invited her to create for his company ''The Magic of Katherine Dunham,'' a program of pieces that had not been seen for a quarter-century. Miss Dunham's dancers, who remained close to her and to one another throughout her life, swarmed into the studios to help her work with the young performers.

Most of the Ailey dancers did not appreciate Miss Dunham's iron perfectionism or the unusual demands of her technique, a potent but challenging blend of Afro-Caribbean, ballet and modern dance. And she was not the easiest of women. I remember speaking with her before a public interview we were to do in April 1993. Addicted to CNN, she had just learned of the fiery, tragic end to the F.B.I's seige of the Branch Davidian compound in Waco, Tex., that morning, and that was all that she could talk about, off and on the stage, despite her promises to discuss her work.

Her horror was real, as was her sense of social justice. She has been criticized for not denouncing the Duvaliers for their dictatorship in Haiti, where she owned a home. But she had also sponsored a medical clinic in Port-au-Prince, and she stayed on for many years in desolate, impoverished East St. Louis, Ill., where she established a museum of artifacts pertaining to her career and taught local children including Jackie Joyner-Kersee, the Olympic long jumper, and the filmmakers Reginald and Warrington Hudlin.

''I was trying to steer them into something more constructive than genocide,'' she said of the children in a 1991 interview with me in The New York Times. ''Everyone needs, if not a culture hero, a culturally heroic society. There is nothing stronger in a man than the need to grow.''

That idealistic, eloquent self was infused with a streak of no-nonsense practicality.

''I don't like that 'accept,' '' Miss Dunham, still a vibrant beauty at 91, said during a Times interview six years ago in response to a middle-aged visitor who insisted on talking to her about the acceptance and embrace of old age. ''I would just let the whole thing go. Just be there for it, centimeter by centimeter.'' Then it was time for the photo session.

Her eyes seemed to widen even more invitingly and her gaze to grow even warmer as she looked into the eye of the camera and asked, ''Did you ever see photographs of elderly divas trying to look sexy?''

HONORING BATEY GRESHAM

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mrs. BLACKBURN. Mr. Speaker, one of my favorite lessons in life was something my parents taught me—that you should always give back more to your community than you take. Today I want to take a moment to recognize someone who exemplifies that spirit of giving—Batey Gresham, Jr.

Batey has made volunteer work part of his daily life and we are all the beneficiaries of his effort. He has served as a board member of the Middle Tennessee Boy Scout Council and the Alcohol and Drug Council to name just a few. Batey has supported numerous educational institutions, and joined his wife, Ann, in supporting Chi Omega alumnae activities geared toward developing leadership skills in our community's young women.

The co-founders of a respected architecture, engineering, and design firm, Batey and Ann established an endowed professorship at Auburn's College of Architecture, Design and Construction.

The Greshams are building a wonderful legacy and setting an example for all of us to follow. Our community appreciates their work and I hope you'll join me in applauding Batey and Ann.

TRIBUTE TO CORPORAL J. ADAN GARCIA

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. MARCHANT. Mr. Speaker, I rise to express my condolences and heartfelt sympathy to the family and friends of United States Army Corporal J. Adan Garcia, 20, of Irving, Texas.

Corporal Garcia died on May 27, 2006 at the National Naval Medical Center in Bethesda, Maryland, in support of Operation Iraqi Freedom. He died of injuries sustained on May 22, 2006, while serving in Baghdad, Iraq. Corporal Garcia was assigned to the 1st Brigade Special Troops Battalion, 10th Mountain Division, in Fort Drum, New York.

I would like to take this opportunity to pay tribute to Corporal Garcia. This brave young man made the ultimate sacrifice for the security of his country and for the defense of democracy worldwide. He was an outstanding young man; and we should all be grateful for his noble contributions to this nation and the advancement of freedom.

I am proud to call Corporal Garcia one of our own, and again deeply sorry for his family and friends who have suffered this loss. His legacy will remain, as the men and women of our armed services continue to fight for liberty—both abroad and on our home soil.

RECOGNIZING MGA COMMUNICATIONS FOR BEING NAMED NATIONAL AGENCY OF THE YEAR BY THE HOLMES REPORT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge a Colorado company, MGA Communications, which has been named 'Boutique Agency of the Year' by the prestigious Holmes Report. In addition, MGA Communications was one of five finalists for 'National Agency of the Year.' The Holmes Report, a national review of the public relations industry, recognized MGA for fostering genuine dialogue in complex community issues.

In particular I would like to thank my good friend and trusted advisor, Omar Jabara, who serves as the Vice President of Public Affairs for the company. I have known Omar for several years and can attest to his political passion. From the time he led Congresswoman CYNTHIA MCKINNEY's successful 1996 election as the communications director, he has demonstrated his political savvy and media relations talent. When he moved back to Colorado, he served as the press secretary for Dottie Lamm's United States Senate campaign. For the past several years, Omar has generously taken the time to speak to my Udall Youth Task Force about issues in the Middle East and public policy. He has become a perennial favorite for his insight, passion and candor on the issue. I suspect that Omar is an outstanding example of the kind of talent that led to the award for MGA Communications.

''No one is better when it comes to engaging local communities around environmentally sensitive—even toxic—issues and earning the kind of trust that is an essential element of any controversial industrial development,'' said the Holmes Report in describing MGA.

Founded in 1987, MGA Communications is engaged in some of the more complex community development issues in the Rocky Mountain region for clients ranging from the U.S. Army and Shell Oil Company to Cabela's and Questar Market Resources. MGA serves clients throughout the country.

''It's flattering to have the pioneering community relations work we've done over the years acknowledged at this high level,'' said Mike Gaughan, Chairman of MGA Communications. ''Such a prestigious national award is gratifying because ultimately, we pride ourselves on the business-driven results we deliver for our clients and the communities they serve.''

The Holmes Report highlighted MGA's work at the Rocky Mountain Arsenal, the former chemical weapons manufacturing facility near Commerce City, Colorado, stating, ''That kind of work has turned MGA into one of the nation's leading experts when it comes to dealing with high profile, complex community issues.''

Mr. Speaker, I ask my colleagues to join me in congratulating Omar Jabara and MGA Communications on the well deserved recognition of their good work. We are proud to have them in Colorado. I wish them continued success in the future.

WARMING TO THE INDIA NUCLEAR DEAL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. RANGEL. Mr. Speaker, with the President's proposed agreement with India on civil nuclear cooperation, there has been much discussion as to what Congress' position should be concerning this matter. I find it appropriate to bring to the attention of Congress a May 23 article written by Will Marshall, President of the Progressive Policy Institute, and Wesley Clark, a candidate for the Democratic Presidential nomination in 2004, a retired Army general, and former supreme allied commander of NATO. The article entitled ''Warming to the India Nuclear Deal'' comprehensively discusses the proposed agreement, determining that it is a great opportunity to create a strategic partnership with India.

The Marshall and Clark article encourages the Senate to support Bush's proposed agreement, but also to articulate several commitments by the Administration on which the support is conditioned, most importantly a fresh

burst of energy in promoting the international nonproliferation system.

This deal is a great opportunity for the United States to form a truly beneficial partnership with India, an up-and-coming 21st century power. India has proved its stability as a multi ethnic democracy with an ever-growing economy, a middle-class that is well-versed in English, a lively technology sector, and a tremendous domestic market.

Advocates of arms control argue that the removal of a ban on the supply of fuel to India's civilian nuclear-power sector should not compromise nonproliferation efforts. However, it is clear that admonishing India for its failure to join the Non-Proliferation Treaty, NPT, is not enjoying the success that it should and therefore must be modernized.

The need for efforts to improve the NPT is confirmed by the inception of several new nuclear states and the potential for the establishment of even more in the near future.

Considering India's exceptional nonproliferation efforts, a United States-India partnership in designing a superior global nonproliferation system should prove to be beneficial worldwide.

Mr. Marshall and Mr. Clark encourage a push for NPT reforms, including more effective inspection and control of nuclear activity across the globe. They cite the critical reform as disallowing states who agree not to build nuclear weapons to then develop civilian nuclear energy programs. A loophole such as this permits countries, such as Iran, to insist upon a ''right'' to produce their own nuclear fuel supplies, as opposed to acquiring their supply from already established nuclear powers.

The article cites a simple solution to the problem: internationalize the nuclear fuels cycle. U.S. officials can organize an adequate source of fuel to countries that agree not to produce nuclear weapons and submit to rigid inspections through an international consortium. India should be at the forefront of this effort.

Mr. Marshall and Mr. Clark also encourage the Senate to demand that the U.S., along with other nuclear powers, move in the direction of disarmament. The current administration has failed to do this, and has in fact done the opposite.

I thank Mr. Marshall and Mr. Clark for their thorough analysis of the President's proposed agreement with India. Their views on the matter are greatly respected.

I therefore submit for the RECORD a piece from the May 23 issue of the Hill for our consideration.

[From the Hill, May 23, 2006]

WARMING TO THE INDIA NUCLEAR DEAL

(By Will Marshall and Wesley Clark)

At first glance, President Bush's proposed agreement with India on civil nuclear cooperation is a no-win proposition for the U.S. Senate. Rejecting the deal could chill relations between the world's biggest democracies; approving it might shred America's credibility as a leader of global efforts to restrain nuclear proliferation.

Senators can escape this dilemma, however, by offering the White House a deal of their own: support for the India agreement conditioned on concrete commitments by the Bush administration to breathe new life into the international nonproliferation system.

Under the deal struck last summer, the United States would lift its ban on supplying expertise and fuel to India's civilian nuclear-power sector. India agreed to place 14 of its 22 nuclear reactors under safeguards with the International Atomic Energy Agency. The deal is intended to remove the chief irritant in U.S.-India relations: America's longtime policy of banning sales of civilian nuclear technology and fuel to any country—most prominently India—that has refused to sign the 1968 Nuclear Non-Proliferation Treaty (NPT).

U.S. leaders should not miss the best opportunity since the Cold War ended to forge a true strategic partnership with India. As a stable, multiethnic democracy with a brisk economic growth rate, a vibrant technology sector, an English-speaking middle class and a potential domestic market four times larger than America's, India is fast emerging as a 21st century power of the first rank.

Arms-control advocates, however, warn that closer U.S.-India ties should not come at the price of undermining the nonproliferation framework. Yet U.S. efforts to punish India for spurning the NPT have manifestly failed. More important, it's clear that the NPT cannot survive in its present terms and needs fundamental revision.

Since the treaty's inception, four new states have elbowed their way into the exclusive nuclear club, and such scofflaw regimes as North Korea and Iran are pounding on the door. Without bold action now to strengthen and modernize the NPT framework, we could be looking at as many as 20 nuclear-armed states within the next decade or two.

So instead of persisting in vain attempts to punish India—which, unlike rival Pakistan, has an exemplary nonproliferation record—the United States should enlist New Delhi's help in designing a fairer and more effective global nonproliferation system.

The Senate, for example, should insist on boosting spending on the Cooperative Threat Reduction programs aimed at securing Russia's loose nuclear materials. It should also press the Bush administration to push for overdue NPT reforms, including stronger inspections, tighter control of nuclear know-how and a closer watch on the activities of nuclear-trained scientists and engineers worldwide.

The key reform is to close the NPT loophole that allows states to develop civilian nuclear energy programs if they agree not to build nuclear weapons. The problem comes when countries demand, as Iran has done, a ''right'' under NPT to develop their own nuclear fuel supplies rather than acquiring what they need from the nuclear powers. As Ashton Carter and Stephen LaMontagne point out, ''Enrichment and reprocessing facilities low states to cross into a proliferation 'red zone,' putting them dangerously close to a nuclear weapons capability.''

Carter and LaMontagne offer a simple solution: Internationalize the nuclear fuels cycle. Building on Russia's offer to provide nuclear fuel for Iran, the United States should organize an international suppliers consortium to provide a reliable source of fuel for nuclear energy plants (and a repository for spent fuel) to countries that forswear nuclear weapons and submit to robust inspections. India, as a former leader of the nonaligned nations, could show its commitment to nonproliferation by helping to build support for such an approach among the developing nations.

The Senate also should insist that the United States hold up its end of the nuclear bargain. Under the NPT, the nuclear ''haves'' are obliged to move toward disarmament. Yet the Bush administration has gone in the opposite direction. It has rejected the Comprehensive Test Ban Treaty, failed to engage the other nuclear powers in talks aimed at mutual cuts in nuclear arsenals and even launched new programs for developing nuclear ''small'' bombs and ''bunker-buster'' weapons.

Finally, the United States should offer similar terms to Pakistan, providing it is willing to return to the NPT, put its nuclear programs under international safeguards and offer a full accounting for the worldwide nuclear bazaar operated by A.Q. Khan.

If accompanied by imaginative U.S. efforts to update and strengthen the global nonproliferation system, the proposed deal with India could become a cornerstone of a comprehensive post-Cold War strategy—but only if elected leaders at both ends of Pennsylvania Avenue have the insight and courage to seize this opportunity.

HONORING CURRIE AND NELSON ANDREWS

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mrs. BLACKBURN. Mr. Speaker, I want to take a moment today to recognize two individuals who exemplify the spirit of entrepreneurship that makes America great.

A father and son team, Currie and Nelson Andrews were recently named 2006 Dealer of the Year Finalists by the American International Automobile Dealers not only for their success managing a dealership but for outstanding contributions to our community as well.

For 25 years, Andrews Cadillac and Land Rover of Nashville, has been part of our community and consistently ranks as one of Nashville's ''Top 100 Privately Owned Businesses.''

Thanks to Currie and Nelson's hard work and commitment to our community, 140 people are employed by their dealership today. We look forward to many more years of community involvement from the Andrews and appreciate the example they set for all aspiring entrepreneurs.

Please join me in congratulating Currie and Nelson for their achievements.

HONORING THE LIFE OF JAMES A

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. COSTA. Mr. Speaker, I rise today to honor and remember the life of James A of Fresno, California. Mr. A served in the U.S. Army in both Vietnam and Korea and was a prominent veteran's activist; he passed away May 15, 2006.

James A was born James Burris on October 18, 1946 in Yreka, California. He attended school in Fresno and graduated from Edison High School in 1964. As a way of protesting early American slavery, James Burris legally changed his name to James A. After investigating his genealogy, Mr. A had felt 'Burris' was his slave name.

While serving in the U.S. Army, Mr. A learned to speak German, Korean, and Vietnamese. While stationed in Germany, Mr. A met the love of his life, Edith Isamann. They were marred in 1966 and had two daughters Sabine and Sonja.

The couple returned to Fresno to raise their daughters in the community James affectionately called home. It was during this time that Mr. A began noticing physical problems that later resulted in his paraplegia. He was diagnosed with a neurological condition and as a result of this he was forced to use a wheelchair. Ever the active sole, Mr. A participated in wheelchair basketball and wheelchair races as a way of not letting his illness beat him.

Mr. A used his experience with misfortune to lend a helping hand to others. He waged a personal campaign for veterans in Fresno and in the state of California. James A helped to establish the Vietnam Veteran Monument in Woodward Park. He was also involved with the effort to establish the California Vietnam Veteran's Memorial in Sacramento. Mr. A worked with the Bay Area Western Chapter of Paralyzed Veterans of America and in 2005 he served as its Vice President.

In 2002, Mr. A was diagnosed with lung cancer and was in remission until January of 2005. Determined to be a shining example for his family, despite all of the physical challenges he faced, James A continued to serve his community.

James A is survived by his wife Edith; two daughters Sabine and her husband Asker and Sonja and her husband Andrew; grandchildren Ilkin, Timur, Emily and Rebecca; two sisters and two brothers.

James A cared deeply about advocating for veterans. His warm and compassionate personality which inspired those around him will be missed deeply. I stand today to honor this noble veteran, who served our country not only as a soldier but also as a citizen.

PAYING TRIBUTE TO ''TANTE'' GERTRUDE ZAHNER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor ''Tante'' Gertrude Zahner on her 100th birthday.

Gertrude was born in Stuttgart Germany on June 15, 1906. She had three brothers and was the only daughter in the Zahner family. In 1923, when Gertrude was 17 years old the family moved to the United States. Gertrude worked for a number of years at the Ford plant in Michigan. She greatly enjoyed her tenure with the company and even worked for Mr. and Mrs. Henry Ford in their home. In 1979 Gertrude's service to the Ford family ended with her retirement.

Gertrude loved actively participating with her friends in the ''Women's Guild'', the ''German Society'', and the ''Card Club'' while she was living in Detroit. Every year several of the ladies in the ''Card Club'' would make a journey with her to Las Vegas, where Gertrude had a number of family members. In 1990, Gertrude moved to the greater Las Vegas area to be closer to her family. She has one nephew, Horst Maile, and a niece-in-law, Elfriede Maile. Gertrude is also god-mother to Rolf and Marvin, her grand-nephews.

Mr. Speaker, I am proud to honor ''Tante'' Gertrude Zahner on her 100th birthday. I wish her many more years of happiness with her family.

DIVISIVE IN ANY LANGUAGE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. RANGEL. Mr. Speaker, I rise today to commend E.J. Dionne Jr. for his recent article published in the Washington Post entitled, ''Divisive In Any Language'', in which it describes how the argument surrounding the English Language can become more of a tool to divide instead of unify.

It is my belief that all who seek to enter our borders understand the vital importance of learning English, for it is the path to any route of social mobility. The immigrants of the past have understood the importance of learning English just as those who come today do. English must not be seen as a barrier to upward mobility, but as an extremely useful device that opens up the doors to opportunity.

This ''American Dream'' that we speak of so often seems to now be under fire from those who have made the dream a reality, or who are the beneficiaries of a dream sought many years ago by their forbearers. It is now those who have since benefited from the ''American Dream'' who seek to shut the door on the hopes and aspirations of others.

To create amendments in our laws and especially in the Senate immigration bill that explicitly say that English is the language of this land will indeed be disrespectful to our current large population of Spanish-speaking members. Dionne pointedly says this will be ''legally and formally'' disrespectful in a way earlier generations of immigrants from—just a partial list—Germany, Italy, Poland, Russia, Norway, Sweden, France, Hungary, Greece, and China'' were not.

I acknowledge my fellow colleague in the United States Senate, KEN SALAZAR from Colorado for his realistic approach to this divisive ordeal. He declared that, ''English is the common and unifying language of the United States'' while also insisting on the existing rights of non-English speakers ''to services or materials provided by the government' in languages other than English''.

Senator SALAZAR knows that the key to settling the issue is not by imposing restrictions and making amendments on people who speak English as a second language, primarily Spanish speakers. Our job here today is to get others to see the light, and to understand the real issue at hand.

I enter into the RECORD the Washington Post article by E.J. Dionne Jr. for presenting this issue regarding the use of the English language with a personal perspective. Being brought up in a home where English is not the only language spoken, he knows firsthand the plight of the other side. More of us need to understand and put ourselves in the shoes of those we have come to discriminate against. Let us use English to bring ourselves closer together, for if it is the only common bond we have why not use it. It is in the best interest of this Nation to get this issue settled efficiently, and accordingly.

[From the Washington Post, May 23, 2006]

DIVISIVE IN ANY LANGUAGE

(By E. J. Dionne Jr.)

Yes, let's talk about the English language and how important it is that immigrants and their children learn it.

And please permit me to be personal about an issue that is equally personal to the tens of millions of Americans who remember their immigrant roots.

My late father was born in the United States, and grew up in French Canadian neighborhoods in and around New Bedford, Mass. When he started school, he spoke English with a heavy accent. A first-grade teacher mercilessly made fun of his command of the language.

My dad would have none of this and proceeded to relearn English, with some help from a generous friend named James Radcliffe who, in turn, asked my dad to teach him French. My dad came to speak flawless, accent-free English. He and my mom insisted that their children speak our nation's language clearly, and without grammatical errors.

None of this caused my parents to turn against their French heritage. On the contrary, my sister and I were taught French before we were taught English because my parents took pride in the language of our forebears and knew that speaking more than one language would be a useful skill.

My mom would give free French lessons at our Catholic parochial school to any kid who wanted to take them. When we were young, we'd visit our cousins on a farm in Quebec during the summer, partly to improve our French. (And Parisian French elitists take note: I still love the much-derided accent of the Quebec countryside, which many have compared to the English of the Tennessee mountains.) I tell you all this by way of explaining why I can't stand the demagoguery directed against immigrants who speak languages other than English. Raging against them shows little understanding of how new immigrants struggle to become loyal Americans who love their country—and come to love the English language.

As it considered the immigration bill last week, the Senate passed an utterly useless amendment sponsored by Sen. James Inhofe (R-Okla.) declaring English to be our ''national language'' and calling for a government role in ''preserving and enhancing'' the place of English.

There is no point to this amendment except to say to members of our currently large Spanish-speaking population that they will be legally and formally disrespected in a way that earlier generations of immigrants from—this is just a partial list—Germany, Italy, Poland, Russia, Norway, Sweden, France, Hungary, Greece, China, Japan, Finland, Lithuania, Lebanon, Syria, Bohemia, Slovakia, Serbia, Croatia and Slovenia were not.

Immigrants from all these places honored their origins, built an ethnic press and usually worshiped in the languages of their ancestors. But they also learned English because they knew that advancement in our country required them to do so.

True, we now have English-as-a-Second-Language programs that have created some resentments and, in the eyes of their critics, can slow the transition from Spanish to English. Still, the evidence is overwhelming that Spanish speakers and their kids are as aware as anyone of the importance of learning English. That's why we have an attorney general named Gonzales, senators named Salazar, Martinez and Menendez, and a mayor of Los Angeles named Villaraigosa.

Ken Salazar, a Colorado Democrat, introduced an alternative amendment to Inhofe's that also passed the Senate. It declared English the ''common and unifying language of the United States'' while also insisting on the existing rights of non-English speakers ''to services or materials provided by the government'' in languages other than English. As Salazar understands, the best

way to make English our unifying language is to avoid making language a divisive national issue.

I make my living writing and speaking in English, and I would preach to anyone the joys of mastering this Anglo-Saxon gift to our nation. My wife and I encourage our kids to speak the language with precision and to show respect for its grammar, as did the nuns who taught me as a kid—even if some of them spoke French better than English. Politicians who care about the language might usefully think about how it can be taught well, to the native-born as well as to immigrants.

When I put my children to bed, I recite the same prayer that my late mother said for my sister and me. The prayer is in French. I certainly hope that it doesn't make my children any less American to hear a few spiritual thoughts in a language other than English before they fall asleep.

AMENDING TITLE 49, UNITED STATES CODE

SPEECH OF

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. RYAN of Wisconsin. Mr. Speaker, today, I take to the floor to reluctantly cast my vote against H.R. 5449. Although I deeply admire the hard work performed by our Nation's air traffic controllers and support their efforts to negotiate a fair contract, I cannot support this legislation. I believe that this bill goes too far and needlessly picks a winner and a loser between the Federal Aviation Administration (FAA) and the National Association of Air Traffic Controllers, NATCA. In addition, this bill will completely remove congressional oversight from this process.

No workers, regardless of their profession, should be forced to accept a contract without having a chance to negotiate the terms. I believe the existing negotiating framework between the FAA and the air traffic controllers is broken and needs to be fixed. That is why I not only cosponsored H.R. 4755, the Federal Aviation Administration Fair Labor Management Dispute Resolution Act, but sent a letter to the Speaker asking for a floor vote on this bill.

H.R. 4755 would have prevented the FAA from instituting one-sided, unilateral contract terms on the labor union. If negotiations were to stall, Congress would have 60 days to review the FAA's last proposal and then decide whether or not more negotiations were necessary. The bill would have prevented air traffic controllers from having to accept a contract they clearly rejected, while at the same time ensuring that negotiations did not remain deadlocked. I supported H.R. 4755 then and I support it now. Unfortunately, this is not the bill that has been brought to the floor today.

H.R. 5449 goes too far and needlessly puts Congress in the position of picking a winner and a loser in this debate. While I agree that the current process is flawed, the role of Congress is to reform the system, not to circumvent it. This bill would further hinder negotiations, prevent real progress from being made, and remove Congress from the process. For these reasons, I cannot support this bill.

IN MEMORY OF DAVID P. SMITH, DELAWARE COUNTY CHAMBER OF COMMERCE EXECUTIVE

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to mark the tragic and untimely passing of David P. Smith, a Delaware County Chamber of Commerce executive and a lifelong community activist, who leaves behind a legacy of service to his hometown—Media, Pennsylvania—where he was known as ''Mr. Media.''

Dave's untimely death is deeply felt by the entire Media community. In celebration of his life a tribute was held yesterday (June 6, 2006) at the Media Theater where his family and friends gathered to remember this remarkable man. Everyone shared words of praise, joyful memories, and personal stories I know will be told for many years to come. Everyone always marveled how Dave could be so active in so many business, political and community endeavors and still have so much time for his friends. Dave was successful in his professional life but, more importantly, in his personal friendships. He was always there for those who needed a kind word, and he always had a ready smile and warm greeting.

Dave lived life with a passion for everything he did, and he worked tirelessly for the betterment of his community. He was active with the Swarthmore Players Club, the Media Republicans, the Delaware County Press Club, the Brandywine Conservancy and the Middletown Business and Professional Association. He demonstrated, by example, the kind of work that can be achieved when one is committed, involved and enthusiastic about making his community a better place to live.

Mr. Speaker, yesterday Delaware County said goodbye to a favorite son. I offer my condolences to his family, his friends and his beloved community. I know that while Dave is no longer with us, his legacy will continue for many years to come.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 8, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 12

2:30 p.m.
Energy and Natural Resources
To hold hearings to examine the implementation of Sections 641 through 645 of the Energy Policy Act of 2005, the Next Generation Nuclear Plant Project within the Department of Energy.
SD–366

3 p.m.
Foreign Relations
To hold hearings to examine Treaty Between The United States Of America And The Oriental Republic Of Uruguay Concerning The Encouragement And Reciprocal Protection Of Investment (Treaty Doc. 109–09).
SD–419

JUNE 13

9:30 a.m.
Foreign Relations
To hold hearings to examine the changing face of terror relating to counterterrorism.
SD–419

10 a.m.
Agriculture, Nutrition, and Forestry
To hold an oversight hearing to examine Department of Agriculture farm loan programs.
SR–328A
Commerce, Science, and Transportation
To resume hearings to examine S. 2686, to amend the Communications Act of 1934 and for other purposes.
Room to be announced
Finance
To hold hearings to examine corporate tax issues.
SD–215

2:30 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, and International Security Subcommittee
To hold hearings to examine autopilot budgeting, including the PART (Program Assessment Rating Tool) and consider how systematic performance reporting of government agencies helps taxpayers get better services as well as whether Congress can better utilize the report cards to inform their annual budgeting.
SD–342
Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine business systems modernization and financial management in review of the defense authorization request for fiscal year 2007.
SR–222

3 p.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to examine the proposed Multidistrict Litigation Restoration Act.
SD–226

JUNE 14

9:30 a.m.
Environment and Public Works
To hold an oversight hearing to examine whether potential liability deters abandoned hard rock mine clean up.
SD–628
Indian Affairs
To hold hearings to examine S. 374, to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River, and S. 1535, to amend the Cheyenne River Sioux Tribe Equitable Compensation Act to provide compensation to members of the Cheyenne River Sioux Tribe for damage resulting from the Oahe Dam and Reservoir Project.
SR–485
Judiciary
To hold hearings to examine ensuring competition and innovation relating to reconsidering communication laws.
SD–226

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine Financial Accountability Standards Board's proposed standard on ''Employers' Accounting for Defined Benefit Pension and Other Postretirement Plans''.
SD–538
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine alternative energy technologies.
Room to be announced

2:30 p.m.
Banking, Housing, and Urban Affairs
Housing and Transportation Subcommittee
To hold hearings to examine extension of HUD's mark-to-market program.
SD–538
Commerce, Science, and Transportation
National Ocean Policy Study Subcommittee
To hold hearings to examine state of the oceans in 2006.
SD–562

JUNE 15

10:30 a.m.
Commerce, Science, and Transportation
Fisheries and Coast Guard Subcommittee
To hold hearings to examine the Coast Guard budget.
SD–562

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine the National Park Service's Revised Draft Management Policies, including potential impact of the policies on park operations, park resources, wilderness areas, recreation, and interaction with gateway communities.
SD–366

JUNE 20

10 a.m.
Commerce, Science, and Transportation
Business meeting to markup S. 2686, to amend the Communications Act of 1934 and for other purposes.
Room to be announced

JUNE 21

10 a.m.
Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold hearings to examine economics, service, and capacity in the freight railroad industry.
SD–562

2:30 p.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine accelerating the adoption of health information technology.
SD–562

JUNE 22

10 a.m.
Commerce, Science, and Transportation
Trade, Tourism, and Economic Development Subcommittee
To hold hearings to examine the state of the U.S. tourism industry.
SD–562

JUNE 29

10 a.m.
Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SD–562

JULY 13

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine unmanned aerial systems in Alaska.
SD–562

JULY 19

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine high performance computing.
SD–562

Daily Digest

HIGHLIGHTS

The House passed H.R. 5521—Legislative Branch Appropriations Act, 2007.

Senate

Chamber Action

Routine Proceedings, pages S5517–S5608

Measures Introduced: Twenty bills and three resolutions were introduced, as follows: S. 3457–3476, S. Res. 503–504, and S. Con. Res. 97. **Pages S5598–99**

Measures Passed:

Relative to the Government of Libya: Senate agreed to S. Res. 504, expressing the sense of the Senate that the President should not accept the credentials of any representative of the Government of Libya without the expressed understanding that the Government of Libya will continue to work in good faith to resolve outstanding cases of United States victims of terrorism sponsored or supported by Libya, including the settlement of cases arising from the Pan Am Flight 103 and LaBelle Discotheque bombings. **Page S5607**

Ethics in Government Act Amendment: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 4311, to amend section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App), and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S5607–08**

Sessions (for Collins) Amendment No. 4193, in the nature of a substitute. **Page S5608**

Marriage Protection Amendment: Senate continued consideration of the motion to proceed to consideration of S.J. Res. 1, proposing an amendment to the Constitution of the United States relating to marriage. **Pages S5517–34**

During consideration of this measure today, Senate also took the following action:

By 49 yeas to 48 nays (Vote No. 163), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of the bill. **Page S5534**

Death Tax Repeal Permanency Act: Senate continued consideration of the motion to proceed to consideration of H.R. 8, to make the repeal of the estate tax permanent. **Pages S5534–54**

A unanimous-consent-time agreement was reached providing for further consideration of the motion to proceed to consideration of the bill following the remarks of the Majority Leader on Thursday, June 8, 2006; that there be one hour equally divided between the Majority and Democratic Leaders, or their designees, for debate, with ten minutes of the Democratic time reserved for Senator Durbin, and ten minutes reserved for Senator Dorgan; provided further, that the last 20 minutes be reserved for the Democratic Leader, to be followed by the Majority Leader, and that the Senate vote on the motion to invoke cloture on the motion to proceed to consideration of the bill; provided further, that regardless of the outcome of the vote, Senators Roberts and Clinton be recognized to speak, as if in morning business, for up to 25 minutes equally divided. **Page S5591**

Native Hawaiian Government Reorganization Act: Senate continued consideration of the motion to proceed to consideration of S. 147, to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity. **Pages S5554–91**

A unanimous-consent-time agreement was reached providing for further consideration of the motion to proceed to consideration of the bill following the debate on H.R. 8 (listed above); that the time until 12:45 p.m. be equally divided between the Majority and Democratic Leaders, or their designees; that the Senate vote on the motion to invoke cloture on the motion to proceed to consideration of S. 147 at 12:45 p.m.; provided further, that if cloture is not

invoked on both of the motions to proceed, the Senate then proceed to executive session and begin en bloc consideration of the nominations of Noel Lawrence Hillman, and Peter G. Sheridan, both to be a United States District Judge for the District of New Jersey, Thomas L. Ludington, and Sean F. Cox, both to be a United States District Judge for the Eastern District of Michigan; that there be 10 minutes of debate for Senators Lautenberg, Menendez, and Stabenow, respectively; and that following the use, or yielding back of time, but no earlier than 2 p.m., Senate begin consecutive votes on confirmation of the nominations, as listed; provided further, that following those votes, Senate begin consideration of the nomination of Susan C. Schwab, of Maryland, to be United States Trade Representative; that there be up to 85 minutes of debate reserved for the Chairman and Ranking Member of the Committee on Finance, and Senators Dorgan and Conrad; and that following the use, or yielding back of time, Senate vote on confirmation of the nomination; provided further, that if cloture is invoked on the motion to proceed to consideration of H.R. 8, that all time after the convening of the Senate on Thursday, June 8, 2006, be counted against the 30 hours provided under Rule XXII, and that H.R. 8 not be displaced if the motion to invoke cloture on the motion to proceed to consideration of S. 147 is agreed to; and that regardless of the outcome on the cloture vote on the motion to proceed to consideration of S. 147, if cloture has been invoked on the motion to proceed to consideration of H.R. 8, then the Senate resume debate on the motion to proceed to consideration of H.R. 8; provided further, that if cloture is invoked on the motion to proceed to consideration of S. 147, Senate begin consideration of the bill under the provisions of Rule XXII upon the disposition of H.R. 8. **Page S5591**

Stickler—Nomination: Senate began consideration of the nomination of Richard Stickler, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health. **Page S5591**

A motion was entered to close further debate on the nomination and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, June 9, 2006. **Page S5591**

Nominations Received: Senate received the following nomination:

Gregory Kent Frizzell, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma. **Page S5608**

Messages From the House: **Pages S5596–97**

Measures Referred: **Page S5597**

Enrolled Bills Presented: **Page S5597**

Executive Communications: **Pages S5597–98**

Additional Cosponsors: **Pages S5599–S5600**

Statements on Introduced Bills/Resolutions: **Pages S5600–06**

Additional Statements: **Pages S5595–96**

Amendments Submitted: **Page S5606**

Notices of Hearings/Meetings: **Page S5606**

Authorities for Committees to Meet: **Pages S5606–07**

Privileges of the Floor: **Page S5607**

Record Votes: One record vote was taken today. (Total—163) **Page S5534**

Adjournment: Senate convened at 9 a.m., and adjourned at 8:06 p.m., until 9:30 a.m., on Thursday, June 8, 2006. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5608.)

Committee Meetings

(Committees not listed did not meet)

AGRICULTURAL CONSERVATION PROGRAMS

Committee on Agriculture, Nutrition, and Forestry: Committee concluded an oversight hearing to examine agricultural conservation programs in Title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171), after receiving testimony from Bruce I. Knight, Chief, Natural Resources Conservation Service, and John A. Johnson, Deputy Administrator for Farm Programs, Farm Service Agency, both of the Department of Agriculture; James Earl Kennamer, National Wild Turkey Federation, Edgefield, South Carolina; Olin Sims, Sims Cattle Company, McFadden, Wyoming, on behalf of the National Association of Conservation Districts; James O. Andrew, Andrew Farms, Jefferson, Iowa, on behalf of the Iowa Soybean Association; and Randall Spronk, Edgerton, Minnesota, on behalf of the National Pork Producers Council.

2006 HURRICANE SEASON

Committee on Appropriations: Subcommittee on Commerce, Justice, Science and Related Agencies concluded a hearing to examine the 2006 hurricane season, after receiving testimony from Vice Admiral Conrad C. Lautenbacher, Jr., Under Secretary for Oceans and Atmosphere, and Louis W. Uccellini, Director, National Weather Service, National Centers for Environmental Prediction, both of the Department of Commerce.

NASA BUDGET AND PROGRAMS

Committee on Commerce, Science, and Transportation: Subcommittee on Science and Space concluded a hearing to examine outside perspectives relating to NASA budget and programs, including the present budget and its impact on the ability of NASA to carry out their planned scientific program, and workforce issues, risk management approaches, and full-cost accounting mechanisms that impact the budget, after receiving testimony from Roy B. Torbert, University of New Hampshire Space Science Center, Durham; Peter W. Voorhees, Northwestern University Department of Materials Science and Engineering, Evanston, Illinois; James A. Pawelczyk, Pennsylvania State University, University Park; and Major General Charles F. Bolden, Jr., USMC (Ret.), JackandPanther,LLC, Houston, Texas.

OIL DEPENDENCE

Committee on Foreign Relations: Committee concluded a hearing to examine the economic risk of the oil dependence of the United States, and S. 2435, to increase cooperation on energy issues between the United States Government and foreign governments and entities in order to secure the strategic and economic interests of the United States, after receiving testimony from Alan C. Greenspan, Greenspan Associates, LLC, Washington, D.C.

ASBESTOS CLAIMS

Committee on the Judiciary: Committee concluded a hearing to examine S. 3274, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, after receiving testimony from former Michigan Governor John Engler, National Association of Manufacturers, Douglas Holtz-Eakin, Council on Foreign Relations, and Dennis M. Cullinan, Veterans of Foreign Wars of the United States, all of Washington, D.C.; Peter J. Ganz, Foster Wheeler Ltd., Clinton, New Jersey; Eric D. Green, Boston University School of Law, and Edmund F. Kelly, Liberty Mutual Group, both of Boston, Massachusetts; Flora M. Green, Seniors Coalition, Fairfax, Virginia; and James A. Grogan, International Association of Heat and Frost Insulators and Asbestos Workers, Lantham, Maryland.

BUSINESS MEETING

Select Committee on Intelligence: Committee met in closed session to consider pending intelligence matters.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 15 public bills, H.R. 5538–5552; and 5 resolutions, H. Con. Res. 424 and H. Res. 852–855, were introduced. **Page H3496**

Additional Cosponsors: **Page H3497**

Reports Filed: Reports were filed today as follows:

H.R. 4084, to amend the Forest Service use and occupancy permit program to restore the authority of the Secretary of Agriculture to utilize the special use permit fees collected by the Secretary in connection with the establishment and operation of marinas in units of the National Forest System derived from the public domain (H. Rept. 109–490, Pt. 1);

H. Res. 850, providing for consideration of H.R. 5252, to promote the deployment of broadband networks and services (H. Rept. 109–491); and

H. Res. 851, providing for consideration of H.R. 5522, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2007 (H. Rept. 109–492). **Pages H3495–96**

Speaker: Read a letter from the Speaker wherein he appointed Representative Westmoreland to act as Speaker pro tempore for today. **Page H3427**

Recess: The House recessed at 10:04 a.m. for the purpose of receiving Her Excellency Vaira Vike-Freiberga, President of Latvia. The House reconvened at 12:25 p.m., and agreed that the proceedings had during the Joint Meeting be printed in the Record. **Pages H3427, S3430**

Joint Meeting to receive Her Excellency Vaira Vike-Freiberga, President of Latvia: The House and Senate met in a joint session to receive Her Excellency Vaira Vike-Freiberga, President of Latvia. She was escorted into the Chamber by a committee comprised of Representatives Boehner, Blunt, Putnam, Kingston, Shimkus, Wicker, Pelosi, Hoyer, Clyburn, Larson of Connecticut, Wexler, and Kucinich; and Senators Frist, McConnell, Stevens, Kyl, Lott, Durbin, and Boxer. **Pages H3427–30**

Legislative Branch Appropriations Act, 2007: The House passed H.R. 5521, making appropriations for the Legislative Branch for the fiscal year

ending September 30, 2007, by a yea-and-nay vote of 361 yeas to 53 nays, Roll No. 229.

Pages H3434–45, S3465–66

Withdrawn:

Baird amendment (No. 4 printed in H. Rept. 109–487) that was offered and subsequently withdrawn which sought to provide $2.4 million in funding for electronic mapping of the Capitol complex, including the Capitol itself, the House and Senate office buildings, tunnels, parking facilities, and other areas identified by the Capitol Police. The funds are offset by funds appropriated for the printing and binding of Government publications by the Government Printing Office. **Page H3445**

H. Res. 849, the rule providing for consideration of the bill was agreed to by voice vote, after agreeing to order the previous question without objection.

Pages H3433–34

Suspensions: The House agreed to suspend the rules and pass the following measures:

Expressing the sense of Congress and support for Greater Opportunities for Science, Technology, Engineering, and Mathematics (GO–STEM) programs: H. Con. Res. 421, amended, to express the sense of Congress and support for Greater Opportunities for Science, Technology, Engineering, and Mathematics (GO–STEM) programs; **Pages H3445–49**

Supporting the goals and ideals of National Entrepreneurship Week and encouraging the implementation of entrepreneurship education programs in elementary and secondary schools and institutions of higher education through the United States: H. Res. 699, to support the goals and ideals of National Entrepreneurship Week and encouraging the implementation of entrepreneurship education programs in elementary and secondary schools and institutions of higher education through the United States;

Pages H3458–60

Commending the people of Mongolia, on the 800th anniversary of Mongolian statehood, for building strong, democratic institutions, and expressing the support of the House of Representatives for efforts by the United States to continue to strengthen its partnership with that country: H. Res. 828, to commend the people of Mongolia, on the 800th anniversary of Mongolian statehood, for building strong, democratic institutions, and expressing the support of the House of Representatives for efforts by the United States to continue to strengthen its partnership with that country; **Pages H3460–62**

Commemorating the 60th anniversary of the ascension to the throne of His Majesty King Bhumibol Adulyadej of Thailand: H. Con. Res. 409, amended, to commemorate the 60th anniversary of the ascension to the throne of His Majesty King Bhumibol Adulyadej of Thailand; and **Pages H3462–64**

Mine Improvement and New Emergency Response Act of 2006: S. 2803, to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining, by a ⅔ yea-and-nay vote of 381 yeas to 37 nays, Roll No. 234–clearing the measure for the President. **Pages H3449–58, S3480**

Recess: The House recessed at 3:03 p.m. and reconvened at 4:17 p.m. **Page H3464**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on Tuesday, June 6:

Broadcast Decency Enforcement Act of 2005: S. 193, to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language, by a ⅔ yea-and-nay vote of 379 yeas to 35 nays, Roll No. 230—clearing the measure for the President. **Pages H3466–67**

Suspension—Failed: The House failed to agree to suspend the rules and pass the following measure, which was debated on Tuesday, June 6:

Amending title 49, United States Code, to modify bargaining requirements for proposed changes to the personnel management system of the Federal Aviation Administration: H.R. 5449, to amend title 49, United States Code, to modify bargaining requirements for proposed changes to the personnel management system of the Federal Aviation Administration, by a ⅔ yea-and-nay vote of 271 yeas to 148 nays, Roll No. 233. **Pages H3479–80**

Refinery Permit Process Schedule Act: The House passed H.R. 5254, to set schedules for the consideration of permits for refineries, by a recorded vote of 238 ayes to 179 noes, Roll No. 232.

Pages H3477–79

Rejected the Boucher motion to recommit the bill to the Committee on Appropriations with instructions to report the bill back to the House forthwith with an amendment, by a recorded vote of 195 ayes to 223 noes, Roll No. 231. **Pages H3476–78**

H. Res. 842, providing for consideration of the bill was agreed to by a recorded vote of 221 ayes to 192 noes, Roll No. 228, after agreeing to order the previous question by a yea-and-nay vote of 220 yeas to 192 nays, Roll No. 227. The measure was debated on yesterday, June 6. **Pages H3464–65**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H3497–98.

Quorum Calls—Votes: Five yea-and-nay votes and three recorded votes developed during the proceedings of today and appear on pages H3464–65, H3465, H3465–66, H3466–67, H3478, H3478–79,

H3479–80, and H3480. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 10:11 p.m.

Committee Meetings

DEFENSE APPROPRIATIONS FY 2007

Committee on Appropriations: Subcommittee on Defense met in executive session and approved for full Committee action the Defense appropriations for Fiscal Year 2007.

LABOR, HHS, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS FY 2007

Committee on Appropriations: Subcommittee on the Departments of Labor, Health and Human Services, Education, and Related Agencies approved for full Committee action the Department of Labor, Health and Human Services, Education, and Related Agencies appropriations for Fiscal Year 2007.

BOUTIQUE FUEL REDUCTION ACT OF 2006

Committee on Energy and Commerce: Held a hearing on the Boutique Fuel Reduction Act of 2006. Testimony was heard from Karen A. Harbert, Assistant Secretary, Office of Policy and International Affairs, Department of Energy; Robert J. Meyers, Associate Assistant Administrator, Air and Radiation, EPA; and public witnesses.

HURRICANE SEASON FUEL SUPPLY ISSUES

Committee on Government Reform: Subcommittee on Energy and Resources held a hearing entitled "Keeping the Fuel Flowing from the Gulf: Are We Prepared for the Hurricane Season?" Testimony was heard from GEN David L. Johnson, USAF (ret.) Director, National Weather Service, NOAA, Department of Commerce; ADM Thomas Barrett, USCG (ret.) Administrator, Pipeline and Hazardous Materials Safety Administration, Department of Transportation; Guy Caruso, Administrator, Energy Information Administration, Department of Energy; and public witnesses.

GSA FINANCIAL MANAGEMENT CHALLENGES

Committee on Government Reform: Subcommittee on Government Management, Finance, and Accountability held a hearing entitled "Financial Management Challenges at the General Services Administration." Testimony was heard from the following officials of the GSA: Kathleen Turco, Chief Financial Officer; and Eugene L. Waszily, Jr., Assistant Inspector General, Auditing.

BRIEFING—RECENT GRANT AWARDS TO STATES AND URBAN AREAS

Committee on Homeland Security: Subcommittee on Emergency Preparedness, Science, and Technology meet in executive session to receive a briefing on the recently announced grant awards to States and urban areas under the State Homeland Security Grant Program, the Urban Area Security Initiative, and the Law Enforcement Terrorism Prevention Program. The Subcommittee was briefed by Tracy Henke, Assistant Secretary, Grants and Training, Department of Homeland Security.

SYRIA ACCOUNTABILITY/LEBANESE SOVEREIGNTY

Committee on International Relations: Subcommittee on the Middle East and Central Asia held a hearing on Syria Accountability and Lebanese Sovereignty Restoration Act Two Years Later: Next Steps for U.S. Policy. Testimony was heard from Representative Engel; Theodore Kattouf, former Ambassador to Syria; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following bills: H.R. 4019, amended, To amend title 4 of the United States Code to clarify the treatment of self-employment for purposes of the limitation on State taxation of retirement income; H.R. 1595, Guam World War II Loyalty Recognition Act; and H.R. 2840, amended, Federal Agency Protection of Privacy Act of 2005. The Committee also began markup of H.R. 2389, Pledge Protection Act of 2005.

COMMUNICATIONS OPPORTUNITY, PROMOTION, AND ENHANCEMENT ACT

Committee on Rules: Granted, by a vote of 8 to 3, a structured rule providing one hour of general debate on H.R. 5252, Communications Opportunity, Promotion, and Enhancement Act, equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. The rule waives all points of order against consideration of the bill. The rule provides that the bill shall be considered as read. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendments, and shall not be subject to a demand for division of the question in the House or in the Committee of the

Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Barton of Texas and Representatives Upton, Sensenbrenner, Tom Davis of Virginia, Gutknecht, Peterson of Pennsylvania, Dingell, Markey, Rush, Stupak, Doyle, Solis, Gonzalez, Baldwin, Conyers, Hinchey, and Bean.

FOREIGN OPERATIONS, EXPORT FINANCE, AND RELATED PROGRAMS APPROPRIATIONS ACT

Committee on Rules: Granted, by voice vote, an open rule providing one hour of general debate on H.R. 5522, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2007, and for other purposes, 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 all 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. Testimony was heard from Representatives Kolbe and Lowey.

MISCELLANEOUS MEASURES

Committee on Science: Ordered reported, as amended, the following bills: H.R. 5356, Early Career Research Act; H.R. 5358, Science and Mathematics Education for Competitiveness Act; and H.R. 5136, National Integrated Drought Information System Act of 2006.

INTERNET CONTRACTING BARRIERS

Committee on Small Business: Held a hearing entitled "Contracting the Internet: Does ICANN create a barrier to small business?" Testimony was heard from former Representative Richard A. White of the State of Washington; and public witnesses.

HOUSE TRAVEL RULES—RECOMMENDATIONS ON CHANGES

Committee on Standards of Official Conduct: Held a hearing regarding possible changes to House rules governing gifts of travel (including any transportation, lodging and meals during such travel) from private sources. Testimony was heard from John Engler, former Governor of Michigan and President and CEO, National Association of Manufacturers; Bradley Gordon, Director, Legislation, American Israel Political Action Committee; Chellie Pingree, President and CEO, Common Cause; Rev. W. Douglas Tanner, President, Faith and Politics Institute; and Michael Franc, Vice President, Heritage Foundation

OVERSIGHT—IMPLEMENTATION OF SAFETEA: LU

Committee on Transportation and Infrastructure: Subcommittee on Highways, Transit and Pipelines held an oversight hearing on Implementation of SAFETEA: LU. Testimony was heard from the following officials of the Department of Transportation: Richard Capka, Administrator, Federal Highway Administration; Sandra Bushue, Acting Administrator, Federal Transit Administration; Jacqueline Glassman, Acting Administrator, National Highway Traffic Safety Administration; John H. Hill, Acting Administrator, Federal Motor Carrier Safety Administration; and Ashok G. Kaveeshwar, Administrator, Research and Innovative Technology Administration.

OVERSIGHT—REVIEW VA'S MEDICAL AND PROSTHETIC RESEARCH PROGRAM

Committee on Veterans' Affairs: Held an oversight hearing to review the Department of Veterans Affairs Medical and Prosthetic Research program. Testimony was heard from the following officials of the Department of Veterans Affairs: Jonathan B. Perlin, M.D., Under Secretary, Health; and Joel Kupersmith, M.D., Chief Research and Development Officer; and representatives of veterans organizations.

BRIEFING—TARGET ANALYSIS AS A NEW CAREER TRACK

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence met in executive session to receive a briefing on Target Analysis as a New Career Track; Direct Analytical Support to Operations. The Subcommittee was briefed by departmental witnesses.

Joint Meetings

SUPPLEMENTAL APPROPRIATIONS ACT

Conferees met on Tuesday, June 6, 2006, and agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006.

COMMITTEE MEETINGS FOR THURSDAY, JUNE 8, 2006

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on State, Foreign Operations, and Related Programs, to hold hearings to examine proposed budget estimates for fiscal year 2007 for USAID, 2:30 p.m., SD–192.

Committee on Armed Services: to hold a closed briefing on Overhead Imagery Systems, 9:30 a.m., S–407, Capitol.

Full Committee, to hold an opening briefing regarding the loss of personal information about Department of Defense personnel as a result of the theft of a computer from a Department of Veterans Affairs analyst, 4 p.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the nominations of Sheila C. Bair, of Kansas, to be a Member and Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation, Kathleen L. Casey, of Virginia, to be a Member of the Securities and Exchange Commission, Donald L. Kohn, of Virginia, to be Vice Chairman of the Board of Governors of the Federal Reserve System, and James B. Lockhart III, of Connecticut, to be Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: Subcommittee on National Ocean Policy Study, to hold hearings to examine challenges of fish farming in Federal waters relating to offshore aquaculture, 10 a.m., SD–562.

Full Committee, to hold hearings to examine pending nominations, 2:30 p.m., SD–562.

Committee on Energy and Natural Resources: to hold hearings to examine the nominations of Philip D. Moeller, of Washington, and Jon Wellinghoff, of Nevada, each to be a Member of the Federal Energy Regulatory Commission, 10 a.m., SD–366.

Committee on Finance: business meeting to consider the Medicare, Medicaid and SCHIP Indian Health Care Improvement Act of 2006, and the Improving Outcomes for Children Affected by Meth Act of 2006, 11 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine the role of non-governmental organizations in the development of democracy, 9:30 a.m., SD–419.

Subcommittee on East Asian and Pacific Affairs, to hold hearings to examine the status of Asian adoptions in the United States, 2:30 p.m., SD–419.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine national emergency management issues, 10 a.m., SD–342.

Committee on the Judiciary: business meeting to consider the nominations of Andrew J. Guilford, to be United States District Judge for the Central District of California, Frank D. Whitney, to be United States District Judge for the Western District of North Carolina, Kenneth L. Wainstein, of Virginia, to be an Assistant Attorney General, and Charles P. Rosenberg, to be United States Attorney for the Eastern District of Virginia, both of the Department of Justice, S. 2453, to establish procedures for the review of electronic surveillance programs, S. 2455, to provide in statute for the conduct of electronic surveillance of suspected terrorists for the purposes of protecting the American people, the Nation, and its interests from terrorist attack while ensuring that the civil liberties of United States citizens are safeguarded, S. 2468, to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, S. 3001, to ensure that all electronic surveillance of United States persons for foreign intelligence purposes is conducted pursuant to individualized court-issued orders, to streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, S. 2831, to guarantee the free flow of information to the public through a free and active press while protecting the right of the public to effective law enforcement and the fair administration of justice, and S.J. Res. 12, proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States, 9:30 a.m., SD–226.

Subcommittee on Corrections and Rehabilitation, to hold hearings to examine the findings and recommendations of the Commission on Safety and Abuse in America's Prisons, 2:30 p.m., SD–226.

Committee on Veterans' Affairs: to hold hearings to examine pending benefits related legislation, 10 a.m., SR–418.

Select Committee on Intelligence: to hold a closed briefing on intelligence matters, 2:30 p.m., SH–219.

House

Committee on Armed Services, hearing on Assessing the Iranian Threat, Its Geopolitics, and U.S. Policy Options, 10 a.m., 2118 Rayburn.

Committee on the Budget, to continue hearings on the Line Item Veto, Constitutional Issues, 9:30 a.m., 210 Cannon.

Committee on Energy and Commerce, Subcommittee on Health, to mark up the following: S. 655, A bill to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention; the Community Health Center Reauthorization Act of 2006; the Children's Hospitals Graduate Medical Education Payment Program Reauthorization Act of 2006; and H.R. 4157, Health Information Technology Promotion Act of 2005, 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Housing and Community Opportunity, to consider the following measures: H.R. 5443, Section 8 Voucher Reform Act of 2006; H.R. 5393, Natural Disaster Housing Reform Act of 2006; H.R. 5527, Mark-to-Market Extension Act of 2006; and H.R. 4804, FHA Manufactured Housing Loan Modernization Act of 2006, 2 p.m., 2128 Rayburn.

Committee on Government Reform, to consider the following: H.R. 1167, To amend the Truth in Regulating Act to make permanent the pilot project for the report on rules; H.R. 4416, To reauthorize permanently the use

of penalty and franked mail in efforts relating to the location and recovery of missing children; H.R. 4809, Regulation in Plain Language Act of 2006; H.R. 5216, Preservation of Records of Servitude, Emancipation, and Post-Civil War Reconstruction Act of 2006; the Reservist Pay Security Act of 2006; S. 959, Star-Spangled Banner and War of 1812 Bicentennial Commission Act; H.R. 5169, To designate the facility of the United States Postal Service located at 1310 Highway 64 NW, in Ramsey, Indiana, as the ''Wilfred Edward 'Cousin Willie' Sieg, Sr. Post Office;'' H.R. 5194, To Designate the facility of the United States Postal Service located at 8801 Sudley Road in Manassas, Virginia, as the ''Harry J. Parrish Post Office Building;'' H.R. 5224, To designate the facility of the United States Postal Service located at 350 Uinta Drive in Green River, Wyoming as the ''Curt Gowdy Post Office Building;'' H.R. 5426, To designate the facility of the United States Postal Service located at 326 South Main Street in Princeton, Illinois as the ''Congressman Owen Lovejoy Post Office Building;'' H.R. 5428, To designate the facility of the United States Postal Service located at 202 East Washington Street in Morris, Illinois, as the ''Joshua A. Terando Princeton Post Office Building;'' H.R. 5434, To designate the facility of the United States Postal Service located at 40 South Walnut Street in Chillicothe, Ohio, as the ''Larry Cox Post Office;'' H.R. 5504, To designate the facility of the United States Postal Service at 6029 Broadmoor Street in Mission, Kansas, as the ''Larry Winn, Jr. Post Office Building;'' a measure to designate the facility of the United States Postal Service located in Dimmitt, Texas, as the ''Sgt. Jacob Dan Dones Post Office;'' H. Res. 498, Supporting the goals and ideals of School Bus Safety Week; and S. 1445, A bill to designate the facility of the United States Postal Service located at 520 Colorado Avenue in Arriba, Colorado, as the ''William H. Emery Post Office,'' followed by a hearing entitled ''Once More into the Data Breach: The Security of Personal Information at Federal Agencies,'' 10 a.m., 2154 Rayburn.

Committee on House Administration, hearing entitled ''Oversight Hearing on the Election Assistance Commission,'' 10 a.m., 1310 Longworth.

Committee on International Relations, oversight hearing to review Iraq Reconstruction, 10 a.m., 2172 Rayburn.

Subcommittee on Africa, Global Rights and International Operations, oversight hearing on Removing Obstacles for African Entrepreneurs, 2 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, hearing on H.R. 4772, Private Property Rights Implementation Act of 2005, 2 p.m., 2141 Rayburn.

Subcommittee on Courts, the Internet and Intellectual Property, to mark up the Section 115 Reform Act of 2006, 4 p.m., 2141 Rayburn.

Subcommittee on Immigration, Border Security, and Claims, oversight hearing entitled ''The Need to Implement WHTI to Protect U.S. Homeland Security,'' 11:30 a.m., 2141 Rayburn.

Committee on Science, hearing on The Future of NPOESS: Results of the Nunn-McCurdy Review of NOAA's Weather Satellite Program, 2:30 p.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, hearing on Reauthorization of the Brownfields Program—Successes and Future Challenges, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Disability Assistance and Memorial Affairs, oversight hearing on the Veterans Benefits Administration's fiduciary program, including implementation of Title V of Public Law 108–454; and to mark up of the following bills: H.R. 601, Native American Veterans Cemetery Act of 2005; H.R. 4843, Veterans' Compensation Cost-of-Living Adjustment Act of 2006; and H.R. 5038, Veterans' Memorial Marker Act of 2006, 10 a.m., 340 Cannon.

Permanent Select Committee on Intelligence, executive, briefing on Global Updates/Hotspots, 9 a.m., H–405 Capitol.

Next Meeting of the **SENATE**

9:30 a.m., Thursday, June 8

Senate Chamber

Program for Thursday: Senate will continue consideration of the motion to proceed to consideration of H.R. 8, Death Tax Repeal Permanency Act, with a vote on the motion to invoke cloture thereon; following which, Senate will continue consideration of the motion to proceed to consideration of S. 147, Native Hawaiian Government Reorganization Act, with a vote on the motion to invoke cloture thereon. Senate will begin consideration of certain nominations, with votes on the confirmation thereon, if cloture is not invoked on the motions to proceed to consideration of H.R. 8 and S. 147.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m. Thursday, June 8

House Chamber

Program for Thursday: Consideration of H.R. 5522—Foreign Operations, Export Financing and Related Programs Appropriations Act for Fiscal Year 2007 (Subject to a Rule); and begin consideration on H.R. 5252—Communications, Opportunity, Promotion, and Enhancement Act of 2006 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

Baca, Joe, Calif., E1035
Baldwin, Tammy, Wisc., E1032
Blackburn, Marsha, Tenn., E1037, E1038, E1041, E1042
Blumenauer, Earl, Ore., E1036
Burgess, Michael C., Tex., E1037, E1039
Capuano, Michael E., Mass., E1036
Costa, Jim, Calif., E1042
Costello, Jerry F., Ill., E1032
Farr, Sam, Calif., E1033
Gerlach, Jim, Pa., E1038
Kingston, Jack, Ga., E1033
Kucinich, Dennis J., Ohio, E1030, E1031, E1032, E1032, E1033, E1034
Lantos, Tom, Calif., E1029
Larson, John B., Conn., E1035
Maloney, Carolyn B., N.Y., E1030, E1031
Marchant, Kenny, Tex., E1041
Pombo, Richard W., Calif., E1034
Porter, Jon C., Nev., E1043
Rangel, Charles B., N.Y., E1036, E1038, E1039, E1041, E1043
Ros-Lehtinen, Ileana, Fla., E1034
Ryan, Paul, Wisc., E1044
Sanders, Bernard, Vt., E1035
Sessions, Pete, Tex., E1038, E1039
Udall, Mark, Colo., E1041
Velázquez, Nydia M., N.Y., E1031, E1032
Walden, Greg, Ore., E1033
Weldon, Curt, Pa., E1044

Congressional Record

The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the *Congressional Record* is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through *GPO Access* at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at 202–512–1661. Questions or comments regarding this database or *GPO Access* can be directed to the *GPO Access* User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to 866–512–1800 (toll free), 202–512–1800 (D.C. area), or fax to 202–512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

POSTMASTER: Send address changes to the Superintendent of Documents, *Congressional Record*, U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.