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House of Representatives

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore (Mr. SIMMONS).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 20, 2006.

I hereby appoint the Honorable ROB SIMMONS to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

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

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

PUBLIC BROADCASTING

Mr. BLUMENAUER. Thank you, Mr. Speaker.

Amidst questions of Federal funding and the efficiency of the budget process, there is a unique American success story, where a modest Federal investment has inspired a multibillion-dollar public-private partnership, the majority of the funds actually voluntarily provided by individual citizens supporting local education, cultural, current events, and even emergency information. I am referring, of course, to America's public broadcasting system, where every week more than 87 million Americans tune in to public television, and there are 30 million regular public radio listeners.

In virtually every community across the country, people can tune in to over 1,000 public broadcasting radio and television stations for programs that inform and inspire, for help with reading or job training, for the latest in digital services, for local news and unique information, and for a myriad of other special reasons. Because these local stations determine their own program schedules and often produce their own programming, they respond to community needs and leverage local support.

There has been a key role for us here in Congress. The Corporation for Public Broadcasting distributes an annual appropriation that we provide in accordance with a statutory formula, the vast majority of which goes directly to public radio and television stations.

While this Federal appropriation accounts for only 15 percent of the entire cost of public broadcasting, it leverages critical investments from State and local governments, from universities, businesses, foundations and, most important, those millions of viewers and listeners of public radio and television who provide their voluntary contributions.

Now, this public support from the Federal Government is critical, because it helps fill in gaps in addition to inspiring those partnerships. Make no mistake, if the Federal government reduces or eliminates its support, there will still be public broadcasting in the large metropolitan areas, New York, San Francisco. My hometown of Portland, Oregon, will have public broadcasting.

But what will suffer is not just the quality of the programming, but the expensive service to rural and small town America which cannot generate enough resources to provide its own service. That will suffer.

Sadly, again, this year, public broadcasting is under attack in the appropriations process. One of the most dismaying cuts would be the advance funding program for 2009, ending a 30-year practice. It goes back to 1975, where the Federal Government recognized that the long-term investment in these partnerships require people to be able to plan for the future. So we have provided a cost-free guarantee of future funding. It has provided long-term stability to make this unique partnership work, but, sadly, the appropriators would eliminate this advance funding.

Another cut, which is hard to fathom, would be taking away money for digital conversion at the same time the FCC is mandating that all broadcasters need to be compliant by February 2009. This funding would be for the third and final installment, which is important for leveraging money from other partners, State matching grants, for instance.

At a time when public broadcasting is leading the way for digital conversion, it is ironic that our appropriators would eliminate this program. It would take away funding for educational programs like Sesame Street, Between the Lions, and Maya and Miguel, putting them at risk. At a time we want highly qualified teachers ready to teach, Internet-based teacher professional development would also be eliminated.

These major reductions in funding would have an immediate and severe impact on our communities and our constituents, as I say, especially in small town and rural America. These cuts from the appropriating process are despite strong shows of support on a bipartisan basis for our colleagues urging full funding.

Last year we had an embarrassing political battle here on the floor of the House, where a bipartisan majority had to overturn the worst of the cuts. One can only hope that we will be spared this saga and that the appropriating

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process will provide the funds that American public broadcasting needs.

HONORING ARTHUR GLIDDEN, PRESIDENT OF THE BOARD OF THE WOLFEBORO CENTRE COMMUNITY CHURCH

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the gentleman from New Hampshire (Mr. BRADLEY) is recognized during morning hour debates for 2 minutes.

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today to pay tribute to a constituent, Mr. Arthur Glidden, for his hard work and dedication to the continuation and protection of the Wolfeboro Centre Community Church. He has worked on this project for over 43 years. Mr. Glidden is 83 years old and has been a resident of my hometown of Wolfeboro, New Hampshire, for his entire life. Arthur's wife, Dotty, is also a lifelong resident of the community and a supporter of the church.

In 1841, a group of Wolfeboro citizens purchased one-third of an acre for $17 to build a nondenominational worship center for the Christian members of that area. This traditional New England church was started, and it continued in operation with the generous help of the congregation.

In 1964, Arthur Glidden became president of the church board and began what has now become his long-standing devotion to the parishioners and the care and preservation of the building. Arthur has taken the traditions of when the meeting house was first built, and he has raised them to a higher level.

For almost 25 percent of the life of the Wolfeboro Centre Community Church, he has been its greatest protector and benefactor. At times, almost single-handedly, Arthur Glidden lifted the church up to save it from declining attendance and carried it forward on his shoulders until it was safe and secure again. Arthur Glidden is to be commended for his steadfast dedication to the Wolfeboro Centre Community Church and all of his efforts to improve the community in which he lives.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 11 a.m. today.

Accordingly (at 9 o'clock and 40 minutes a.m.), the House stood in recess until 11 a.m.

□ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. KUHL of New York) at 11 a.m.

PRAYER

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

Lord God, set the hearts of Your people on fire with a spirit of equal justice in all circumstances and the spirit of love for neighbor and enemy as well.

Inflame true desires of understanding in the Members of Congress, Lord, and in all people of this Nation; that the barriers which now divide may be broken through; and that the bonds of mutual respect may be strengthened.

May all in the human family learn to appreciate one another, pardon those who have done wrong and initiate the first gesture of reconciliation to others.

Like spokes in a wheel, Lord God, by drawing closer to one another may we be drawn closer to You, Father of all, 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 gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Ms. EDDIE BERNICE JOHNSON of Texas 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.

SUPREME COURT NEEDS TO PROTECT THE RIGHT TO LIFE

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

Ms. FOXX. Mr. Speaker, life is a precious gift from God. It is something that should be honored, cherished and never taken for granted. The unborn are the most innocent and vulnerable members of our society, and their right to life must be protected.

Mr. Speaker, I was delighted when this Congress passed legislation in 2003 to prohibit partial birth abortions. This barbaric act entails partially removing a fetus in the third trimester from its mother's womb and then brutally killing it by puncturing or crushing its skull. The day that President Bush signed the bill banning this heinous act was a great one for our Nation. Unfortunately, some activist judges in the Eighth U.S. Circuit and Ninth U.S. Circuit Court of Appeals have taken it upon themselves to strike down this law, and countless lives are lost as a result.

That is why I am pleased that the U.S. Supreme Court said yesterday it will consider a second appeal to reinstate the Federal ban on partial birth abortions. It is my hope the Supreme Court will rule in favor of the right to life and reinstate a ban on this terrible act.

A NEW DIRECTION FOR AMERICA—RAISE THE MINIMUM WAGE

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to address an ongoing moral crisis in this Congress and this administration.

Through fiscal irresponsibility and corporate welfare, this Congress has eroded away at American values and standards; and decent, hardworking Americans are the ones paying the price.

As Americans, we believe that anyone who works 40 hours a week, 365 days a year should be able to afford basic necessities for themselves and their families.

The reality is that there are millions of workers out there trying to support their families on $5.15 per hour, and I think my state has most of them. And as everyone knows, $5.15 does not buy you a lot nowadays.

Each day, millions of minimum-wage workers are forced to choose between food, shelter, health care, or clothing. No American who works hard for a living should have to make those types of choices.

Mr. Speaker, it has been an appalling 9 years since we have seen an increase in the Federal minimum wage. The Labor-HHS appropriations bill includes a provision to raise the minimum wage to $7.25, hardly a living wage. This was a chance for Congress to do the right thing, but the bill has not been sent.

PERMANENTLY REPEALING THE DEATH TAX

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

Mr. KELLER. Mr. Speaker, I rise today to give the American people some straight talk on why we need to permanently repeal the death tax.

The death tax causes one-third of all family-owned small businesses to liquidate after the death of the owner. It is also an unfair tax because the assets have already been taxed once at their income level.

If Congress doesn't act to fix this problem, then in the year 2010 the death tax will be zero. But in 2011 the death tax will go back up to 55 percent in tax rates.

The only family-owned business in America that knows for sure whether their leader will die in 2010 is The Sopranos.

The uncertainty of the death tax makes it impossible for people to write their wills or do their estate planning.

On April 13, 2005, the House acted to permanently repeal the death tax. On June 8, 2006, the Senate fell just three votes short. I urge the Senate to try again to develop a permanent solution to the death tax so we can fix this problem once and for all this year.

RAISING THE MINIMUM WAGE

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

Ms. SOLIS. Good morning, Mr. Speaker. Imagine if you had not received a pay increase since 1997. The price of goods and services you rely on like gasoline and prescription drugs have gone up dramatically over the last few years. But one thing that hasn't has been the minimum wage. It has almost been 10 years that we haven't raised the minimum wage, and the reality is that 7 million Americans will not receive a minimum-wage pay increase. And most of those individuals happen to be single head of households, women, with kids, children.

Democrats want to take America in a different direction. We want to expand opportunities to millions of Americans that feel they have been left behind by the Bush economy that has favored the wealthiest few above the middle class. One of the ways we want to expand opportunity is by giving minimum-wage workers a pay raise for the first time in a decade.

Last week, Democrats passed an amendment to the Labor-HHS appropriations bill that would raise the minimum wage from $5.15 to $7.25 an hour. Democrats were joined by several Republicans in passing this commonsense amendment. We need to have support to bring this up and vote on it. Let's give those 7 million people an increase in the minimum wage.

CHAMPIONSHIP HOCKEY IN NORTH CAROLINA

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

Mr. COBLE. Mr. Speaker, championship hockey on North Carolina's Tobacco Road, unbelievable, as one of my Boston colleagues said last week. Well, very believable this date because the Carolina Hurricanes prevailed over the spirited and talented Edmonton Oilers and now proudly display the revered Stanley Cup.

The Hurricanes formerly played in Greensboro, located in the congressional district I represent, but now call Raleigh, North Carolina, home. And the Raleigh and Carolina fans have been superb this season.

Mr. Speaker, ''redneck hockey,'' as it came to be known, is here to stay.

Congratulations to the Carolina Hurricanes.

LINE-ITEM VETO IS A VEILED ATTEMPT TO ADDRESS RECORD DEFICITS

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, this week House Republicans will attempt to distance themselves from their 5-year record of fiscal irresponsibility when they try to put through a line-item veto.

You may remember that President Bush said that he needed the line-item veto in his State of the Union speech this year. This is nothing but a hoax. President Bush and the Republican-controlled Congress have been partners in creating record deficits since taking control, complete control of our government in 2001. Over that time, more than 1,000 bills have been sent to the President to sign; and he has signed all of them, each and every one.

And now the President wants a line-item veto. If he was really concerned about the way the House Republican Congress is spending American taxpayer money, one would think that the President would have voted some of these bills down which were sent to his desk. But, no. The President and the Republican Congress have turned a $5 trillion surplus into a $4 trillion deficit. And they have nobody to blame but themselves.

So if the President really wanted to do something about spending, he should take some action now and veto some of these bills.

HOUSE REPUBLICANS FIGHT AGAINST PORK BARREL SPENDING

(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, when Members of Congress propose ways to spend American tax dollars, we should be held publicly accountable for our requests. This week, House Republicans will take another important step to eliminate excessive spending from the Federal budget process.

Congress has a strong leader for fiscal responsibility with Congressman PAUL RYAN of Wisconsin, who has proposed a positive way to bring increased transparency and accountability to our budget process. By granting President Bush the authority to single out individual spending items in the legislation, the Legislative Line Item Veto Act will help target wasteful and unnecessary spending. This legislation would enable the President to strike spending from a piece of legislation and would require Congress to hold an up-or-down vote on the spending within 14 legislative days.

Passing this bill will send a strong statement that the power of the purse does not provide permission for pork barrel spending.

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

SENIORS NEED A SIMPLE, AFFORDABLE AND RELIABLE PRESCRIPTION DRUG BENEFIT

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

Ms. SCHAKOWSKY. Mr. Speaker, American seniors know that the Republican prescription drug plan that took effect earlier this year is deeply flawed. The plan is complex and confusing, unfair and unreliable.

This is not the plan seniors wanted. They didn't ask for a plan that forced them to go outside of Medicare to choose from dozens of private insurance plans, or a plan that creates a giant gap in coverage that leaves them with no benefits but still requires them to pay monthly premiums.

They didn't ask for a plan that slaps those who haven't yet selected a plan with a penalty that stays with them the rest of their lives.

Democrats believe it is time that seniors receive a simple and affordable drug plan. We can make prescription drugs more affordable by giving Medicare the ability to negotiate lower prices with the drug companies just like the Veterans Administration does. We can make the plan simpler and more cost effective, creating a plan within the current Medicare system.

Mr. Speaker, Democrats are not satisfied with the status quo. We will fight to do more to help our seniors afford their prescription drugs.

PREACHER FOX

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

Mr. POE. Mr. Speaker, a hypocrite always practices what he preaches against. And while Vicente Fox took a whirlwind tour of the United States acting like an old-fashioned revival preacher preaching open borders, trying to intimidate Americans into allowing the illegal invasion of his people down Mexico City way, the gospel of truth comes out.

Mexico, it seems, wants its southern border locked down. The Mexican Government says too many illegals are sneaking into Mexico, especially those Guatemalans. The Mexican Government says that illegals are taking jobs from Mexican citizens. Sound familiar?

While Mexico is demanding open doors into the rest of North America, they have got their own dead bolt on the door to the rest of the world.

Preacher Fox, practice what you preach. Your immigration laws are even tougher than America's. Why don't you open up your southern border to illegals? And meanwhile, preach to your own people that illegally entering the United States is just wrong. Quit trying to be self-righteous and telling America what to do.

The words of hypocrites are seldom heard, especially the words from preachers.

And that's just the way it is.

□ 1115

MINIMUM WAGE

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, this week the Labor-H appropriations bill was supposed to be on the floor, but at the last minute, the House Republican leadership stripped the bill from the schedule. It appears that the GOP is delaying a vote on this bill solely because it includes an increase in the minimum wage.

The minimum wage is now at its lowest point in half a century. Last week the Appropriations Committee voted to gradually increase the minimum wage. This increase will provide a much-needed boost to 7 million Americans, hard-working people who get up every morning and go to work.

It is unfortunate that for almost a decade the Republican leadership has been forcing working families to make impossible choices, choices between paying the rent and buying groceries or between paying the heating bill and buying much-needed prescription medication.

An increase in the minimum wage is about fairness, and that is why the American people overwhelmingly support an increase. Now that the House Appropriations Committee has acted, it is time for the Republican leadership to bring this bill up for a vote.

Mr. Speaker, the American people have had enough of not having enough to get by.

IRAQ

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I am here to congratulate the men and women of our Armed Forces who have cornered and captured the leader of al Qaeda in Iraq, al Zarqawi. His death dealt a harmful blow to his followers who practice and preach hate, death, and fear.

Better yet, the raid on the warlord's hideout produced a slew of information: policy, propaganda, and paraphernalia. Even Zarqawi says they are losing.

Just as important is what transpired after they uncovered that intelligence: 452 raids since the killing of al Zarqawi, 104 insurgents killed, and 759 anti-Iraqi elements captured. This morning's news release claims the death of Zarqawi's replacement.

One man said, ''We are beating the snot out of them. Why quit now short of complete victory?''

This is big news for democracy and freedom. Our men and women in uniform deserve the utmost respect and thanks, and I would like to honor them for a job well done

THE BREAST CANCER AND ENVIRONMENTAL RESEARCH ACT

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

Mr. BISHOP of New York. Mr. Speaker, I rise today on behalf of the over 3 million women living with breast cancer, the leading cause of death among women between 40 and 55, including my sister-in-law, Abby Irwin, who died at only age 41 after an 11-year struggle.

One bill that would achieve a great deal to expand prevention and perhaps one day lead to a cure is H.R. 2231, the Breast Cancer and Environmental Research Act. This important legislation would establish multidisciplinary and multi-institutional breast cancer research centers to study the potential links between breast cancer and the environment.

Although this bill enjoys the support of 246 bipartisan cosponsors, and its companion has 64 Senate cosponsors, not a single hearing has been called since it was introduced over 1 year ago.

If we are going to make a serious commitment to preventing and curing breast cancer, we must pass this legislation. Our mothers, daughters, sisters, and friends who are at risk deserve no less than our greatest effort to eradicate this tragic and all too prevalent disease.

Mr. Speaker, I encourage all of my colleagues to cosponsor the Breast Cancer and Environmental Research Act. I would further urge our leadership to expedite consideration of this bill.

METROATLANTA AMBULANCE: 2006 SMALL BUSINESS OF THE YEAR

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

Mr. PRICE of Georgia. Mr. Speaker, today I rise and ask the House to recognize and congratulate an outstanding Atlanta area small business that has proven to be a model for community leadership and responsibility.

The MetroAtlanta Ambulance Service was recently named the Cobb County Chamber of Commerce 2006 Small Business of the Year. The company provides 9/11 emergency ambulance services and prehospital care for the sick and injured throughout the Atlanta area.

As a medical doctor, I know the importance of reliable and rapid emergency response care, and MetroAtlanta Ambulance provides a service critical to the health and well-being of our community. The company has demonstrated time and again that they are more than just a business. Rather, they have shown an honest, sincere, and repeated desire to lend a hand to others. They took a lead role last year in coordinating ambulance services and logistics for the evacuation of victims of Hurricanes Katrina and Rita. Their hard work led to the relocation of 1,300 people from the flood-damaged region.

Mr. Speaker, MetroAtlanta Ambulance Service is a great example of what can be accomplished when sound, honest business practices are coupled with a sincere desire to help neighbors in need.

Congratulations to MetroAtlanta Ambulance.

THE ESTATE TAX

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

Mr. EMANUEL. Mr. Speaker, the median income in America has dropped. What is the Republican Congress trying to do? Increase the minimum wage? Nope. Making sure that everyone in this country has access to affordable health care? Nope. Controlling energy costs? Nope.

It is making sure that the 18 wealthiest families in the Nation do not pay their fair share.

Median income over the last 4 years in America has dropped by 2.8 percent. College costs are up by 38 percent. Health care costs are up by 75 percent. Energy costs are up by over 72 percent. And yet the middle class in America are facing a wageless recovery and an endless occupation.

The heirs to the Wal-Mart, Campbell's Soup, and Gallo Wine fortunes rest easy knowing that this Congress is hard at work on their behalf.

So rather than raise the minimum wage, the GOP Congress is going to cut taxes for the likes of Lee Raymond and his family.

Mr. Speaker, ''shame'' is defined as a sense of guilt or embarrassment, and it is a condition that seems to be lost here on the Republican Congress.

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

IN RECOGNITION OF JUDY WOLPE

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

Mr. SCHWARZ of Michigan. Mr. Speaker, I rise today with a heavy heart to recognize the life of Judy Wolpe. Judy was the wife of former Congressman Howard Wolpe of Michigan, who served in this Chamber from 1978 until 1992. Tragically, Judy was the victim of a drowning accident while on vacation with her husband in Guatemala.

Judy was a distinguished public servant in her own right, serving as board chairwoman of Lansing Community College, and in administrative posts for former Michigan Governor Jim Blanchard and former Indiana Governor and current U.S. Senator EVAN BAYH.

Judy and I shared a hometown, Battle Creek, Michigan. We graduated

from the same high school. Judy was a distinguished educator, with degrees from Michigan State University and Western Michigan University. She was a devoted mother of four sons and grandmother of five. Additionally, she is survived by her father, two sisters, and her brother.

Judy had great zest for life. She was a giving and warm person, and she will be truly missed.

VOTING RIGHTS ACT

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

Ms. WATSON. Mr. Speaker, tomorrow the House is scheduled to vote on H.R. 9, the Voting Rights Reauthorization Act.

In a Nation where children are taught at the earliest age that every citizen has a right to vote, it would be comforting to know that the last vestiges of voter discrimination had been swept away by the Voting Rights Act.

But the facts paint a much different and unsettling picture. Sadly, African Americans and other minorities continue to face calculated and determined efforts to prevent them from exercising their fundamental democratic rights. That is why extension of key expiring provisions of the Voting Rights Act is critical.

Mr. Speaker, the right to vote is a foundation of democracy, and the Voting Rights Act provides the legal basis to protect the rights of all Americans. It is my hope that this body will do the right thing and not allow weakening amendments that would undermine the effectiveness of this historical voter act to be passed.

LINE ITEM VETO

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

Mr. MCHENRY. Mr. Speaker, House Republicans understand that fiscal restraint is not an option. It is a necessity.

Since 1991, Federal spending on special-interest projects has increased by 900 percent. It is interesting just in the last emergency spending bill we passed out of this Congress, there is $38 million in oyster research money. Now, I certainly like oysters. I think they are great whether they are raw or steamed or even fried. I am Southern, so fried oysters are great. But I do not think the Federal Government should be spending $38 million.

That is why I support the Presidential line item veto, and I think it is important that the President have the authority to root out those wasteful spending projects and make sure that pork-barrel spending does not continue to grow.

Mr. Speaker, this initiative will make Congress more accountable and help us eliminate the government gluttony that plagues our current budget process.

HOUSE GOP PLANS TO DISMANTLE SOCIAL SECURITY AFTER NOVEMBER ELECTIONS

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

Mr. CARDOZA. Mr. Speaker, we have all heard the motto, ''If at first you don't succeed, try, try again.'' Last year the White House and congressional Republicans failed in their efforts to privatize Social Security. Democrats stood united in defending the program, and the American people saw the privatization effort for what it was, a dismantling of the Social Security safety net that has provided millions of seniors real independence in their retirement years.

The American people were clear with Washington Republicans: Keep your hands off our Social Security. We thought they had gotten the message last year. Now, however, it appears that House Republicans want the privatization back on the table. Earlier this month the man most likely to lead the Republicans' Ways and Means Committee next year says it should be their top priority if they retain control of Congress to privatize Social Security.

Is the Republican majority in this House really that out of touch? The American people have already rejected their risky privatization plan. Instead of dismantling a critical safety net for millions of Americans, House Republicans should join the Democrats in strengthening Social Security for the future. The time has come to protect Social Security.

LEGISLATIVE LINE ITEM VETO

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

Mr. HENSARLING. Mr. Speaker, I rise today to urge passage of the Legislative Line Item Veto Act. It provides a budget savings tool that almost every governor in the Nation already possesses. It will enable the President to identify questionable and wasteful earmark projects that have been slipped into spending bills so that Congress can vote separately on their merits.

Surely, Mr. Speaker, at a time of war, historic national debt, and record high tax revenues, it doesn't seem too much to ask that legislators show a little bit more accountability on how the people's money is spent. Just last month the Social Security and Medicare trustees reported that both Social Security and Medicare are going broke sooner than expected, and, thanks to Democrats' stonewalling, $2 trillion have been added in unfunded obligations.

We must have some fiscal restraint. The line item veto will help pull back the curtain on the earmarking process, which some have termed the gateway drug to spending addiction. By requiring specific votes, it will make it harder for Congress to spend millions of taxpayer dollars on railroads to nowhere, the Rock & Roll Hall of Fame, and indoor rain forests.

Let us enact the line item veto.

CONGRATULATING THE CAROLINA HURRICANES

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

Mr. ETHERIDGE. Mr. Speaker, I rise today with my colleagues to congratulate the Carolina Hurricanes for winning the most storied trophy in sports, the Stanley Cup. The Hurricanes defeated the Edmonton Oilers in game seven to win the first Stanley Cup and the first professional league sporting title for any North Carolina team. The Hurricanes exemplify what is great about professional sports: teamwork, dedication, and sportsmanship.

In addition to congratulating the players, coaches and the Hurricanes organization, I would also like to congratulate all the team's fans, the Caniacs. When the Hurricanes first arrived in North Carolina in 1997, skeptics across North America really thought that a Southern State could not support a hockey team. Well, we certainly have proven them wrong. The excitement that the team's fans displayed throughout every game of the playoffs shows that folks in basketball country love our hockey team. It may be shocking to our cold weather natives, but North Carolina won the cup. Hockey has long been thought of as a national sport to our neighbors to the North, but now it is the sport of the good old North State.

Congratulations, Canes.

IMMIGRATION

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

Mr. GINGREY. Mr. Speaker, I rise today in support of effective, fair, and secure immigration reform, not the amnesty plan passed by the Senate this month.

The Senate plan allows millions of illegal immigrants to get a green card and a path to citizenship. Mr. Speaker, let me ask you, what does this say to all the law-abiding people patiently waiting to become American citizens? It says they should have sneaked into our country and ignored our immigration laws like everyone else.

Mr. Speaker, there is a better way to achieve meaningful immigration reform, and I am committed to passing the right kind of bill. We need to secure our borders first; give businesses a fail-safe way to ensure the workers that they hire are legal; and above all,

start enforcing the immigration laws already on the books. Until we can accomplish these goals, any so-called ''reform plan'' will be little more than a recipe for failure.

Mr. Speaker, I ask that you and all of my colleagues join me in standing firm and saying ''no'' to the Senate's amnesty plan.

□ 1130

CREATING A LIVABLE WAGE FOR EVERYONE WILLING TO WORK

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

Mr. DAVIS of Illinois. Mr. Speaker, it amazes me that we are still talking about raising the minimum wage. What we ought to be talking about is the creation of a livable wage for every person who is willing and able to work. Plus we all know that any increase in wages for those at the bottom will be plowed right back into the economy to help make it strong.

Let's do the sensible thing. Let's make livable wages a reality for all working Americans. Let's let people know that after 40 hours of work, they can pay the rent, buy adequate food, have decent shelter and go to the doctor when they are sick. Surely we can afford that much.

ENDING TERRORISM ONCE AND FOR ALL

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

Mrs. BLACKBURN. Mr. Speaker, this morning we have heard some sad reports that the bodies of our missing soldiers have been found.

Mr. Speaker, our hearts are with those families and with our entire Fort Campbell family. And to those who have claimed responsibility, whether they are actually responsible or not, and I want to respond to that statement and quote them, the Mudjadeen Shura Council, they are terrorists, Mr. Speaker, and this is their quote: ''The strongest army in the world is turned around, ashamed of their failure.''

Mr. Speaker, no, we are ashamed of these, and I use the term lightly, these human beings, who believe they have the right to maim and murder innocent people here in America and in the Middle East and do it in the name of religion.

Mr. Speaker, they could not be more wrong about how this country feels. We are proud of our military men and women, I am so proud of those families at Fort Campbell, and we are proud of the dedication to ending decades of terrorism once and for all.

BRING BACK PAY-AS-YOU-GO BUDGET RULES

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

Mr. MILLER of North Carolina. Mr. Speaker, when President Bush took office, our Nation had a $5.6 trillion surplus. President Bush said that the surplus proved taxes were too high and called for cutting taxes on the richest Americans.

Then he said because the economy was doing badly, we had to stimulate the economy by cutting taxes on the richest Americans. The richest Americans, President Bush said, would sleep in and spend the afternoon watching soap operas instead of creating jobs for other Americans, unless they got a generous tax cut.

Now President Bush and Congressional Republicans say that the same tax rates on the richest Americans in effect when we had a surplus would now cause the deficit to worsen.

Mr. Speaker, the Republican fondness for cutting taxes on the richest Americans has nothing to do with job creation or stimulating the economy or reducing the deficit. The tax cuts on the richest Americans has resulted in turning a $5.6 trillion surplus into a $4 trillion deficit, pushing interest rates up, stagnating savings rates, and dragging the economy down.

My colleagues, Mr. HENSARLING and Mr. MCHENRY, were correct in their remarks a few minutes ago: this Republican Congress has absolutely no discipline on the spending side. But neither do they have any discipline on the tax side.

Mr. Speaker, pay-as-you-go budget rules worked in the 1990s to control the deficit and kept Congress from working on economic fantasies. It is time to bring those rules back.

Mr. Speaker, congratulations Hurricanes.

INCREASE THE MINIMUM WAGE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, the House should be cited for dereliction of duty. Over the years, we have failed to raise the minimum wage. That is why Amanda and her two children can barely survive in Wisconsin, and why this headline says: ''States lead the way to raise minimum wage. Inaction in Washington has helped push this bipartisan effort.''

Isn't it a shame that the Republican majority in this Congress doesn't get it? Although we have an amendment to raise the minimum wage in our Labor-HHS bill, there is rumor that it will be stricken.

The minimum wage is the lowest in 50 years and hasn't been raised since 1997. At $5.15 an hour, you can only earn $10,700 a year, supporting a family of one, two, three, six and seven and others.

This is a crisis. Americans who earn dollars invest back into our economy. We cannot make ends meet. Seventy-five percent of those who earn this are responsible for at least half of their family's income. If you can't raise your children on a middle-income salary, how can you do it on one-third the amount?

Democrats believe in increasing the minimum wage, and we know that we will see the minimum wage increase. It is time for Republicans to wake up.

COMEDY CENTRAL AND THE DAILY SHOW COME TO THE HOUSE FLOOR

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

Mr. MCDERMOTT. Mr. Speaker, ''Comedy Central'' and ''The Daily Show'' have come to the floor of the House. The House Republicans have thrown up their hands and said, save us from ourselves. They are going to come out here with the line item veto.

Now, every single item that goes out of this House has been through a committee chaired by a Republican with a Republican majority on that committee. No single item has gotten out of here that they have not had their look at. They want to slip it into the bill and then send it to the President and run down there to the White House and say, Please, Mr. President, save us from ourselves. We can't stop ourselves. We have to keep spending money.

This is the most ridiculous piece of legislation you have come up with in this session. There is no excuse for it whatsoever. If you can't stop yourselves in the committee, and you can't stop yourselves on the floor, why would you have to call the President?

Do you understand the separation of powers? We are the ones who decide how the money gets spent, not the President. It is your responsibility that you have spent away the surplus into the biggest deficit in history. Shame on you.

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.

HONORING THE LIFE AND ACCOMPLISHMENTS OF JAMES CAMERON

Mr. DENT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 867) honoring the life and accomplishments of James Cameron, as amended.

The Clerk read as follows:

H. RES. 867

Whereas James Cameron founded America's Black Holocaust Museum (the Museum) in Milwaukee, Wisconsin, the only memorial in the United States to victims of lynching and racial violence;

Whereas Mr. Cameron was the last living survivor of a lynching until his death on June 11, 2006, at age 92;

Whereas a Senate resolution recognized Mr. Cameron as the Nation's oldest living lynching victim in June 2005 and formally apologized for its failure to outlaw lynching, which killed more than 4,700 people from 1882 to 1968, three-fourths of whom were black;

Whereas seven United States Presidents called for lynching to be outlawed, and the House of Representatives passed bans three times in the early twentieth century, only to have the Senate filibuster each of them, one filibuster lasting six weeks;

Whereas in Marion, Indiana in 1930, when he was 16 years old, Mr. Cameron and two friends, Abe Smith (age 19) and Tommy Shipp (age 18), were falsely accused of killing a Caucasian man and raping his girlfriend;

Whereas after the arrest of the three men, a mob broke into the jail where they were being held and tried to lynch them;

Whereas the mob lynched Mr. Smith and Mr. Shipp but spared Mr. Cameron's life;

Whereas Mr. Cameron was beaten into signing a false confession, convicted in 1931, and paroled in 1935;

Whereas the governor of Indiana pardoned Mr. Cameron in 1993 and apologized to him;

Whereas Mr. Cameron promoted civil and social justice issues and founded three NAACP chapters in Indiana during the 1940s;

Whereas James Cameron served as the Indiana State Director of Civil Liberties from 1942 to 1950, and he investigated over 25 cases involving civil rights violations;

Whereas Mr. Cameron relocated to Wisconsin after receiving many death threats, but he continued civil rights work and played a role in protests to end segregated housing in Milwaukee;

Whereas in 1983, Mr. Cameron published *A Time of Terror*, his autobiographical account of the events surrounding his arrest in 1930;

Whereas Mr. Cameron founded America's Black Holocaust Museum in 1988 in order to preserve the history of lynching in the United States and to recognize the struggle of African-American people for equality;

Whereas the Museum contains the Nation's foremost collection of lynching images, both photographs and postcards, documenting the heinous practice of lynching in the United States;

Whereas the Museum performs a critical role by exposing this painful, dark, and ugly practice in the Nation's history, so that knowledge can be used to promote understanding and to counter racism, fear, and violence;

Whereas the Museum also documents the history of the African-American experience from slavery to the civil rights movement to the present day; and

Whereas the Museum exists to educate the public about injustices suffered by people of African-American heritage, and to provide visitors with an opportunity to rethink assumptions about race and racism: Now, therefore, be it

Resolved, That the House of Representatives honors and celebrates the life and accomplishments of James Cameron and expresses condolences at his passing.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. DENT. 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 materials on the resolution under consideration.

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

There was no objection.

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

James Cameron, thought to be the United States' last known survivor of a lynching in the early 1930s, fostered a lifelong commitment to civil rights that included creating America's Black Holocaust Museum. After an emotional 1979 visit to an Israeli museum that honors the memories of millions of people killed in the Holocaust, Cameron decided to create a similar memorial to pay tribute to the African American lives lost to lynching, slavery and other injustices.

June 19, 1988, also known as Juneteenth, the holiday commemorating the end of slavery in the U.S., marked the grand opening of America's Black Holocaust Museum. The museum is housed in a 12,000 square-foot building in Milwaukee, Wisconsin, and features a permanent exhibit on slavery that includes a 15-foot reproduction of the cargo hold of a slave ship and a 45-foot enclosed mural depicting the journey from Africa across the Atlantic.

Cameron was also responsible for the founding of three NAACP chapters in Indiana in the 1940s, and he became the first president of the NAACP branch in Anderson, Indiana.

During the 1960s, Cameron participated in both marches on Washington, the first with Dr. Martin Luther King, Jr., and the second with Dr. King's widow, Coretta Scott King, and the Reverend Jesse Jackson.

I urge all Members to come together to honor the life of a man who was a true survivor and who persevered above all to promote civil rights and equality.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join in consideration of H. Res. 867, a bill honoring the life and accomplishments of James Cameron. I also want to commend the gentlewoman from Milwaukee, Wisconsin, for her introduction of this legislation and for the tremendous amount of work that she has done on it.

Mr. Speaker, on August 7, 1930, a famous photograph was taken in Marion, Indiana, depicting two young black men, recently lynched, hanging in a tree above the delighted faces of the mob that had just beaten and murdered them. Many of us have seen this picture and are horrified by the actions and era it represents. What is missing from this picture, however, is James Cameron, the sole survivor of this gruesome incident.

James Cameron had also been assaulted by the lynch mob that night. He was falsely accused of participating in the murder of a young white man. He survived his severe beating and attempted lynching, but was sentenced to 4 years in the State prison for accessory before the fact to manslaughter. Because of his personal experience, Cameron dedicated his life to promoting civil rights, racial peace, unity, and equality.

Cameron was instrumental in the establishment of several NAACP chapters in both Milwaukee and Indiana and served as the Indiana State Director of Civil Liberties. During his 8-year tenure, Cameron investigated over 25 incidents of civil rights infractions and faced many acts of violence and death threats for his work.

Although a great contributor to the civil rights movement, Cameron wanted to do even more, especially to give a voice to the thousands of people who lost their lives in the era of lynching.

In 1988, Cameron founded America's Black Holocaust Museum to document racial injustices suffered by people of African heritage. Cameron believed that never should we be allowed to forget or deny the horrors of the lynch mobs. In total, nearly 4,700 men and women were killed by lynch mobs in the 148 years when lynching was common practice in the United States. The museum is located in Milwaukee, Wisconsin, the city where Cameron relocated to after death threats forced him to leave his home in Indiana.

Last week, Mr. Cameron, the last surviving victim of lynch mob violence, died in Milwaukee. His commitment to civil rights and to those who died at the hands of lynch mobs is a testament to the human spirit and overcoming tragedies.

James Cameron most cherished a letter he received from the State of Indiana on February 3, 1993. The letter granted Mr. Cameron a pardon and public apology.

I urge my colleagues to recognize the life and work of James Cameron by passing this resolution.

Mr. DENT. Mr. Speaker, at this time I have no other speakers, and I will reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as she may consume to the gentlewoman from Wisconsin (Ms. MOORE), who not only introduced this legislation, but who also represents the area where the holocaust museum is located. It has been my pleasure to visit that museum.

□ 1145

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today in strong support of House Resolution 867, a resolution honoring the great late Dr. James Cameron, the only known survivor of a

lynching and founder of America's only black holocaust museum located in Milwaukee, Wisconsin.

Mr. Speaker, I rise today with my 92 cosponsors, including the entire delegation from Wisconsin, in remembrance and to honor one of our Nation's true civil rights pioneers, a man who experienced the most horrific acts of violence in this country's history and who used that experience to promote social justice and racial healing. This resolution honors a man who at the tender age of 16 witnessed the lynching of his two friends. And although the lynch mob had looped a rope around his neck, his life was miraculously spared.

This resolution honors a man who spent most of his life after that point dedicated to the eradication of racism, the preservation of African American history, and the advancement of civil rights for all of us. Dr. James Cameron embraced the call of civil rights and social justice work despite several death threats, Mr. Speaker. He went on to found three NAACP chapters in Indiana and played a role in protests to end segregated housing in Milwaukee, Wisconsin.

In 1988, Mr. Cameron founded the Black Holocaust Museum after an inspirational journey to Israel in order to preserve the history of lynching in the United States and to use this knowledge to promote understanding and combat racism, fear, and violence.

Dr. James Cameron left us and passed away on Sunday, June 11 at the age of 92. This was almost one year to the day that the United States Senate honored Cameron as the only lynching survivor and passed its historic resolution formally apologizing for not passing anti-lynching legislation throughout much of the 20th century. Just yesterday we laid Dr. Cameron to rest on the symbolic day, Juneteenth Day, in commemoration for the ending of slavery in this country; also Juneteenth Day commemorating the 18th anniversary of the founding of America's Black Holocaust Museum.

Mr. Speaker, this is a significant week in civil rights and in black history. In addition to yesterday being Juneteenth, the House plans to consider the reauthorization of the Voting Rights Act this week. Dr. Cameron's life exemplifies the imperative of the civil rights struggle, the call to listen to our humanity over and above our fear. Dr. Cameron taught us to be better, not bitter.

Years ago, Dr. Cameron placed me on his board of directors of America's Black Holocaust Museum, a relationship that I sought for personal resurrection, restoration, reconciliation, renewal, and regeneration as an heir of the shameful experience of slavery. However, Mr. Speaker, all, all of whom encountered Dr. Cameron throughout the world, including the family of the young victim on that August night, all who experienced Dr. Cameron experienced reconciliation, the reconciling and redemptive power of forgiveness.

I strongly urge my colleagues to continue to add to the historic significance of this week by supporting this resolution honoring the life and accomplishments of a man who had a life worth living, Dr. James Cameron.

Mr. DAVIS of Illinois. It is now my pleasure to yield 1 minute to the gentlewoman from Texas who has spent much of her life working on behalf of civil rights and racial reconciliation, Representative SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman. It is an honor to follow his leadership on these issues of empowerment and particularly of African American men. I rise today to acknowledge the very special moment of history we have today to pass this resolution in honor of Mr. Cameron, and particularly I rise to pay tribute and honor my colleague from Wisconsin, the honorable GWEN MOORE, for her insightful leadership to bring to the attention of this House a man who survived lynching, a man who is symbolic of almost 5,000 who were lynched as others watched and stood by, a man who dedicated his life to civil rights even though he was threatened every day such that he had to leave his place of birth, a place that he loved, the State of Indiana, and move to Wisconsin.

A person who used the tragedy of his life, the tragedy of his two young friends to be a man who perpetrated reconciliation and the ending of racism. Thank you to the Honorable GWEN MOORE for enlightening this body and allowing us to pay tribute as we debate this week the Voter Rights Act reauthorization. Yes, this is a moment in history for this House to take, and I hope it will take it enthusiastically and unanimously support the resolution offered today honoring Mr. Cameron for his enormous leadership. Thank you, Congresswoman GWEN MOORE.

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

Mr. DAVIS of Illinois. Mr. Speaker, we have no further requests for time. But I, too, would simply like to commend again the gentlewoman from Wisconsin for her insight, for her passionate display of the relevance of the holocaust museum, but also the relevance of the life of a real pioneer and one who could teach in spite of his own personal tragedy.

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

Mr. DENT. Mr. Speaker, I urge all Members to support the adoption of House Resolution 867, as amended, to commemorate the extraordinary life of Dr. Cameron.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and agree to the resolution, H. Res. 867, as amended.

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

A motion to reconsider was laid on the table.

COMMENDING THE PATRIOT GUARD RIDERS

Mrs. DRAKE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 731) commending the Patriot Guard Riders for shielding mourning military families from protesters and preserving the memory of fallen servicemembers at funerals, as amended.

The Clerk read as follows:

H. RES. 731

Whereas in 2005, a small group of American Legion Riders in Kansas calling themselves the ''Patriot Guard'' began a movement to shield the families and friends of fallen service members from interruptions by protesters appearing at military funerals;

Whereas individuals from Colorado, Oklahoma, and Texas later brought together diverse groups of motorcycle organizations across the country who rode to honor fallen service members, forming an organization known as the ''Patriot Guard Riders'';

Whereas the Patriot Guard Riders have since grown into a nationwide network, including both veterans and nonveterans and riders and nonriders, and is open to anyone who shares a respect for service members who have made the ultimate sacrifice for the Nation;

Whereas Patriot Guard Riders attend military funerals to show respect for fallen service members and to shield mourning family members and friends of the deceased from protestors who interrupt, or threaten to interrupt, the dignity of the event;

Whereas across the Nation, Patriot Guard Riders volunteer their time to come to the aid of military families in need, so to allow the memories of the deceased service member to be remembered with honor and dignity;

Whereas regardless of one's opinion of the Nation's military commitments, the families, friends, and communities of the Nation's fallen soldiers deserve a peaceful time of mourning and should not be harassed and caused further suffering at a funeral;

Whereas Patriot Guard Riders appear at a funeral only at the invitation of the fallen soldier's family and participate in a nonviolent, legal manner; and

Whereas the members of the Nation's Armed Forces willingly risk their lives to protect the American way of life and the freedoms guaranteed by the Constitution: Now, therefore, be it

Resolved, That the House of Representatives expresses its deepest appreciation to the Patriot Guard Riders who—

(1) attend military funerals across the country to show respect for fallen members of the Armed Forces and, when needed, shield mourning family members and friends of the deceased from protestors who interrupt, or threaten to interrupt, the dignity of a funeral; and

(2) in so doing, help to preserve the memory and honor of the Nation's fallen heroes.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. DRAKE) and the gentleman from North Carolina (Mr. BUTTERFIELD) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.

GENERAL LEAVE

Mrs. DRAKE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of House Resolution 731 offered by my friend and colleague from Kansas, Representative JERRY MORAN.

Just last month, this Congress responded magnificently to the deplorable acts of a few who celebrate the deaths of our fallen soldiers when it passed the Respect For America's Fallen Heroes Act. In doing so, we sent a strong message to those who would hide behind the first amendment while using hate speech to dishonor the memories of those who have honorably served their country in the Armed Forces simply because they disagree with policy.

However, this resolution tells the other side of the story, the positive side. In response to these so-called protesters, an all-volunteer group known as the Patriot Guard Riders was formed to shield those who mourn the death of their loved ones from those who celebrate it; and since last year, these patriots have seen their membership rise to the tens of thousands. Now the threat of protest at a military funeral is met with the roar of hundreds of motorcycles bearing American flags thundering down the street providing both a visible and audible barrier between the families that are trying to honor their loved ones and those trying to disrespect them.

Mr. Speaker, the families of our fallen heroes should be allowed to bury their loved ones with the respect and dignity they deserve, not with the ridicule and disrespect that seem to dominate today's political and cultural landscape. For defending that right, the Patriot Guard Riders are true patriots, and I believe it is both fitting and proper that we honor their service here today.

Yet the mission of the Patriot Guard Riders can best be summed up in their own words. In answer to the question, Why do we ride? They respond: Never again will they return home in shame. Never again will wearing their uniform cause them pain. Never again will we forget why they serve.

Mr. Speaker, I commend the gentleman from Kansas for introducing this resolution and urge all my colleagues to support it.

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

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

Mr. Speaker, today I will be managing the time on behalf of the Democratic members of the House Armed Services Committee. And I certainly want to thank Mr. MORAN for bringing forth this resolution and thank Mrs. DRAKE of Virginia for managing the time and urging the adoption of this resolution.

Mr. Speaker, in 2004, my hometown of Wilson, North Carolina, suffered its first casualty of war since Vietnam. Our community is a rather small community of 43,000 people, and all of the residents of my community including myself felt the sting of this terrible tragedy.

It is abhorrent to me to denigrate this honorable ceremony; yet somehow a few people have found a reason to justify the terrible act of picketing a military funeral. That in my opinion, Mr. Speaker, is despicable. A military funeral is a farewell; it is a farewell for loved ones and a final act of thanks from a grateful Nation. Every soldier in our history, no matter who the enemy has been, has been granted this one simple act which has tragically been repeated so many times and too many times during this and other wars, but always with pride.

Every parent deserves to lay their child to rest as a soldier and as a hero, a person to whom servicemen and servicewomen can look with reverence. Every wounded veteran, Mr. Speaker, can look to these fallen men and women and draw strength from their memories.

To those who are grieving and most vulnerable, the protest must be utterly devastating to them. They are nothing more than cowardly attacks on members of our communities most deserving of our gratitude and our respect.

Today, Mr. Speaker, we come to the floor to honor those who have shown courage in response to cowardness. I commend in the strongest possible terms the Patriot Guard Riders. These volunteers have come forward in defense of our military families, including a dear friend of mine from Greensboro, North Carolina, Mr. Steve Winsett. These men perform selfless acts in memory of servicemembers who will never be able to repay them. It is an act of compassion and is a part of what makes our great Nation strong.

Mr. Speaker, make no mistake about it, I support the first amendment's guarantee of free speech, but this sacred moment in the life of a family is out of bounds. I urge the members of the Westboro Baptist Church to find another venue to express themselves.

We express our deepest gratitude from the House Armed Services Committee and from this body; we express our deepest gratitude to the Patriot Guard Riders. And I want to thank again Mr. MORAN for bringing forth this resolution, because it is most appropriate at this time.

I urge its adoption.

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

□ 1200

Mrs. DRAKE. Mr. Speaker, I yield 4 minutes to the gentleman from Kansas (Mr. MORAN), the sponsor of the resolution.

Mr. MORAN of Kansas. Mr. Speaker, I thank the gentlewoman from Virginia, and I also thank the leader of the Armed Services Committee, the gentleman from California (Mr. HUNTER), as well as my chairman from the Veterans' Affairs Committee, the gentleman from Indiana (Mr. BUYER) for their support of this resolution, as well as my colleagues from Kansas.

Many good things come from Kansas, including the Patriot Guard, but in response to something that is less than desirable, and that is a radical Topeka, Kansas-based church has been disrupting funerals of servicemembers now for several years, with picketers that appear at those funerals during and holding signs that read, ''Thank God for IEDs,'' and, ''Thank God for dead soldiers.'' No Kansan, no American can respond to that in any way but the way that it has been described by my colleagues today.

But in 2005, the American Legion Riders of Post 136 in Mulvane, Kansas, responded by bringing their motorcycles and themselves to those funeral services where they provided a buffer between the protesters and the families of those deceased service men and women. They decided to take action and called themselves the Patriot Guard, and they organized their supporters from across the country to attend those funerals and shield our military families. They waved the American flag, sang patriotic songs, and took lawful and peaceful action to serve as a barrier between the families and protesters. Their actions preserved the dignity and honor of these funeral services and allowed the families a peaceful time of mourning on that day of service that they so much deserved.

This movement has now spread across from Mulvane, Kansas, across the State and around the Nation. The Patriot Guard Riders now include thousands of members who volunteer their time to come to the aid of military families at funerals to show their respect and, when needed, to shield families from disruption. Members include veterans and nonveterans, riders and nonriders, and they have successfully performed hundreds of missions across the country not only supporting the fallen and their families, but also providing comfort to those who serve today, knowing that their families would be protected should they fall.

The significance of these volunteer actions is realized when you read letters of appreciation written by family members and friends of the deceased. I would like to mention a letter that the Patriot Guard received from the family of Corporal Peter Wagler. I attended that funeral in Hutchinson, Kansas, at the Nazarene Church on February 10, 2006. Corporal Wagler was killed in Iraq at the age of 19, having served only a month in Iraq, and his family wrote the Patriot Guard Riders:

Thank you so much for your amazing support at the funeral of our son Peter Wagler.

Despite the cold north wind, you rode many miles to participate.

I have never seen such a display of flags as we encountered when leaving the church. Many people have told me how meaningful the flags were to them; many shed tears as they drove through the tunnel. As for your protecting us from the demonstrators, when we arrived we looked for them, but we could not see them, and we never did.

Peter loved motorcycles and planned to get one when he finished his term in Iraq. He will not get to do that, but he would have loved the tremendous display you put on. Our family feels inadequate in expressing our thanks, but please know that we deeply appreciate what you did for us.

God bless you,

David for the Wagler family.

Mr. Speaker, I urge that we adopt this resolution and that we, as a House, commend the Patriot Guard Riders.

Mr. BUTTERFIELD. Mr. Speaker, I have no additional speakers at this time, but I reserve the balance of my time.

Mrs. DRAKE. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I rise today in support of H. Res. 731. I want to thank my colleague Mr. MORAN and Mr. RYUN of Kansas for their leadership. I offer my deepest appreciation to the men and women of the Patriot Guard Riders, dedicated and committed Americans who will not wait for others to act, but they took upon themselves the solemn responsibility of right action.

On Memorial Day, before President Bush attended the Memorial Day ceremony at Arlington National Cemetery, he signed into law the Respect for America's Fallen Heroes Act. This new law prohibits disruptions of military funerals at national cemeteries and Arlington, which is owned by the U.S. Army.

Standing behind the President as he signed the bill in the Oval Office was the executive director of the Patriot Guard Riders, Jeff Brown, and five of his Patriot Guard Riders. They stood beside the families of two soldiers who had made the ultimate sacrifice in Iraq, that of Sergeant Rickey Jones of Kokomo, Indiana; and the family of Sergeant Joshua Youmans of Flushing, Michigan. Both families had endured harassment by protesters who were cheering the deaths of their sons.

Patriot Guard Riders, acting out of decency, compassion and respect for the law, often place themselves between the families and the hateful perversions of those who would sharpen the pain of a mourning family's unspeakable loss.

The mission of the Patriot Guard riders is simple: Show sincere respect for our fallen heroes and their families, their communities; and shield the mourning family and friends from interruptions created by any protester or group of protesters. Patriot Guard Riders attend the funerals at the invitation of the family, and they adhere to strictly legal and nonviolent means. These patriots use their vacation time and fund their own expenses to stand with the grieving families.

Among the hallmarks of the American character is our compassion and human decency. It is how we care for each other in difficult times. In towns across this country, this is evident in the thousands of Americans who line the roads in condolence at the passage of a loved one to attend the military funeral. The independent action, I think, is another of America's sacred traits.

The Patriot Guard Riders, seeing an injustice, chose to rise up and not permit the desecration of the sacred. Their courage, their conviction, and their simple decency on behalf of families grieving at the loss of a loved one represent the very best of our Nation.

In return, we as a Nation offer them our gratitude for unselfishly serving to protect the sanctity of military funerals and for easing the burden of mourning families and their communities, thereby setting a worthy example for everyone.

I urge adoption of this resolution.

Mrs. DRAKE. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Speaker, I rise today in support of the Patriot Guard resolution put forth by one of my fellow colleagues from Kansas. I rise in support of H. Res. 731.

This group of American Legion riders from Kansas provides an honorable service by protecting military families from protesters at funerals. In fact, just a couple of weeks ago, 200 Patriot Guard Riders were at a funeral in my district, and they effectively protected the family from unwelcome protesters. I heard that even one of the riders came from as far away as Memphis just to be there and do what he could to help the family.

It is a remarkable show of gratitude and service that the Patriot Guard Riders have taken to honor the courageous and sacrificial actions of helping our service families and their servicemembers and their families pay tribute to those that have fallen.

I am disappointed that these people who are protesting at military funerals dare, but I am grateful to the Patriot Guard Riders, and the fact that they even need to be there is unfortunate. Regardless of anyone's particular political view on the global war on terrorism or any other issue, we should give the utmost respect and honor to those who have died serving our country.

The Patriot Guard Riders recognize that, and I commend them for what they are doing, and I encourage them and urge my colleagues to support H. Res. 731.

Mrs. DRAKE. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Speaker, I am pleased to be able to come to the floor today and that we can honor a group of Americans who have gone literally out of their way to see that our heroes in this country are given the respect that they are due. Our fallen soldiers are to be the most honored of all Americans, since they have given their very lives to protect all of our freedoms.

It really is a great shame that any American would seek to disrupt the funeral of one who died to protect the liberty of all. While the actions of a few have been disheartening to us, there are so many who are willing to stand up to show their love and support for the families of the fallen. The Patriot Guard Riders, they show their love of our country, and they do that by drowning out the protests of a few with the rumblings of their motorcycles of the many.

So, today we come to the floor to honor our fallen soldiers, and we do that always here on both sides of the aisle by providing for their families, by mourning for their loss, by remembering their high goals for which they all stood. So it is fitting and proper that we come here today to hold up the Patriot Guard Riders as examples of devotion to the country and encourage them to continue their ride across this Nation to protect the loved ones of our fallen servicemen.

Mrs. DRAKE. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, today we have two funerals occurring in Nebraska in my district. The two soldiers being buried are 22-year-old Specialist Benjamin Slaven, Plymouth, Nebraska, a reservist who was killed south of Baghdad on June 9; a 19-year-old Corporal Brent Zoucha from Clarks, Nebraska, who was killed in al Anbar province on the same day, June 9. Both are being buried June 20, today, and their funerals are occurring as we speak. This makes more than a dozen soldiers, all young, all from rural small communities, that have been killed in my district.

Funerals, Mr. Speaker, should honor and dignify the sacrifices of those soldiers and their families. It should not be disrupted and dishonored by protesters with a political agenda, and unfortunately, some of those protests that have been mentioned previously have occurred in Nebraska. You can imagine how devastating those are to those families who are suffering greatly.

I spoke recently to the mothers of both of these soldiers from Nebraska being buried today. You can sense their pain and their anguish. And so I commend Mr. MORAN for offering H. Res. 731 and also want to thank and commend the Patriot Guard Riders for what they have accomplished.

Mr. BUTTERFIELD. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman.

Having just come back from Iraq, and recognizing the valiant effort of our

soldiers on the front line, both in Afghanistan and Iraq, and I thank the distinguished gentleman from North Carolina for his leadership in yielding, and I thank the proponent of this legislation.

I have the greatest respect for our families, and I offer to say that the decisions of the family to be able to be protected is utmost, and so there will be no disagreement on legislation of this kind. I rise to support it, as well as I raise with my colleagues the need for families to also be able to mourn with a fallen soldier ceremony or be able to have their loved ones come first to this soil at Dover Air Force Base. We hope to be able to allow that mourning in the manner that families desire and a public honoring as they may desire. Their fallen heroes deserve to be honored properly in their hometown and at Dover Air Force Base.

But as we pay tribute to those who have fallen, we want to nurture and support our families, provide them with the privacy that they desire and the respect.

At this moment, Mr. Speaker, I ask for, in the course of my debate on the floor today in support of H. Res. 731, a moment of silence and recognition of the three soldiers who lost their lives this past weekend, in particular at the checkpoint in Baghdad: David J. Babineau of Springfield, MA; Thomas Tucker of Oregon; and our own Kristian Menchaca, age 23, of Houston, TX, who grew up in a near northside neighborhood whose family now mourns his loss and the loss of others, recognizing that these brave young men, 25, 23, 25, are all heroes, and I ask for a moment of silence as we ask that they may rest in peace.

Mr. REYES. Mr. Speaker, I would like to thank Congressman JERRY MORAN for his leadership in introducing H. Res. 731, commending the Patriot Guard Riders for shielding mourning military families from protestors and preserving the memory of fallen service members at funerals.

I am proud to join in the bi-partisan support shown by the House of Representatives for this important legislation.

As you know, the main mission of the Patriot Guard Riders is to help maintain dignity and respect at the funerals of service members who have made the ultimate sacrifice for our country. They are invited as guests to block protestors through strictly legal and nonviolent means. Like dedicated sentinels, the Patriot Guard Riders line the streets shielding the grieving family and community from any disruptive protesters.

I want to thank personally the Patriot Guard Riders for their nationwide commitment to this cause. The Patriot Guard Riders have paid homage to fallen heroes in my congressional district of El Paso, TX, making a positive impact on my community.

On April 12, 2006, the Patriot Guard Riders traveled to Clint, TX, for the funeral of Sergeant Israel Devora Garcia, who was also made a U.S. citizen at his funeral. Sergeant Garcia's friends and family were left to mourn his passing in peace, free from protest. More recently, on June 16, 2006, the Patriot Guard Riders congregated at the funeral procession of Specialist Oliver Oropenza at Fort Bliss National Cemetery in El Paso, TX. They were welcomed by grieving friends and family who were able to honor SPC Oropenza free from disruptions.

You may recall that I was the primary Democratic sponsor of H.R. 5037, the Respect for America's Fallen Heroes Act, under which demonstrations are restricted within 150 feet of methods of ingress and egress from such cemetery property or within 300 feet of such cemetery in a manner that impedes the access to or egress from the cemetery. This bill guarantees the families and friends of fallen heroes the right to grieve in peace, while also protecting the freedom of speech. I am very proud that, with strong bi-partisan support this bill was passed by both chambers of Congress and signed into law by the President on Memorial Day 2006.

Mr. Speaker, I commend the Patriot Guard Riders, who have been physically present at the funerals of our fallen heroes since August 2005, to protect and guard the families and friends of the fallen from protest. I stand in strong support of their honorable mission, and I ask for all of my colleagues to join me in supporting H. Res. 731.

Mr. TERRY. Mr. Speaker, I rise in strong support of H. Res. 731 to commend the Patriot Guard Riders for their valiant efforts to shield mourning military families from protesters at the funeral services of their loved ones.

I recently had the honor and privilege to attend the funeral of Army Sergeant Lonnie Calvin Allen, Jr., who was killed along with three other servicemembers when a roadside bomb struck his Humvee in Baghdad. Over 500 people attended the standing-room-only service to honor the life of this brave young man.

The Nebraska Chapter of the Patriot Guard Riders—decked out in leather and holding American flags—lined the walkway into the church for the protection and peace of mind of friends and family members. I felt proud to be an American as I witnessed this unforgettable display of honor and respect for one of our fallen heroes. The personal dedication and commitment of the Patriot Guard Riders is an inspiring example of true American patriotism.

The Patriot Guard Riders also shielded the surviving family members of Army Captain Joel Cahill, who was on his second tour of duty in Iraq when he was killed late last year by an Improvised Explosive Device, IED, that struck his vehicle. As protesters held signs such as ''God sent the IED,'' and ''thank God for dead soldiers,'' Patriot Guard Riders outnumbered them by at least five to one on the other side of the street, shielding Capt. Cahill's wife and two young daughters. Captain Cahill's 59-year-old father also took action in his own style: he handed the protesters sheets of paper containing biblical verses such as ''Dear friends, since God so loved us, we also ought to love one another.''

Sgt. L.C. Allen and Capt. Joel Cahill were buried with full military honors in Arlington National Cemetery. Their valor and courage will stand the test of time, while the protesters dishonoring their noble sacrifices will fade into the annals of history.

I commend Nebraska State Captain Mike Smith and all the members of the Patriot Guard Riders, both in my State and nationwide. I join them in thanking the families of our servicemembers who have made the ultimate sacrifice for freedom at home and abroad. I urge all of my colleagues to support this resolution to recognize the outstanding and selfless contributions of the Patriot Guard Riders—protectors of our fallen American heroes and their families.

□ 1215

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

Mrs. DRAKE. Mr. Speaker, I urge passage of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. DRAKE) that the House suspend the rules and agree to the resolution, H. Res. 731, as amended.

The question was taken.

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

Mrs. DRAKE. 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.

EMERGENCY AND DISASTER ASSISTANCE FRAUD PENALTY ENHANCEMENT ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4356) to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds.

The Clerk read as follows:

H.R. 4356

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 ''Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2005''.

SEC. 2. FRAUD IN CONNECTION WITH MAJOR DISASTER OR EMERGENCY BENEFITS.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1039. Fraud in connection with major disaster or emergency benefits

''(a) Whoever, in a circumstance described in subsection (b) of this section, knowingly—

''(1) falsifies, conceals, or covers up by any trick, scheme, or device any material fact; or

''(2) makes any materially false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or representation,

in any matter involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with a major disaster declaration under section 401 of the Disaster Relief Act of 1974, or an emergency declaration under section 501 of the Disaster Relief Act of 1974, or in connection with any procurement of property or services related to any emergency or disaster declaration as

a prime contractor with the United States or as a subcontractor or supplier on a contract in which there is a prime contract with the United States, shall be fined under this title, imprisoned for not more than 30 years, or both.

''(b) The circumstance to which subsection (a) of this section refers is that—

''(1) the authorization, transportation, transmission, transfer, disbursement, or payment of the benefit is in or affects interstate or foreign commerce;

''(2) the benefit is transported in the mail at any point in the authorization, transportation, transmission, transfer, disbursement, or payment of that benefit; or

''(3) the benefit is a record, voucher, payment, money, or thing of value of the United States, or of any department or agency thereof.

''(c) In this section, the term 'benefit' means any record, voucher, payment, money or thing of value, good, service, right, or privilege provided by the United States, State or local government, or other entity.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting at the end the following new item:

''1039. Fraud in connection with major disaster or emergency benefits.''.

SEC. 3. INCREASED CRIMINAL PENALTIES FOR ENGAGING IN WIRE, RADIO, AND TELEVISION FRAUD DURING AND RELATION TO A PRESIDENTIALLY DECLARED MAJOR DISASTER OR EMERGENCY.

Section 1343 of title 18, United States Code, is amended by inserting: ''occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency, or'' after ''If the violation''.

SEC. 4. INCREASED CRIMINAL PENALTIES FOR ENGAGING IN MAIL FRAUD DURING AND RELATION TO A PRESIDENTIALLY DECLARED MAJOR DISASTER OR EMERGENCY.

Section 1341 of title 18, United States Code, is amended by inserting: ''occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency, or'' after ''If the violation''.

SEC. 5. DIRECTIVE TO SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission forthwith shall—

(1) promulgate sentencing guidelines or amend existing sentencing guidelines to provide for increased penalties for persons convicted of fraud or theft offenses in connection with a major disaster declaration under section 5170 of title 42, United States Code, or an emergency declaration under section 5191 of title 42, United States Code; and

(2) submit to the Committees on the Judiciary of the United States Congress an explanation of actions taken by the Commission pursuant to paragraph (1) and any additional policy recommendations the Commission may have for combating offenses described in that paragraph.

(b) REQUIREMENTS.—In carrying out this section, the Sentencing Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect the serious nature of the offenses described in subsection (a) and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(2) assure reasonable consistency with other relevant directives and with other guidelines;

(3) account for any aggravating or mitigating circumstances that might justify exceptions, including circumstances for which the sentencing guidelines currently provide sentencing enhancements;

(4) make any necessary conforming changes to the sentencing guidelines; and

(5) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(c) EMERGENCY AUTHORITY AND DEADLINE FOR COMMISSION ACTION.—The Commission shall promulgate the guidelines or amendments provided for under this section as soon as practicable, and in any event not later than the 30 days after the date of the enactment of this Act, in accordance with the procedures set forth in section 21(a) of the Sentencing Reform Act of 1987, as though the authority under that Act had not expired.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. 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.R. 4356 currently under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 4356, the Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2005. Since Hurricanes Katrina and Rita last year, Congress has provided more than $68 billion in relief to the region, including funding for human services like unemployment, housing assistance, and crisis counseling. In addition, charities like the Red Cross and the Salvation Army have contributed more than $5 billion to relief efforts.

With such vast resources put into the pipeline so quickly, fraudsters and scam artists went into high gear in an effort to take advantage of these government programs as well as the generosity of the American people contributing to nongovernment organizations.

Earlier this month, the United States Government Accountability Office testified that the Federal Emergency Management Agency paid an estimated $600 million to $1.4 billion in improper and potentially fraudulent disaster assistance claims in the aftermath of Hurricanes Katrina and Rita.

GAO also reported examples of the types of disaster assistance crimes typically perpetrated on the American taxpayer. In one common scam, FEMA provided millions of dollars of rental assistance to cover a thousand individuals who used the names and Social Security numbers of prison inmates to obtain benefits.

In another instance, 750 debit cards, containing more than $1.5 million in disaster assistance funds, were provided to individuals who were not actual victims of the storms. GAO determined that some of these funds were used to procure things like diamond jewelry, Caribbean vacations, professional football tickets, and divorce lawyer services. In another case, FEMA paid $139,000 in fraudulent claims so that an individual who used 13 different Social Security numbers could obtain benefits.

To its credit, the Department of Justice has responded quickly to the problem. In September 2005, the Attorney General established a Hurricane Katrina Fraud Task Force, which includes DOJ, Homeland Security, Treasury, the FBI, Federal Trade Commission, and other Federal partners, as well as representatives of State and local law enforcement. Since its formation, 24 United States attorneys have charged 261 people in 218 cases with various criminal activities, and have obtained so far 44 guilty pleas or convictions.

Despite these efforts, it is clear the current criminal penalties are insufficient to deter disaster fraud. In March 2006 alone, DOJ announced 17 new indictments and four guilty pleas for Katrina- and Rita-related disaster fraud. In May of this year, the United States Attorney for the Middle District of Florida charged 26 people with similar acts of fraud.

To enhance Federal law enforcement's ability to combat and deter disaster fraud, this bill contains the following substantive provisions: first, the bill creates a new Federal crime to prohibit fraud in connection with any emergency or disaster relief, including Federal assistance or private charitable contributions, as long as the benefit was authorized or paid in interstate commerce, transported through the mail, or is anything of value to the United States. The penalty for engaging in such fraud is a fine or imprisonment of up to 30 years.

Second, the bill amends the Federal mail and wire fraud statute to add emergency or disaster benefits fraud to the 30-year maximum penalties in those statutes. Currently, the 30-year maximum is reserved only for cases involving fraud against financial institutions.

Finally, the bill directs the United States Sentencing Commission to review existing penalties for disaster assistance fraud, amend the sentencing guidelines as necessary, and report back to Judiciary Committees of Congress.

Mr. Speaker, I urge my colleagues to support this important antifraud and protaxpayer legislation.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 4356, the Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2005.

In the aftermath of Hurricane Katrina, we were all appalled to learn of the rampant schemes of fraudulent benefiting of government funding intended for victims of the disasters. While these crimes are now being prosecuted under existing fraud laws, I believe that the crime warrants specific and enhanced emphasis to put on notice those who would take criminal advantage of the government's need to focus on speed and comprehensive assistance in times of disasters and emergencies. This bill would establish the specific crime of fraud in connection with major disaster or emergency benefits and increases the penalties currently available for such acts.

Recognizing the particular egregiousness of fraud claims surrounding emergencies like Hurricane Katrina, the bill also directs the U.S. Sentencing Commission to increase penalties under the sentencing guidelines for those individuals who would fraudulently seek to benefit from funding intended for victims of natural disasters and Presidentially declared emergencies.

While I generally do not support specific directives to the Sentencing Commission to increase penalties for crimes, I believe this particular category of crime is egregious enough to warrant more punishment than fraud in general, with appropriate considerations for mitigating and aggravating circumstances.

Mr. Speaker, I am in favor, as we all are, of seeing increased benefits being made available for victims of disasters such as Hurricane Katrina. Many have lost everything and are now without a permanent home or compensation for their losses. Many are still not able to return to the area. Many still need ongoing assistance.

We can all agree that the limited disaster and emergency benefits that are made available to victims should only go to legitimate victims, not to scam artists or cheats who recognize that humanitarian concerns in the middle of a disaster require a waiver of traditional checks and balances in favor of speed and getting the relief to the suffering victims. Those who cheat and scheme at these times deserve more punishment.

Accordingly, I am supportive of this legislation, and I urge my colleagues to support the bill.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL of Texas. I thank the gentleman for his leadership on this, and, Mr. Speaker, I rise today in support of this important piece of legislation that will work to deter fraud in the wake of disasters like Hurricanes Katrina and Rita.

Disaster assistance fraud is something I have been fighting for quite some time now. I recently held a hearing in the Homeland Security Investigation Subcommittee to uncover the findings of a 6-month fraud investigation by the GAO. What they found was nothing short of shocking.

The GAO testified before my subcommittee that FEMA disaster assistance after Hurricanes Katrina and Rita was applied for and received by criminals who used deceased individuals' identities, and even a cemetery as an address to receive the emergency funding. Federal investigators also testified that prisoners in jail before the hurricanes were able to receive almost $11 million from their jail cells by fraudulently applying for the FEMA disaster assistance funds.

The total price tag for the fraud committed after Hurricanes Katrina and Rita is not yet known; but GAO investigators have testified that it will, at the very least, be in the billions of dollars. This is an insult to the victims of these natural disasters and an insult to the ultimate victim, the American taxpayer.

Through this investigation, we have referred over 7,000 fraud cases to the Department of Justice Task Force for prosecution, and this legislation will ensure that they receive the harshest penalty for their actions.

It saddens me to think about the gulf coast families that could have used this money to rebuild their homes and their lives. We need to make sure that these disaster victims and the American taxpayer are never robbed like this again. This legislation is a great first step in making that happen, and I strongly urge my colleagues to vote for the Emergency and Disaster Assistance Fraud Penalty Enhancement Act.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4356.

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

A motion to reconsider was laid on the table.

HONORING AND PRAISING THE NATIONAL SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 367) honoring and praising the National Society of the Sons of the American Revolution on the 100th anniversary of being granted its Congressional Charter.

The Clerk read as follows:

H. CON. RES. 367

Whereas the National Society of the Sons of the American Revolution (in this resolution referred to as the ''SAR'') was founded on April 30, 1889, and chartered by Congress 100 years ago on June 9, 1906;

Whereas the Charter was signed by Theodore Roosevelt, himself a member of the SAR;

Whereas the SAR was conceived as a fraternal and civic society composed of lineal descendants of the men who wintered at Valley Forge, signed the Declaration of Independence, fought in the battles of the American Revolution, served in the Continental Congress, or otherwise supported the cause of American Independence;

Whereas 16 American Presidents have been proud members of the SAR;

Whereas the Charter of National Society of the Sons of the American Revolution describes the objects and purposes of the Society as ''. . . patriotic, historical and educational'' and that it is charged with perpetuating the memory of the men who, by their services or sacrifices during the war of the American Revolution, achieved the independence of the American people;

Whereas the Society is also dedicated to inspiring its members and the community at large with a more profound reference for the principles of the Government founded by our forefathers and to encourage historical research about the American Revolution;

Whereas the SAR has a long record of accomplishments in teaching about the Revolutionary War and those who gained our freedom during the War for Independence;

Whereas it is largely through efforts by the SAR in the late 1800s and early 1900s that the National Archives were established to gather the records of the men who fought and provided services during the Revolutionary War;

Whereas the SAR advances its mission through commemorations of battles and events that led to our freedom;

Whereas the SAR devotes a great deal of its time, energy, and resources to working with children so that they might have a better understanding of the history of the United States;

Whereas the SAR is currently working to establish a Center for Advancing America's Heritage adjacent to its national headquarters in Louisville, Kentucky; and

Whereas the SAR's almost 27,000 members are organized in Chapters throughout the 50 States and the District of Columbia and in several countries overseas that helped the American Colonies gain their freedom: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the 100th anniversary of the historic Congressional Charter of the National Society of the Sons of the American Revolution; and

(2) honors and praises the National Society of the Sons of the American Revolution on the occasion of its anniversary for its work to perpetuate and honor the memory of the brave men who fought to gain our freedom during the Revolutionary War and for the Society's unfailing devotion to our Nation's youth.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. 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 House Concurrent Resolution 367 currently under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H. Con. Res. 367, honoring and praising the National Society of the Sons of the American Revolution on the 100th anniversary of being granted its Congressional Charter.

As the Declaration of Independence states, governments are instituted among men to secure the inalienable rights that the Creator has endowed upon us. Because the bonds of tyranny over the United Colonies were destructive of this end, the United Colonies sought separation from Great Britain and fought to attain their freedom and independence.

The National Society of the Sons of the American Revolution, or the SAR, was formed by descendants of patriots of the American Revolution who sought a fraternal and civic society to salute those who pledged their lives, fortunes, and sacred honor in America's battle for independence from the British Crown.

Today, we honor the SAR, which was founded on April 30, 1899, and chartered by Congress 100 years ago on June 9, 1906. The SAR is composed of lineal descendants of the men who wintered at Valley Forge, signed the Declaration of Independence, fought in the battles of the American Revolution, served in the Continental Congress, or otherwise supported the cause of American independence.

The SAR is a historic, patriotic, and educational organization. In keeping with its historical mission, the SAR commemorates and provides memorials for the people and events of the American Revolution, helps preserve records relating to the events leading up to and during the revolution, and supports research and presentations related to the history and people of the revolutionary era.

In fulfilling its patriotic mission, the SAR reaffirms the principles upon which our Nation was founded, maintains and extends the institutions of American freedom, provides recognition for public service, and honors, respects, and supports veterans.

□ 1230

Mr. Speaker, I urge my colleagues to support this resolution to honor the SAR for its important work to preserve the legacy of these fallen heroes.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Con. Res. 367 honoring and praising the National Society of the Sons of the American Revolution on the 100th anniversary of being granted its Congressional Charter.

The National Society of the Sons of the American Revolution was chartered by Congress 100 years ago on June 9, 1906. The charter was signed by Theodore Roosevelt, who was a member. The resolution, which is sponsored by the distinguished gentleman from North Carolina (Mr. COBLE), recognizes this anniversary and honors and praises the National Society of the Sons of the American Revolution on the occasion of this anniversary for its work to perpetuate and honor the memory of the brave men who fought to gain freedom during the American Revolution and for the society's unfailing devotion to our Nation's youth.

Mr. Speaker, I rise in support of the resolution and urge my colleagues to support it.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 367.

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

A motion to reconsider was laid on the table.

REQUIRING REPRESENTATIVES OF GOVERNMENTS DESIGNATED AS STATE SPONSORS OF TERRORISM TO DISCLOSE TO ATTORNEY GENERAL LOBBYING CONTACTS WITH LEGISLATIVE BRANCH OFFICIALS

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5228) to require representatives of governments designated as State Sponsors of Terrorism to disclose to the Attorney General lobbying contacts with legislative branch officials, and for other purposes.

The Clerk read as follows:

H.R. 5228

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

SECTION 1. LOBBYING CONTACTS FROM REPRESENTATIVES OF GOVERNMENTS DESIGNATED AS STATE SPONSORS OF TERRORISM.

The Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.) is amended by inserting after section 4 the following:

''LOBBYING CONTACTS FROM REPRESENTATIVES OF GOVERNMENTS DESIGNATED AS STATE SPONSORS OF TERRORISM

''SEC. 4A. (a) Every person required to register under the provisions of this Act who is an agent of a foreign principal, in a case in which the foreign principal is a covered foreign principal, and who makes a lobbying contact with a covered legislative branch official shall, not later than 45 days after the date of such contact, provide to the Attorney General a detailed statement of such contact.

''(b) The Secretary of State shall not recognize as accredited a diplomatic or consular officer of a covered foreign principal unless such officer agrees to provide to the Attorney General a detailed statement of any lobbying contact with a covered legislative branch official not later than 45 days after the date of such contact.

''(c) The Attorney General shall make information relating to a lobbying contact described in subsections (a) and (b) available to the general public in an electronic format not later than 90 days after the date of receipt of the statement concerning such contact.

''(d) For purposes of this section—

''(1) the term 'covered foreign principal' means—

''(A) a State Sponsor of Terrorism; or

''(B) the government of, or a political party of, a State Sponsor of Terrorism;

''(2) the term 'covered legislative branch official' has the meaning given that term in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602);

''(3) the term 'lobbying contact' means any oral or written communication (including an electronic communication) with regard to—

''(A) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

''(B) the formulation, modification, or adoption of a Federal rule or regulation, an Executive order, or any other program, policy, or position of the United States Government;

''(C) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); or

''(D) the nomination or confirmation of a person for a position subject to confirmation by the Senate; and

''(4) the term 'State Sponsor of Terrorism' means a country the government of which has been determined by the Secretary of State, for purposes of section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or other provision of law, is a government that has repeatedly provided support for acts of international terrorism.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. 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 materials on H.R. 5228 currently under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 5228, legislation to enhance lobbying disclosure requirements for lobbyists who represent foreign nations designated as state sponsors of terrorism.

Lobbyists who represent foreign governments must register under the Foreign Agents Registration Act, or

FARA, which also requires that they file a semiannual report with the Attorney General detailing lobbying contacts.

H.R. 5228 would require additional disclosure of the lobbying activities of foreign agents who lobby on behalf of countries that the Secretary of State has designated as state sponsors of terrorism, namely Cuba, Iran, North Korea, Sudan and Syria.

In addition to the semiannual statements, this legislation would require that agents who represent governments deemed state sponsors of terrorism also file a detailed statement with the Attorney General of every lobbying contact with a covered legislative branch official within 45 days of the contact. The Attorney General in turn must make that disclosure available to the public in an electronic format within 90 days.

If an agent of a state sponsor of terrorism failed to make these disclosures, they would be subject to the penalties of FARA, including fines of up to $10,000 and imprisonment of up to 5 years.

In addition, the legislation provides that diplomatic and consular officers of a state sponsor of terrorism, who are not otherwise required to report their activities under FARA, cannot be recognized by the Secretary of State as accredited unless the diplomatic or consular officer agrees to provide the Attorney General with a detailed statement of every lobbying contact they have had with a covered legislative branch official within 45 days of the contact.

Mr. Speaker, at a time when American forces are engaged in the global war on terror, it is both right and necessary that agents of state sponsors of terrorism be required to more fully disclose their lobbying contacts with U.S. Government officials.

I commend the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) for introducing this bill and urge all of my colleagues to join me in supporting this measure.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 5228 and note that while this is not a bad bill, it does track current law. Therefore, it does not really address the major problems that currently plague the lobbying industry.

This bill would amend the Foreign Agents Registration Act of 1938, FARA, to require the representatives of foreign governments that have been designated by the Secretary of State as state sponsors of terrorism to disclose to the Attorney General any lobbying contact they have made with a legislative branch official, a vital need for those governments really sponsoring terrorism, many of whom are on the list held by the Attorney General.

Moreover, this bill will require such agents of foreign principals to disclose their contacts in a timely manner or risk their diplomatic or consular accreditation by the Secretary of State.

Let me make it very clear, there are some members of the list, some nation states on the list that if a bill was to come forward on this floor, I would vote to remove them from the list. But I think overall the underlying purpose of this is to ensure that those who are perpetrating terrorists and are activating or providing or facilitating terrorist acts around the world, that any who represent them in the United States should have to report.

Under the current law, agents of foreign principals that are required to register under FARA already must disclose all lobbying contacts with legislative and executive branch officials. Thus, the premise and point of this legislation seems somewhat unclear and may only track current law.

The best component of this bill is that it would require for the first time that the Justice Department post these lobbying contact reports on the Internet. This is excellent. Currently FARA only requires paper reports that are only available at the DOJ offices. And even though DOJ has put much of this information into their own computerized system, they have refused to share the information with the public. This bill would bring much-needed sunlight to a dark industry.

I have been a constant critic of the lack of oversight of this body. This legislative initiative provides another tool for Congress to raise its head of oversight. Things don't work in this country as long as we have a lack of the three branches of government functioning independently and individually as they should. This gives Congress and the public another tool of oversight.

The lobbying industry is growing at a startling rate, and current laws have proven inadequate to keep up with this evolving industry. The recent list of stories detailing the cozy relationships between lobbyists and certain Members of Congress are only the tip of the iceberg. They are symptoms of deeper problems with lobbying regulations and oversight.

While this bill does not do much to take down the house that Jack built, it is a good step in the right direction. It calls upon Congress to raise its head on oversight.

I rise today in support of H.R. 5228, but note that while this is not a bad bill, it does track current law and therefore does not really address the major problems that currently plague the lobbying industry.

This bill would amend the Foreign Agents Registration Act of 1938, FARA, to require representatives of foreign governments that have been designated by the Secretary of State as State Sponsors of Terrorism to disclose to the Attorney General any lobbying contacts that they have made with a legislative branch official. Moreover, this bill will require such agents of foreign principals to disclose their contacts in a timely manner or risk their diplomatic or consular accreditation by the Secretary of State.

Under the current law, agents of foreign principals that are required to register under FARA already must disclose all lobbying contacts with legislative and executive branch officials. Thus, the point and premise of this legislation are unclear and seemingly unnecessary.

The best component of this bill is that it would require, for the first time, that the Justice Department post these lobbying contact reports on the Internet. This is excellent. Currently, FARA only requires paper reports that are only available at the DOJ offices, and even though the DOJ has put much of this information into their own computerized system, they have refused to share their information to the public. This requirement would bring much needed sunlight to a dark industry.

The lobbying industry is growing at a startling rate and current laws have proven inadequate to keep up with this evolving industry. The recent spate of stories detailing the cozy relationships between lobbyists and certain Members of Congress are only the tip of the iceberg—they are merely symptoms of deeper problems with lobbying regulation and oversight. While this bill does not do much to take down "the House that Jack built," it is a good step in the right direction.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), the author of the bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank the gentleman for his leadership in bringing this to the floor today. I appreciate my friend Ms. JACKSON-LEE for her support of the legislation.

I think, as Chairman SENSENBRENNER pointed out, we are living in a different time now. It is a different era. We are in a different kind of struggle.

There are different regimes, and I happen to believe that the genocide in Darfur is an affront to the entire civilized world. It is estimated over 300,000 people have been murdered there. I think we need to bring the power of sunshine to the strategies and the actions of regimes such as that. The American people need to know, I think they deserve to know, when a regime like that is paying for representation here in Washington and what contacts are being made here in Washington by representatives of a regime like that to attempt to influence officials here.

So I think it is important legislation, especially as we move forward on this area of transparency in the legislative process, improving transparency in the legislative process. I think this is an appropriate thing to do.

As Chairman SENSENBRENNER brought out, there are really two legs to this stool. You have the so-called diplomats of these regimes, and in order to be accredited here, to receive their accreditation, they would have to agree to fulfill this requirement. So obviously if they don't fulfill it, that could be a reason for seeing those so-called diplomats off, ending their accreditation.

But equally as important is that regimes such as that pay people in the

United States, and we want to know who those lobbyists are and what contacts they have with the legislative branch. So we are adding to existing legislation this requirement, as Chairman SENSENBRENNER stated, to the Foreign Agents Registration Act, and despite an erroneous report in one of the publications that cover the Hill today, there are significant penalties, Mr. Speaker.

As Chairman SENSENBRENNER pointed out, if you are a lobbyist and don't fulfill these requirements, you can be subjected to a fine of up to $10,000 or imprisonment or both. So it is a serious bill.

I thank Ms. JACKSON-LEE for her support and urge all colleagues to support this legislation, especially at this time when we are in a different era, a very dangerous and challenging one.

Again, I thank Chairman SENSENBRENNER for his help and his support.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 7 minutes to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, out of deference to our ranking member, I didn't claim time in opposition, but I am opposed to this bill, and I want to state why.

H.R. 5228 does change the law significantly with respect to United States policy towards countries designated as state sponsors of terrorism; but moreover, with respect to executive branch scrutiny over the schedules chosen by Members of Congress. More about that in a moment.

Under current law, the Foreign Agents Registration Act, FARA, requires that agents from foreign countries have to report on their activities to the Attorney General, but there is an exemption for all diplomatic officials recognized by the State Department.

This bill would change that. It would remove the exemption for diplomats from governments designated as state sponsors of terrorism: Cuba, Iran, Syria, Sudan and North Korea. These countries already have limited diplomatic channels in the United States. While Syria and Sudan have embassies, Iran and North Korea do not have embassies in the United States, and Iranian and North Korean diplomats don't have meetings in the halls of Congress.

Thanks to President Carter, we do have a Cuban Interest Section in the United States and a U.S. Interest Section in Havana. Meetings between Members of Congress and Cuban, Sudanese and Syrian diplomats are important, as they are with all diplomats. They offer channels for expressing ideas, improving relations, and expressing concerns.

Currently, Cuban, Sudanese and Syrian diplomats don't report on their meetings with Members of Congress and staff, just as all other diplomats do not. But this bill would require these diplomats to now report all of their meetings with Congress to the Justice Department.

Moreover, it would most directly impact the Cuban Interest Section, which has frequent meetings with Members of Congress. Furthermore, there are more Cuba-related bills and amendments per year than there are for Sudan and Syria. This bill is, therefore, a step backwards for diplomatic relations between the U.S. and Cuba, whose relations are already strained.

Moreover, this bill increases executive branch scrutiny over the scheduling books of Members of Congress, but only for Members and staff who meet with the Cuban Interest Section, the Embassy of Sudan and the Embassy of Syria.

□ 1245

I want to state this again. This bill increases executive branch scrutiny over the scheduling books of Members of Congress.

Now, in the last month, there has been a significant debate in this country and in this Congress over questions of separation of power, over the very speech and debate clause of the United States Constitution which gives me the ability to stand on this floor and basically state anything that I think is in the interest of my constituents or the American people. And I can say it with impunity. This is a privilege that is given Members of Congress, that sets our role apart from the rest of the people in this country. No one outside this Chamber can make statements that would be free from being subject to attack by libel laws. Here we can say anything we want. We have a special role. This bill takes away the ability that Congress has to be able to meet independently without having to report to the executive branch or being reported on to the executive branch with respect to discussions with representatives of other countries.

I want Members of Congress to hear me loud and clear. The doctrine of separation of powers is at stake here. Our constitutional ability under speech and debate, which has been under attack by the Executive, is at risk when the Attorney General now will be collecting information from other countries based on contacts made with them by Members of Congress.

I want Members of Congress to think about this. We are a coequal branch of government, and we are a separate branch of government. Members of Congress, this is a power grab by the Executive over the legislative branch, and specifically targets Members of Congress who believe in engagement over isolation and believe that diplomacy is an important tool to achieve peaceful resolution to conflicts.

Ironically, this power grab by the Executive has been initiated by the legislative branch. Why are we so ready to give up our constitutional prerogative?

Why are we asking for countries whose representatives we meet with to report on us to the Attorney General?

What could possibly be the motivation for that, to set the stage for Members of Congress for being accused of being disloyal to the United States? How absurd can that be? Yet this is exactly what this legislation sets the stage for.

Over the last month, we have had a debate over whether the administration has the right to go into any congressional office and grab the papers of a Member of Congress. That debate focuses on the speech and debate clause of the Constitution. This debate also should, and the fact that this has been put on the suspension calendar doesn't give it the right to waive critical inspection and demand that it meet the constitutional test. This does not meet the constitutional test. This is unconstitutional. It is an abrogation of our obligations as Members of Congress to assert a check and balance to the administration exercise of power.

We ought to remember where we came from. Our power comes from the people. Congress was created specifically to be spokespersons for the people of the United States. We should not and cannot give that away.

Vote against H.R. 5228. Reassert congressional authority to be a coequal branch of government to assert checks and balances over the administration. I do not, and I insist on not having to have my schedule open to the Attorney General or to anyone else when I am pursuing the interests of this country.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I think it is important for Members to realize and focus on precisely what we are talking about here.

First of all, there is no requirement on Members of the House, Members of Congress, to report. The requirement is on the lobbyist firm who has been hired by one of a handful, five of, I would like to repeat it, state sponsors of terrorism.

What this bill says is if you are hired by one of those state sponsors of terrorism, you should report, especially in this era, your contacts. So it is an important piece of legislation, Mr. Speaker. It is one that will contribute to the national security.

I think the American people have a right to know the contacts by those paid lobbyists from state sponsors of terrorism. And so, with that in mind, and cognizant of the era that we are living in, I have brought forth this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 2 minutes again to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I will repeat the title of this bill: ''To require representatives of government designated as state sponsors of terrorism to disclose to the Attorney General lobbying contacts with legislative branch officials.''

This bill would require diplomats, Cuban, Sudanese, Syrian and perhaps

others, to now report their meetings with Congress to the Justice Department. Now, this is a two-way street. Once they do that, then the Attorney General has the ability to go back to Members of Congress and begin to inquire what was that meeting about. They don't have any business doing that. We are a coequal branch of government. We are a separate branch of government.

Since the Justice Department now feels that they can go into our offices and grab our papers, what is the difference between doing that and having another government say they met with Members of Congress and then the Justice Department coming back and saying what was that meeting about.

We don't have to answer to the Justice Department. I wasn't elected by the Attorney General. I was elected by the people of Ohio's 10th Congressional District.

This bill opens the door for the destruction of our constitutional right to speech and debate of the separation of powers. Not everything that we do here in this Congress poses an undermining of our role as Members of Congress. And I assert that this does. So I appreciate the gentlewoman's indulgence, and I appreciate the attention of Members of Congress who are also concerned with this issue of speech and debate and of our separation of powers.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Let me thank the distinguished gentleman from Ohio for his insight. And I am hoping that as we move this bill along, this instruction that he has given us will be taken into account.

Might I close by simply saying that one of the strong elements of this bill, which I think maybe Members of Congress might not have been aware of, and I hope is made very plain, as these various individuals meet with members in the White House, meet with Vice President CHENEY on issues that we have concern with, they will have to report and it will be publicized, those interactions.

There is a component of this that will be worthy of the oversight that this particular bill gives at this instance. But I think it is important that when we do engage in oversight that our legislative initiatives pass constitutional muster.

With that, I would ask for the words of our various speakers, including Mr. KUCINICH, to be taken into consideration as we move this bill along. And as indicated, I ask my colleagues to support this legislation.

Mr. Speaker, I yield back my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 5228.

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. KUCINICH. 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.

NURSING RELIEF FOR DISADVANTAGED AREAS REAUTHORIZATION ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1285) to amend the Nursing Relief for Disadvantaged Areas Act of 1999 to remove the limitation for nonimmigrant classification for nurses in health professional shortage areas, as amended.

The Clerk read as follows:

H.R. 1285

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 ''Nursing Relief for Disadvantaged Areas Reauthorization Act of 2005''.

SEC. 2. 3-YEAR EXTENSION FOR CHANGES TO REQUIREMENTS FOR ADMISSION OF NONIMMIGRANT NURSES IN HEALTH PROFESSIONAL SHORTAGE AREAS.

Section 2 of the Nursing Relief for Disadvantaged Areas Act of 1999 (8 U.S.C. 1182 note) is amended—

(1) in the section heading, by striking ''**4-YEAR**'' and inserting ''**SPECIFIED**''; and

(2) by amending subsection (e) to read as follows:

''(e) LIMITING APPLICATION OF NONIMMIGRANT CHANGES TO SPECIFIED PERIOD.—The amendments made by this section shall apply to classification petitions filed for nonimmigrant status only during the period—

''(1) beginning on the date that interim or final regulations are first promulgated under subsection (d); and

''(2) ending on the date that is 3 years after the date of the enactment of the Nursing Relief for Disadvantaged Areas Reauthorization Act of 2005.''.

SEC. 3. EXEMPTION FROM ADMINISTRATIVE PROCEDURE ACT.

The requirements of chapter 5 of title 5, United States Code (commonly referred to as the 'Administrative Procedure Act') or any other law relating to rulemaking, information collection or publication in the Federal Register, shall not apply to any action to implement the amendments made by section 2 to the extent the Secretary Homeland of Security, the Secretary of Labor, or the Secretary of Health and Human Services determines that compliance with any such requirement would impede the expeditious implementation of such amendments.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. 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 materials on H.R. 1285 currently under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 1285, to extend for 3 years the Nursing Relief For Disadvantaged Areas Act of 1999 which provides nonimmigrant visas for nurses in health professionals shortage areas.

A number of hospitals are experiencing great difficulty in attracting American nurses, particularly hospitals serving mostly poor patients in inner-city neighborhoods and those serving rural areas. For example, St. Bernard Hospital in Chicago is the only remaining hospital in an area of over 100,000 people and has a patient base composed entirely of individuals in poverty. St. Bernard almost closed its doors in 1992, primarily because of its inability to attract registered nurses.

In 1999, Congress passed the Nursing Relief for Disadvantaged Areas Act to help precisely these kinds of hospitals. This legislation created a new H–1C temporary registered nurse visa program with 500 visas available a year. To be eligible to petition for an alien nurse, the employer must, one, be located in a health professional shortage area as designated by the Department of Health and Human Services; two, have at least 190 acute care beds; three, have a certain percentage of Medicare patients; and, four, have a certain percentage of Medicaid patients.

The H–1C program adopted protections for American nurses contained in the expired H–1A nursing visa program. For instance, for a hospital to be eligible for H–1C nurses, it has to agree to take timely and significant steps to recruit American nurses, then H–1C nurses have to be paid the prevailing wage. The program also contained new protections such as the requirement that H–1C nurses cannot comprise more than 33 percent of the hospital's workforce of registered nurses, and that a hospital cannot contract out H–1C nurses to work at other facilities. This bill would reauthorize the H–1C program for an additional 3 years.

Our goal in creating the H–1C program was set out in the Immigration Nursing Relief Advisory Committee which recognized the necessity to ''balance both the continuing need for foreign nurses in certain specialties and localities for which there are not adequate domestic registered nurses, and then the need to continue to lessen employers dependence on foreign registered nurses and protect the wages and working condition of U.S. registered nurses.''

The H–1C program reflects this balance. I urge my colleagues to support this reauthorizing legislation.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask to address the House for such time as I might consume.

Mr. Speaker, I rise to support the Nursing Relief for Disadvantaged Areas Reauthorization Act of 2005, H.R. 1285. And I offer my appreciation for the distinguished gentleman from Illinois (Mr. RUSH), who is en route. And I would ask, as I know that the Chairman will ask, but I ask specifically that Mr. RUSH's statement subsequently can be entered into the RECORD.

□ 1300

I do appreciate the fact that we have worked with Mr. RUSH for a number of years, and I am reminded of the passage of this legislation in 1999; so it is a long time that we have been focusing on this great need.

The original Nursing Relief for Disadvantaged Areas Act was a temporary visa program that expired at the end of September 20, 2004. H.R. 1285 would reauthorize and extend it for years.

Let me cite for my colleagues some important information. According to a report released by the American Hospital Association, April 2006, U.S. hospitals need approximately 118,000 registered nurses to fill vacant positions nationwide. This translates into a national RN vacancy rate of 8.5 percent. The report titled ''The State of America's Hospitals: Taking the Pulse'' also found that 49 percent of hospital CEOs had more difficulty recruiting RNs in 2005 than in 2004. Since the origins of this bill, Mr. Speaker, we are going downward, if you will.

According to the latest projections from the U.S. Bureau of Labor Statistics published in the November of 2005 Monthly Labor Review, more than 1.2 million new and replacement nurses will be needed by 2014. Government analysts project that more than 703,000 new RN positions will be created through 2014, which will account for two-fifths of all new jobs in the health care center.

This is a wake-up call for America. This legislation is attempting to respond to this crisis, but this is, frankly, a wake-up call for America. Where are the nursing schools? Where are the recruits? Where are the students, and how can we assist?

I rose in support of the original Nursing Relief for Disadvantaged Areas Act 5 years ago, and I support this. I had hoped, however, at that time that the nursing shortage would be temporary. Unfortunately, the shortage of nurses in the United States has gotten worse since then. As indicated, 5 years ago the U.S. Department of Health and Human Services reported on the results of a survey which indicated that there were roughly at that time 1.89 million nurses in the United States, but that we needed 2 million. Unfortunately, as I have said, we are spiraling downward.

I hope this debate on the floor of the House will ignite nursing schools, States, and this Congress across America. As this legislation has been so diligently offered by our colleague from Illinois, who sees the nursing shortage and who has asked us to extend the time for this particular provision to bring in nurses, let us have a wake-up call to begin to train nurses out of America's high schools around the country.

According to projections from the U.S. Bureau of Labor Statistics that were published in November 2005, I indicated that we need 1.2 million new and replacement nurses, as stated earlier, in 2014. We need a growing enrollment in America's nursing schools. Part of the problem is that a shortage of nursing school facilities is restricting nursing program enrollments. According to the American Association of Colleges of Nursing's report on 2005–2006 Enrollment and Graduations in Baccalaureate and Graduate Programs in Nursing, U.S. nursing schools turned away 41,683 qualified applicants in 2005 due to insufficient faculty, clinical sites, classroom space, and budget constraints.

Let me read to you just a paragraph from the American Nursing Association. My mother having been a nurse, I know many Members of Congress having come from the nursing profession and maybe our colleagues as well knowing nurses or working with nurses: ''Overall, the ANA,'' and this is back in 1999, ''believes that we need to address the root causes for the instability of the nursing workforce that has led to swings in the supply and demand of registered nurses. It is clear that overreliance on foreign-educated nurses by the hospital industry serves only to postpone real efforts to address the nursing workforce needs of the United States.''

This is not a criticism of this legislation. This is support for this legislation. But what it says is, as we welcome the nurses who will help our disadvantaged areas, let us track their great service, as we do with the J–1 visa that helps us in rural and urban areas with doctors who will serve in underserved areas who are coming into our country. Let us work to address this critical shortage. The Nursing Relief for Disadvantaged Areas Act would provide more nurses in the disadvantaged areas, which is where the shortage is most critical. I support that enthusiastically.

I urge Members to vote for H.R. 1285 because it is needed. It is needed now. I urge Members to vote to reauthorize and extend the Nursing Relief for Disadvantaged Areas Act for another 3 years so that disadvantaged communities in our Nation do not suffer from lack of health care.

I rise in support of the Nursing Relief for Disadvantaged Areas Reauthorization Act of 2005, H.R. 1285. The original Nursing Relief for Disadvantaged Areas Act was a temporary visa program that expired at the end of September 20, 2004. H.R. 1285 would reauthorize and extend it for 3 years.

When I rose in support of the original Nursing Relief for Disadvantaged Areas Act 5 years ago, I hoped that the nursing shortage would be temporary. Unfortunately, the shortage of nurses in the United States has gotten worse since then. Five years ago, the U.S. Department of Health and Human Services reported on the results of a survey which indicated that there were roughly 1.89 million nurses in the United States, but that we needed 2 million.

According to projections from the U.S. Bureau of Labor Statistics that were published in the November 2005 Monthly Labor Review, more than 1.2 million new and replacement nurses will be needed by 2014. Enrollment in American nursing schools is not growing quickly enough to meet this demand.

Part of the problem is that a shortage of nursing school facilities is restricting nursing program enrollments. According to the American Association of Colleges of Nursing's report on 2005–2006 Enrollment and Graduations in Baccalaureate and Graduate Programs in Nursing, U.S. Nursing schools turned away 41,683 qualified applicants in 2005 due to insufficient faculty, clinical sites, classroom space, and budget constraints.

The Nursing Relief for Disadvantaged Areas Act would provide more nurses in disadvantaged areas, which is where the shortage is most critical. I urge you to vote for H.R. 1285 to reauthorize and extend the Nursing Relief for Disadvantaged Areas Act for another 3 years.

Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Maryland (Mr. CUMMINGS), who is on our Government Reform Committee and has worked very hard on these issues dealing with disadvantaged neighborhoods.

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

I stand in support of this legislation, but I do want to emphasize something that is very important, and I think Ms. JACKSON-LEE alluded to it just a moment ago.

In my district in Baltimore, we have one Johns Hopkins, we have the University of Maryland, we have a small black college called Coppin State. Coppin State University has a nursing school, and most of its applicants come from the inner city of Baltimore, in our region. These are kids that have worked very hard to get through school and have done very well. But for every one applicant that we admit into Coppin, five are not able to come. These are people who are qualified. It is incredible to me that young people who work hard, play by the rules, give it everything they have got, and then they get to the point of being able to go to college, they cannot go to Coppin's nursing school because of two main things: one, faculty, a lack of faculty; and, second, a lack of space. And it is so incredibly sad when I think about their standing on the sidelines of life and not being able to pursue goals that are their life dreams.

In some kind of way we have got to turn this around. I mean, it is wonderful to do what we have to do to go across the shores, but what about the

young people in our country? What about them? What about the ones who simply want to grow up to help other people? What about the ones who have to defer their dreams? What about the ones who have to arrest their dreams and not be able to pursue them?

We spend just a phenomenal amount of time talking about No Child Left Behind, talking about educating our children, using our State and local and Federal funds to educate them, and then when they get to the point where they are qualified to go to nursing school, there are not enough resources for them.

The other thing I might add is that Coppin State has like a 99 percent passage on the State exam, 99 percent. So what that means is definitely we have five not going to nursing school, one going, and, again, those folks being left on the sidelines.

So I hope that the committee will continue to work on this because I want these young people to fulfill their dreams.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

I thank the distinguished gentleman Mr. CUMMINGS.

Let me conclude by thanking Congressman BOBBY RUSH, who has been a strong advocate for providing and helping with nursing in underserved areas.

And let me also conclude by indicating again my support by saying, Mr. Speaker, we have to balance what we do as we provide these valuable nurses through the extension of this bill in our areas, but we must also reach out and find a way to ensure that every young person, every individual, seeking an opportunity in our medical schools for physicians and as well nursing has that opportunity to serve America.

With that, again, I ask for support of H.R. 1285.

Mr. RUSH. Mr. Speaker, I rise today in support of H.R. 1285, a bill to amend the Nursing Relief for Disadvantaged Areas Act of 1999. In 1999, I sponsored the Nursing Relief for Disadvantaged Areas Act, formerly H.R. 441–P. L. No.: 106–95, to address an immediate nursing shortage in my district, the First Congressional District of Illinois. This legislation sunset last year in June of 2005.

Today, there are many areas in this country which are experiencing a scarcity of health professionals, some areas more than others. In 1999 when I sponsored this legislation there were only pocket areas that experienced a shortage of nurses, now there exists, a national shortage. This shortage unfortunately, exists in my district, the First Congressional District of Illinois.

The Englewood community, a poor, urban neighborhood with a high incidence of crime, is primarily served by St. Bernard's Hospital. This small community hospital's emergency room averages approximately 31,000 visits per year; 50% of their patients are Medicaid recipients and 35% receive Medicare.

Prior to the creation of a non-immigrant visa (H1–C) St. Bernard could not attract nurses into the Englewood area and was forced to hire temporary nurses to service its patients. This resulted in St. Bernard nursing expenditures to increase in the millions. The Immigration Nursing Relief Act of 1989 created the H–1A visa program in order to allow foreign educated nurses to work in the United States. The rationale for the H1–A program, as acknowledged by the AFL–CIO, the American Nurses Association and others, was to address spot shortage areas.

My legislation merely seeks to close the gap created by the expiration of the H1–A program. H.R. 1285 simply extends the sunset provision in the Nursing Relief for Disadvantaged Areas Act to three years. It does not substantively change any language in the law, it still prescribes that any hospital which seeks to hire foreign nurses under these provisions must meet the following criteria: (1) be located in a Health Professional Shortage Area; (2) have at least 190 acute care beds; (3) have a medicare population of 35 percemt; and (4) have a Medicaid population of at least 28 percent.

As one who has always fought for the American worker, I can assure you that this proposal does not have a detrimental effect on American nurses. My legislation continues the cap on the number of new visas that may be issued each year. It also includes processing requirements that require employers to attest that the hiring of foreign nurses will not adversely affect the wages and working conditions of registered nurses. The Secretary of Labor will oversee this process and provide penalties for non-compliance.

Health care is a basic human right. The hallmarks of civilized nations are health care, education, and democracy.

The state of health care is a grave concern in my district. Hospitals have closed. City health clinics are closing. Payments for Medicare and Medicaid have been cut back.

The legislation we must pass today is aimed at helping hospitals, like St. Bernard's, keep their doors open to the communities they serve. That said I would like to thank my colleagues Congressman SENSENBRENNER, Congressman HOSTETTLER, Congressman HYDE, Congressman CONYERS and Congresswoman SHEILA JACKSON-LEE for their support and for recognizing the national and local importance of this bill. Again, I urge my colleagues on both sides of the aisle to support this legislation.

Mr. CASE. Mr. Speaker, I rise in strong support of H.R. 1285, which would amend the Nursing Relief for Disadvantaged Areas Act of 1999 by repealing a provision limiting the nonimmigrant classification for nurses working in health professional shortage areas.

Nursing shortages continue to plague our country, especially our underserved areas like much of my district. A report released by the American Hospital Association (AHA) in April 2006 indicated that U.S. hospitals need approximately 118,000 Registered Nurses (RNs) just to fill current vacant positions. This is, nationwide, a vacancy rate of 8.5 percent. In November 2005, the U.S. Bureau of Labor Statistics, Monthly Labor Review, stated that more than 1.2 million new and replacement nurses will be needed by 2014. Even worse, the Health Resources and Services Administration (HRSA) reported that approximately 30 states had RN shortages in 2000.

In my state of Hawaii, the University of Hawaii (UH) reported in 2000 that we faced a nursing shortage of more than 1,000 registered nurses; this shortage is projected to increase to approximately 2,000 by 2010. Like most states, UH found Hawaii's nursing workforce tired and burnt out due to incredible stress, understaffing issues, and increased overtime without adequate support staff. What is clear from the data already collected coupled with existing information regarding retention is that a worsening shortage of nurses means a worsening shortage of quality care for patients.

These statistics and the trends and conclusions they reflect are nothing new, but what do we do about it? As one valuable initiative, in 1999 President Clinton signed into law P.L. 106–96, the Nursing Relief for Disadvantaged Areas Act. This law provided for foreign nurses to obtain temporary work visas to come to the U.S. and work in places experiencing a shortage of health professionals. By allowing experienced health professionals, particularly nurses, from countries such as the Philippines into medically shortage underserved communities, the law has contributed greatly to keeping hospitals open and, more importantly, providing quality care to patients who otherwise would have no other place to seek treatment.

Mr. Speaker, I fully support the goal of H.R. 1285 to extend this important legislation, the Nursing Relief for Disadvantaged Areas Act of 1999, for an additional three years. I look forward to working with my colleagues on this and other initiatives to ensure that Americans continue to receive the health care they deserve.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. DUNCAN). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1285, as amended.

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

The title of the bill was amended so as to read: ''A bill to extend for 3 years changes to requirements for admission of nonimmigrant nurses in health professional shortage areas made by the Nursing Relief for Disadvantaged Areas Act of 1999.''.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5631, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

Mr. COLE of Oklahoma. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 877 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 877

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. 5631) making appropriations for the Department of Defense 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. All points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. COLE) is recognized for 1 hour.

GENERAL LEAVE

Mr. COLE of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and insert tabular and extraneous material into the RECORD.

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

There was no objection.

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

Mr. Speaker, on Monday the Rules Committee met and reported a rule for consideration of the House report for H.R. 5631, the Department of Defense appropriations bill for the fiscal year 2007. Mr. Speaker, when the Rules Committee met, it granted an open rule, providing 1 hour of 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. For the purposes of amendment, the bill shall be read by paragraph. Additionally, this rule waives all points of order against provisions in the bill which fail to comply with clause 2 of rule XXI, and it authorizes the Chair to accord priority and recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. It provides one motion to recommit with or without instructions.

Mr. Speaker, I rise today in support of the rule for H.R. 5631 and the underlying resolution. In past debates on defense appropriations, I have spoken of the four challenges I believe we must successfully address if we are to ensure the security of our country in the 21st Century. These challenges are, first, addressing the equipment and readiness needs created by the 1990s procurement holiday; second, transforming and adapting our forces to use the opportunities and meet the challenges posed by the new technologies of the information age; third, increasing the size and changing the force structure of our forces in order to have more available manpower for deployment and for combat operations; and, fourth, doing those things necessary to win the war on terror and succeed in Afghanistan and Iraq.

Mr. Speaker, the rule and the underlying legislation do much to meet these four challenges. The bill itself provides $427.4 billion to meet the needs of our military. That is $19.1 billion more than last year.

□ 1315

Speaking broadly, the bill provides $84.9 billion for military personnel, $120.5 billion for operations and maintenance, $81.5 billion for procurement, $75.3 billion for research and development and $50 billion towards the cost of operations in Iraq and Afghanistan.

The procurement sections of the underlying bill do much to bring on line new weapons and replace worn-out equipment. I am particularly pleased to note the $11 billion for naval shipbuilding and conversion, the $2.9 billion for 42 F/A–22 aircraft and the $500 million above the President's request for National Guard equipment needs. In addition, in light of developments in North Korea, the $9 billion for ballistic missile defense is clearly a prudent expenditure. Additional funds are available to replace equipment lost in Iraq and Afghanistan.

On the personnel front, the end strength for the National Guard is funded at its full projected strength of 350,000. Moreover, all personnel receive a 2.2 percent across-the-board raise that the administration requested.

Mr. Speaker, we have a long way to go before we make up for the neglect of our military in the 1990s when we reduced our end strength levels and failed to replace and update weapons systems and bring on new weapons. The changing nature of technology poses real threats and opportunities. Moreover, our forces are involved in a tough fight against a vicious enemy in Afghanistan and Iraq. They require our continued support.

No one bill in and of itself can address all these challenges. However, the Appropriations Committee has brought us a bill that makes significant progress in all these areas.

Moreover, Mr. Speaker, this is a bipartisan bill, carefully crafted by the chairman, Mr. YOUNG of Florida, and the ranking member, Mr. SABO of Minnesota. Their professionalism and cooperation in devising ways to meet the needs of our men and women in uniform is something to which we should all aspire. I particularly want to recognize Mr. SABO, who is leaving Congress after the completion of his current term, for his distinguished career of service to his district, his State and our country.

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

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

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

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Oklahoma for yielding me time.

Mr. Speaker, passage of H. Res. 877 will allow the House to consider the fiscal year 2007 defense appropriations bill under an open rule. I would like to thank subcommittee Chair YOUNG and my good friend Ranking Member MURTHA for their hard work to craft a responsible bill for consideration by this House. It provides robust support to our troops stationed in Iraq and elsewhere around the globe. In particular, I would highlight the increased funding to test new jammers for IEDs and additional funds for troop body armor and Humvees.

Importantly, the bill also focuses significant resources toward rebuilding our military. This includes addressing the strain placed on our National Guard. Wisely, the committee provided funding to maintain the Guard's current force size. In addition, they provided critical resources to ensure these men and women have equipment necessary to accomplish their mission.

I appreciate the committee's intense focus to mitigate the effect Iraq has had on eroding our military readiness.

I would like to highlight a few provisions which I feel are particularly forward-thinking. Many Members, including myself, felt that the House missed an opportunity last week to engage in substantive debate with regard to our policies toward Iraq. For that reason, I am very pleased that this bill contains a real policy proposal. It clearly states that it is not the intent of the United States to build permanent bases in Iraq.

Mr. Speaker, intentions matter. For too long this House has passed on opportunities to clarify our intentions in Iraq. Not only is such a statement in the best interest of our troops, but it is critical if we are to defeat the insurgency in Iraq. I would like to commend Mr. MURTHA for his leadership in bringing this issue to the House for consideration.

This bill also begins to bring funding for the Iraq war into the regular budget process. Since the start of the war, the majority leadership has been engaged in a shell game. We pass budget resolutions that pretend we are not at war, and in doing so, we ignore the idea of shared sacrifice.

Only a select few are paying for the costs of this war, the men and women

in uniform and their families, and those who rely on critical domestic programs which have been cut to finance the war.

Let us admit we have lost the principle of shared sacrifice. This bill will be a first step toward again embracing that idea. Commend the subcommittee for returning to this path.

In closing, Mr. Speaker, the bill made in order under this rule reaffirms our ironclad support for our men and women in uniform in two fundamental ways. This legislation upholds our part of a solemn pact to provide our Armed Forces with everything they require, and it fulfills our duty to act responsibly in our Nation's interests. I commend the committee for achieving both goals in one bill.

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

Mr. COLE of Oklahoma. Mr. Speaker, I am pleased to yield 3½ minutes to the gentlelady from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong support of the rule as well as the underlying legislation.

We are a Nation engaged in a global war on terror, and it is critical that during this time we focus our spending on what we need to defeat our terrorist enemies. This bill does that. We have learned an awful lot during this conflict as to the vulnerability of our forces, and this bill addresses those vulnerabilities.

This bill allocates $1.5 billion to test and field new jammers to counter improvised explosive devices, which have been such a deadly threat to our troops.

We also provide an additional $725 million for other force protection equipment, such as body armor for our troops in the field.

This bill also fully funds the President's request for a 2.2 percent pay increase for the members of our armed services, a pay increase that is well, well deserved.

This bill also restores $557 million to the Army Reserve and National Guard above the requested amount to reflect newly authorized troop levels. Our troops need to know that the Congress of the United States is working hard to recognize their needs and to address them forcefully.

This bill also allocates $50 billion for ongoing operations in Iraq and in Afghanistan in hopes of avoiding future supplemental appropriation bills. We are at war, and it only makes sense to appropriate funds under regular order to pay for the cost of the war.

Mr. Speaker, the news today is that North Korea is threatening to launch a new ballistic missile which has the capability to reach our shores. It validates the inclusion of $9 billion in this bill for our missile defense shield.

Back in the days of the Cold War, people used to call President Ronald Reagan ''crazy,'' or they called him a ''warmonger'' for even advocating missile defense. Well, today he doesn't look so crazy. Actually, today he looks visionary, and we need to do everything that we can to defend our citizens from terrorist states and rogue nations like North Korea who threaten world peace and stability.

The news today that our missile defense is on high alert in case of a launch is very good news, and the American people should know that we recognize threats to our security, and we will do all that we can to protect our Nation.

Also, Mr. Speaker, earmarks and various Member projects have come under question and scrutiny recently. This bill does the responsible thing by limiting those projects to $5 billion, $2.7 billion less than last year's bill. And for those projects that remain in the bill, every Member who advocates for a project or asked for an earmark should not be afraid to stand up on this floor to defend it.

Mr. Speaker, let me tell you about one of those projects that I asked for in this bill which is centered at Selfridge Air National Guard Base in my district. As our Nation seeks alternatives for everyday energy needs, we also need alternatives for the military.

This bill provides $2 million for the second phase of a project to turn waste into fuel and electricity. NextEnergy, a nonprofit alternative fuel research cooperative in the great State of Michigan, is working with the U.S. Army on this important project. This fuel would help run a generator that would produce high-quality electric energy that every military unit needs. This is a very important project to support our troops.

Mr. Speaker, this is a reasonable rule to manage an outstanding bill. It has the right priorities. And we need to make sure that our military remains the best trained, the best supported, the best equipped and the most lethal fighting force that the world has ever seen.

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

Ms. MATSUI. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. OWENS).

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

Mr. OWENS. Mr. Speaker, I want to thank the gentlelady for yielding. I am here to speak on the rule, because I know that there will be a great deal of pressure to fill up the agenda for speakers on the bill itself.

I am here to record what I call a fury footnote, F-U-R-Y. I am furious at the kind of Neanderthal, backward, primitive thinking reflected in the bill in one statement. There is one section of the bill which says, ''National Defense Education Act, $10 million.'' Ten million dollars, and they call it a National Defense Education Act; $10 million for scholarships for science and engineering students.

Here is a report that recently came out. I don't know whether it went to all of the offices of all of the Members of Congress. Maybe because I am on the Education and Workforce Committee, I got five copies. It is called ''Rising Above the Gathering Storm.''

The report is published by the National Academy of Sciences, the National Academy of Engineering and the Institute of Medicine.

The impetus for this book, the oversight for this book, the push for this book came from our own STEM Caucus, Senate and House Members together pushing to get a realistic evaluation of where we are in terms of education for engineering and science in order to keep our economic advantage in the world and remain leaders, and that means leaders also in the area of the military as well.

The National Defense Education Act was one of the first efforts of that kind put forth by the government in 1957 and 1958 as a result of the reaction to Sputnik. Some of you are not old enough to remember Sputnik. When the Russians put Sputnik up, it said they had a rocket capability which frightened us, because that rocket capability that you had to have to go into the upper atmosphere was enough, of course, for an intercontinental ballistic missile also. So we got busy, and the National Defense Education Act followed that.

The National Defense Education Act in 1958 dollars was given about half a billion dollars, $500 million. It did not limit itself to a few scholarships to science and engineering students. It provided money for laboratories in high schools, money for libraries, purchase of science books. It went right across the board, in 1958, when we were really not into large amounts of expenditures for domestic programs.

What flowed from the National Defense Education Act was later on the Elementary and Secondary Education Act and the Higher Education Assistance Act which took its place, but still there is a deficit.

The deficit was indicated when I first came to Congress by a report called ''A Nation at Risk.'' A Nation at Risk was commissioned by President Ronald Reagan. ''A Nation at Risk'' made the same recommendations being made now all these years later in this ''Rising Above the Gathering Storm.''

The fact that there are people in the Defense Department who see $10 million as being significant, that there are people on the Appropriations Committee, the fact that we have that kind of backward, Neanderthal, primitive thinking about education and its role in our military defense is appalling.

I suppose I should not be furious and angry, I should be weeping that such a great Nation with such great minds would place education on such a low level.

We need to go across the board, and we need to appropriate billions for a new National Defense Education Act or

a National Homeland Security Mobilization Act, which reaches beyond just the military and understands that in addition to scientists, we need some people who know how to interpret the Arabic language. We need some people who know how to interpret other Middle Eastern languages, we need people who understand cultures that we are at war with.

Mr. Speaker, I think we ought to pause and take a hard look at our conception of what it means to defend our country in terms of education.

Mr. COLE of Oklahoma. Mr. Speaker, at this time I am pleased to yield 5 minutes to the distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN).

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

□ 1330

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in support of the rule and the underlying bill, and from the outset I want to commend Chairman YOUNG of Florida and the ranking member, Mr. MURTHA of Pennsylvania, for their leadership on this bipartisan bill and for all they do each and every day for our military and their families.

As my colleagues have noted, H.R. 5631 includes over $427 billion in discretionary funding, including an additional $50 billion provided in what is called the very critical Bridge Fund to support ongoing operations in Iraq and Afghanistan. Over 90 percent of this funding will go to the Army and Marine units that are taking the fight directly to our enemies in Afghanistan and Iraq.

Mr. Speaker, our committee's allocation is $4 billion below the President's request. This presented the committee with some significant challenges. We looked carefully at programs in the President's budget, and we made selected reductions. We also recommended less funding for programs encountering technological problems and developmental delays. With many competing challenges facing our military as we prosecute the global war on terror, this was not an easy task; but we believe we made appropriate choices to allow us to deter our enemies and yet enhance the high-intensity combat capability of our forces.

Mr. Speaker, as we consider this important legislation, we must remain mindful that our troops in Afghanistan and Iraq, mind you all volunteers, regular military, Guard, and Reserve, are literally on the battlefield as we speak, brave men and women fighting a new kind of war where everybody literally is on the front line. As we all know, the Army and Marines are carrying the brunt of the battle in Iraq and Afghanistan, with an unprecedented level of partnership by their Guard and Reserve components, and young men and women from the Air Force and Navy stand with them. Their service and dedication on the battlefields of these countries are making our Nation safer from terrorists who seek to do us and other freedom-loving nations harm.

Make no mistake, our success in Iraq is hugely important. Our enemies in Iraq are thinking enemies; they are adaptable and would like nothing better than to see us withdraw prematurely, set arbitrary dates for withdrawal, and then come back after our departure to reinstall another despot or regime even more oppressive, more fanatical, and more horrendous and more dangerous than the last.

The bottom line is that we should never forget that the soldiers we support through this appropriations bill have freed nearly 50 million people in Iraq and Afghanistan from killer regimes where protest and dissent were answered by killing fields and genocide, where women were denied basic freedoms, education, health care, and the vote.

Of course, the loss of any young soldier is heartbreaking; so are the deaths of innocent civilians killed by roadside and vehicle-borne bombs, or suicide bombers. We are dealing with Saddam loyalists, jihadists, imported terrorists, and domestic criminals who play by no rules and do not hesitate to bomb Iraqi weddings, mosques, funerals, and gatherings of children, school children as a common tactic.

Since we are engaged in the global war on terrorism with Afghanistan and Iraq being countries of conflict and violence, our soldiers and marines and others in the military need every possible advantage. This legislation provides our fighting men and women with the resources they need to be more deployable, more agile, more flexible, more interoperable, and more lethal in the execution of their missions. It provides for better training, better equipment, better weapons.

Of course, our bill supports the troops by providing a pay increase, enhanced life insurance coverage, and housing allowances. Mr. Speaker, I also welcome increased funding for research and development in this bill. Our bill exceeds the President's budget by $2.2 billion so we can speed important new technology from the drawing board to the laboratory, to the test bed, and into the arsenal of our warfighters.

My colleagues, the global war on terror will not be short. It will require deep and enduring commitment. And looking down the road, we face many potential threats and we cannot know what lies ahead, but this appropriations bill will give us the resources to do the job and to support our young men and women who do that job of liberty each and every day.

Ms. MATSUI. Mr. Speaker, I yield 3½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, let me thank the gentlewoman from California for her leadership, for yielding, and for her work on the Rules Committee. Her fairness in seeking appropriate rules does not go unnoticed, and I want to thank her for fighting for fairness in this whole process.

As the daughter of a veteran of two wars, first let me just express my profound respect and admiration for our brave young men and women serving our Nation around the world and on the ground in Iraq.

I also rise to convey my appreciation for the hard work and the dedication of the distinguished ranking member of the defense subcommittee, Mr. MURTHA, and the ranking member of the full committee, Mr. OBEY. They have both been champions for a significant provision in this bill, one that would ensure that we are not establishing permanent military bases in Iraq.

Mr. Speaker, the American people do not want an open-ended war and occupation in Iraq. Congress must be on record supporting this, and the administration must level with the American people regarding their long-term desires and designs with regard to Iraq.

My colleague, Mr. ALLEN, and I offered an identical provision to the war supplemental bill this past March; but in a gross abuse of power, the Republican majority stripped it in conference. We must ensure that the no permanent bases in this bill remains and not be gutted.

While I support this provision, I also believe this bill could be improved in many ways. First, this bill does not address the waste, fraud, and abuse in Pentagon spending. GAO has identified cost savings which, if implemented, could save billions of tax dollars. This budget should not be off limits to spending cuts, especially where funds are misspent. Also, this bill continues to fund the unnecessary war in Iraq without demanding accountability from this administration.

In a larger sense, Mr. Speaker, I believe that our Nation is best defended by funding priorities that truly make our Nation and the world safer. I am disappointed that this $427 billion bill continues to fund Cold War-era weaponry for a threat that doesn't exist. We must focus our security spending on threats that we face today. By getting rid of outmoded weapons systems programs, we can not only make the much needed investment in ensuring health care for all of our children, improving our public schools, ending our dependence on foreign oil, but also improve our Homeland Security, where of course we must focus because the real threat involves possible attacks, and we need to protect our homeland.

That is why I have joined with my colleague Congresswoman LYNN WOOLSEY in introducing H.R. 4898, the Common Sense Budget Act. This bill shows how we can reduce our defense budget by $60 billion without diminishing our ability to protect our Nation by putting resources into areas where real threats exist, by protecting our ports, protecting our transit systems, real homeland security. So we must get our funding priorities right. The challenge is clear. We must, quite frankly, put

some common sense into our defense spending.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume just briefly to offer a different perspective, if I may.

I would argue that we don't spend too much on defense, we spend far too little. Frankly, by historical measures, we spend less now than at any time since 1940. In 1960, at the height of the Cold War, we were spending roughly 50 percent of the entire Federal budget, roughly 9 percent of our gross national product on defense. By 1980, that was down to 33 percent of the Federal budget and 6 percent of the gross national product. Today, it is about 17 or 18 percent of the total budget, only about 4 percent, actually slightly less than that, of the gross national product.

I would argue we steadily decreased our expenditure even in a time of danger, and frankly that is a tribute to the professionalism and the skill of our military and the focus on trying to deliver the best service as reasonably priced as possible.

Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I rise in strong support of the rule for fiscal year 2007 Department of Defense Appropriations Act and the underlying legislation. I would like to commend Chairmen LEWIS and YOUNG, as well as the ranking member and the staff of the Defense Committee and subcommittee for their tireless effort in support of our soldiers, our sailors, airmen, and marines who are bravely defending us at home and abroad.

Mr. Speaker, this bill most importantly meets the immediate needs of our warfighters who are fighting and winning the global war on terror. It is a good bill that provides funding for many important programs which are our military's top priorities.

Not the least of these, Mr. Speaker, is F–22 Raptor. I am particularly delighted for the work the Appropriations Committee has done to fund the F–22 program this year. The full funding of 20 planes will go a long way toward providing stability for the program and ensuring that America maintains air dominance for the foreseeable future.

In light of emerging military threats globally, the F–22 will continue to increase in significance, as it is the world's most capable fighter. I therefore wholeheartedly agree with the Department of Defense that the F–22 should be fully funded on a multi-year contract basis, and that the procurement life of the program should be extended beyond fiscal year 2009.

Further, Mr. Speaker, during this time of conflict as we fight the global war on terror, the United States must, without question, continue to modernize and strengthen our ability to support our men and women in harm's way. Maintaining our Nation's airlift capabilities is critical to this mission, and I would like to applaud the committee for their recognition of this in funding 9 C–130Js and the C–5 modernization.

Today, the C–130J is the most modern military transport in service. Both United States and allied C–130Js are exceeding expectations in Iraq and Afghanistan. The KC–130Js have been deployed continuously to Iraq dating to February of 2005, and their unprecedented capability, reliability, and maintainability have been impressive. Over the past year of deployment, the C and the KC–130J mission capable rates have been between 89 and 93 percent, which is more than a 50 percent improvement over legacy aircraft. Similarly, the C–5 has also proven its ability to provide critical support. While the C–5 fleet has flown less than 25 percent of all cargo missions in operations in Afghanistan and Iraq, they delivered nearly 50 percent of all cargo to our troops on the ground. Clearly, the C–5 has demonstrated its effectiveness, and therefore further modernization of a C–5 fleet is imperative.

The funds for C–5 AMP modernization will be used to make critical upgrades of the cockpits with modern avionics and flight instrumentation that meet both Air Force and congressional mandated standards.

Additionally, Mr. Speaker, the funds allocated for the C–5 RERP program modernization will be used to replace old engines and systems with newer ones. These replacements represent significant improvements to the aircraft, making them even more reliable and easier to maintain.

Again, Mr. Speaker, this bill does a remarkable job in addressing a wide scope of issues that are vitally important to our armed services. I would like to again thank the chairmen and ranking members of the respective committee and subcommittee for their hard work on this bill. I urge support of the rule and the underlying legislation.

Ms. MATSUI. Mr. Speaker, I have no additional speakers. I would like to inquire of the gentleman whether he has any additional speakers.

Mr. COLE of Oklahoma. I too have no additional speakers. I am prepared to close.

Ms. MATSUI. I am prepared to close. Thank you.

The SPEAKER pro tempore. The gentlewoman from California is recognized to close for her side.

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

Mr. Speaker, the fiscal year 2007 defense appropriations bill is critical to our warfighters, to our national security, and to our long-term strategic interests. It reaffirms the unwavering commitment all Members have for Armed Forces now more than ever.

Once again, I thank Chairman YOUNG and Ranking Member MURTHA for their hard work in crafting an excellent bill that will allow our Nation to achieve these goals.

I yield back the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, today in closing I again want to draw attention of the Members to the strength of the underlying legislation, H.R. 5631. This legislation accomplishes much in terms of funding our current operations in Iraq and Afghanistan and the global war on terror, while setting the military on the path of further transformation to meet the new challenges of the 21st century.

Mr. Speaker, it must also be noted that this legislation would not have been possible without much hard work on the part of the gentleman from Florida (Chairman YOUNG), the gentleman from Pennsylvania (Ranking Member MURTHA), the gentleman from California (Chairman LEWIS), and all the members on both sides of the aisle of the defense appropriations subcommittee and the full Appropriations Committee. The appropriators have given us a genuinely excellent and bipartisan bill. It does not shrink from making the hard decisions regarding the funding of the current and the future force. This is never an easy task, and it is even harder during a time of war.

Mr. Speaker, now is the time for Members to vote on the rule and the underlying legislation.

□ 1345

I readily admit that no bill, including this legislation, is perfect. That is the reason why we reauthorize and appropriate for the Department of Defense on an annual basis. Moreover, we deal with ongoing contingencies through emergency supplemental appropriations when and as required. This legislation takes critical steps toward fulfilling the current and future needs. It is a building block toward creating a stronger military tomorrow and an essential element in funding our troops in the field today.

Therefore, I once again urge my colleagues to support the rule and underlying bill.

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

The previous question was ordered.

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

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

Mr. COLE of Oklahoma. 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, this 15-minute vote on adoption of House Resolution 877 will be followed by 5-minute votes on suspending the rules and agreeing to H. Res. 731 and suspending the rules and passing H.R. 5228.

The vote was taken by electronic device, and there were—yeas 400, nays 18, not voting 14, as follows:

[Roll No. 292]

YEAS—400

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
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
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
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
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
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
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—18

Becerra
Conyers
Costello
Kucinich
Lee
Lewis (GA)
McDermott
McKinney
Meehan
Owens
Rangel
Schakowsky
Stark
Taylor (MS)
Towns
Udall (NM)
Watson
Woolsey

NOT VOTING—14

Brady (TX)
Cannon
Davis (FL)
Evans
Ford
Hunter
Nadler
Napolitano
Nussle
Ruppersberger
Shuster
Sodrel
Strickland
Turner

□ 1412

Mr. MCDERMOTT and Mr. TOWNS changed their vote from ''yea'' to ''nay.''

Mr. BERRY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ROSS, Ms. ROYBAL-ALLARD, Messrs. CLYBURN, JEFFERSON, PAYNE, and CLEAVER changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RUPPERSBERGER. Mr. Speaker, on rollcall No. 292, I missed this vote due to attending Maryland State Delegate John Arnick's Funeral. Had I been present, I would have voted ''yea.''

Mrs. NAPOLITANO. Mr. Speaker, on Tuesday, June 20, 2006, I was absent due to a family obligation. Had I been present, I would have voted ''yea'' on rollcall No. 292, agreeing to H. Res. 877—Providing for the consideration of H.R. 5631, Department of Defense Appropriations Act, 2007.

COMMENDING THE PATRIOT GUARD RIDERS

The SPEAKER pro tempore (Mr. FEENEY). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 731, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. DRAKE) that the House suspend the rules and agree to the resolution, H. Res. 731, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, answered ''present'' 2, not voting 12, as follows:

[Roll No. 293]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
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
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
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
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
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
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
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
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
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
Manzullo
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
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—2

McDermott Stark

NOT VOTING—12

Brady (TX) Ford Nussle
Cannon Hunter Shuster
Davis (FL) Nadler Strickland
Evans Napolitano Turner

□ 1422

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on Tuesday, June 20, 2006, I was absent due to a family obligation.

Had I been present, I would have voted "yea" on rollcall No. 293, suspending the rules and agreeing to H. Res. 731—Commending the Patriot Guard Riders for shielding mourning military families from protesters and preserving the memory of fallen service members at funerals.

PERSONAL EXPLANATION

Mr. TURNER. Mr. Speaker, on rollcall Nos. 292 and 293 I was unavoidably detained. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind Members of a rule of decorum.

The appropriate dress for Members in the Chamber while the House is in session is business attire, and this standard applies even when a Member enters the Chamber only to vote by electronic device.

Without objection, 5-minute voting will continue.

There was no objection.

REQUIRING REPRESENTATIVES OF GOVERNMENTS DESIGNATED AS STATE SPONSORS OF TERRORISM TO DISCLOSE TO ATTORNEY GENERAL LOBBYING CONTACTS WITH LEGISLATIVE BRANCH OFFICIALS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5228.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 5228, 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 263, nays 159, not voting 10, as follows:

[Roll No. 294]

YEAS—263

Aderholt
Akin
Alexander
Allen
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Beauprez
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Cramer
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Emanuel
Emerson
Engel
English (PA)
Etheridge
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hooley
Hostettler
Hulshof
Hyde
Inglis (SC)
Issa
Istook
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Langevin
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Obey
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Turner
Upton
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—159

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Becerra
Berman
Berry
Bishop (NY)
Blumenauer
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Crowley
Cubin
Cummings
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ehlers
Eshoo
Everett
Farr
Fattah
Filner
Flake
Frank (MA)
Garrett (NJ)
Gilchrest
Gillmor
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hefley
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kilpatrick (MI)
Kolbe
Kucinich
LaHood
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Millender-McDonald
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)

Poe	Schwartz (PA)	Tierney
Rangel	Scott (GA)	Towns
Reyes	Scott (VA)	Udall (CO)
Rothman	Serrano	Udall (NM)
Roybal-Allard	Sherman	Van Hollen
Ruppersberger	Smith (WA)	Velázquez
Rush	Snyder	Visclosky
Ryan (OH)	Solis	Waters
Sabo	Stark	Watson
Sánchez, Linda T.	Stupak	Watt
	Tauscher	Waxman
Sanchez, Loretta	Thompson (CA)	Weiner
Sanders	Thompson (MS)	Woolsey
Schakowsky	Tiahrt	Wynn
Schiff	Tiberi	

NOT VOTING—10

Brady (TX)	Ford	Nussle
Cannon	Hunter	Shuster
Davis (FL)	Nadler	
Evans	Napolitano	

□ 1432

So (two-thirds of those voting having not responded in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. NAPOLITANO. Mr. Speaker, on Tuesday, June 20, 2006, I was absent due to a family obligation.

Had I been present, I would have voted "nay" on rollcall No. 294, suspending the rules and agreeing to H.R. 5228—To require representatives of governments designated as State Sponsors of Terrorism to disclose to the Attorney General lobbying contacts with legislative branch officials, and for other purposes.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 5631, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that during consideration of the bill H.R. 5631, pursuant to House Resolution 877, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clause 9 of rule XX.

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

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Florida. 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. 5631, and that I may include tabular material on the same.

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

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 877 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. 5631.

The Chair designates the gentleman from Michigan (Mr. CAMP) as chairman of the Committee of the Whole, and requests the gentleman from Ohio (Mr. GILLMOR) to assume the chair temporarily.

□ 1434

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. 5631) making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes, with Mr. GILLMOR (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 Florida (Mr. YOUNG) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 30 minutes.

The Chair recognizes the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I am proud to present the fiscal year 2007 defense appropriations bill. I would say to the Members that it is a bill that is $4 billion less than was requested by the administration because of our 302(b) allocation. The subcommittee worked extremely hard with great diligence to make up the difference in some creative ways. It is a good bill that has been discussed many, many times on the floor already as we considered the rule. We will possibly get into some more detail during the amending process. But at this point I am prepared to reserve my time.

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2007 (H.R. 5631)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I					
MILITARY PERSONNEL					
Military Personnel, Army	24,028,651	25,423,998	25,259,649	+1,230,998	-164,349
Military Personnel, Navy	19,048,651	19,135,950	19,049,454	+803	-86,496
Military Personnel, Marine Corps	7,712,511	7,983,895	7,932,749	+220,238	-51,146
Military Personnel, Air Force	19,805,780	20,220,539	19,676,481	-129,299	-544,058
Reserve Personnel, Army	2,834,301	3,058,050	3,034,500	+200,199	-23,550
Reserve Personnel, Navy	1,480,096	1,569,128	1,485,548	+5,452	-83,580
Reserve Personnel, Marine Corps	467,736	507,776	498,556	+30,820	-9,220
Reserve Personnel, Air Force	1,214,323	1,282,110	1,246,320	+31,997	-35,790
National Guard Personnel, Army	4,418,846	4,784,471	4,693,595	+274,749	-90,876
National Guard Personnel, Air Force	2,006,658	2,122,197	2,038,097	+31,439	-84,100
Total, title I, Military Personnel	83,017,553	86,088,114	84,914,949	+1,897,396	-1,173,165
TITLE II					
OPERATION AND MAINTENANCE					
Operation and Maintenance, Army	22,031,807	23,091,606	22,292,965	+261,158	-798,641
Operation and Maintenance, Navy	28,363,907	30,129,671	29,853,676	+1,489,769	-275,995
Operation and Maintenance, Marine Corps	3,109,882	3,405,821	3,351,121	+241,239	-54,700
Operation and Maintenance, Air Force	28,182,761	29,658,288	29,089,688	+906,927	-568,600
Operation and Maintenance, Defense-Wide	18,199,977	19,989,270	19,883,790	+1,683,813	-105,480
Operation and Maintenance, Army Reserve	1,751,322	2,083,312	2,064,512	+313,190	-18,800
Operation and Maintenance, Navy Reserve	1,165,237	1,236,628	1,223,628	+58,391	-13,000
Operation and Maintenance, Marine Corps Reserve	190,702	202,332	202,732	+12,030	+400
Operation and Maintenance, Air Force Reserve	2,424,432	2,663,951	2,659,951	+235,519	-4,000
Operation and Maintenance, Army National Guard	4,053,617	4,450,783	4,436,839	+383,222	-13,944
Operation and Maintenance, Air National Guard	4,476,301	5,080,695	5,035,310	+559,009	-45,385
Overseas Contingency Operations Transfer Account	---	10,000	---	---	-10,000
United States Court of Appeals for the Armed Forces	11,124	11,721	11,721	+597	---
Overseas Humanitarian, Disaster, and Civic Aid	60,931	63,204	63,204	+2,273	---
Former Soviet Union Threat Reduction Account	411,394	372,128	372,128	-39,266	---
Total, title II, Operation and maintenance	114,433,394	122,449,410	120,541,265	+6,107,871	-1,908,145
TITLE III					
PROCUREMENT					
Aircraft Procurement, Army	2,626,748	3,566,483	3,529,983	+903,235	-36,500
Missile Procurement, Army	1,196,830	1,350,898	1,350,898	+154,068	---
Procurement of Weapons and Tracked Combat Vehicles, Army	1,377,698	2,301,943	2,047,804	+670,106	-254,139
Procurement of Ammunition, Army	1,715,693	1,903,125	1,710,475	-5,218	-192,650
Other Procurement, Army	4,548,090	7,718,602	7,005,338	+2,457,248	-713,264
Aircraft Procurement, Navy	9,677,001	10,868,771	10,590,934	+913,933	-277,837
Weapons Procurement, Navy	2,633,380	2,555,020	2,533,920	-99,460	-21,100
Procurement of Ammunition, Navy and Marine Corps	843,323	789,943	775,893	-67,430	-14,050
Shipbuilding and Conversion, Navy	8,936,959	10,578,553	10,491,653	+1,554,694	-86,900
Other Procurement, Navy	5,389,849	4,967,916	5,022,005	-367,844	+54,089
Procurement, Marine Corps	1,384,965	1,273,513	1,191,113	-193,852	-82,400
Aircraft Procurement, Air Force	12,609,842	11,479,810	11,852,467	-757,375	+372,657
Missile Procurement, Air Force	5,122,728	4,204,145	3,746,636	-1,376,092	-457,509
Procurement of Ammunition, Air Force	1,006,718	1,072,749	1,079,249	+72,531	+6,500
Other Procurement, Air Force	13,920,106	15,408,086	15,423,536	+1,503,430	+15,450
Procurement, Defense-Wide	2,548,227	2,861,461	2,890,531	+342,304	+29,070
National Guard and Reserve Equipment	178,200	---	500,000	+321,800	+500,000
Defense Production Act Purchases	57,666	18,484	39,384	-18,282	+20,900
Total, title III, Procurement	75,774,023	82,919,502	81,781,819	+6,007,796	-1,137,683

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2007 (H.R. 5631)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE IV					
RESEARCH, DEVELOPMENT, TEST AND EVALUATION					
Research, Development, Test and Evaluation, Army	11,060,666	10,855,559	11,834,882	+774,216	+979,323
Research, Development, Test and Evaluation, Navy	18,803,203	16,912,223	17,654,518	-1,148,685	+742,295
Research, Development, Test and Evaluation, Air Force	21,779,654	24,396,767	24,457,062	+2,677,408	+60,295
Research, Development, Test and Evaluation, Defense-Wide	19,600,607	20,809,939	21,208,264	+1,607,657	+398,325
Operational Test and Evaluation, Defense	166,774	181,520	181,520	+14,746	---
Total, title IV, Research, Development, Test and Evaluation	71,410,904	73,156,008	75,336,246	+3,925,342	+2,180,238
TITLE V					
REVOLVING AND MANAGEMENT FUNDS					
Defense Working Capital Funds	1,143,391	1,345,998	1,345,998	+202,607	---
National Defense Sealift Fund: Ready Reserve Force	1,078,165	1,071,932	1,071,932	-6,233	---
Pentagon Reservation Maintenance Revolving Fund	---	18,500	18,500	+18,500	---
Total, title V, Revolving and Management Funds	2,221,556	2,436,430	2,436,430	+214,874	---
TITLE VI					
OTHER DEPARTMENT OF DEFENSE PROGRAMS					
Chemical Agents & Munitions Destruction, Army:					
Operation and maintenance	1,204,349	1,046,290	1,046,290	-158,059	---
Procurement	115,362	---	---	-115,362	---
Research, development, test and evaluation	67,108	231,014	231,014	+163,906	---
Total, Chemical Agents 1/	1,386,819	1,277,304	1,277,304	-109,515	---
Drug Interdiction and Counter-Drug Activities, Defense	908,474	926,890	936,990	+28,516	+10,100
Office of the Inspector General	207,590	216,297	216,297	+8,707	---
Total, title VI, Other Department of Defense Programs	2,502,883	2,420,491	2,430,591	-72,292	+10,100
TITLE VII					
RELATED AGENCIES					
Central Intelligence Agency Retirement and Disability System Fund	244,600	256,400	256,400	+11,800	---
Intelligence Community Management Account	418,121	634,811	597,111	+178,990	-37,700
Transfer to Department of Justice	(38,610)	---	(39,000)	(+390)	(+39,000)
Total, title VII, Related agencies	662,721	891,211	853,511	+190,790	-37,700
TITLE VIII					
GENERAL PROVISIONS					
Additional transfer authority (Sec. 8005)	(3,712,500)	(5,000,000)	(4,750,000)	(+1,037,500)	(-250,000)
Indian Financing Act incentives (Sec. 8018)	7,920	---	8,000	+80	+8,000
FFRDCs (Sec. 8023)	-45,540	---	-25,000	+20,540	-25,000
Overseas Mil Fac Invest Recovery (Sec. 8029)	1,000	1,000	1,000	---	---
Army Historical Foundation	2,970	---	---	-2,970	---
Rescissions (Sec. 8039)	-405,723	---	-823,122	-417,399	-823,122
Shipbuilding & Conv. Funds, Navy	17,820	---	---	-17,820	---
Travel Cards (Sec. 8064)	45,000	51,000	51,000	+6,000	---

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2007 (H.R. 5631)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Special needs students	5,445	---	---	-5,445	---
Fisher House (Sec. 8074)	2,178	---	2,500	+322	+2,500
CAAS/Other Contract Growth (Sec. 8075)	-262,350	---	-71,100	+191,250	-71,100
Contracted Advisory and Assistance Services (Sec.8076)	-99,000	---	-22,000	+77,000	-22,000
Working Capital Funds Cash Balance	-247,500	---	---	+247,500	---
Ctr for Mil Recruiting Assessment & Vet Emp(Sec. 8082)	5,049	---	5,400	+351	+5,400
Various grants (Sec. 8084)	33,017	---	13,000	-20,017	+13,000
Travel costs (Sec. 8092)	-91,080	---	-45,000	+46,080	-45,000
Procurement Offsets	-357,390	---	---	+357,390	---
Army Venture Capital Funds	15,000	---	---	-15,000	---
Revised Economic Assumptions (Sec.8095)	-763,587	---	-949,000	-185,413	-949,000
Foreign Currency Fluctuation (8096)	---	---	-100,000	-100,000	-100,000
Total, Title VIII, General Provisions	-2,136,771	52,000	-1,954,322	+182,449	-2,006,322
TITLE IX - ADDITIONAL APPROPRIATIONS					
DEPARTMENT OF DEFENSE--MILITARY					
Military Personnel					
Military Personnel, Army (contingency operations)	4,713,245	---	4,346,710	-366,535	+4,346,710
Military Personnel, Navy (contingency operations)	144,000	---	229,096	+85,096	+229,096
Military Personnel, Marine Corps (contingency operations)	455,000	---	495,456	+40,456	+495,456
Military Personnel, Air Force (contingency operations)	508,000	---	659,788	+151,788	+659,788
Reserve Personnel, Army (contingency operations)	138,755	---	---	-138,755	---
Reserve Personnel, Navy (contingency operations)	10,000	---	10,000	---	+10,000
National Guard Personnel, Army (contingency operations)	234,400	---	251,000	+16,600	+251,000
National Guard Personnel, Air Force (contingency operations)	3,200	---	---	-3,200	---
Total, Military Personnel	6,206,600	---	5,992,050	-214,550	+5,992,050
Operation and Maintenance					
Operation & Maintenance, Army (contingency operations)	21,348,886	---	24,280,000	+2,931,114	+24,280,000
Operation & Maintenance, Navy (contingency operations)	1,810,500	---	1,954,145	+143,645	+1,954,145
Operation & Maintenance, Marine Corps (contingency operations)	1,833,126	---	1,781,500	-51,626	+1,781,500
Operation & Maintenance, Air Force (contingency operations)	2,483,900	---	2,987,108	+503,208	+2,987,108
Operation & Maintenance, Defense-Wide (contingency operations)	805,000	---	2,186,673	+1,381,673	+2,186,673
Iraq Freedom Fund (contingency operations)	4,658,686	---	4,000,000	-658,686	+4,000,000
Operation & Maintenance, Army Reserve (contingency operations)	48,200	---	---	-48,200	---
Operation & Maintenance, Navy Reserve (contingency operations)	6,400	---	---	-6,400	---
Operation & Maintenance, Marine Corps Reserve (contingency operations)	27,950	---	---	-27,950	---
Operation & Maintenance, Air Force Reserve (contingency operations)	5,000	---	---	-5,000	---
Operation & Maintenance, Army National Guard (contingency operations)	183,000	---	220,000	+37,000	+220,000
Operation & Maintenance, Air National Guard (contingency operations)	7,200	---	---	-7,200	---
Total, Operation and Maintenance	33,217,848	---	37,409,426	+4,191,578	+37,409,426

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2007 (H.R. 5631)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Procurement					
Aircraft Procurement, Army (contingency operations)...	232,100	---	132,400	-99,700	+132,400
Missile Procurement, Army (contingency operations)...	55,000	---	---	-55,000	---
Procurement of Weapons and Tracked Combat Vehicles, Army (contingency operations).....	860,190	---	1,214,672	+354,482	+1,214,672
Procurement of Ammunition, Army (contingency operations).....	273,000	---	275,241	+2,241	+275,241
Other Procurement, Army (contingency operations).....	3,174,900	---	1,939,830	-1,235,070	+1,939,830
Aircraft Procurement, Navy (contingency operations)...	138,837	---	34,916	-103,921	+34,916
Weapons Procurement, Navy (contingency operations)....	116,900	---	131,400	+14,500	+131,400
Procurement of Ammunition, Navy and Marine Corps (contingency operations).....	38,885	---	143,150	+104,265	+143,150
Other Procurement, Navy (contingency operations).....	49,100	---	28,865	-20,235	+28,865
Procurement, Marine Corps (contingency operations)....	1,710,145	---	621,450	-1,088,695	+621,450
Aircraft Procurement, Air Force (contingency operations).....	115,300	---	912,500	+797,200	+912,500
Missile Procurement, Air Force (contingency ops.).....	17,000	---	32,650	+15,650	+32,650
Other Procurement, Air Force (contingency operations).	17,500	---	9,850	-7,650	+9,850
Procurement, Defense-Wide (contingency operations)....	182,075	---	121,600	-60,475	+121,600
National Guard and Reserve Equipment (emergency).....	1,000,000	---	---	-1,000,000	---
Total, Procurement.....	7,980,932	---	5,598,524	-2,382,408	+5,598,524
Research, Development, Test and Evaluation					
Research, Development, Test & Evaluation, Army (contingency operations).....	13,100	---	---	-13,100	---
Research, Development, Test & Evaluation, Air Force (contingency operations).....	12,500	---	---	-12,500	---
Research, Development, Test and Evaluation, Defense-Wide (contingency operations).....	25,000	---	---	-25,000	---
Total, Research, Development, Test and Evaluation.....	50,600	---	---	-50,600	---
Defense Working Capital Funds (contingency operations)	2,516,400	---	1,000,000	-1,516,400	+1,000,000
Additional transfer authority (contingency operations)	(2,500,000)	---	(2,500,000)	---	(+2,500,000)
Drug Interdiction and Counter-Drug Activities, Defense (contingency operations).....	27,620	---	---	-27,620	---
Global war on terror efforts in Afghanistan and Iraq..	---	50,000,000	---	---	-50,000,000
Total, Title IX	50,000,000	50,000,000	50,000,000	---	---
Total for the bill (net).....	397,886,263	420,413,166	416,340,489	+18,454,226	-4,072,677
OTHER APPROPRIATIONS					
Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (P.L.109-148, Division B)					
Title I, Chapter 2 (emergency).....	3,456,512	---	---	-3,456,512	---
Transfer authority (emergency).....	(500,000)	---	---	(-500,000)	---
Title II, Chapter 2 (emergency).....	10,000	---	---	-10,000	---
Title III, Chapter 2 (rescissions).....	-80,000	---	---	+80,000	---
Net grand total (including other appropriations)	401,272,775	420,413,166	416,340,489	+15,067,714	-4,072,677

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2007 (H.R. 5631)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Lease of defense real property (permanent)2/	11,880	12,000	12,000	+120	---
Disposal of defense real property (permanent)2/	14,850	15,000	15,000	+150	---
Army Venture Capital Fund (reappropriation)	---	15,000	15,000	+15,000	---
O&M, Army transfer to National Park Service:					
Defense function	-1,980	---	-2,499	-519	-2,499
Non-defense function	1,980	---	2,499	+519	+2,499
Tricare accrual (permanent, indefinite auth.) 2/	10,707,483	11,230,629	11,230,629	+523,146	---
Less emergency appropriations 3/	-53,466,512	-50,000,000	-50,000,000	+3,466,512	---
Adjustment to balance with CBO's ATB estimate	2,181	---	---	-2,181	---
Total, scorekeeping adjustments	-42,730,118	-38,727,371	-38,727,371	+4,002,747	---
Adjusted total (includ. scorekeeping adjustments)	358,542,657	381,685,795	377,613,118	+19,070,461	-4,072,677
Appropriations	(359,028,380)	(381,685,795)	(378,436,240)	(+19,407,860)	(-3,249,555)
Rescissions	(-485,723)	---	(-823,122)	(-337,399)	(-823,122)
Total (including scorekeeping adjustments)	358,542,657	381,685,795	377,613,118	+19,070,461	-4,072,677
Amount in this bill	(401,272,775)	(420,413,166)	(416,340,489)	(+15,067,714)	(-4,072,677)
Scorekeeping adjustments	(-42,730,118)	(-38,727,371)	(-38,727,371)	(+4,002,747)	---
Total mandatory and discretionary	358,542,657	381,685,795	377,613,118	+19,070,461	-4,072,677
Mandatory	244,600	256,400	256,400	+11,800	---
Discretionary	358,298,057	381,429,395	377,356,718	+19,058,661	-4,072,677
RECAPITULATION					
Title I - Military Personnel	83,017,553	86,088,114	84,914,949	+1,897,396	-1,173,165
Title II - Operation and Maintenance	114,433,394	122,449,410	120,541,265	+6,107,871	-1,908,145
Title III - Procurement	75,774,023	82,919,502	81,781,819	+6,007,796	-1,137,683
Title IV - Research, Development, Test and Evaluation	71,410,904	73,156,008	75,336,246	+3,925,342	+2,180,238
Title V - Revolving and Management Funds	2,221,556	2,436,430	2,436,430	+214,874	---
Title VI - Other Department of Defense Programs	2,502,883	2,420,491	2,430,591	-72,292	+10,100
Title VII - Related Agencies	662,721	891,211	853,511	+190,790	-37,700
Title VIII - General Provisions (net)	-2,136,771	52,000	-1,954,322	+182,449	-2,006,322
Title IX - Additional Appropriations (net)	50,000,000	50,000,000	50,000,000	---	---
Total, Department of Defense	397,886,263	420,413,166	416,340,489	+18,454,226	-4,072,677
Other defense appropriations	3,386,512	---	---	-3,386,512	---
Total funding available (net)	401,272,775	420,413,166	416,340,489	+15,067,714	-4,072,677
Scorekeeping adjustments	-42,730,118	-38,727,371	-38,727,371	+4,002,747	---
Total mandatory and discretionary	358,542,657	381,685,795	377,613,118	+19,070,461	-4,072,677
RECAP BY FUNCTION					
Mandatory	244,600	256,400	256,400	+11,800	---
Discretionary:					
General purpose discretionary:					
Defense discretionary	358,296,077	381,429,395	377,354,219	+19,058,142	-4,075,176
Nondefense discretionary	1,980	---	2,499	+519	+2,499
Total discretionary	358,298,057	381,429,395	377,356,718	+19,058,661	-4,072,677
Grand total, mandatory and discretionary	358,542,657	381,685,795	377,613,118	+19,070,461	-4,072,677

FOOTNOTES:
1/ Included in Budget under Procurement title.
2/ Contributions to Department of Defense Retiree Health Care Fund (Sec. 725, P.L. 108-375).
3/ Includes Title IX contingency operations funds.

I do have two requests for time briefly, but I will reserve my time right now.

Mr. MURTHA. Mr. Chairman, I am prepared to yield back the balance of my time so we can get right to the amendment process so they can strike the last word. I am prepared to yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I would say to the gentleman, I do have one request for a time for 2 minutes and I will yield.

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

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume. And before I yield to Mr. TIAHRT, I wanted to say that the subcommittee has worked extremely well together in creating a nonpartisan bill, strictly no politics in this bill. And I wanted to call attention specifically to Representative MARTIN SABO who has been a longtime member of this subcommittee, who was one of the most thoughtful members of the subcommittee and is really valuable to the work that we do.

Mr. SABO, as we all know, is leaving the Congress at the end of this term; and he will be missed seriously, especially by the members of this subcommittee. I wanted to call attention to the fact that Mr. SABO has made a great contribution to the work of this subcommittee.

I yield 2 minutes to a member of the subcommittee, the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, I wanted to rise today for two reasons, one is to commend Chairman LEWIS and the Appropriations Committee for completing their work on the appropriations process today, June 20. This is quite an achievement. It has taken a lot of hard work by the committee. Both the Republican and Democrat members have worked very hard, applied themselves, had strenuous debates, and now we have completed our action, and we are looking forward to the action on the House floor for all of these bills, including today's defense bill.

The second reason I rise is to thank the chairman and the ranking member for their consideration for the young men and women that serve this great country. One of the significant additions to this bill is an additional $500 million for the National Guard.

National Guard soldiers, as you know, give up their jobs, their time with their family, make sacrifices to make sure this country is safe. Their equipment has been used and used hard, needs to be replaced. And thanks to these two gentlemen, we have $500 million to do just that.

I think this is a very good bill. It does take consideration for young men and women who make sacrifices to serve this country and carry out the will of this Nation, and I hope that we can pass this quickly and get through the amendment process quickly as well.

Mr. YOUNG of Florida. Mr. Chairman, I yield for the purpose of unanimous consent to the gentleman from Florida (Mr. MILLER).

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

Mr. MILLER of Florida. Mr. Chairman, I rise in support of fiscal year 2007 Defense Appropriations Bill.

I congratulate Chairman YOUNG and the entire Defense Subcommittee on their hard work in support of our fighting men and women. I would also like to thank the Chairman for continuing the close relationship between the defense appropriators and authorizers.

This is a fiscally responsible bill that falls within its limits as set forth by the Budget Act and is $4 billion, or 1 percent less than the President's request for defense funding. We are in the fifth year of the War on Terror and as is the case during times of conflict, Members of Congress work to balance funding for the troops and their immediate needs while ensuring the long term outlook of the military and our national security strategy needs are not forgotten. This bill achieves that balance.

It is unfortunate that many on the other side of the aisle, in both the House and Senate, wish to use this bill to politicize the Iraq war and undermine the efforts of our troops. The Commander-in-Chief has the right and the responsibility to defend our Nation and I oppose any attempts to tie his hands through unnecessary legislation.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. HOBSON), a member of the Defense Appropriations Subcommittee.

Mr. HOBSON. Mr. Chairman, I rise today in full support of our fiscal year 2007 Defense Appropriations Bill. This bill and a bridge wartime supplemental funding it carries provide essential support for the forces engaged in the global war on terrorism.

At the strategic level I would like to focus on the Army's long-term readiness level, not only for the current fight, but also for the global threats we face as a Nation. The global war on terrorism is a fight for our cherished way of life. It is not a question of can we as a Nation support more; it is an essential that we cannot afford less.

I would truly understand the competing and compelling demands facing this body and the Nation. As we move this bill forward through the legislative process, we must ensure that the ground forces have everything they require in a timely fashion.

Mr. YOUNG of Florida. Mr. Chairman, again I want to thank the members of the subcommittee who worked so diligently. I want to thank specifically Mr. MURTHA, who worked with us every day, every hour of every day as we put this bill together. Most Members of the House had some participation in the creation of this bill. In fact, there were 412 Members who had something to do with the creation of this legislation. It is a good bill and I hope we can move it quickly.

Mr. SIMPSON. Mr. Chairman, in accordance with earmark reform proposals currently under consideration in the Senate, I would like to place into the RECORD a listing of Congressionally directed projects in my home state of Idaho that are contained within the report to this bill. These are projects that I asked the Defense Subcommittee to consider this year and I am grateful for their inclusion in this bill.

I'd like to take just a few minutes to describe why I supported these projects and why they are valuable to the nation and its taxpayers.

The report contains $2.7 million for a technology entitled Vacuum Sampling Pathogen Collection and Concentration. Developed by Microbial-Vac Systems®, Jerome, Idaho, the advanced ''Vacuum Pathogen'' collection and concentration systems are critical to continued advancement of DOD's applications for manual and robotic sample acquisition and traceability of bio-threat agents in food safety and environmental settings. Commercialization of the technology was significantly advanced with an appropriation in last year's Defense bill but there remains a need to further develop and manufacture both systems to meet the general national defense and homeland security requirements for safe, rapid field-accessibility of sterile disposable units and improved field decontamination protocol. With the funding in this report, manufacturing capabilities will be expanded to provide military and civilian markets with sufficient numbers of sterilely packaged pathogen collection and concentration systems to meet the anticipated emergency immediate and long-term demand during hostile attacks and post-attack remediation/decontamination monitoring and verification procedures. Sample location and traceability will be enhanced with the addition of GPS or RFID tracking capabilities imbedded within the technology and activated during sample acquisition.

This project was requested by Microbial-Vac Systems in Jerome, Idaho.

The report contains $2 million for the Cyber Threat Validation Center at the Idaho National Laboratory (INL). The INL has demonstrated exceptional capability and depth in the Cyber Security and Critical Infrastructure Protection research, development and delivery arenas. The Cyber Threat Validation Center (CTVC) for the Department of Defense (DoD) and Intelligence Community (IC) would leverage and expand the existing analytic, research, and end-to-end system testing capabilities to deliver technical grounded analysis on emerging cyber security attack techniques and their impact on critical real world systems. The analysis will focus on the investigating emerging attack techniques with the objective of understanding how they might be applied against Defense Critical Infrastructure to include vital Public Works Defense Sector systems.

I chose to request this project after learning about the capabilities of the INL in protecting our Nation against cyber based attacks on critical infrastructure systems. The Department of Energy and Department of Homeland Security have significant investments in the ongoing work at the INL. This DOD project will build on those capabilities and benefit from them.

The report contains $2 million for the Idaho Accelerator Center (IAC) at Idaho State University's (ISU) Small Accelerators and Detection Systems for Defense Applications program. Ongoing work at IAC suggests that transportable accelerators can now be developed to actively identify suspected nuclear

materials/packages in the field, neutralize biological/chemical agents when discovered, decontaminate areas where bio/chem agents may have been released, and detect explosives and contraband in a variety of challenging circumstances. The IAC and the ISU academic community, in collaboration with scientists and engineers from the private sector and national laboratories, has been involved in developing technology for the remote detection of hazardous materials and contraband for more than 15 years. Through these associations the IAC has devised non-intrusive means to identify the contents of containers of various kinds that may contain *F*issionable material, *R*adioactive material, *E*xplosives, *H*azardous material (biological or chemical), and *C*ontraband (FREHC) for homeland and national security applications.

This project was requested by Idaho State University in Pocatello, Idaho.

The report contains $1 million for a program entitled Systematic Hierarchical Approach to Radiation Hardened Electronics (SHARE). As many of us know, consistent, reliable performance of integrated circuits (IC) used in space communication, surveillance, and guidance systems continues to be a potentially debilitating problem for the military services. The problem has been aggravated by the rapid and unsettling contraction of the industrial base needed to design and produce the specialized electronics that must perform in applications requiring high reliability in a challenging radiation-charged environment. As one of the principal users of radiation-hardened (RadHard) electronics, the U.S. Air Force is pursuing technologies that will ensure a ready and economical domestic capability for producing radiation hardened microelectronics using advanced commercial processes. SHARE has been identified by the Air Force as a critical capability that will enable collaboration among circuit designers, simulation software vendors, and foundries under the direction of SEAMS Center AFRL at Kirtland AFB, NM.

This project was requested by American Semiconductor in Boise, Idaho.

I appreciate the opportunity to provide a list of Congressionally-directed projects in my region and an explanation of my support for them.

Mr. STARK. Mr. Chairman, I rise in opposition to yet another bloated Defense Appropriations bill. H.R. 5631 provides billions more for missile defense systems that are nothing but a pipe dream and a War in Iraq that has turned into an international nightmare.

Republicans in Congress should wake up and smell the coffee. Another $9 billion for development of ineffective and outdated weapons systems may boost the bottom lines of their well-connected sugar daddies in the defense industry. But throwing good money after bad will do little to make Ronald Reagan's Cold War fantasy a reality. Despite nearly $100 billion in research, these systems have yet to demonstrate even a basic ability to intercept incoming missiles. Even if they could, they'd do little to make us secure from the much more likely and contemporary threat of a weapon delivered by suitcase or cargo container.

Republicans have irresponsibly funded the majority of their misguided Iraqi adventure through supplementals. But they couldn't resist also including tens of billions more in today's Defense Appropriations bill. In H.R. 5631, taxpayer money is appropriated as a so-called ''bridge fund'' for the first six months of war operations during fiscal year 2007. But our troops should be brought home immediately. The bill's billions are, in reality, a bridge to more death and destruction. The United States' continued occupation encourages Iraqi civil war and feeds the insurgency, providing terrorists with refuge and recruits.

Once upon a time, Congress took its oversight role seriously. Not today. Despite a recent Pentagon report that found significant cost overruns in 36 major weapons systems, this bill increases defense spending by a whopping $19.1 billion. As a result, defense spending will now total more than half of the entire federal discretionary budget!

Instead, we should provide quality education and health care to all Americans. I urge my colleagues to join me in voting no to additional spending on ineffective missile systems and a counterproductive war.

Mr. GENE GREEN of Texas. Mr. Chairman, thank you for recognizing me for some comments on H.R. 5631 and I urge my colleagues to join me in supporting this balanced bill that supports our troops and addresses critical issues to our Nation's safety and security.

This bill provides $500 million in funding above the President's request for the equipment needs of the Army National Guard to provide items needed for homeland defense and disaster response. This funding is important to our district in Houston because it is susceptible to flooding—as we are seeing right now—and the National Guard has played a critical role in responding to past tropical storms and hurricanes in our district and along the Gulf Coast.

Many Guard units are leaving equipment in Iraq when they finish their tour for future troops to use. This cuts down on transportation costs, but it also leaves units here in the U.S under-equipped to respond to a natural disaster. The funding in this bill is necessary to ensure Guard units here at home have the equipment to respond to these events.

I also want to speak briefly on two important projects included in this bill.

The first is the University of Houston Consortium for Nanomaterials for Aerospace Commerce and Technology (CONTACT). For the past four years, the University of Houston has been partnering with several University of Texas System institutions, Rice University, and the Air Force Research Laboratory (AFRL) in the Strategic Partnership for Research in Nanotechnology (SPRING). Federal funding for SPRING will end in FY06, and CONTACT will carry on the work started under that partnership.

CONTACT will have two main goals: to ensure our national air superiority through nanomaterials research and development, and to commercialize nanomaterials developed by scientists from Texas universities. This funding will make use of existing infrastructure and enable research, development and technology transfer that address three critical capabilities of the Air Force: power on demand, reconfigurable full-spectrum detectors, and interdisciplinary fundamental nanoscience and engineering.

The second project will modernize the Standard Army Retail Supply Systems (SARSS) and Standard Army Ammunition System (SAAS) and combine the two systems into one by rewriting it in a Microsoft Windows environment.

This program—the Army Legacy Logistics Systems Modernization (SAMS–E)—modernizes computer logistics systems that are critical to the operation of the Army making them more efficient.

This effort will link the STAMIS modules through the web, allowing for a sharing of information and a flexible supply chain that can be redirected seamlessly on the battlefield. The result will be more efficient field logistics management that will save money and provide soldiers with more dependable and reliable management systems.

I applaud the Subcommittee and Committee for putting forward this balanced bill and urge my colleagues to join me in supporting it.

Mr. PAUL. Mr. Chairman, I rise in opposition to this legislation. This bill is unfortunately very short on real defense spending and very generous with spending enormous amounts on expensive military equipment that is ultimately of very little use to defend our country. This bill will not do much to help our military troops. In fact, it gives the troops a pay raise lower than civilian federal employees. It shortchanges them.

The bill is very generous with spending on grossly over-budget acquisition of military equipment of questionable value in our current times. Over the past 5 years, the Defense Department has doubled spending on new weapons systems from about $700 billion to nearly $1.4 trillion. However a recent Pentagon report found significant cost overruns—50 percent over original cost projections—in 36 major weapons systems. These programs benefit well-connected defense contractors, but they do not benefit the taxpayer and they do not benefit the soldiers who risk their lives.

The bill manages to spend hundreds of millions of dollars on foreign aid—$372 million to Russia, for example—and the failed drug war, but it fails to address the real problems of a military force that has been seriously stretched and challenged by an unprecedented level of sustained deployment overseas. I urge my colleagues to support a defense spending bill that really puts defense of the United States first.

Mr. YOUNG of Florida. I yield back the balance of my time.

The Acting CHAIRMAN. The committee will rise informally.

The SPEAKER pro tempore (Mr. CHOCOLA) assumed the Chair.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

The Committee resumed its sitting.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed

in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 5631

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 fiscal year ending September 30, 2007, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $25,259,649,000.

Mr. MURTHA. Mr. Chairman, I move to strike the last word. I yield to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, let me thank the gentleman for yielding and for his leadership and for the very hard work that he consistently does for the security of our Nation.

I appreciate this opportunity to discuss an issue that is of great importance, and that is ensuring that our Federal dollars are not used to support groups or individuals engaged in efforts to overthrow democratically elected governments.

Mr. Chairman, in an ideal world, we would not need to have to explicitly stipulate this, but events in Haiti in 2004 and in Venezuela have led me to believe that we need to codify this straightforward nonpartisan position.

As we know, the administration has committed its second term to spreading democracy around the world, and this should not be a partisan issue. It is at the core of our Nation's values; and quite simply put, it is fundamental to who we are as a people and what we stand for as a Nation.

However, Mr. Chairman, we need to be sure that this administration, or equally any future administration, that if they do not agree with certain democratically elected governments, that it does not use the Department of Defense funds to overthrow those democratically elected governments. Such actions fly in the face of our own fundamental democratic principles. So I would just like to ask the gentleman from Pennsylvania (Mr. MURTHA) if he could comment on this and what his views are with regard to the ideas that we are presenting today.

Mr. MURTHA. Mr. Chairman, I want to assure the gentlewoman from California I agree, we certainly should not overthrow a democratically elected government. I appreciate the gentlewoman's long concern and attention to raising this issue. And I want to assure her that as this bill moves forward we will be mindful to work with her and her staff to do everything we can to help.

Ms. LEE. Mr. Chairman, let me just say, thank you, again, to the gentleman for his attention to this issue and to so many issues that are important to our Nation. He is truly a courageous hero to many of our minds and many of our views, and we look forward to continuing to work with him and the entire House in standing up for democracy throughout the world.

Mr. MURTHA. Mr. Chairman, I yield to the gentlewoman from Texas for a colloquy. She has an amendment, but I hope we can discuss this.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise for the purpose of entering into a colloquy with the gentleman from Florida (Mr. YOUNG) and Mr. MURTHA from Pennsylvania.

As indicated, I have an amendment that I was prepared to offer that asks for the same increase, 2.7 percent, that the Federal employees were getting for military personnel, which is now at 2.2 percent for the military.

□ 1445

One of the few issues on which all Members of Congress agree is that our military personnel are cherished defenders of our Nation, that we value them highly, that we are proud of them. Every day they stand between the status quo and an ideal for a better future and put their lives on the line to realize this goal.

The current pay increase for military personnel in this appropriations bill is 2.2 percent. This is a total of $84.9 billion for military personnel accounts, which is $1.9 billion greater than in fiscal year 2006, but it is $1.2 billion less than necessary, I believe, to help us get to 2.7 percent.

We just passed the Transportation-Treasury-HUD appropriation bill, which provided a 2.7 percent pay increase for civilian Federal workers, as well as targeted pay increases for a variety of enlisted personnel and officer grades. We need to make the strong statement that we value our Armed Forces just as much as we do our civilian public servants. My amendment simply increases military personnel pay by 2.7 percent over fiscal year 2006.

Every day we are reminded of the sacrifice our children and our neighbors are making. Over 2,500 soldiers have died in Iraq, and over 19,000 have been injured. Several years ago military personnel were paid 13 percent less than comparable civilian pay. This gap, however, has narrowed within the past few years to 6.5 percent in fiscal year 2005. And it is my goal to ensure that we will continue to narrow even more in the coming years.

According to the fiscal year 2006 pay charts, after 4 months of service, newly enlisted individuals earn less than $2,000 per month even if they have completed ROTC courses or 2-year or 4-year college programs. Mr. Chairman, I know we can do better.

I want to thank both Mr. MURTHA and Mr. YOUNG of Florida for being steadfast warriors on the battlefield of benefits for our military and for increasing the benefits to their families and to them. I would hope with the increases in experience and education and commission that we are seeing in our young military that we will close the civilian gap so that our young military, our reservists, National Guard, and others will not suffer this, if you will, incompatibility with their needs.

Finally, a May 2004 survey of reservists from the Department of Defense found that 51 percent reported an earning loss, including 44 percent who reported a drop of 10 percent or more, and 21 percent reported an income loss of 20 percent or more. Although this may be due to differences in taxes and other factors, we need to make sure that those in Active Duty are not punished for serving. I hope, as we move through this process, the voices that will be heard will be Members like the chairman and ranking member of this subcommittee, that we must do more for our young men and women on the frontlines, our reservists, and our National Guard.

I ask the gentlemen here today with me do they share my concerns to increase the salaries? And as well, I would hope that they would work with all of us to find a way to properly compensate and reward our brave men and women in uniform wherever they might be.

Mr. MURTHA. Mr. Chairman, I want to assure the gentlewoman from Texas that both the chairman and I have done everything we can to make sure that the pay is comparable with the civilian sector. In the past it was usually opposite.

And what we are concerned about in the amendment you were going to offer was where it came from. So we are going to work something out. If there is an increase in the civilian pay, you can be assured that the Defense Department will get the same increase.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

I yield to the gentlewoman from Texas for her question.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding.

This is an amendment that I would have offered, and I am delighted to not have to be able to offer it. And I thank the gentleman from Pennsylvania and thank the gentleman from Florida. And in noting all of their work, we have worked together, and I am very appreciative and hopeful that we will be able to work together on this increase in salaries and compensation for our brave men and women.

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

Mr. YOUNG of Florida. I yield to the gentleman from California.

Mr. LEWIS of California. The reason I asked you to yield, Mr. Chairman, is that it strikes me that the entire membership should know that already Mr. MURTHA and you together have lost out to the legislative branch subcommittee. It is a very unusual thing. I think maybe Mr. MURTHA has lost control.

Mr. YOUNG of Florida. Mr. Chairman, reclaiming my time, in response to the gentlewoman's question, as Mr. MURTHA suggested, we look for every way that we can to enhance the quality of life for the members of our military, to get as many pay increases and as many benefits as we can, because we recognize how important that these heroes are, these warriors are, to the security of our Nation.

I thank the gentlewoman for bringing up this issue, but I would say Mr. MURTHA and I have looked for every opportunity we can to make things better for those who serve in our military.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $19,049,454,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $7,932,749,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $19,676,481,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,034,500,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,485,548,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $498,556,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,246,320,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,693,595,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,038,097,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $11,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $22,292,965,000: *Provided*, That of funds made available under this heading, $2,499,000 shall be available for Fort Baker, in accordance with the terms and conditions as provided under the heading ''Operation and Maintenance, Army'', in Public Law 107–117.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $6,129,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $29,853,676,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $3,351,121,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $29,089,688,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $19,883,790,000: *Provided*, That not more than $25,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further*, That not to exceed $40,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That of the funds made available under this heading, $6,300,000 is available for contractor support to coordinate a wind test demonstration project on an Air Force installation using wind turbines manufactured in the United States that are new to the United States market and to execute the renewable energy purchasing plan: *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one

of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That $4,000,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,064,512,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,223,628,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $202,732,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,659,951,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $4,436,839,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $5,035,310,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $11,721,000, of which not to exceed $5,000 may be used for official representation purposes.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2557, and 2561 of title 10, United States Code), $63,204,000, to remain available until September 30, 2008.

FORMER SOVIET UNION THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $372,128,000, to remain available until September 30, 2009.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $3,529,983,000, to remain available for obligation until September 30, 2009, of which $27,375,000 shall be available for the Army National Guard and Army Reserve: *Provided*, That $19,200,000 of the funds provided in this paragraph are available only for the purpose of acquiring one (1) HH–60L medical evacuation Variant Blackhawk helicopter only for the Army Reserve.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,350,898,000, to remain available for obligation until September 30, 2009, of which $110,000,000 shall be available for the Army National Guard and Army Reserve.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,047,804,000, to remain available for obligation until September 30, 2009, of which $218,481,000 shall be available for the Army National Guard and Army Reserve.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,710,475,000, to remain available for obligation until September 30, 2009, of which $197,181,000 shall be available for the Army National Guard and Army Reserve.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $7,005,338,000, to remain available for obligation until September 30, 2009, of

which $534,360,000 shall be available for the Army National Guard and Army Reserve.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $10,590,934,000, to remain available for obligation until September 30, 2009, of which $154,800,000 shall be available for the Navy Reserve and Marine Corps Reserve.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $2,533,920,000, to remain available for obligation until September 30, 2009.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $775,893,000, to remain available for obligation until September 30, 2009, of which $19,600,000 shall be available for the Navy Reserve and Marine Corps Reserve.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program (AP), $784,143,000;

NSSN, $1,775,472,000;

NSSN (AP), $676,582,000;

CVN Refuelings, $954,495,000;

CVN Refuelings (AP), $117,139,000;

SSN Engineered Refueling Overhauls (AP), $22,078,000;

SSBN Engineered Refueling Overhauls, $189,022,000;

SSBN Engineered Refueling Overhauls (AP), $37,154,000;

One DD(X) Destroyer, $2,568,111,000;

DDG–51 Destroyer, $355,849,000;

DDG–51 Destroyer Modernization, $50,000,000;

Littoral Combat Ship, $520,670,000;

LPD–17 (AP), $297,492,000;

LHA–R, $1,135,917,000;

Special Purpose Craft, $4,500,000;

Service Craft, $45,245,000;

LCAC Service Life Extension Program, $110,692,000;

Prior year shipbuilding costs, $436,449,000; and

For outfitting, post delivery, conversions, and first destination transportation, $410,643,000.

In all: $10,491,653,000, to remain available for obligation until September 30, 2011: *Provided*, That additional obligations may be incurred after September 30, 2011, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $5,022,005,000, to remain available for obligation until September 30, 2009, of which $23,000,000 shall be available for the Navy Reserve and Marine Corps Reserve.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,191,113,000, to remain available for obligation until September 30, 2009.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $11,852,467,000, to remain available for obligation until September 30, 2009, of which $470,300,000 shall be available for the Air National Guard and Air Force Reserve.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $3,746,636,000, to remain available for obligation until September 30, 2009.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,079,249,000, to remain available for obligation until September 30, 2009, of which $163,800,000 shall be available for the Air National Guard and Air Force Reserve.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $15,423,536,000, to remain available for obligation until September 30, 2009, of which $145,600,000 shall be available for the Air National Guard and Air Force Reserve.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway,

$2,890,531,000, to remain available for obligation until September 30, 2009.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $500,000,000, to remain available for obligation until September 30, 2009: *Provided*, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $39,384,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $11,834,882,000, to remain available for obligation until September 30, 2008.

AMENDMENT OFFERED BY MR. MURTHA

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

The Clerk read as follows:

Amendment offered by Mr. MURTHA:

On page 27, line 17, insert after the first dollar amount, the following: ''(reduced by $5,000,000) (increased by $5,000,000)''.

Mr. MURTHA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MURTHA. Mr. Chairman, I offer an amendment to restore funding for an important national program known as PASIS, Perpetually Available and Secure Information Systems program.

Mr. YOUNG of Florida. Mr. Chairman, I would like to say to the gentleman that, as he knows, this is something we had intended to do in the committee, and it is important that we do it at this point; so we accept this amendment.

Mr. MURTHA. I appreciate it.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MURTHA).

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $17,654,518,000, to remain available for obligation until September 30, 2008: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: *Provided further*, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $24,457,062,000, to remain available for obligation until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $21,208,264,000, to remain available for obligation until September 30, 2008.

□ 1500

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas.

Page 28, line 23, before the period, insert the following: '': *Provided*, That not less than $10,000,000 of the funds appropriated in this paragraph shall be used for prosthetic research''.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

Ms. JACKSON-LEE of Texas. In the best of all worlds, Mr. Chairman, I would hope that the point of order could be waived; but at the same time as I discuss this amendment, I will acknowledge the leadership of the ranking member and the chairman of this subcommittee.

Living near a veterans hospital, having the pleasure of having represented the veterans hospital in Houston, Texas, and living in the State of Texas and recognizing the facilities that we have dealing with the rehabilitation of injured persons including injured soldiers, I would say that this is one of the more important funding areas that this bill has an ability to address. Why? Because we realize that some 19,000 of the U.S. military and the number is growing have been injured.

As we know, both Mr. YOUNG and Mr. MURTHA have steadily provided insight as they visited the troops in many of our military hospitals, including Bethesda and Walter Reed; and as I have had the opportunity to visit those hospitals, as well as the veterans hospital in Houston, the Michael DeBakey Hospital, which I had the pleasure of naming in honor of Dr. Michael DeBakey, one of the world's renowned heart surgeons, but also a veteran of World War II.

This idea of funding more prosthetics research is recognizing the cherished defenders of our Nation. It is giving them a second chance at life. This amendment would add additional funding of $4 million in that area. We know that every day they stand between the status quo and an ideal for a better future.

Might I just say that we have seen some of the more heinous injuries coming from the IEDs in Afghanistan and Iraq. U.S. troops injured in Iraq have required limb amputations at twice the rate of past wars. Bulletproof Kevlar vests protect soldiers' bodies, but not their limbs.

I am exhilarated that the rate of death is the lowest of any war we have fought in our history, and I am sure that my colleagues join me in that. Yet we must continue the responsibility of rehabilitation.

The good news is that prosthetic research by the military has generated their finest quality of prosthetic limbs, and we have seen and I have seen young men and women experience the joy of being able to walk again or to use their arms again. They, of course, must now readjust to life at home, they must relearn how to move, how to eat, how to walk, how to go grocery shopping, how to cook and how to adapt to the rest of their lives.

The importance of prosthetic research is increasing in light of the ongoing hostilities in Iraq and the growing sophistication of the improvised explosive devices used against our troops.

I recently visited Walter Reed Hospital, we met a number of wounded soldiers, many of whom were badly scarred physically, and needed to have the knowledge that the prosthetic devices would be available for them.

So this amendment is simple. It attempts to place special emphasis on work that is ongoing and the importance of continuing both the research and the funding regarding prosthetic research. This will help the encreased utilization of prosthetics for our soldiers. Someone out there is listening, I hope, in order to know that we are concerned about the many issues that impacts these soldiers' lives; and one of those issues is to have the opportunity to walk again.

POINT OF ORDER

The Acting CHAIRMAN. Does the gentleman from Florida insist upon his point of order?

Mr. YOUNG of Florida. Mr. Chairman, I make the point of order, reluctantly, I might say, against the amendment because it provides an appropriation for an unauthorized program and therefore violates clause 2 of rule XXI.

Clause 2 of rule XXI states in pertinent part: ''An appropriation may not be in order as an amendment for an expenditure not previously authorized by law.''

Mr. Chairman, the amendment proposes to appropriate funds for an earmark that is not authorized. The

amendment therefore violates clause 2 of rule XXI.

I ask for the ruling of the Chair.

The Acting CHAIRMAN. Do any Members wish to speak on the point of order?

Ms. JACKSON-LEE of Texas. I would. I would like to yield to the distinguished ranking member to ask about his belief and concern about the importance of prosthetic research funding and continue to have the opportunity to work with him and Mr. YOUNG on this issue.

The Acting CHAIRMAN. The gentlewoman may not yield, but the Chair will hear the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, nobody has worked harder than BILL YOUNG, his wife and myself in taking care of these troops at all the hospitals, all over the country. Just last year we put in money to start a new center for rehabilitation of people that had lost their limbs and so forth.

We appreciate your recommendation. We hope you withdraw the amendment, and we will continue to work toward full funding, as much as we think is absolutely necessary for all these hospitals.

The Acting CHAIRMAN. Does any other Member wish to be heard on the point of order?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I will take the time to discuss the point of order and not discuss it, simply to say this amendment's intention was to further highlight both the work already done by the ranking member and the subcommittee Chair, but also to express the need in my particular locality in Houston, Texas, where a number of these veterans are coming back needing prosthetics.

Let me thank the ranking member and the chairman for the work already done and ask at this time, as the moneys will be continue to be emphasized and the need already known, I will look forward to working with both of them as these funds continue to increase to help the need that is existing for those needing prosthetics coming back from the front line.

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

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

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 73, line 5 be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The text of the bill through page 73, line 5 is as follows:

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $181,520,000, to remain available for obligation until September 30, 2008.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,345,998,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $1,071,932,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

PENTAGON RESERVATION MAINTENANCE REVOLVING FUND

For the Pentagon Reservation Maintenance Revolving Fund, $18,500,000, to remain available until September 30, 2011.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,277,304,000, of which $1,046,290,000 shall be for Operation and maintenance; $231,014,000 shall be for Research, development, test and evaluation, of which $215,944,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program, to remain available until September 30, 2008; and no less than $111,283,000 shall be for the Chemical Stockpile Emergency Preparedness Program to remain available until September 30, 2008.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, $936,990,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $216,297,000, of which $214,897,000 shall be for Operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $1,400,000, to remain available until September 30, 2009, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $256,400,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $597,111,000, of which $27,454,000 for the Advanced Research and Development Committee shall remain available until September 30, 2008: *Provided*, That of the funds appropriated under this heading, $39,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2009 and $1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2008: *Provided further*, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counter-terrorism, and national security investigations and operations.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall

not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $4,750,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to June 30, 2007: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the ''Foreign Currency Fluctuations, Defense'' appropriation and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

C–17 Globemaster; MH–60R Helicopters; MH–60R Helicopter mission equipment; and V–22 Osprey.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2007, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2008 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2008 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2007.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8012. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this section applies only to active components of the Army.

SEC. 8013. (a) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a

most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b) EXCEPTIONS.—

(1) The Department of Defense, without regard to subsection (a) of this section or subsections (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) TREATMENT OF CONVERSION.—The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8014. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8015. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8016. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8017. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8018. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code: *Provided further*, That, during the current fiscal year and hereafter, businesses certified as 8(a) by the Small Business Administration pursuant to section 8(a)(15) of Public Law 85–536, as amended, shall have the same status as other program participants under section 602 of Public Law 100–656, 102 Stat. 3825 (Business Opportunity Development Reform Act of 1988) for purposes of contracting with agencies of the Department of Defense.

SEC. 8019. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity.

SEC. 8020. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8021. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8022. (a) Of the funds made available in this Act, not less than $36,188,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $25,087,000 shall be available from ''Operation and Maintenance, Air Force'' to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $10,193,000 shall be available from ''Aircraft Procurement, Air Force''; and

(3) $908,000 shall be available from ''Other Procurement, Air Force'' for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8023. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2007 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2007, not more than 5,417 staff years of technical effort (staff years)

may be funded for defense FFRDCs: *Provided*, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2008 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $25,000,000.

SEC. 8024. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8025. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8026. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8027. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2007. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8028. Notwithstanding any other provision of law, funds available during the current fiscal year and hereafter for ''Drug Interdiction and Counter-Drug Activities, Defense'' may be obligated for the Young Marines program.

SEC. 8029. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8030. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term ''Indian tribe'' means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8031. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8032. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2008 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2008 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2008 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8033. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2008: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2008.

SEC. 8034. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8035. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8036. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and

was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8037. (a) Except as provided in subsection (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program; or

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats.

SEC. 8038. The Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, notwithstanding any other provision of law, may use funds made available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' to make grants and supplement other Federal funds in accordance with the guidance provided in the House report accompanying this Act, and the projects specified in such guidance shall be considered to be authorized by law.

(RESCISSIONS)

SEC. 8039. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Other Procurement, Army, 2006/2008'', $100,200,000;

''Aircraft Procurement, Navy, 2006/2008'', $76,200,000;

''Shipbuilding and Conversion, Navy, 2003/2007'', $15,000,000;

''Shipbuilding and Conversion, Navy, 2005/2009'', $11,245,000;

''Aircraft Procurement, Air Force, 2005/2007'', $108,000,000;

''Aircraft Procurement, Air Force, 2006/2008'', $64,000,000;

''Missile Procurement, Air Force, 2005/2007'', $29,600,000;

''Missile Procurement, Air Force, 2006/2008'', $138,000,000;

''Research, Development, Test and Evaluation, Army, 2006/2007'', $21,600,000;

''Research, Development, Test and Evaluation, Navy, 2006/2007'', $42,577,000;

''Research, Development, Test and Evaluation, Air Force, 2006/2007'', $92,800,000; and

''Research, Development, Test and Evaluation, Defense-Wide, 2006/2007'', $123,900,000.

SEC. 8040. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8041. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8042. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program, and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8043. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8044. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8045. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of ''commercial items'', as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8046. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8047. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8048. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8049. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8050. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8051. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8052. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8053. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8054. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8055. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8056. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

The Acting CHAIRMAN. Are there amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk will read as follows:

SEC. 8057. None of the funds made available in this Act may be used to approve or license the sale of the F/A–22 advanced tactical fighter to any foreign government.

AMENDMENT OFFERED BY MS. GRANGER

Ms. GRANGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. GRANGER:

Strike section 8057 (page 73, lines 6 through 8).

Ms. GRANGER. Mr. Chairman, my amendment simply deletes section 8057 of the underlying bill. While there was merit in including this provision in 1997 when it was first enacted, the provision has become unnecessary due to comprehensive safeguards enacted into permanent law under the Arms Export Control Act, which is vigorously enforced by the Department of Defense.

I believe this provision of this bill is no longer necessary to safeguard our technology. I have discussed this amendment with both sides, and I ask that it be adopted.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the original language I thought was extremely important at the time that it was adopted by the House. It was adopted as an amendment by Mr. OBEY in 1997. But I believe that probably it has outlived its necessity.

I would say to the gentlewoman that we will agree to this amendment. However, I would like to advise her and the House that as we move to the conference on this bill, we are going to be extremely involved in determining that the protection of our technology will be very, very positive. This aircraft, this weapons system, has a lot of great technology that we have to protect. So we have to work out the proper language, and we will do that as we go through the conference.

We are willing to accept the amendment with that understanding.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think the House needs to understand the history of this. Back in 1997, when the F–22 was first being contemplated, there was a controversy about whether it should be built, whether it was needed, given the capability of our other aircraft. We were told that we had to go ahead and construct the plane because we had given away so much technology by selling other high performance aircraft, F–15s, F–16s, that we had to regain our technological edge.

So I said, well, if that is the case, if we are going to build the thing, at least let's make certain that we hang onto our technology edge this time. Hence, the language in section 8057.

Now, I must confess that times may have changed, but I don't know that we are yet at the point that would justify removing these limitations. My own preference, given my biases about arms sales around the world, my own preference would be to impose the same kind of limitations on new aircraft that we are developing, such as the F–35, as we impose now on the F–22. But I recognize that that is not in the cards, given the mindset of the Congress these days.

So given that fact, I would simply say that I have indicated on numerous occasions that I have an open mind and I would be willing to be persuaded, but I am not yet convinced that we are at the point where we ought to relinquish the controls on the export of this aircraft.

I recognize what the committee is about to do, but I am significantly uncomfortable with it, and I am certainly not convinced that we have reached the point where we ought to remove these restrictions. I would simply ask the chairman, I would hope that if the committee does intend to accept this amendment, that it will have an in-depth discussion with the Pentagon to make certain that we know exactly what we are doing in terms of the kind of technology that we might be letting loose, that it might not be in the interest of this country to do.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I want to assure the gentleman that protecting this technology is extremely important to this chairman. This is a super aircraft. It is just an unbelievable weapons system. Mr. MURTHA and I have both seen it fly, we have talked with the pilots who fly it, we have seen the systems that they use, and this gives us technology superiority in the air. Anyone that goes into

any kind of a battle will tell you that they want to make sure that those aircraft overhead belong to us and not to the other guys.

So we are going to be extremely careful before we allow this to happen, that the technology will be protected and that it will be available, the aircraft, the sales would only be available to those who are unquestionable supporters, and allies, of the United States.

Mr. OBEY. Mr. Chairman, I would simply say that is useful, but I am still concerned about the fact that we will be allowing a very high-technology aircraft to wind up in the hands of people who may be allies today, but God knows what they are going to be tomorrow.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I find the exchange between the Chair, the ranking member, and the gentlewoman from Texas to be very interesting; I appreciate the sensitivity with which it is being approached by the subcommittee as we move on to conference. I hope that there will be a way, sooner, rather than later, that we can have a broader conversation about export controls and about dual use technology, because I am hearing on a regular basis that we are not correlating these in ways that are in the best interest of our national security and in terms of the way that we are practicing technology control in the ordinary course of business.

Now, in the International Relations Committee we have fallen a little short of the mark because we haven't come forward with legislation under our jurisdiction dealing with an update of this issue. I would hope that the conversation that the chairman talks about could be done in a broader context in terms of what we are doing, to make sure that we are not driving other areas of technology overseas and working to our competitive disadvantage.

I have also heard stories that I believe to be credible, which I look forward to maybe advancing further with the distinguished gentleman, where there have been situations where our allies are using our equipment, but we have artificial barriers in place to be able to have them use things like spare parts and technical manuals to be able to use them. I've heard there are odd sorts of jerry-rigged solutions that take place in the theater of battle that look to be on their face nonsensical and perhaps driving people to do things that in the long run may provide problems for protecting our technology.

While I have no objection to this amendment and I appreciate the words of the chairman, I am hopeful that this can be done in a broader context to make sure that we are achieving our objectives, not freezing things in amber rather working against the long-term interests of both American business and American technology.

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman will yield, the gentleman makes a very good point, and it has not fallen on deaf ears.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. GRANGER).

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 8058. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8059. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8060. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T–AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8061. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8062. Notwithstanding any other provision of law, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any new start advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8063. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8064. During the current fiscal year, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance, and research, development, test and evaluation accounts of the Department of Defense which are current when the refunds are received.

SEC. 8065. (a) REGISTERING FINANCIAL MANAGEMENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) CERTIFICATIONS AS TO COMPLIANCE WITH FINANCIAL MANAGEMENT MODERNIZATION PLAN.—

(1) During the current fiscal year, a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a system improvement of more than $1,000,000 may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies,

with respect to that milestone, that the system is being developed and managed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

(c) CERTIFICATIONS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.—

(1) During the current fiscal year, a major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include, at a minimum, the funding baseline and milestone schedule for each system covered by such a certification and confirmation that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Global Information Grid.

(d) DEFINITIONS.—For purposes of this section:

(1) The term ''Chief Information Officer'' means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term ''information technology system'' has the meaning given the term ''information technology'' in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

SEC. 8066. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8067. Notwithstanding section 12310(b) of title 10, United States Code, a Reservist who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32 may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8068. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a centerfire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary-tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8069. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8070. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8071. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8072. Of the amounts appropriated in this Act under the heading ''Operation and Maintenance, Army'', $78,300,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8073. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2007.

SEC. 8074. In addition to amounts provided elsewhere in this Act, $2,500,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

SEC. 8075. Amounts appropriated in title II of this Act are hereby reduced by $71,100,000 to reflect savings attributable to efficiencies and management improvements in the funding of miscellaneous or other contracts in the military departments, as follows:

(1) From ''Operation and Maintenance, Army'', $31,100,000.

(2) From ''Operation and Maintenance, Navy'', $35,000,000.

(3) From ''Operation and Maintenance, Marine Corps'', $5,000,000.

SEC. 8076. The total amount appropriated or otherwise made available in this Act is hereby reduced by $22,000,000 to limit excessive growth in the procurement of advisory and assistance services, to be distributed as follows:

''Operation and Maintenance, Army'', $20,000,000.

''Operation and Maintenance, Marine Corps'', $2,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8077. Of the amounts appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'', $77,175,000 shall be made available for the Arrow missile defense program: *Provided*, That of this amount, $13,000,000 shall be available for the purpose of producing Arrow missile components in the United States and Arrow missile components and missiles in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures: *Provided further*, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8078. Of the amounts appropriated in this Act under the heading ''Shipbuilding and Conversion, Navy'', $436,449,000 shall be available until September 30, 2007, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading ''Shipbuilding and Conversion, Navy, 1999/2007'':

New SSN, $15,000,000;

Under the heading ''Shipbuilding and Conversion, Navy, 2000/2007'':

LPD–17 Amphibious Transport Dock Ship Program, $39,049,000;

Under the heading ''Shipbuilding and Conversion, Navy, 2001/2007'':

New SSN, $31,000,000;

Carrier Replacement Program, $318,400,000;

Under the heading ''Shipbuilding and Conversion, Navy, 2003/2007'':

New SSN, $22,000,000;

Under the heading ''Shipbuilding and Conversion, Navy, 2005/2009''; and

LPD–17 Amphibious Transport Dock Ship Program, $11,000,000.

SEC. 8079. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under section 7622 of title 10, United States Code arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: *Provided*, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8080. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2007 until the enactment of the Intelligence Authorization Act for fiscal year 2007.

SEC. 8081. None of the funds in this Act may be used to initiate a new start program without prior written notification to the Office of Secretary of Defense and the congressional defense committees.

SEC. 8082. (a) In addition to the amounts provided elsewhere in this Act, the amount of $5,400,000 is hereby appropriated to the Department of Defense for ''Operation and Maintenance, Army National Guard''. Such amount shall be made available to the Secretary of the Army only to make a grant in the amount of $5,400,000 to the entity specified in subsection (b) to facilitate access by veterans to opportunities for skilled employment in the construction industry.

(b) The entity referred to in subsection (a) is the Center for Military Recruitment, Assessment and Veterans Employment, a nonprofit labor-management co-operation committee provided for by section 302(c)(9) of the Labor-Management Relations Act, 1947 (29 U.S.C. 186(c)(9)), for the purposes set forth in section 6(b) of the Labor Management Cooperation Act of 1978 (29 U.S.C. 175a note).

SEC. 8083. FINANCING AND FIELDING OF KEY ARMY CAPABILITIES.—The Department of Defense and the Department of the Army shall make future budgetary and programming plans to fully finance the Non-Line of Sight Future Force cannon (NLOS–C) and a compatible large caliber ammunition resupply capability for this system supported by the Future Combat Systems (FCS) Brigade Combat Team (BCT) in order to field this system in fiscal year 2010: *Provided*, That the Army shall develop the NLOS–C independent of the broader FCS development timeline to achieve fielding by fiscal year 2010. In addition the Army will deliver eight (8) combat operational pre-production NLOS–C systems by the end of calendar year 2008. These systems shall be in addition to those systems necessary for developmental and operational testing: *Provided further*, That the Army shall ensure that budgetary and programmatic plans will provide for no fewer than seven (7) Stryker Brigade Combat Teams.

SEC. 8084. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $13,000,000 is hereby appropriated to the Department of Defense, to remain available until September 30, 2007: *Provided*, That the Secretary of Defense shall make grants in the amounts specified as follows: $4,500,000 to the Intrepid Sea-Air-Space Foundation; $4,000,000 to the Center for Applied Science and Technologies at Jordan Valley Innovation Center; $1,000,000 to the Women in Military Service for America Memorial Foundation; $2,000,000 to The Presidio Trust; and, $1,500,000 to the Red Cross Consolidated Blood Services Facility.

SEC. 8085. The budget of the President for fiscal year 2008 submitted to the Congress pursuant to section 1105 of title 31, United States Code shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8086. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8087. Of the amounts provided in title II of this Act under the heading ''Operation and Maintenance, Defense-Wide'', up to $20,000,000 is available for the Regional Defense Counter-terrorism Fellowship Program, to fund the education and training of foreign military officers, ministry of defense civilians, and other foreign security officials, to include United States military officers and civilian officials whose participation directly contributes to the education and training of these foreign students.

SEC. 8088. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the nonhurricane season.

SEC. 8089. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8090. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8091. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: *Provided*, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section: *Provided further*, That the funding transferred shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the Senate and the House of Representatives, unless sooner notified by the Committees that there is no objection to the proposed transfer: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8092. (a) The total amount appropriated or otherwise made available in title II of this Act is hereby reduced by $45,000,000 to limit excessive growth in the travel and transportation of persons.

(b) The Secretary of Defense shall allocate this reduction proportionately to each budget activity, activity group, subactivity group, and each program, project, and activity within each applicable appropriation account.

SEC. 8093. For purposes of section 612 of title 41, United States Code, any subdivision of appropriations made under the heading ''Shipbuilding and Conversion, Navy'' that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in the current fiscal year or any prior fiscal year.

SEC. 8094. The Secretary of Defense may present promotional materials, including a United States flag, to any member of an Active or Reserve component under the Secretary's jurisdiction who, as determined by the Secretary, participates in Operation Enduring Freedom or Operation Iraqi Freedom, along with other recognition items in conjunction with any week-long national observation and day of national celebration, if established by Presidential proclamation, for any such members returning from such operations.

SEC. 8095. Notwithstanding any other provision of this Act, to reflect savings from revised economic assumptions the total amount appropriated in title II of this Act is hereby reduced by $514,800,000, the total amount appropriated in title III of this Act is hereby reduced by $93,900,000, the total amount appropriated in title IV of this Act is hereby reduced by $315,900,000, the total amount appropriated in title V of this Act is hereby reduced by $10,400,000, the total amount appropriated in title VI of this Act is hereby reduced by $10,350,000, and the total amount appropriated in title VII of this Act is hereby reduced by $3,650,000: *Provided*, That the Secretary of Defense shall allocate this reduction proportionally to each budget activity, activity group, subactivity group, and each program, project, and activity, within each appropriation account: *Provided further*, That this reduction shall not apply to ''Central Intelligence Agency Retirement and Disability System Fund''.

SEC. 8096. Notwithstanding any other provision in this Act, to reflect savings from favorable foreign currency fluctuations, the total amount appropriated in title I of this Act is hereby reduced by $23,200,000, the total amount appropriated in title II of this Act is hereby reduced by $32,800,000, the total amount appropriated in title III of this Act is hereby reduced by $22,100,000, the total amount appropriated in title IV of this Act is hereby reduced by $20,200,000, the total amount appropriated in title V of this Act is hereby reduced by $700,000, the total amount appropriated in title VI of this Act is hereby reduced by $700,000, and the total amount appropriated in title VII of this Act is hereby reduced by $300,000: *Provided*, That the Secretary of Defense shall allocate this reduction proportionally to each budget activity, activity group, subactivity group, and each program, project, and activity, within each appropriation account.

SEC. 8097. The Secretary of Defense shall, not later than 90 days after the enactment of this Act, submit to the congressional defense committees a report detailing the efforts by the Department of Defense Education Activity (DoDEA) to address dyslexia in students at DoDEA schools: *Provided*, That this report shall include a description of funding provided in this and other Department of Defense Appropriations Acts used by DoDEA schools to address dyslexia.

SEC. 8098. Appropriations available to the Department of Defense may be used for the purchase of heavy and light armored vehicles for force protection purposes, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

TITLE IX

ADDITIONAL APPROPRIATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $4,346,710,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $229,096,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $495,456,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $659,788,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $10,000,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $251,000,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $24,280,000,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $1,954,145,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $1,781,500,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $2,987,108,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $2,186,673,000, of which up to $300,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: *Provided*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: *Provided further*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $220,000,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Iraq Freedom Fund'', $4,000,000,000, to remain available for transfer until September 30, 2008, only to support operations in Iraq or Afghanistan and classified activities: *Provided*, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and working capital funds: *Provided further*, That of the amounts provided under this heading, $2,500,000,000 shall only be for classified programs, described in further detail in the classified annex accompanying this Act: *Provided further*, That not less than $1,500,000,000 shall be available for the Joint IED Defeat Organization: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds

from this appropriation: *Provided further*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $132,400,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $1,214,672,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $275,241,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $1,939,830,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $34,916,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $131,400,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $143,150,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $28,865,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $621,450,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $912,500,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $32,650,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $9,850,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $121,600,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $1,000,000,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

GENERAL PROVISIONS

SEC. 9001. Appropriations provided in this title are available for obligation until September 30, 2007, unless otherwise so provided in this title.

SEC. 9002. Notwithstanding any other provision of law or of this Act, funds made available in this title are in addition to amounts provided elsewhere in this Act.

(TRANSFER OF FUNDS)

SEC. 9003. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of this Act.

SEC. 9004. Funds appropriated in this title, or made available by the transfer of funds in or pursuant to this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 9005. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2006 or 2007 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 9006. Notwithstanding any other provision of law, of the funds made available in this title to the Department of Defense for operation and maintenance, not to exceed $1,000,000,000 may be used by the Secretary of Defense, with the concurrence of the Secretary of State, to train, equip and provide related assistance only to military or security forces of Iraq and Afghanistan to enhance their capability to combat terrorism and to support United States military operations in Iraq and Afghanistan: *Provided*, That such assistance may include the provision of equipment, supplies, services, training, infrastructure and funding: *Provided further*, That the authority to provide assistance under this section is in addition to any

other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate not less than 15 days before providing assistance under the authority of this section.

SEC. 9007. (a) From funds made available in this title to the Department of Defense, not to exceed $500,000,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people, and to fund a similar program to assist the people of Afghanistan.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter (beginning with the first quarter of fiscal year 2007), the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

SEC. 9008. During the current fiscal year, funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9009. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, and executed in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 9010. The reporting requirements of section 9010 of Public Law 109–148 shall apply to the funds appropriated in this title.

SEC. 9011. Amounts provided in chapter 1 of title V of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 are hereby designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

□ 1515

Mr. YOUNG of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 114, line 24 be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Acting CHAIRMAN. Are there amendments to that portion of the bill?

The Clerk will read.

The Clerk read as follows:

SEC. 9012. None of the funds made available in this Act may be used by the Government of the United States to enter into a basing rights agreement between the United States and Iraq.

AMENDMENT NO. 1 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. 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. 1 offered by Mr. KING of Iowa:

Strike section 9012 (page 115, lines 1 through 4).

Mr. KING of Iowa. Mr. Chairman, I bring an amendment here to the floor that strikes section 9012 from the bill. The bill language under 9012 says: ''None of the funds made available in this Act may be used by the Government of the United States to enter into a basing rights agreement between the United States and Iraq.''

Mr. Chairman, I believe that we should not foreclose our options in Iraq, and H.R. 5631 prohibits the United States from entering into any military base agreement with Iraq. If we rule out all bases, we forego a critical part of diplomatic relations. My amendment would strike this section from the bill.

Historically, basing rights agreements have been a necessary part of diplomatic relations with foreign governments. These agreements outline guidelines and conditions for operating American military bases worldwide. It is both common and responsible for the United States to enter into, and periodically renegotiate, basing rights agreements with countries hosting American troops. This has been done with every country hosting U.S. troops including Afghanistan.

The newly elected democratic government of Iraq should be no exception, and it is likely and appropriate that basing agreements will soon be negotiated. In this way, my amendment respects Iraqi sovereignty.

Prohibiting these negotiations will not make the problems go away. Rather, by refusing to enter into a sensible diplomatic dialogue, the United States would neglect its diplomatic duties. Opposing my amendment would tie the hands of those responsible for engaging in civilized diplomatic relations with Iraq, but supporting my amendment would allow for prudent decision-making and dialogue with the independent nation of Iraq.

The use of the term ''permanent bases'' is a loaded term. The BRAC process clearly demonstrates there is no such thing as permanent U.S. military bases, even within the United States. Furthermore, military basing agreements can be negotiated for any length of time, including short term and temporary, and they can be renegotiated at any time. I am not proposing installation of permanent bases in Iraq with this amendment, Mr. Chairman. I am simply asking that the United States be allowed to pursue this historically necessary avenue of responsible foreign relations.

Mr. Chairman, I thank you, and urge my colleagues to support this amendment.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment.

I think that this amendment does the opposite of what he would hope. It sends a signal to the American public: we expect to spend time there forever. Permanent bases can be negotiated at any time with the government. What we are saying with this bill is that at this point in time there shouldn't be any permanent bases in Iraq. And when you strike this language, it does the opposite of the impact the gentleman wants to have.

As I travel around the country, I hear this all the time. I hear the President say no permanent bases, I hear the Secretary of Defense say no permanent bases in Iraq. I am just reiterating what the policy of this country is, that we shouldn't have permanent bases in Iraq.

Once we start down this road of permanent bases, I remember reading something where Harry Truman said we would be out of Germany in two or three years; we were there for 50 or 60 years. We are spending almost $8 billion a day, or a month, in Iraq. And I think one of the bases that we were going to build, the construction costs were almost double what they anticipated the permanent base we were looking at or at least the temporary base we were looking at would be. I can't imagine what a permanent base would cost if you are going to build it. You have got to have permanent security. There are all kinds of things that have to be built in.

This is not the time to eliminate a provision like this, and I would hope that the gentleman would withdraw this amendment because it is very disruptive to what our troops are doing. We are trying to figure out a way to solve this problem. And when the gentleman offers an amendment like this, I think it has the opposite impact of what he is trying to do.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, all of us think that things that we say in this House are extremely important and to all of the Members in the House. But on occasion there are things that are said in this House that are heard by a lot of people not only in the House, not only in our districts, but in other parts of the world.

I understand Mr. KING's amendment, and I understand how serious he considers this to be; but what I am worried about is this: if we strike this prohibition from this bill that was well thought out, what we are saying to the Iraqi people and what I am satisfied the propaganda machine of al Qaeda in Iraq are going to do is use this and say:

see there, we told you so. The Americans plan to occupy us for the rest of our lives.

We don't have any plan to do that, and we don't want the Iraqi people to think that we are going to do that, and we don't want the American people to think that we are going to be constantly occupying Iraq. I understand Mr. KING's interest, and most of the time I agree with him, but in this case I can't agree with him because I just think it sends the wrong message not only to the people of Iraq, not only to the people of America, but to the people of other Muslim nations who might say, hey, are we next? Are we going to be occupied? Are we going to have American troops in our streets? We don't want that to happen. We don't want that message delivered across the oceans. I think that we have to defeat this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

Mr. HOLT. Mr. Chairman, I move to strike the last word.

I would like to enter into a colloquy with Mr. MURTHA, and I would invite participation of the chairman if he is so inclined, because I have an issue that I hope the conferees will consider when they meet to work out the final version of the bill.

Specifically, I would like to ask that the conferees examine the need to include funding to provide for the videotaping of interrogations of detainees in U.S. custody.

Now, as Members of this House know, I have before the House a bill that would, if enacted, require that all interactions between detainees at Guantanamo and similar facilities and U.S. personnel be videotaped. Videotaping interrogations would not only help deter any claims of actual or potential abuse of detainees, but just as importantly, it would protect the interrogators from false accusations of abuse.

Indeed, across this country, including in my own district, many police departments routinely videotape interrogations for precisely these reasons. It is a powerful and effective tool for protecting both the interrogator and the one being interrogated.

Additionally, videotaping interrogations would ensure that the maximum possible intelligence value is gained during and after the interrogation sessions. If analysts and linguists have the chance to review videotaped interrogations, they have additional opportunities to evaluate both the quality of the information gleaned from the interrogation, but they will also be able to look for body language and other clues about the truthfulness of the person being interrogated.

And I should mention that the legislation I have and what we are talking about here has been endorsed by a variety of groups as an effective way to conduct interrogations with the protections of all involved, and I know they would be supportive of the conferees acting on this request. I hope that I can have the cooperation of my friend from Pennsylvania.

Mr. MURTHA. If the gentleman would yield, is it the gentleman's understanding that such interrogation is not currently being videotaped?

Mr. HOLT. The gentleman is correct. I am informed, well, most recently by a trip to Guantanamo by the Armed Services Committee staff, that videotaping of detainee interrogations has not been conducted consistently and uniformly.

Mr. MURTHA. I can see some merit to what the gentleman is recommending, and certainly I will bring it up to the conferees when we get to conference, and we will see what they say and get some expert opinions. I can see some merit in what the gentleman is proposing, and I will certainly do my best to work something out.

Mr. HOLT. Well, I thank the gentleman for his leadership on this and related issues. I know the gentleman was instrumental last year in facilitating the establishment of specific guidelines for the treatment of detainees, and I hope that once again he can help refine and strengthen our policies in this area in conference. I thank the gentleman.

□ 1530

Mr. ISRAEL. Mr. Chairman, I move to strike the last word for the purpose of entering into a colloquy with the distinguished ranking member

Mr. Chairman, I want to thank the chairman and ranking member and the entire subcommittee for excellent work on the Defense Appropriations Act of 2007. This act does an extraordinary job of continuing the transformation of our forces, while funding our military at war.

Mr. Chairman, I believe that every military threat now and in the foreseeable future is derived from or impacted by one thing, and that is our dependence on foreign oil.

We fund a Defense budget of $500 billion this year, including supplemental spending. Of that amount, $10.6 billion is spent on the Pentagon's direct energy costs alone, and of that $10.6 billion, $4.7 billion bought one thing, fuel for our Air Force planes. That is about the same amount as the President has budgeted for the National Cancer Institute this year alone.

The Department of Defense uses 97 percent of all Federal fuel consumption, and half of that is used for fuel for the Air Force. A single F–16 can burn 28 gallons of gas a minute, in fact.

Mr. Chairman, unfortunately, $10 million for the Air Force's alternative fuels research program to help reduce our reliance on foreign oil to fly our own Air Force planes is not included in the budget.

I was going to submit an amendment that I would let the Air Force allocate $4 million for B–52 synthetic fuels testing, $3 million for other synthetic fuel testing, and about $3 million for studies on synthetic fuel and suitability for use in jet engines. However, I will not proceed with my amendment in the hope that the honorable gentleman and ranking member will pursue this effort during conference with the Senate.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. ISRAEL. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I think you are absolutely right. Matter of fact, 10 years ago, we put language in that would allow them to produce jet fuel from coal. The Air Force did not particularly like it, did not particularly agree with it, but now this particular year they said to me this could reduce the cost of their fuel substantially. So I agree with you, and we will do everything we can to work this thing out.

Mr. ISRAEL. Mr. Chairman, I thank the distinguished gentleman, and I know he, above all people, realizes that our energy dependence is a national security issue that we must triumph over. I thank the gentleman.

AMENDMENT OFFERED BY MR. CASTLE

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

The Clerk read as follows:

Amendment offered by Mr. CASTLE:

At the end of the bill, add the following new title:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be obligated or expended to provide award fees to any defense contractor for performance that does not meet the requirements of the contract concerned.

Mr. CASTLE. Mr. Chairman, let me just start by thanking the gentleman from Florida and the gentleman from Pennsylvania and their staffs for their exemplary work on what is not easy legislation. What I am about to discuss is something that has been brought more to light this spring than it had been brought heretofore, but I think it is documented enough that we should try to add it to this bill. It is a simple but, in my judgment, much-needed amendment to the legislation before us today.

Currently the Department of Defense spends over $200 billion annually to acquire products and services from defense contractors, including everything from spare parts to major weapons systems. In an effort to encourage contractors to perform at the highest level possible, the Department often gives its contractors the opportunity to collectively earn billions of dollars through monetary incentives known as award fees.

Unfortunately, while there is no doubt that U.S. weapons programs continue to be the best in the world, the Department's acquisition process has at times run into problems such as dramatic cost increases, late deliveries, and significant performance shortfalls, wasting billions of dollars in critical funding.

In response to these setbacks, Congress recently asked the General Accountability Office, known as GAO, to study the Department's use of incentives and the role they play in the acquisition system. On April 5, the GAO reported that the Pentagon's current incentive practices often do not hold contractors accountable for achieving desired outcomes and routinely undermine efforts to motivate contractor performance.

Specifically, the GAO noted that the Department regularly provides these bonuses to contractors, often giving them second, third and fourth chances, despite the fact that the contractor's work does not fulfill the Department's expectations.

As part of its report, the GAO issued detailed recommendations for how the Department could improve its strategy for using incentives to motivate exceptional performance. The Pentagon has concurred with the majority of GAO's suggestions, and during consideration of the fiscal year 2007 defense authorization bill in May, I successfully included an amendment by voice vote that would implement these reforms.

While the language included in the authorization bill is a crucial step forward, the effectiveness of these changes will ultimately be determined by how well GAO's recommendations are executed.

The Pentagon recently identified significant cost overruns in 36 of its major weapons systems. With such costs rapidly increasing, my amendment ensures that none of the funds provided in this bill will be used to continue the wasteful incentive practices identified by GAO.

As the Department moves forward in complying with GAO's findings, this amendment will provide an additional safeguard, to make certain that these funds are not wasted in violation of the new incentive guidelines.

Mr. Chairman, cost increases and business management weaknesses damage our government's ability to provide our men and women in the military with the resources to keep us safe. While we obviously have a lot of work ahead of us to improve the efficiency of military spending, I believe this amendment is a simple way to work with the Department to make certain that incentives are being used to maximize its return on investment and provide soldiers with needed capabilities at the best value for the taxpayer.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the subcommittee is well aware of the issue that the Castle amendment addresses. In fact, the subcommittee had scheduled a hearing to look into not only this issue, but a number of other acquisition issues where we believe that there can be some performance changes. Unfortunately, because of a heavy voting day on the floor, we had to postpone that hearing, which will be held sometime in July now.

In view of that, I want to say that I agree with what Mr. CASTLE is offering, and I am certainly prepared to accept his amendment. I think it is a good amendment.

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of the Castle/Shays amendment. As chair of the Science Committee, I oversee the National Oceanic and Atmospheric Administration, or NOAA, and the critical weather forecasting services it provides. NOAA is a partner with the Air Force on the next generation of weather satellites, known as NPOESS.

In May I held a hearing about an Inspector General report on NPOESS. One of the key findings of that IG report was that the contractor received excessive award fees for a problem-plagued program. Over the first 3 years of NPOESS—September 2002–September 2005—the contractor received 84 percent of the award fee available to it, for a total of $123 million. This occurred despite the fact the NPOESS is more than 5 years late and its total costs have risen from $6.5 billion to $11.5 billion. In my mind, that does not represent performance worthy of $123 million in award fees.

Another investigative body, the GAO, found that excessive award fees are not unique to NPOESS, but are a problem throughout the Department of Defense. Mr. CASTLE's, amendment directly addresses specific recommendations in that GAO report by prohibiting payment of award fees if contractors do not meet expectations.

It is absolutely vital that the major programs like NPOESS succeed. NPOESS will provide our ''eyes in the sky'' for both civilian and military weather forecasting, and we cannot afford to be stumbling around blind. We cannot allow the excessive use of award fees to continue in these major procurement programs and must hold contractors accountable for how they spend taxpayers' money. I strongly support the Castle/Shays amendment and urge my colleagues to also support it.

Mr. SHAYS. Mr. Chairman, I strongly support Mr. CASTLE's amendment to prohibit the Department of Defense from awarding bonus fees for good performance to any defense contractor that does not meet the contract's requirements.

Mr. Chairman, I'm disappointed we need to debate this subject. I'm disappointed that while our servicemen and servicewomen are in harm's way, and while the Congress and the American taxpayer are spending billions of dollars to ensure they have all the resources and equipment they need, the Defense Department is paying bonuses to companies that haven't earned them and companies are accepting bonuses that are not due to them.

During consideration of the Defense Authorization Act, we wisely passed an amendment also authored by Mr. CASTLE that requires the Defense Department to develop and issue standards that link award and incentive fees to desired program outcomes, such as meeting cost, schedule, and capability goals. I look forward to the Department implementing these standards, but until they do we should ensure unwarranted and undeserved payments are not paid.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

Mr. KIRK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, hell hath no furry like an electronic warfare officer spurred into action.

This field is quite technical and obscure, but provides one of the keys to answering the question of why the United States can command the skies with such few casualties.

While the Air Force has eliminated its fleet of tactical jamming aircraft, the United States Navy has kept theirs, based on the EA–6B Prowler aircraft. The Navy's choice in this field appears to be superior because during conflicts with Bosnia, Kosovo, Iraq and Afghanistan, our joint combatant commanders have routinely denied entry to U.S. tactical aircraft in a theater of war unless there was a Prowler present to ensure that enemy air defenses were rendered blind or under attack.

Mr. Chairman, the Prowler fleet is now aging. Most aircraft are well over 30 years old and are planned to be replaced by the electronic attack variant of the F–18, the F–18G or so-called Growler. The Growler is vital to maintaining the safety of future Navy air crews sent into harm's way against competent air defense forces.

Mr. Chairman, under the committee's mark we changed the President's request from buying 30 F–18E and Fs and 12 Growlers to buying 42 F–18E and Fs. This would dramatically delay the F–18 Growler line for a year and may present a gap in the force protection for Navy air crews sent into harm's way.

Mr. Chairman, I would like your assurance that when we move this bill to conference, if there is an additional 302(b) allocation available, we might be able to address this critical 12 aircraft F–18G, Growler, model procurement so that we make sure that Navy air crews have not just what they need now, but what they need in the future with regard to tactical jamming aircraft.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. KIRK. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, thank you very much for yielding, and I would say to the gentleman, as you and I have discussed this many times, the importance of this capability cannot be overstressed. It is extremely important.

The gentleman has reminded me, and I remember very well, in Kosovo and Bosnia we had to bring the EA–6Bs from all over the world to concentrate on their mission there. So the additional capability, I think, is well-intended. I will be glad to work with the gentleman as we go to conference.

As you are well aware, our 302(b) allocation was $4 billion less than the President's request, and so we had to do some cutting. Unfortunately, there are a lot of things that we would have liked to have done that we just could not do. The money was not there, but the gentleman makes a very important point that this capability is extremely important, I think more so than most people realize, but as an officer who flew in those aircraft, you know an awful lot about this.

So I am with you. I want to do the best we can to enhance our capability. Thank you for bringing this issue to the Congress.

Mr. KIRK. Mr. Chairman, I thank the chairman and wish to work with you and the Chief of Naval Operations on this and make sure that we can work together in conference to make sure our Navy air crews have full electronic support.

AMENDMENT OFFERED BY MR. ENGEL

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

The Clerk read as follows:

Amendment offered by Mr. ENGEL:

At the end of the bill, insert the following provision:

SEC. . It is the sense of Congress that the Department of Navy is to be commended for having the highest percentage of Alternative Fuel Vehicles acquired by any federal agency during fiscal year 2005.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from Florida reserves a point of order.

Mr. ENGEL. Mr. Chairman, I rise today to commend the Navy for having the best record for purchasing alternative-fuel vehicles of any agency in the Federal Government. Whereas the overall record for all agencies is just 26 percent of all new acquisitions being alternative-fuel vehicles, the Navy had a 62 percent of AFVs, which is 2,722 of the 4,338 vehicles they acquired.

I have been making these amendments on every appropriations bill because I feel so strongly that we ought to have the different agencies abide by the laws that Congress passes which would require them to purchase more alternative-fuel vehicles.

The Army is also to be commended because this one agency purchased 8,835 alternative-fuel vehicles, about 50 percent of the 17,703 vehicles the Army acquired last year. In fact, the Army acquired more AFVs than all the other civilian agencies combined.

Many of you may think that I am fast becoming a broken record coming to the floor and talking about alternative-fuel vehicles. I prefer a more apt metaphor: I feel like the squeaky wheel.

From the bottom of my heart, I believe that our Nation's addiction to oil has a direct threat to our national security. The Federal Government has to lead the way that will ease our dependence on unstable, undemocratic, oil-producing sheikdoms.

The bill before us today pays for the costs of our operations in Iraq, paid for with taxes from the American people. At the pump the American people pay for gasoline, and some of the profits are finding their way into the pockets of the terrorists that our brave men and women are fighting right now. So, in essence, we are paying for the war on terror twice, and we have to stop this insanity.

The way to do it is to look at alternative means of producing our energy. We have to take the fight to the terrorists before they come back here, and that is not the only part of the solution. What we do here at home is obviously just as important. So ending our dependence on oil must be a key to this.

Just yesterday Roll Call ran a special section called, ''Fueling Alternatives.'' There were editorials by myself, by Senator BURNS, former Senators Dole and Daschle, and we all spoke of the importance of ethanol as an alternative fuel. Columns by Senator BAYH and Representative KINGSTON talked about providing incentives to consumers to purchase alternative-fuel vehicles. I am doing a bill with Representative KINGSTON that would do exactly that, wean us off of Middle Eastern oil.

We have a broad, bipartisan group of Members of Congress who see the benefits for our national security, our economy and our environment if we take these steps to end our addiction.

And so I find myself on the floor again, though this time I am pleased to be able to talk about the good work of two agencies of the Federal Government; two agencies that are in the forefront of our fight against terrorism; two agencies that are strained to the limit with incredible demands; two agencies that have, in the midst of numerous other missions, taken a small step to lead the way to our safety and security. So I commend the Navy and I commend the Army and for all that they do and for being the leaders as well in procuring alternative-fuel vehicles.

Mr. Chairman, I will cede the point of order, and I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT OFFERED BY MR. CHOCOLA

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

The Clerk read as follows:

Amendment offered by Mr. CHOCOLA:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available by this Act may be obligated or expended for the development, deployment, or operation of the web-based, end-to-end travel management system of the Department of Defense known as the Defense Travel System.

□ 1545

Mr. CHOCOLA. Mr. Chairman, in 1998, the Department of Defense had a very good idea. They had the idea that they should consolidate the literally millions of trips DOD personnel made every year on an electronic-based travel management system that would result in quicker, easier, and more efficient travel and thus saving taxpayers money.

Despite the good idea, Mr. Chairman, 8 years and almost $500 million later, what we have is a no-bid contract to develop a system that is essentially inoperable, has pitifully low utilization rates, and cannot even guarantee it can book the lowest applicable airfare. Therefore, Mr. Chairman, my amendment would simply limit the money available to fund this failed effort, which is known as the Defense Travel System, or the DTS.

Now, I know that some will oppose this amendment and they will say that we cannot afford to stop the investment now because we have invested so much and we are so close to success. The unfortunate reality is that we must stop now because we have wasted so much and success is nowhere in sight. I think that argument has been made in 2002, 2003, 2004, 2005, and now 2006; and I think it is time to cut our losses.

After 8 years of development and almost $500 million spent, less than 15 percent of all DOD travel is actually booked on the system. Logically, that means over 85 percent of the travel in DOD is booked on traditional travel services. Every trip that is booked on the system is also manually reviewed by a travel agent to confirm that the transaction is complete and that it has attained the lowest applicable airfare because the system cannot guarantee that it can attain the lowest applicable airfare.

So if you divided the amount of taxpayer money we have invested in this system with the number of trips that have actually been successfully booked on this system, each transaction costs about $1,500 before the actual travel cost or the travel agent fee. And what makes this situation even worse is that there are other GSA-approved electronic-based travel systems that are fully operational today and do not cost the taxpayers one penny in maintenance or development cost and only charge on a per-transaction basis for every successful transaction when it is actually used.

Mr. Chairman, spending $.5 billion on a travel system that does not work and nobody uses might actually be worse than the days when the DOD spent $640 on toilet seats. At least people used the toilet seats.

Mr. Chairman, I encourage my colleagues to support the amendment.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment would bar all funds in this act for development, deployment, or operations

for the Defense Travel System. This would put us back to millions of individual transactions that would be almost totally unaccountable and which would have no proper oversight.

I admire the gentleman's goal in trying to come up with a system that is better than DTS, but I don't think he has done that. He has just done away with the DTS. We are attempting to get some integrated financial management at the Pentagon, and DTS is just one of the many programs that is trying to accomplish this integration. The program has some problems, but I don't think we ought to kill the effort and go back to ground zero and start all over again.

The prohibition on spending any money to develop, deploy or operate would bar the Department from even operating the current system and would also bar the Department from continuing any improvements to DTS. This would ultimately leave the Department's 3.5 million active duty military, reserve, and civilian employees without any travel system. DTS is currently the only system that can meet the full spectrum of cost, capability, security, and savings requirements, as well as the protection of personal information so important to the Defense Department and its global travelers.

Interrupting development of this important program would cause an enormous disruption, adversely affecting and, in some cases, seriously jeopardizing Defense Department mission requirements. I believe this amendment is well intended, but I believe that barring all funding would be a serious mistake, so I oppose the amendment.

Mr. HENSARLING. Mr. Chairman, I rise today to support the amendment of the gentleman from Indiana. Certainly there is no government agency or no government Department that is immune from having waste, fraud, or abuse and duplication; and this does indeed include the Department of Defense.

I have no doubt that there is much hard work that has been done by the gentleman from Florida, the chairman of the subcommittee, but I also believe that every single Member of this body has a responsibility, has a duty in these challenging fiscal times to root out the waste, the fraud, the abuse, and the duplication wherever they can find it.

I think that once again, as we look at how much money the taxpayers have already invested in a system that clearly does not work, when 85 percent, approximately 85 percent of the travel out of DOD is booked in other systems and only 15 percent in the DTS, clearly there are alternative systems available. GSA has already approved two E-travel systems that are being used throughout the Federal Government and could also be used by DOD.

So what we have now is already $.5 billion that is being invested in a system that doesn't seem to save any money, and certainly I don't think the case can be made that it is essential to our national security or essential to our war effort.

We are sitting here in very challenging fiscal times, when our national debt, in just a few years, has gone from $5.5 trillion to $8.5 trillion, Mr. Chairman. Of course, at the same time, tax revenues have escalated. We have personal tax revenues up 15 percent and corporate tax revenues are up 40 percent. That would seem to indicate that the challenge in the national debt is on the spending side.

So when you have 10,000 Federal programs spread across 500 to 600 different agencies, it is almost impossible for any one Member or any one committee to have effective oversight on each and every one. So I applaud the gentleman from Indiana on his work here. Because we all know that soon, soon in America's future we will face a very, very bad fork in the road. One fork is going to lead us to a Federal Government that consists of almost nothing but Medicare, Medicaid, and Social Security. There may be no Department of Defense. There may be no Border Patrol. We will see that in one generation.

The other fork in the road is going to lead to doubling of taxes on the American people. And that is unconscionable, Mr. Chairman. It is just unconscionable. We all know the old saying a billion here, a billion there, and pretty soon we are talking about real money. Well, it looks like we have at least $.5 billion here that has been spent on a system that nobody is using, that costs way beyond what the marketplace is charging now, and there are alternative systems developed by private enterprise that are doing a better job and being utilized by others.

So, indeed, our Nation faces two great threats. The war on terror, of course, is the greatest threat; but we have another threat, and that is out-of-control spending. And every Member, every Member of this body has the responsibility to root out the waste, the fraud, and the abuse; and that is why I salute the gentleman from Indiana for what he has done.

I don't think the case has been made that this is essential to our national defense. I don't think the case has been made that it is helping taxpayers. So we need to prevent future tax increases. We need to prevent more debt being placed upon our children and our grandchildren, and I think we need to adopt the amendment of the gentleman from Indiana, and I once again salute him for his work.

Mr. PEARCE. Mr. Chairman, I move to strike the last word.

I want to thank the gentleman from Indiana for offering his amendment to H.R. 5631. Mr. CHOCOLA has been a constant fighter against waste, fraud, and abuse, and today he offers an amendment that gives us sound responsible oversight, which is a critical part of our job here in Congress. He has done us a favor by bringing this program to our attention.

The Defense Travel System was envisioned as an end-to-end E-travel system for DOD employees. Yet with the money spent, we could have, for the next 40 years, given Orbitz $1 million a month; plus, with the additional $50 million that we are putting in, we could pay them another $4 million a month just to use their computer system to do approximately the same thing.

Or else, if we had decided for the 15 percent of the people who are actually using the system, we could have bought a fleet of $250 million personal jets and used $1 million a year to fuel those jets up and fly the people around.

All the facts point to a system that is behind schedule, overbudget, and inoperably broken, costing taxpayers a lot of money. At times like this, Congress should help agencies stop digging themselves deeper holes. This amendment will stop funding this wasteful program and allow DOD to stop digging themselves into a deeper hole they should not be in and reconsider a better plan for scheduling, ticketing, and paying for travel.

I urge my colleagues to support the gentleman's amendment.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment and ask for a ''no'' vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. CHOCOLA).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CHOCOLA. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana will be postponed.

AMENDMENT OFFERED BY MR. MARKEY

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

The Clerk read as follows:

Amendment offered by Mr. MARKEY:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and any regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

Mr. MARKEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARKEY. Mr. Chairman, the amendment which I am offering today is a simple one. It serves to reaffirm the United States' commitment to the Convention Against Torture. It does this by prohibiting the use of funds in contravention of laws and regulations promulgated to implement the Convention Against Torture.

Now, this may all seem very familiar, because I offered essentially the same amendment to three appropriation bills on this House floor last year, and each time the amendment was adopted with near unanimity. And since those votes, we also passed the amendment of Senator MCCAIN, which prohibits cruel, inhuman or degrading treatment of detainees under the law.

But President Bush, in his signing statement of that bill, announced that he did not feel bound by the restrictions on this administration's ability to be able to torture individuals who come within the protection of the United States Government. The Bush administration says that it can choose to ignore what the United States Congress says and actually what the President signs, a bill which binds him to implement.

This House cannot and should not allow the administration to get away with simply ignoring laws enacted by Congress. This is particularly the case when we are talking about torture, where the international reputation of our Nation is at stake.

In addition to refraining from the practice of torture under international law, we also have a responsibility as a Nation that we not outsource torture to other countries, that is, that we render, that we extraordinarily render prisoners who we have captured to other countries which we know engage in torture, and accept as a promise from that country they will not torture these individuals, even though these countries are on the list of the State Department as countries that we know engage in torture.

This policy must be rejected by this House. We should not and cannot undermine our standing as the international leader in human rights by allowing for the outsourcing of torture in the name of the United States to fight terrorism, because we send a signal to the rest of the world that we are not willing to abide by the rules that we say we intend for the rest of the world to adopt.

And make no mistake, that is what this country is doing when it carries out renditions of prisoners that we have captured to notorious human rights' violators; it is outsourcing torture. It must be rejected. I urge an ''aye'' vote on my amendment.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

As usual, Mr. MARKEY is very persuasive, as he has been in the past. It is important that the United States Congress make it very clear to anyone who would listen that we do not intend to use torture and that we do not use torture or inhumane treatment.

As the gentleman suggested, the House agreed with the McCain amendment, and it was included in last year's legislation.

□ 1600

We believe that the Markey amendment basically restates existing law, and because of that we have no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used by the Office of the Secretary of Defense for the project designated as the ''Wind Demonstration Project''.

Mr. FLAKE. Mr. Chairman, this process of challenge earmarks on the floor is often described at tilting at windmills, so I suppose it is only proper that we start today with an earmark for the wind demonstration project.

This amendment seeks to prohibit $6.3 million from being used to fund this project. It appears that this is the second year in a row that this project has received multiple millions of dollars in Federal funding. Last year's defense appropriations included $4.25 million for this same earmark. It appears the funding was not requested by the administration.

While little information is made available in this year's report, last year's conference report indicated that the funding is for a ''wind demonstration project on a U.S. Air Force installation using domestically manufactured turbines that are new to the U.S. market to test the security and reliability of wind generation on base.''

So I ask when this country is at war and seeing unprecedented increases in the Federal debt, why are we spending more than $10 million on windmills for military bases? How is it in the list of extensive and costly priorities for the United States military that testing newly introduced turbines rises to the list above research and development that could save lives? How is it possible in addition that taxpayers could be asked to spend more than $10 million on an earmark that doesn't even include such basic information as where this will be sited or what companies will directly benefit from the funding?

How can we honestly say to Members that Members have a real oversight, that we have real accountability here when we are spending millions of dollars?

I would submit that spending like this doesn't just waste precious defense dollars, but it leaves taxpayers hanging in the wind.

Let me simply conclude by saying that this applies to many amendments that I will address today. They may be worthy projects, yes, but how can we justify them? How can we justify using the money in the defense bill?

Here we have a technology, wind generation. Let me just say in March 2005 at the request of Congress, the Department of Defense issued a renewable energy assessment that stated that currently 2.5 percent of the energy used on military installations is already from renewable sources. This level of renewable energy use meets a Federal goal already set by the Department of Energy.

In addition the report indicated the best way to increase the level of renewable energy being used by military installations would be through purchasing commercially developed renewable energy, not by spending earmarked money, millions of dollars, to put windmills there.

We know that wind energy is the most unreliable there is, and how we are supposed to pursue renewable projects to increase energy security at military installations by installing windmills simply strains reason.

Mr. MURTHA. Mr. Speaker, I rise in opposition to the amendment.

There are a lot of ideas that Members of Congress come up with that the Department of Defense initially opposes, and then they find out all at once they work.

For instance, some years ago we came up with a research project to produce fuel for jets out of coal, and now you would think it was the Air Force's idea, and we will save as much as 50 percent of oil costs for the jet fuel. This is something where the commercial side is way ahead, and we certainly ought to be trying to reduce our dependence on foreign oil. I would ask for a ''no'' vote on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. SCHIFF

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

The Clerk read as follows:

Amendment offered by Mr. SCHIFF:

At the end of the bill (before the Short Title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. (a) None of the funds made available in this Act may be used to engage in electronic surveillance in the United States except as authorized under—

(1) the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.); or

(2) chapter 119 or chapter 121 of title 18, United States Code.

(b) For purposes of this section, the terms ''electronic surveillance'' and ''United States'' have the meanings given those

terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

Mr. SCHIFF. Mr. Chairman, I would like to commend Chairman YOUNG and Ranking Member MURTHA for forging a strong bill to fund our Defense Department and DOD entities, and I applaud them for their hard work and dedication. As we consider this important bill today, I appreciate the opportunity to address a crucial issue.

At the outset, I want to thank my colleague Mr. INSLEE for all of his leadership on this issue, which has been tremendous. We have been working side by side on this amendment today. I would also like to thank Mr. FLAKE that I have introduced legislation along with for his tremendous leadership. This amendment is, in fact, based on legislation that I have offered with Mr. FLAKE. I also want to thank Mr. VAN HOLLEN for all of his leadership.

The bill that I introduced with Representative FLAKE several months ago was a bipartisan bill of five Democratic Members and five Republican Members, and addresses the NSA surveillance program that almost every Member of this body learned about in the morning newspaper.

This amendment recognizes two important principles: First, that the government must have all of the tools necessary and all of the authority required to pursue al Qaeda and other terrorists who would seek to harm our country. And second, this amendment recognizes that we are a Nation of laws.

While the President possesses the inherent authority to engage in electronic surveillance of the enemy outside the country, Congress possesses the authority to regulate such surveillance within the United States, and, in fact, Congress has spoken in this area through Title III and through the Foreign Intelligence Surveillance Act.

When Congress passed these statutes, it intended that they provide the sole authority for surveillance on American soil. Our amendment simply reinforces existing law that the government must obtain a court order when U.S. persons are targeted or surveillance occurs in the United States of America.

Recently when the Attorney General testified in the Judiciary Committee, I asked about the limiting principle of the NSA program; was it restricted only to international calls; what if the administration decided tomorrow it had the inherent authority to tap purely domestic calls between two Americans, did it feel it could do so without court order; and the Attorney General said that he would not rule it out. He would not rule out having the pure authority without going to court to tap the calls between two Americans on American soil.

So what is the limiting principle if this program can change from day to day without the input of Congress? The only limiting principle is the good faith of the executive, which, when the executive shows it is infallible, might be a sufficient limiting principle, but the executive is no more infallible than we are here in Congress, and so we have a role to play.

In enacting FISA, Congress specifically sought to balance our national security interests with legitimate civil liberty concerns. In so doing, Congress expressly permitted surveillance without court order for 15 days after the declaration of a war.

Additionally, Congress provided the authority to engage in electronic surveillance for up to 72 hours without court order.

Furthermore, after the September 11 attacks, the administration came to Congress and asked us to modify FISA to respond to the new challenges in the war on terror, and Congress responded by making those changes.

Electronic surveillance of al Qaeda operatives and others seeking to harm our country must continue; it simply can and should comply with the law.

We stand ready to work with the administration if further statutory revisions to FISA or other authorities are required to meet the new challenges in the war on terrorism. Until then, we must restore the rule of law. I urge the House to do so today.

I know my colleagues Mr. SHERMAN, Mr. INSLEE, and Mr. VAN HOLLEN will want to strike the last word to speak on this as well.

Mr. SAXTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, Chairman HUNTER, the chairman of the Armed Services Committee is not here today due to a important personal commitment in his district, and he asked me to state his opposition to this amendment.

Mr. Chairman, I think it goes without saying that this is an extremely important provision, and this amendment would do, in my opinion and in Chairman HUNTER's opinion, great damage to the ability of our country to provide national security for the American people.

That is why the administration also strongly opposes the Inslee-Schiff amendment. It is a direct effort to cut off the President's ability to engage in surveillance pursuant to his constitutional authority, and the authorization to use military force as passed by the Congress.

The program has been briefed to all members of the House and Senate Intelligence Committees. They are fully briefed to all aspects of the terrorist surveillance program and are conducting oversight.

I would just point out NSA Director General Hayden said on January 23, 2006, at the National Press Club, ''The TSP allows interception of the international communications of people with known links to al Qaeda and related terrorist organizations. There are no communications more important to the safety of this country than those affiliated with al Qaeda with one end in the United States. The purpose here is to detect and prevent future attacks.''

In underscoring the importance of this, on January 25, 2 days later, the President of the United States said, ''The 9/11 Commission made clear in this era of new dangers, we must be able to connect the dots before the terrorists strike so we can stop new attacks.'' And the NSA program, he said, is doing just that.

Those of us on the Armed Services Committee and other Members of Congress in various other capacities work night and day trying to provide a high level of national security for our country. This amendment would do damage to that effort. It would make that effort at least much more difficult.

To the credit of the CIA and to the credit of the administration and our government generally, we have been able to get through the years since September 11, 2001, without additional attacks.

The activities are reviewed for this program every 45 days. We are making every attempt to make sure that this program is carried out correctly and safely and doesn't infringe on the rights of the American people. The NSA's activities under this authorization are thoroughly reviewed by the Justice Department and NSA's top legal officials, including NSA's general counsel and inspector general.

Mr. Chairman, I strongly oppose this amendment.

Mr. MURTHA. Mr. Chairman, I rise in opposition to this amendment.

The problem we have here is those of us who have been briefed on the program, even though admittedly we were not briefed until it became public, can't talk about the program. I was briefed for an hour and 45 minutes, and I feel comfortable that there are adequate safeguards. But we can't talk about the safeguards.

I asked NSA, what can we say about the program and not violate the security? And they said, well, you have to look at what the President said. Well, I looked at what the President said, and he didn't say very much. This is a real problem we are getting into, and the more we talk about it, the more difficult it makes it.

Now you are actually authorizing this program. If you vote for this, you authorize this program. You say you have safeguards. That is what you are going to have. If this passes, this authorizes this program. At one point we couldn't even say that this program existed. So I think this is a very difficult time for those of us who have been briefed about it.

□ 1615

And I know there are a lot of people in the executive branch that know about it. But the way I read this amendment, you say follow the proper procedure and you agree with the amendment. You agree with the procedures. I think that there is some real benefit if they do it right. But if this passes, I think you ought to know this is authorizing the program. And if it

fails, you are saying, in fact, let them go ahead and not pass. So we are in a catch-22 position here, Mr. Chairman. And we can't talk about it at all. And I think we have to be careful that more and more people don't talk about it so that more people don't know the value of the program. We have got a heck of a problem here. And I recommend we vote against it. But if we vote against it, then we actually are saying, well, you can go ahead with the program as it is. And yet I believe there are enough safeguards. But if we pass it, we actually are authorizing the program.

I don't even know if we can work it out, Mr. Chairman, because there are so few people that really know about the program.

Mr. SCHIFF. Will the gentleman yield?

Mr. MURTHA. I will be glad to yield.

Mr. SCHIFF. I thank the gentleman for yielding. The amendment says that there is a prohibition on using funds to fund this program unless it meets the requirements of FISA. Any part of the program that does meet the requirements of FISA, meet the existing law passed by the Congress, could continue to be funded. Those parts that don't meet the requirements of FISA, the administration will have to go back.

Mr. MURTHA. Let me take back the time. I agree with that. I agree. And I think there are sufficient safeguards in the program already. We are in a bad situation here, Mr. Chairman. I don't know that I can say any more.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment. As Mr. MURTHA has suggested, there is a lot that can't be said about this amendment and about this program. But what I would like to say is, let's don't tie our hands behind our back when we are fighting a vicious, cruel enemy.

Intelligence is extremely important in the war against terrorism. First of all, you don't have, in this particular war, you don't have an army against an army. You don't have a country against a country. You have terrorists attacking innocent people here in the United States on September 11, and leading up to September 11, and anywhere else in the world that they decide that they are going to attack.

One of the best defenses against these attacks is the ability to know where they might be or when they might strike or what the target might be. Don't deny the people on the front lines of this intelligence war and information war and the hot war, don't deny them every tool that they can possibly have.

As Mr. MURTHA said, for those that have been briefed on this program on a regular basis, I am not aware of anyone who is concerned that the rights of Americans to their privacy have been violated. I certainly do not believe that the rights of Americans have been violated in this program. And so I think it is crucial to oppose this amendment; this is far beyond politics. It goes a lot deeper. This goes to the safety and the security of American people wherever they might be. And it is unfortunate that we can't reveal everything that is done, how it is done, where it is done, when it is done; but believe me, it is effective and the privacy of the American people have been protected.

Mr. SCHIFF. Will the gentleman yield?

Mr. YOUNG of Florida. Yes, of course I would yield.

Mr. SCHIFF. Mr. Chairman, I appreciate your thoughts and I appreciate your yielding. And we are up against a vicious enemy, and we ought to have every power of intelligence and every tool in the tool box and I completely agree with that. I think we can do that within the laws that the Congress has passed. And the gravamen of my concern is something that took place in the Senate, when one of our GOP colleagues asked the administration, during the debate over the PATRIOT reauthorization, which I supported, do we need to change FISA. We were making modest changes to FISA, and the Republican Senator said, Do we need to do something larger? And the administration response was no, that FISA is operating just fine as it is.

Now, if there are changes that need to be made, there is a 72-hour after-the-fact authorization. If that window is too short, it can be lengthened. If there are other problems, they be changed. And all that can be changed without disclosing to the public the nature of the program itself.

I haven't been briefed on it. I am not one of the lucky few, or maybe I am lucky. But it concerns me when the administration says we don't need to change existing law, when I think we can retain all of these tools, but the Congress can play its role in making sure that these programs are authorized by law, that they are not being conducted extralegally.

Mr. YOUNG of Florida. Well, let me reclaim my time and suggest that if you want to rewrite FISA, you don't do it on the floor on an appropriations bill. You introduce a bill, or you go to the proper committee of proper jurisdiction. This is not something you do on the floor. This is serious. It is not something you do on the floor without any real hearings or consideration. If you want to change FISA, let the authorizing committee change it. They are the ones that have the jurisdiction.

Mr. DICKS. Will the gentleman yield?

Mr. YOUNG of Florida. I will.

Mr. DICKS. I am also one of those who have not been briefed on this particular program. But I would like to ask the gentleman, is the gentleman suggesting that the administration is not complying with FISA?

Mr. YOUNG of Florida. I am not.

Mr. DICKS. Well, you know, that would certainly clear it up without getting into any classified information if somebody here, the chairman of the Intelligence Committee or the chairman of the Full Committee or someone can say, yes, the administration is complying with FISA, and they have taken this program to the FISA court for clearance. That is what people who support this amendment are concerned about, that Congress enacted legislation here saying that if you want to go out and gather this kind of information, you have to first go to the FISA court to get approval and to show cause. I think that is what this really all gets down to.

The CHAIRMAN. The time of the gentleman from Florida (Mr. YOUNG) has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. YOUNG of Florida was allowed to proceed for 2 additional minutes.)

Mr. DICKS. So that is the question we have here, Mr. Chairman.

Mr. YOUNG of Florida. I will continue to yield in just a minute. On the legal aspects of this, I am going to Mr. LUNGREN. I think he is prepared, and he will probably get his own time, because I am limited to 2 minutes.

But in the minute I have left, I will yield to Mr. LAHOOD.

Mr. LAHOOD. Mr. Chairman, let me just say I am the longest-serving member of the Intelligence Committee. I am in my eighth year. I am the vice chairman of the committee.

If it were disclosed, the answers that you want, it would be a violation of those who serve on the committee and those who have been briefed. They can't disclose that information. They will be thrown off the committee.

Mr. DICKS. I was on the committee for 8 years and served as the ranking member.

Mr. LAHOOD. I know you were. But this is highly classified information.

The CHAIRMAN. The gentleman from Florida has the time.

Mr. YOUNG of Florida. Mr. Chairman, I have yielded to the gentleman from Illinois.

Mr. LAHOOD. This is highly classified information. What you all need to know is, the people that you have put your trust in, that the leadership have put their trust in, those that serve on the Defense Appropriations Subcommittee, those that serve on the Intelligence Committee have been briefed. Now you have to trust them that they know what is going on here.

All 435 members can't be briefed. You know why they can't be briefed, because we all love to talk and it would get out.

So what I am saying to you, the gentleman from California, the author of the amendment, you need to trust Mr. MURTHA, you need to trust the chairman of the committee. You need to trust Mr. HOEKSTRA. You need to trust JANE HARMAN. These are people with the responsibility from your leadership to serve on these committees. They know what is going on.

Mr. SCHIFF. Will the gentleman yield so I can respond to the question?

Mr. YOUNG of Florida. Mr. Chairman, I would suggest that the other Members get their own time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not want to get into the specific debate on this amendment because I think there are equities on both sides. But I must comment on a statement that was just made by the gentleman from Illinois when he said that the reason this information can't be more broadly shared is because people in Congress like to talk.

When Mr. Negroponte was before the Defense Appropriations Subcommittee, and I have been an ex oficio member of that committee now for over 12 years, but when I asked Mr. Negroponte, who, after all, is the Director of Intelligence, when I asked him whether or not he could cite a single instance in which any member of the Defense Appropriations Committee had ever leaked any classified information, he indicated he could not.

I also asked him, and I think this is an accurate recollection, I also asked him if he could tell me how many times stories had appeared in the Washington Times that his own agency thought had been leaked by the executive branch of government.

And I asked him how many times he thought those leaks had been provided by the Defense Appropriations Subcommittee. And his response was, to the best of his knowledge, none.

And yet, I want to make clear, not all members of the Defense Appropriations Subcommittee have been briefed. Now, I believe they should have, because taxpayers dollars go through the appropriations bill, and I think every member of that subcommittee needs to know what the facts are on this case.

But the fact is, let's not get into the belief that it is the Congress who routinely leaks. The White House routinely leaks more classified information than the Congress even has. And anybody who doesn't believe that doesn't know the score.

Mr. DANIEL E. LUNGREN of California. Will the gentleman yield?

Mr. OBEY. Yes, I would be happy to yield.

Mr. DANIEL E. LUNGREN of California. I can't quote Mr. Negroponte, but I can quote Benjamin Franklin who, in 1776, explained the unanimous decision of the Committee on Secret Correspondence for not telling their colleagues in the Continental Congress about a covert operation. And he said we find by fatal experience that Congress—

Mr. OBEY. I am going to take back my time. I was prepared to entertain a serious question. That is not a serious question. I am not interested in what happened 200 years ago. I am interested in what is happening today and tomorrow.

Mr. TIAHRT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am a member of the Defense Subcommittee on Appropriations, as well as the House Select Committee on Intelligence. I'd like to answer several questions that have come up with this amendment.

When questioned about the purpose of this amendment, the author said that he thought that the FISA law, or the Foreign Intelligence Surveillance Act, should be rewritten. And there are some who believe that legislation should be rewritten because it was originally penned in 1978, and we have had significant changes in technology since that time. Each of us carries a phone or BlackBerry, none of which existed in that format back at the time. So there have been changes that have gone on to our technology.

But to answer the question of the gentleman from Washington, the administration does believe that they are within the current law, and they do believe they have the authority to do what the gentleman has alleged that they are doing. I don't think that there is anything that really needs to be expressed much beyond this, except that the gentleman from California (Mr. SCHIFF) said he believes that FISA should be rewritten, if it doesn't meet the requirements of today's environment, it should be rewritten. This amendment doesn't do that. All this amendment does is strike funds for any electronic surveillance program in the United States. And I think that would be an opportunity for putting this country in peril.

One of the reasons we haven't had an attack since September 11, 2001, is because we have used every means necessary to keep ahead of the terrorists.

□ 1630

The terrorists have used videos to advance their ideals. They have used the Internet. They have used Web sites. They have tried to raise money and reach out and touch Americans in a negative way again and again and again. And this country has done everything possible to prevent that from happening, and they have done it successfully, and they have done it by using technology. And this amendment appears to be tying hands on our ability to use technology, and I think that is wrong.

Mr. SCHIFF. Mr. Chairman, will the gentleman yield?

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

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding.

Very quickly, the only thing the amendment provides is that surveillance on American soil cannot be funded if it is not in compliance with FISA. So if you are in compliance, if this program complies with FISA, it could go on.

Just to address the chairman's point, and this is on the same point you are making, too, which is we should not be debating this on the House floor, that you should introduce the bill, and it should be heard in committee. Mr. Chairman, we have introduced the bill. I along with Mr. FLAKE, Mr. INGLIS, Mr. LEACH, and others have introduced the bill. We have not been able to get a hearing in committee, and so the only opportunity for us to raise this issue is on the House floor

Mr. TIAHRT. Reclaiming my time, I suggest you pursue your bill then, because what you are doing here absolutely ties the hands of the Federal Government from protecting us, and it does not rewrite FISA.

Now, let me also make this argument that FISA is a very narrow portion of our law. There is a much broader scope that is applicable to the situation necessary to protect this country. So focusing on one portion of the law is tying our hands and trying to make the whole world comply with this one narrow segment of law, in my view, it ties our hand, and I don't think we should do it.

What I would suggest is that you withdraw this amendment, pursue your bill, along with the Republican cosponsors, because this does tie our hands. It gives us an opportunity to be less safe, and I suggest the gentleman withdraw his amendment.

Mr. INSLEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there are times where the Constitution needs to be considered, and this is one of those times. Those of us who support this amendment, I hope that both Republicans and Democrats will do so because I think Republicans and Democrats ought to agree on one central proposition, and that is the proposition that our government ought to protect our citizens aggressively, assertively. We need electronic surveillance to be doing it to the full extent of the law, and that intelligence should be done in compliance with the American way.

There is an American way to do intelligence, and there is a Chinese way to do intelligence. There is a Turkish way to do intelligence. There is a Russian way to do intelligence. And there is an American way to do intelligence. And the American way to do intelligence is to do a very simple thing: Comply with the law that has been passed and signed by Congresses and Presidents.

And all this amendment does is say a very simple proposition: You don't spend taxpayers' money to do illegal acts by the Federal Government. That is all it says. And when it passes, we will do assertive, aggressive intelligence of these scoundrels by doing a very simple thing: Get a warrant. And if you do not have time to get a warrant, get it 72 hours after you do the intelligence, because the FISA Court allows that to happen. That is the simple proposition here.

Now, why is that important? It is important because the people who fought the Revolution realized that no American is perfect, and that includes no American President. To the proposition that all men are created equal, you can add the proposition that no

man is created perfectly. And that is why we demand some judicial oversight on this.

And, by the way, the central argument I have heard about this is that a few Congressmen have said it is okay, apparently. Well, calling a few Congressmen is not enough under the law. Why? Because the law is very specific. It says that each application for an order approving electronic surveillance under this subchapter shall be made by a Federal officer in writing, upon oath or affirmation, to a judge. To a judge. And we are great Congressmen. I have eminent respect for all the people who were briefed on this. But not a single one of them wears a black robe, and not a single one of them was given authority by the United States Constitution to make this decision. Calling RAY or NORM or any of my great colleagues and saying, ''Does this sound okay to you,'' is not enough in American democracy.

Now, we have had other occasions in our democracy where we have been challenged by fear, and I do not want to see us succumb to that again. And for those of us who think it shouldn't bother us, the President is not going to bug us, other nations have lost their liberty because of that attitude, because some Supreme Court Justice said loss of liberty does not come like a curtain coming down like a thunderclap. It comes the way the twilight comes, gradually, and you do not notice.

Do not wink at this potential violation. Say that we are going to do intelligence the American way. For those people in Iraq and Afghanistan who are risking their lives for democracy and the liberties we enjoy, don't we have enough gumption to send a simple message to the executive branch of the United States from the U.S. Congress, a very simple message that we expect the law to be fulfilled, that our personal protection to be fulfilled by getting a warrant the way the law requires? That is all that we require.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment.

There has been a lot of talk about following the law. People seem to ignore what Griffin Bell said at the time the Carter administration brought this bill before the Congress to be passed into law. At that time he very carefully said that enactment of FISA did not exclude the authority the President has under the Constitution.

We have heard on this floor about illegal acts. I would remind my colleagues that the supreme law of the land is the Constitution, and the President has inherent authority under Article II of the Constitution in this area. We may not like it, but the fact of the matter is that is one of the reasons you have elections for a President, to have the authority and the power that he has under the Constitution. The vesting clause of Article II of the Constitution which gives the President executive authority, coupled with his authority as Commander in Chief of the Armed Forces, forms the basis for the surveillance of al Qaeda members and those who are affiliated with al Qaeda.

The President's actions are certainly consistent with the Founding Fathers, as expressed in John Jay's observation in Federalist Paper No. 64: ''The President . . . will be able to manage the business of intelligence in such manner as prudence may suggest.'' An examination of historical records makes clear that the Founding Fathers intended the President to have primary, if not exclusive, control over the business of intelligence. We may not like it, but that is what the Constitution establishes. We may have a FISA law, but that does not restrict the President if, in fact, he has inherent authority under the Constitution.

The argument that the President has somehow violated the law misunderstands that the Constitution is the supreme law of the land. Congress has no more authority to intrude on the executive authority of the President than the President does on the enumerated authority of the Congress. As James Wilson argued during the ratification debate in his own home State of Pennsylvania: ''The President of the United States can shield himself and refuse to carry into effect an act of Congress that violates the Constitution.'' In the same context, John Jay points out in Federalist 64 that ''it surely does not follow that because they have given the power of making laws to the Legislature, that therefore they should likewise give them power to do every other act of sovereignty by which the citizens are to be bound and affected.'' The United States Supreme Court summed it up well in Ex parte Miligan: ''Neither can the President in war more than in peace intrude upon the proper authority of Congress, nor Congress upon the proper authority of the President. Both are servants of the people, whose will is expressed in the fundamental law.''

It is interesting to note for those who have talked about historical record that the First Congress, which created the Department of Treasury and the Departments of War and Foreign Affairs, gave Congress access to the records and papers of the Treasury Department, but not to the Departments of Foreign Affairs and War. It is clear that the power of the President vis-a-vis Congress was broader with respect to foreign affairs than it was in the domestic realm of governance. We may not like it, but that is what the Constitution says.

According to Madison, the ultimate check on Presidential power possessed by the Congress rests with the ''first principle in free government.''

According to John Marshall in Marbury v. Madison, the limits on such Presidential authority must be found elsewhere in the Constitution itself.

Look, we ought to look at what Justice White observed in his concurring opinion in the Katz decision. These are the words of Justice White: ''Wiretapping to protect the security of the Nation has been authorized by successive Presidents.'' In other words, it did not start with this administration. He said, ''The present administration would apparently save national security cases from restrictions against wiretapping.'' Again, Justice White's words: ''We should not require the warrant procedure and the magistrate's judgment if the President of the United States or his chief legal officer, the Attorney General, has considered the requirements of national security and authorized electronic surveillance as reasonable.''

As explained publicly by the President, he followed the prescription of Justice White. He has personally had hands-on over this. He has had his Attorney General with hands-on authority over this. But then in addition, he did notify the Congress. He notified the leadership of the House and the Senate. He notified the leadership of the House and the Senate committees of jurisdiction. No, he did not notify all of us, but he comported with the law and the interpretation of the Constitution suggested by Justice White.

I would suggest if one looks up the definition of the word ''moderate'' in Webster's Dictionary, you would find the picture of Justice White. He started the middle ground on all of this.

So I would suggest, as we look at this, we understand that we may have a debate about how the President has done it, but to suggest that what he has done is unlawful or illegal does not recognize either the Constitution or the comments of the Founding Fathers in support of the Constitution.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when President Carter signed the FISA into law, he said in his signing statement: The bill requires for the first time a prior judicial warrant for all electronic surveillance for foreign intelligence or counterintelligence purposes in the United States in which communications of U.S. persons might be intercepted. It clarifies the executive's authority to gather foreign intelligence by electronic surveillance in the United States. It will remove any doubt about the legality of those surveillances which are conducted to protect our country against espionage and international terrorism. It will assure FBI field agents and others involved in intelligence collection that their acts are authorized by statute, and, if a person's communications are concerned, by a court order, and it will protect the privacy of the American people.

In my reading of FISA, and I served for 8 years on the Intelligence Committee, 4 years as the ranking member, I do not think there is an exception here. I do not think the President of the United States has inherent authority to violate FISA.

If you took Mr. LUNGREN's approach to this problem, he can comply with

FISA when he wants to. He does not have to do it ever. That simply cannot be the reason Congress enacted this statute.

I think President Carter had it right when he signed this into law. There is one way and only one way to gather foreign surveillance information domestically, and that is you go and get a warrant and go to the FISA Court first. First. And maybe you have 72 hours to do that. That is certainly understandable.

But in my mind, if you want to change FISA, change FISA. But I cannot accept an interpretation that says the President can comply with FISA when he wants to, and he does not have to comply with it when he does not think it is in his best interest to do so. He is not a king. He is a President.

Mr. INSLEE. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, I want people to understand the sweeping scope of Mr. LUNGREN's argument. What he argues is that the President of the United States, during a time of fear and war that we are now in, has the unchecked, unfettered, unlimited authority to ignore not just FISA, but any law passed by the Congress of the United States and signed by any President. His argument here means that no law restricts this President or any other President to do anything else. Not just intelligence. Torture, false imprisonment; you go as far as you want.

Mr. DICKS. Mr. Chairman, reclaiming my time, I want to ask the author of the amendment.

Both of you are the authors of this amendment.

There is no restriction on the utilization of money if the President has complied with FISA; is that not correct?

Mr. SCHIFF. Mr. Chairman, will the gentleman yield?

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

Mr. SCHIFF. That is absolutely right. The only thing that the amendment does is it says that when you are surveilling people on our home soil here in the United States of America, it has to be authorized by FISA. If it is not authorized by FISA, if it is outside of FISA, you cannot use the funds in this bill.

□ 1645

The gentleman from Illinois says, ''Trust us. There are some of us that know the program, trust us. We can't disclose information about the program here on the House floor.'' I am not asking anyone to disclose information about the program on the House floor. The only question raised by this amendment is are we funding programs that are in contravention of existing law, FISA.

I think you are exactly right about my colleague from California's argument, which is basically the President has the inherent authority to do anything he wants when he wants, surveil who he wants when he wants, how he wants, for whatever reason he wants.

In fact, this is why I made the point. When the Attorney General testified in committee, he said he believed, as evidently my colleague from California does, the President has the inherent authority to tap calls between two Americans on American soil, that he wouldn't rule that out.

Well, I am not satisfied by an argument that says, trust us. We are from the government.

Mr. DICKS. Mr. Chairman, reclaiming my time, I think President Carter had it right. He said all electronic surveillance for foreign intelligence or counterintelligence purposes in the United States has to come under the FISA Court. That makes sense. That is, I think, the purpose of this amendment, is to make certain that the money is being expended in compliance with FISA.

The gentleman is a cosponsor of this amendment. Is that your understanding?

Mr. INSLEE. Mr. Chairman, if the gentleman will yield, that is exactly right. The President can do all of the intelligence he needs to do in a way that complies with FISA. That is what we want him to do. That is what the Constitution requires.

Mr. FLAKE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank the gentleman, the main sponsor of this amendment, and I am pleased to be a cosponsor of it.

I would love for the President to have this authority, as he should have it. I would love to give him this authority, but I think unless he is going to go under FISA, he ought to come ask for it. I think that he needs it, I think it is proper.

But when we are told, as we have been on the Judiciary Committee by the Attorney General, that he feels that any domestic surveillance could be okay, he wouldn't rule it out, what isn't allowed? Why does the President need FISA at all if he can simply go around it? What purpose does FISA serve? Why did we go through what we went through for months and months with the initial PATRIOT Act and then for a year to reauthorize it?

In the end, we had to ask ourselves, after hearing the testimony of the Attorney General, why did we do this? Why are we so specific and so careful about the powers that we give to the executive when they can simply ignore it and go on their own? It simply begs the question if you are not going to use FISA, why not just run amuck?

I submit that the acid test for Republicans on this has to be, would we be comfortable if a Democrat were in the White House using this authority? I have to say I wouldn't be. But nor am I comfortable with a member of my own party having it.

There is a separation of powers argument here. We are a coequal branch of government, and I think it is our constitutional obligation to say if you are not going to use FISA, tell us why. Tell us what we need to do to make it more applicable.

We have offered that numerous times in the Judiciary Committee, yet we are told, no, you don't need to change it. Of course we don't need to change it if they can simply go around it. So I think the gentleman's amendment is perfectly proper.

Believe me, if this amendment passes, and the administration feels compelled, they will come directly to Congress and ask for the authority, but they will do it right, and I think the Congress will be glad to give it to them. But there has to be bounds here.

We are the elected representatives. It struck me when one of the Members in opposition to this amendment said a lot of people in the executive branch know about this program. That ought to be disturbing to a lot of us, that far more people in the executive branch know about this program than the elected representatives of the people. Does that not disturb anybody around here that many people over in the executive know about it and we don't?

We are told in the National Security Act that the President is supposed to inform the committees of jurisdiction. It doesn't say a few members of those committees, the committees of jurisdiction.

I think we simply ought to follow this. This is a reasonable amendment. I would urge those in my party and the other party to support it.

Mr. VAN HOLLEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am pleased to join with my colleagues in offering this amendment.

I think we should all be able to agree on a couple things. This is an extremely important issue. It should be beyond partisan politics. We should use all our means to intercept communications from al Qaeda for our national security. We should also abide by the rule of law.

The rule of law is not an a la carte thing. You don't get to pick and choose which laws you like and which laws you don't like. We don't say to the American people when we pass statutes in this Congress and they are duly signed by the President in accordance with the Constitution, pick the ones you like to comply with and ignore the ones we don't like.

Well, this President and any President should not be held to any different standard than the American people when it comes to abiding by laws duly passed by this Congress and signed by the President in accordance with the Constitution, and that is what this debate is all about.

The amendment is very simple. It is so straightforward, I am just going to read a portion of it right now. ''None of the funds made available in this act may be used to engage in electronic surveillance in the United States except as authorized under the Foreign

Intelligence Surveillance Act of 1978'' and other chapters cited here.

In other words, comply with the laws passed by this Congress and signed by the President.

Now, we have heard from our colleagues on the Intelligence Committee to trust us, this is a needed program. A lot of us haven't had the benefit of that information. But I would say, many of us have not disputed the need for the program.

Maybe we should have this program. We certainly want to intercept any communications from al Qaeda. But it does concern me that the members of the same Intelligence Committee cannot tell us whether or not the program as it is currently configured is complying with FISA. That certainly is not a classified thing, whether or not it is configured to comply with FISA. The fact that the members of the Intelligence Committee cannot tell us whether it is configured with FISA or not is troubling.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. VAN HOLLEN. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, all of the articles in the Washington Post that talked about this said that it wasn't, in some cases. None of us get in trouble for disclosing that fact. Your amendment doesn't restrict money if it does comply with it.

Mr. VAN HOLLEN. Mr. Chairman, reclaiming my time, absolutely. If it complies with FISA, it is fine.

Now, what is troubling is the Attorney General was asked way back why he didn't come to Congress to seek changes to the law to accommodate this program, and he said he considered that possibility, but then he didn't think Congress would pass it. Well, if that is your conclusion, you don't get to just say, well, I am going to ignore the law and circumvent it. You have to work with Congress.

What is really troubling is I think all of us here, if we heard the same information that members of the Intelligence Committee say they have access to, would also conclude it may be a necessary program. But if it is, let's put it within the confines of the law. That is all this amendment does.

Yes, it authorizes electronic surveillance. We want it to authorize electronic surveillance. But we want to authorize electronic surveillance within the confines of existing law, and if existing law can't accommodate that program, let's come back here, let's pass a statute and change it.

Those who say FISA hasn't been changed, it is outdated, the fact of the matter is we have made eight changes to FISA since its enactment in 1978. We can make more changes to FISA right now to accommodate this program.

But let's just make it clear: If you don't think you can get a law passed by the Congress, you don't get to choose to ignore it. It is not an a la carte system. Our Constitution is based on the rule of law. We can protect the American people, we can intercept al Qaeda communications, and we can do it in accordance with the rule of law.

I urge my colleagues to adopt this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I congratulate the authors of this amendment. The debate here and potentially the outcome confirm a very important point: We do not suffer in this country from a problem of the Presidential usurpation of power. We suffer from congressional dereliction of duty. It is not a case of the President overreaching. It is a case of us ducking and dodging and letting him do all the tough issues.

This amendment is a very simple one. Now, Members have said on the other side, I heard the gentleman from Kansas say, why don't you bring in a bill? Two reasons: First of all, if we brought in a bill, it would never see the light of day. How can a majority party which has specialized in strangling legislation at its birth complain when we don't think that is a good way to debate important issues?

But there is another reason. This is one that can sustain a veto. The Supreme Court has made it very clear: It will not referee disputes between the executive and legislative branches. The only way you can put some restraint on a President who is acting without restraint is by an amendment that says there are limits on what he can do with the money.

Now, we have heard selected quotations from John Jay. Poor old John Jay hasn't been mentioned in years. I am glad his spirit has been invoked. But nobody much cares about John Jay most of the time.

We have had some Supreme Court cases cited. Youngstown Sheet and Tube against Sawyer, which restricted the President in a time of war, was not mentioned.

Let's be very clear: History does not dictate the answer. This calls on every Member of this House to say what kind of Constitution do you want? Do you want one in which the President can have unchecked executive power, not just in time of war, but any time?

We are in what the President now says is a war against terrorism that is unlikely to have an end. So we are not talking about temporary wartime powers. We are talking about what kind of Constitution do you want?

We have a President who has asserted his right to do whatever he thinks necessary to protect the country, including, remember, arresting American citizens and having them incarcerated indefinitely with no chance to present a case. The Supreme Court said, whoa, that goes a little too far. But this is what the President has asserted with regard to FISA.

One gentleman said, well, remember what Griffin Bell said. I will be honest with you, I have found that as a general principle, ignoring Griffin Bell is a good idea. I have always done that in important cases. But what Griffin Bell said or didn't say doesn't tell us.

And this is the question, not what John Jay said or this one said, because you can quote each other to death. What kind of Constitution do you want? Do you want one where the President of the United States without any check can do what he thinks best? Because, by the way, the courts won't be involved here, because they can avoid a court decision by never prosecuting based on this evidence.

So the only potential check here is if we say no. Yes, you can wiretap, as long as you can get a warrant. And getting warrants under FISA is not hard. But we do not like the principle of an unchecked Presidential power.

I will yield to my friend from California if he will begin by answering this question: Conservatives tell me they like to be textual with regard to the Constitution. Would he cite for me, I thought maybe the Constitution got changed while I wasn't looking, so I went and read article II, it took about a minute and a half, it is a pretty small article. I am glad to see the President can get paid. It is right there in the Constitution.

But would he cite for me the text of the Constitution, article II, which empowers the President to do this, even if Congress tells him not to?

I will just add this. With regard to Youngstown Sheet and Tube, as I recall the analysis, it was there are three situations. I will ask for additional time, because I would like to have a colloquy. The President acting alone, the President acting with Congress, and the President acting in contradiction to what Congress has said.

The analysis has always been acting with Congress, the President is at the peak of his powers. Acting alone, it is unclear. Acting in contravention to what Congress has said, he is at his weakest. Here, since we have FISA, this is in contravention to what Congress has told him to do.

So I would now yield to the gentleman. Would he begin just by citing the parts of the Constitution that are relevant, and then, obviously, he is free to say what he wishes.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding. I was speaking of the vesting clause in the U.S. Constitution that gives the President with the executive powers——

Mr. FRANK of Massachusetts. Please read it. I would ask the gentleman literally to please read it, because I think it doesn't say what he says it says. Please read it.

Mr. DANIEL E. LUNGREN of California. I don't have the exact words.

Mr. FRANK of Massachusetts. I would ask, would a page bring me the Constitution while we are talking?

Mr. DANIEL E. LUNGREN of California. It is the vesting clause of the Constitution, vesting in the President

the executive authority, coupled with his authority as Commander in Chief.

Now, let me just say to the gentleman, so we can make it clear, I have never argued that the President has this authority in all things, as some have suggested, to kill people, to do this, to do that. I have cited authority which suggested in the area of gathering foreign intelligence, which is about what we are talking.

Secondly, I would just say that the gentleman is right that we do have the power of the purse.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 2 additional minutes.)

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

□ 1700

Mr. DANIEL E. LUNGREN of California. I don't argue at all that this is an inappropriate amendment to be considered, because this is the proper exercise of our authority to the power of the purse. What I have suggested is the arguments that the President is acting illegally or unlawfully are not appropriate, because he is acting under the Constitution, in my judgment.

Mr. FRANK of Massachusetts. I take back my time. So the gentleman then agrees with this point. There is nothing inappropriate about this amendment. So while he believes the President is within his power to do this, does the gentleman agree that if this amendment is adopted by a majority, the President would be bound by it?

Mr. DANIEL E. LUNGREN of California. He would be bound by it with respect to the expenditure of funds in this particular bill. I don't think there is any question about that.

Mr. FRANK of Massachusetts. So that if he can find, I thank the gentleman and I appreciate that. I take back my time. The gentleman knows the rules. The gentleman knows the rules. He may not know the Constitution, but he knows the rules. I take back my time just to say, so we understand——

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has again expired.

(By unanimous consent, Mr. FRANK was allowed to proceed for 1 additional minute.)

Mr. FRANK of Massachusetts. Let us have the common ground. The question here, and I think I will accept this, we are not debating constitutionality here; we are debating what public policy ought to be. The gentleman from California agrees it is appropriate for us to consider it and agrees that, if it passes, the President is bound by it.

Now, I would yield to the gentleman. Are there other places the President can then find this money? Is that what the gentleman is saying? If the President were to be bound by this, would the gentleman suggest the President could then do this anyway in some other fashion? I would yield to him.

Mr. DANIEL E. LUNGREN of California. This doesn't cover all expenditures of the President under all circumstances. This is limited to the funds that are contained in this bill, as you know, because it is an appropriation bill.

But could I mention one thing, because there has been some question about this. The FISA court of review issued an opinion in 2002 which stated: all the other courts that have decided the issue held that the President did have inherent authority to conduct warrantless searches to obtain foreign intelligence information.

Mr. FRANK of Massachusetts. We are beyond that. Look, I do not think the Constitution, I will be honest with you, I think people decide and then they pick the——

Mr. DANIEL E. LUNGREN of California. Can we talk about——

MR. FRANK of Massachusetts. I am taking back my time. Let us debate the merits. Let us not hide behind——

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has again expired.

(By unanimous consent, Mr. FRANK was allowed to proceed for 2 additional minutes.)

Mr. FRANK of Massachusetts. I just want to say, stop hiding behind varying degrees of constitutional interpretation. By hiding behind them, I mean this: I don't think that people sat and said, oh, geez this is what John Jay told me and this is what I am bound by. I think we are talking here about what we think public policy ought to be. Should the President or should not the President have to get a warrant through FISA? That is the text of this amendment. Let us debate the public policy.

I yield first to the gentleman from Washington.

Mr. DICKS. I just want to say to the gentleman, I agree with that. I also think that the American Bar Association looked at this. They came to the conclusion that the President had to comply with the FISA law.

Mr. FRANK of Massachusetts. Let me just say this. Here is the constitutional text that my friend from California invoked, and pretty accurately. Good memory the gentleman has. Article II, section 1: The executive power shall be vested in a President of the United States of America, period.

Now, he says that gives him the power. This is circular. Why does the President have the power? Because he has the executive power. But we are precisely here defining for ourselves, as Americans today, what the executive power is and has meant to be. All this says is that he has the executive power. Does the executive power mean he can lock somebody up without a trial as he has said it does? Does the executive power mean he can ignore an act of Congress and wiretap when he wants to? That is the question. Saying that the executive power is vested in him simply is a way of putting the question. The question is, What is the executive power?

I yield to the gentleman from California.

Mr. SCHIFF. I thank the gentleman for yielding. I just want to get to one question that has I think not been answered to the opposition to this amendment. And that is, the suggestion is by those who know the program better than I do that parts of it don't meet the requirements of FISA. And my question is, Why can't this program be authorized by law? Why can't we change the law to authorize it?

Mr. FRANK of Massachusetts. I will answer the gentleman's question: because the President and his supporters do not want to concede that there is any limit on his power even if he could get this done through FISA, and that is the——

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has again expired.

Mr. FRANK. I ask for an additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. YOUNG of Florida. Reserving the right to object, and I will not object, but we are talking in circles. We are not even talking about some of the main issues that are before us. The sponsor of the amendment just admitted that we are talking about an authorization. This is an appropriations bill. This should be done at an authorization committee where you all are.

Mr. FRANK of Massachusetts. I thank the gentleman.

Mr. YOUNG of Florida. Just a minute. It is under my reservation.

Let us bring this to a close. We can repeat our arguments so many times. I withdraw my reservation.

The CHAIRMAN. The gentleman withdraws his reservation.

The gentleman from Massachusetts is recognized for 1 minute.

Mr. FRANK of Massachusetts. In my remaining minute, I understand, I will say that my good friend from Pennsylvania I think is probably not distressed that we are talking about something that is not the heart of the bill. But the fact is, I will close by this, we are talking about it here because this is the only enforceable way to put restraints on the President. And I will tell you why I think it is important. Chaplain Yee at Guantanamo, Burton Mayfield in Oregon, Wen Ho Lee under the Clinton administration, there are, sadly, cases of entirely innocent individuals who were prosecuted and gone after.

I don't think the President is ill intended here. And I think the law enforcement people are the good guys; I just don't think they are the perfect guys. So I want to give them power, but I want to subject that to some check beforehand and some process afterwards. And that is what we are

saying here. We are fully in favor of empowering law enforcement, but we do not want them to be exclusive in the exercise of that power. And asking that they go before a judge to justify it when they are going to be wiretapping an American seems to us to be reasonable and to do no harm to America.

And to repeat my answer to the gentleman from California: the opponents of this amendment are the proponents of the view that the President's power should be entirely unchecked, and that is dangerous.

Mr. HOEKSTRA. Mr. Chairman, I move to strike the last word.

I thank the Chair, and I appreciate the discussion and the debate that we have had on this amendment. I join with the chairman of the subcommittee and the ranking member of the subcommittee in opposing this amendment.

It would jeopardize one of the most critical abilities to detect and prevent terrorist attacks on the United States. In addition, it would interfere with an ongoing course of oversight that has been conducted on a bipartisan basis by the leadership in the authorizing committee since the inception of this program.

It is the day after 9/11 and the President has asked NSA, other parts of the intelligence community, the military: What is the threat? How do we most effectively respond? And what is the threat to the Nation? And he has asked the intel community and the military to come back with various options as how best to protect the United States in that time of uncertainty, and the executive branch and the various agencies come back with a series of proposals as to exactly what they believe can be done and should be done to keep America safe.

The President doesn't act unilaterally; the President acts in a collaborative basis. It is not an overreaching of an Executive.

To my colleague from Arizona, if a President of the other party went through the same processes that this President went through and exercised these authorities would I support that President? My answer would be different than my colleague from Arizona; the answer would be, yes, because the process was very straightforward. Four times within the first 8 months after 9/11, it was a collaborative process between leaders of this House and the U.S. Senate who sat down with the executive branch and reviewed this program in detail. Do you know what they said? This is a program that is necessary in a time of uncertainty. We support this program, and it needs to move forward.

We have had some discussions and disagreements as to the extent of the number of people that should have been briefed on the authorizing committee. We have worked through that process, and now every single person who has the desire to be briefed on this program is briefed on the program and have had the opportunity or will be given the opportunity when they get new questions to have every single one of their questions answered.

We have a way ahead on our authorizing committee. The ranking member has introduced legislation that she thinks may address some of the issues. But we know that FISA and electronic surveillance is a very, very difficult issue because technology has changed significantly since FISA was originally developed. And so we are going to move forward, and I am thrilled that within the Intelligence Committee we are going to continue a bipartisan way ahead. It doesn't mean we are going to agree, but it does mean that we have laid out a process as to what the needs are of the intelligence community to keep America safe, what the legal framework is, and evaluate the changes in technology and the environment so that we can do the necessary oversight and protect and balance civil liberties with the needs of America's security.

Ms. HARMAN. Mr. Chairman, will the gentleman yield?

Mr. HOEKSTRA. I yield to the gentlewoman from California.

Ms. HARMAN. I appreciate it that you mentioned bipartisanship and mentioned our committee. I had not been planning to speak during this debate. I have great admiration for the bipartisan sponsors of this amendment. I also agree with their point, which is that the total program must comply fully with FISA. But my view is, as the chairman has stated, that we should deal with this issue in the legislative committee. And the reason we should deal with this issue in the legislative committee is that it is, as everybody here fully understands, very, very complicated. A number of us, 50 of us, are supporting H.R. 5371, The Listen Act.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. HOEKSTRA) has expired.

(By unanimous consent, Mr. HOEKSTRA was allowed to proceed for 2 additional minutes.)

Ms. HARMAN. I would like to ask our chairman: Will you agree that that bill and perhaps others will be the subject of the committee oversight and the subject of a legislative hearing in our committee at a reasonable future date?

Mr. HOEKSTRA. Reclaiming my time, absolutely. And as we have talked about it, and I appreciate the patience of my colleague as we have worked through the briefings of the entire committee and as we move forward, the legislative hearing on H.R. 5371 and other legislative initiatives that some of our colleagues are developing that address both the FISA issues which may apply to the current program but also which will be further reaching in terms of taking a look at different technology and those type of things as that has evolved is something that I think we can do on a bipartisan basis, and I am committed to doing.

Ms. HARMAN. And if you would yield to me again, first, to note that the American Bar Association and numerous civil liberties groups support H.R. 5371. But my further question is, Do you agree that the entire program should be covered by law? The President may have inherent authority to do things, but eavesdropping on Americans in America must be covered by the law that Congress passed. I am not asking you to agree to that point because you may not, although I feel strongly about it. But I am asking you whether you agree that it is the Congress that should determine the legal basis for the President's actions and not the White House acting unilaterally.

Mr. HOEKSTRA. Reclaiming my time. I thank the gentlewoman for her comments. From my perspective, it is very, very important that Congress create the legal framework by which the President exercises his authority. And the only thing that could overrule our legislative box that in our case we put the intelligence community in would be the overriding authority of the Constitution.

I thank my colleagues.

Mr. HINCHEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank my colleagues for bringing this issue to the floor in the form of this amendment today. I think that they have done the country a great service. If this House had been doing its job properly, this issue would have been out here on the floor of the House of Representatives quite some time ago.

The fundamental principle that we are dealing with here is simply this: we are a Nation of law. All of our law is based upon the Constitution. There is nothing in the Constitution that gives the President of the United States the authority to violate the law. The President of the United States has violated the law.

This is not the first administration that has sought to govern the country on the basis of the creation of a climate of fear. As one of our colleagues pointed out earlier in this debate, that can be traced all the way back to the Adams administration, the first Adams administration. But that attempt eventually was overthrown, and it didn't take a long time.

□ 1715

The last time we had a President of the United States who wanted to engage in illegal surveillance on the American people, the last time we had a President like this one who was engaging in that kind of activity, was the Nixon administration. President Nixon engaged in illegal surveillance on the American people. As a result of that and other things, he was forced out of office.

Subsequently the Congress developed the Foreign Intelligence Surveillance Act, FISA, in 1978. There are some of us who believe that FISA itself is a compromise of the fourth amendment of the Constitution. The fourth amendment of the Constitution guarantees

independence and privacy to every single American citizen, and there are some of us who believe that the FISA Act compromises that. Nevertheless, it is the law.

So what do we have now? We have a President who has gone beyond the Foreign Intelligence Surveillance Act, who has engaged in illegal surveillance against the American citizens.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would direct the Member not to refer to the President of the United States in accusatory terms.

Mr. HINCHEY. Mr. Chairman, I intend to speak in the way that I believe is appropriate, and I will continue to do so.

The Foreign Intelligence Surveillance Act was set up to ensure that the President did not violate the law and go beyond it. This administration has violated the law. We have not addressed that. The House of Representatives, the Senate has not addressed this issue.

Now we have an opportunity to address it by virtue of the fact that we have this amendment before us. This is an important vote today. Every Member of this House should act in accordance with the law and accordance with the Constitution and vote for this amendment.

Mr. SCHIFF. Mr. Chairman, will the gentleman yield?

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

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding. I will be very quick. Two final points in response to what the chairman and the ranking member of the Intelligence Committee had to say.

First, there is legislation on this subject, bipartisan legislation, that was introduced on March 16. We have had no oversight hearing on it, no markup on it, nothing, zero, zilcho, nada, which is why we are on the appropriations bill, the only vehicle in which we could raise this issue.

Second, both Members have said that this amendment would somehow jeopardize an existing NSA program. What that means is that far from my colleague from California's point, that the program does not comply with FISA. Otherwise, how could it be jeopardized? So there is an admission by the chair of the committee that the existing program does not meet the requirements of FISA.

What still has gone unanswered is why can we not make changes to FISA and the existing law? If this is such a vital program, why does it have to be done outside of the law?

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the major point here that the opposition to this makes is the President has inherent authority. That has not been tested at the Supreme Court because once FISA was enacted, that was enacted to limit unbridled Presidential authority. I believe FISA is the only way that you can proceed; that the President must go to FISA if he is going to conduct these kind of foreign intelligence activities.

Mr. HINCHEY. Mr. Chairman, reclaiming my time, the gentleman is exactly right. That is the law currently. Whether that law violates the Constitution is an open question. Nevertheless, because it has not been contested, it is the law, and the President, the administration, all of us have to live by that law.

There is nothing that gives the President of the United States or anyone in this administration the authority to engage in surveillance of the American people, not a single American citizen, outside of the definition requirements within the Foreign Intelligence Surveillance Act.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, the Supreme Court has made it very clear it will not referee fundamental constitutional debates over power between the executive and legislative branches. Only if you got a case would this get to the Court, and they will dodge and duck and never allow there to be a case. This is the only constitutional way to confront it.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the last word.

This is, I think, a very important debate, and I am glad we are having it. I think this is an absolutely terrible amendment. The question is really do you believe we are at war or not. The President has made it very clear. You have a known al Qaeda operative.

Let us go back to World War II. You have got a German or a Japanese agent, in Germany, in the south Pacific, speaking to various people, and we are listening in. Now, would the American people in World War II, if they began speaking to somebody in the United States or a known American citizen, want the listening device put down and go to a judge? That is what we are talking about.

He is in a cave, he is in Afghanistan, he is in Baghdad, he is talking. Let us talk about Israel, okay? Do you think the Mossad, if somebody is speaking from Jordan, and there are known terrorists operatives, and they are speaking to somebody in Israel, they want to put down the listening device and go in front of a judge? That is what we are talking about. Are we at war, or are we not at war? It is a known al Qaeda operative.

They are overseas, and suddenly they are talking to an American citizen, be it in the United States or elsewhere, and it is time to put down and stop listening and go find a judge and put together a brief and get a judge to review it? I believe we are at war, and they want to kill us. They want to kill our wives. They want to kill our children.

This is a good debate because this debate has been going on for months and months, and this is a horrible, horrible amendment because it ties one hand behind our back, and it should be defeated, and we should vote it soon and vote it down.

Mr. INSLEE. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, I appreciate your courtesy, and I do think this is an important debate. I appreciate your perspective.

I want to ask you a forthright question. Do you understand that under the scenario you have posed, that you can go over the executive, 72 hours after the event, 72 hours after the event, you go and get a warrant, you can continue your tap, you can get the intelligence, 72 hours? Do you understand that is allowed?

Mr. WELDON of Florida. I understand that I want them to keep listening. I want the information, and this is what the debate is about. You want to stop. You want go to a judge. I do not think we should.

Mr. INSLEE. Mr. Chairman, if the gentleman will yield, I want to make sure you understand. I want to make sure the gentleman understands that under this amendment you do not have to stop listening to anybody ever. We want to continue listening, and we simply require that 72 hours after that, we ask the executive to have another set of eyeballs take a look at it to make sure it is compliant. Does the gentleman understand this amendment does not stop anybody ever, as long as you go and have a warrant 72 hours after the intelligence gathering? Do you understand that is the purpose of our amendment? Because it is.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from California.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, that begs the question as to whether or not you can, in fact, effectively do that with the 72-hour limitation. There are those running the program that suggest that that is not possible, not because necessarily the limitation on going to court, but all of the work that needs to go forward before you get to the court to get the approval. That is what we ought to be talking about.

Mr. WELDON of Florida. Mr. Chairman, reclaiming my time, as I understand it, what you all have laid out is not that easy to do basically; that you have to make a case in front of a judge, and if it is a known al Qaeda operative, I think we should be listening to all of their conversations.

Mr. INSLEE. Mr. Chairman, if you will yield just for a moment, I just want to make sure members understand what we are voting on.

If this amendment passes, the President of the United States and his executive authority will be able to continue

to listen to these conversations unimpeded, unimpeded, as long as they go to a judge 72 hours after.

Mr. WELDON of Florida. Mr. Chairman, reclaiming my time, I think they should be able to do that. If you have a known al Qaeda operative, we should be listening to all their conversations. We should be listening to all conversations from all al Qaeda operatives.

Ms. HARMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage the chairman of the Intelligence Committee in a colloquy. Let me just state before we have this colloquy, my position is that FISA, as presently drafted, must cover the entire program. This is my position after being fully briefed on the program, as the chairman said, and being fully briefed by the NSA and the Justice Department about how FISA works. It is my position that FISA can and must cover the full program. Be that as it may, I would like to ask the chairman some questions.

As you noted, Mr. Chairman, some of us on the committee and a total of 50 Members of this House have introduced H.R. 5371, the LISTEN Act, which would require that this program be brought fully under FISA, and which also states that more resources will be made available to change the way FISA is implemented so that using electronic means, more staff, whatever it takes, there will be a more efficient way to get 72-hour emergency warrants. I know you are aware of the contents of our bill.

My question to you is are you prepared to hold a legislative hearing in the Intelligence Committee on our bill and any other bills that may be pending before our committee that address this issue of FISA as it is connected to the NSA program?

Mr. HOEKSTRA. Mr. Chairman, will the gentlewoman yield?

Ms. HARMAN. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Chairman, I thank you for yielding.

As the gentlewoman knows, we have worked through this very much in a collaborative process. We followed on the heels of the former chairman and the former ranking member in trying to make sure that we do this in a bipartisan basis.

We have had a number of briefings on this program to fully understand how FISA works both from the NSA, from Justice and a number of place. It is interesting for those people who are not part of the committee, who make categorical statements that nothing has happened, and we know that we have had a way forward, where we have done things.

But in terms of your simple question, I just had to take the shot, the opportunity to respond to just what I thought were some unfair characterizations as to what you and I have been doing in the committee.

I commit that we will have a legislative hearing on this and other proposals that will create a framework that hopefully can move out of committee, but there will be a legislative hearing, yes.

Ms. HARMAN. Mr. Chairman, reclaiming my time, are you prepared following the legislative hearing or hearings to report a bill to the House floor? Will you personally agree not to block any bill from being reported to the House floor?

Mr. HOEKSTRA. I will not use my position as chairman of the committee to block a consensus of the Intelligence Committee to move a bill to the floor.

Ms. HARMAN. Mr. Chairman, I want to clarify this for myself and others who are listening.

You are prepared to consider this bill, H.R. 5371, which would force this entire program to comply with FISA. Actually much credit for the construct of H.R. 5371 does go to Mr. SCHIFF and Mr. FLAKE. I just want to clarify, and then I would like to yield, H.R. 5371 says the entire program must comply with FISA, and we will hold a legislative hearing on this bill and other bills, the committee will then report legislation to the House floor; is that correct?

Mr. HOEKSTRA. We will hold a legislative hearing, and we will determine whether there is a consensus in the committee that will enable us to move a bill that would reform FISA and move it to the floor.

Ms. HARMAN. Well, our bill, reclaiming my time, does not reform FISA. It just gives resources to make FISA work.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Ms. HARMAN. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, we are further along than we were, but the phrase ''consensus,'' consensus is nice, but nothing in the House rules or the Constitution or the writings of John Jay say that it is a prerequisite for moving legislation.

I would hope that the gentleman would say on an issue that we all agree is important, a bill will come to the floor, the majority will decide, but I do not think those of us not on the committee ought to only get an opportunity to legislate on this if there is a consensus.

Now, if you are telling us do not do it as an amendment to the appropriations bill, Mr. Chairman, because the bill is going to come forward, we need to know that a bill is going to come forward, consensus or not, and then the House can decide what it wants to do.

Mr. HOEKSTRA. Mr. Chairman, will the gentlewoman yield?

Ms. HARMAN. Mr. Chairman, I yield to the gentleman from Michigan, and I would appreciate it if he would answer that comment.

Mr. HOEKSTRA. Mr. Chairman, to my good friend from Massachusetts, consensus means that we have 12 votes to move a bill out of committee. All right. Consensus does not mean 21 ayes and zero noes. Okay. So thank you for that clarification.

I think it is also important to know that moving a bill to floor that would deal with this issue, we would probably not be the only committee of jurisdiction. Other committees would have jurisdiction as well.

The CHAIRMAN. The time of the gentlewoman from California (Ms. HARMAN) has expired.

(On request of Mr. SCHIFF, and by unanimous consent, Ms. HARMAN was allowed to proceed for 30 additional seconds.)

Mr. SCHIFF. Mr. Chairman, will the gentlewoman yield?

Ms. HARMAN. I yield to the gentleman from California.

Mr. SCHIFF. Mr. Chairman, I just point out to the chair and ranking member, I know my bill, and I assume that the gentlewoman's also, has now been referred to both Intel and Judiciary, and without a similar commitment from Judiciary, there is really no commitment that would come to the floor.

Ms. HARMAN. Mr. Chairman, I wish the Judiciary Committee would also act. Mr. CONYERS is a lead author with me of the bill I am talking about. But I think it is critical that the Intelligence Committee act because we have the membership that is briefed on the program, and if we report a bill to the House floor for action, I would hope that the House would respond to that promptly.

□ 1730

Mr. NADLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I must confess I am a little ambivalent about this amendment because the amendment seems to say that we should obey the law, and some people might get the implication if we don't pass the amendment that we are free not to obey the law.

The amendment says that ''funds are prohibited from being used to engage in electronic surveillance in the United States except as authorized under the Foreign Intelligence Surveillance Act or title III.'' Well, the Foreign Intelligence Surveillance Act says that. It says that this title and title III shall be the exclusive, exclusive, that is the word used in the law, the exclusive authority for domestic surveillance, for domestic wiretapping. Anything outside of that is illegal. Anything the administration is doing outside of FISA and title III, by the terms of FISA, is illegal.

Certainly we should obey the law. I will vote for this amendment because I can't imagine the House saying we shouldn't obey the law, although I hear some of that from the other side. The fact is that this entire program, insofar as it is done outside of FISA or title III, is by definition illegal because the law says so, period.

Now, I just came from the airport, and I heard a little of the debate, with people saying, well, maybe it is too hard to get a warrant. Maybe the work that has to go on beforehand is too

hard and takes too long to get a warrant, even 72 hours after the surveillance begins, which is what FISA says. Well, if that is the case, let the administration make that case and let us amend FISA.

Remember why FISA was passed. FISA was passed because of tyrannical, illegal conduct by the FBI and by prior administrations that was considered by the Congress. After hearings and after revelations, they said, my God, we curtailed liberty in this country. We invaded the liberty of law-abiding, peaceful citizens under the cover of law, and we should never do that again; we are going to enact some safeguards. And Congress enacted FISA to be that safeguard.

And to say if you want to do domestic surveillance, if you think someone is a Communist agent, in those days, or an al Qaeda agent today, here is the procedure by which you get the authority to wiretap that person. Should a known al Qaeda agent be wiretapped all the time? I would say, yes, but a court would say, yes, too. In fact, we provided in that law for a secret court. You can go get an exparte order on secret evidence in a secret proceeding, and you can even do it after the fact, 72 hours.

Now, maybe it should be 96 hours or 5 days. Maybe someone could make a case for that. Let Congress change the law for that. But simply to say, the FBI tells us, the administration tells us that obeying the law is too difficult?

I remember a few years ago hearing ringing phrases from Henry Hyde and a lot of other people about the rule of law. We should impeach a President because he allegedly violated the rule of law. And now we come to this floor and say ignore the law? The administration, if it is too hard, can ignore the law?

The law says that FISA and title III are the exclusive authority for wiretapping in the United States, period. No ifs, ands, or buts. All this amendment does is repeat it.

As I said, I am ambivalent about it because I don't know that we should have to repeat it, but apparently we do. So I urge the adoption of this amendment, and I would remind everybody that to vote against this amendment is to say we are endorsing the violation of the law. We don't care about the rule of law. We endorse the administration's illegal and extraconstitutional action and we are making ourselves complicit in that and there is no protection, because the President now claims the power to disobey any law under his inherent authority under article II as Commander in Chief.

That is a power even George, III, didn't claim, to just disobey the law when he judges it necessary because of his being Commander in Chief of the armed services. He is Commander in Chief of the Armed Services, not of the United States. He is not Commander in Chief of the United States. He is not a monarch.

No President should have the power to disobey the law or to set aside the law when he thinks it necessary. If he thinks changing the law is necessary, come to Congress, change the law, enact a change in FISA. I might support it; I might not. But Congress will work its will. Enact a change in FISA.

Simply to say, as this amendment does, that no funds shall be used except in accordance with law, because the law says no electronic surveillance shall occur, that is the words, no electronic surveillance except as provided in this act or in title III. That is the law. That is what this says. If we have any shame at all, we should adopt this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. SCHIFF).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SCHIFF. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

Mr. SIMMONS. Mr. Chairman, I move to strike the last work for purposes of engaging in a colloquy with the distinguished gentleman of the subcommittee.

On May 11, the House passed the defense authorization bill for fiscal year 2007. As the chairman knows, the bill includes a funding authorization to build two Virginia Class submarines per year, starting in 2009. Consistent with the Navy's stated requirement, the House bill also includes language requiring the service to maintain a submarine fleet of no less than 48 attack submarines.

Mr. Chairman, it is clear that the Navy has a growing shortage of fast attack submarines, and I offer for consideration the following statistics provided by the Navy: over the last 5 years, the Navy submarine force last fulfilled only 60 percent of the mission taskings; in 2006, the submarine force covered only 54 percent of the combatant commanders' requests; and most alarmingly, this year the force has met only 34 percent of high-priority missions.

I congratulate this distinguished chairman for his hard work on the defense appropriations bill under consideration today. The bill does not include submarine provisions similar to those found in the authorization bill, however; and so I ask the chairman to work toward a conference solution that includes funding for the advanced procurement of a second Virginia Class submarine sometime before 2012. Increasing our submarine build rate is the only solution to a growing force level gap.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. SIMMONS. I yield to the very distinguished chairman of the Defense Appropriations Subcommittee, the gentleman from Florida.

Mr. YOUNG of Florida. The gentleman from Connecticut has made a strong and convincing policy argument for building two submarines each year sooner than the year 2012, and we have discussed this off and on for the last several weeks. He is very, very persuasive. So I can assure him that I will continue to work with him as we prepare to go to conference and go to conference to address the shortage of submarines in our Navy.

I am a very strong advocate of our submarine capability. I think that is one of the best deterrence systems that we have, one of the best military systems, and I appreciate the work of the gentleman from Connecticut on this issue. As I said, we have had many conversations about this. I know of no better champion of submarines in the House than Congressman SIMMONS.

But as we have discussed, the 302(b) allocation for this subcommittee was $4 billion less than the administration requested, so that made a shortage of funds. Anyway, Mr. SIMMONS has made a very strong case and I do intend to work with him because I also believe that we should have a larger submarine fleet.

I go back to the days of President Ronald Reagan, who thought we should have a 600-ship Navy, which we don't have today, but I supported that as well. And I certainly support increasing the size of our submarine fleet. So I thank the gentleman for raising the issue and doing the good job that he has done in making this case.

Mr. SIMMONS. Mr. Chairman, I thank the chairman for his commitment and applaud him and the rest of the committee for their hard work on this legislation under consideration today, and I look forward to working with him in an appropriate fashion as the Congress moves forward with this important spending bill.

Mr. BUYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the issue I bring before my colleagues is that we have done a very good job in protecting the soldiers on the battlefield, and I want to compliment Mr. YOUNG and Mr. MURTHA for all you have done. And you have done that to protect them against ballistics. So we have given them the body armor. They have the side plates, the shoulder plates, throat plate, groin plate, and they have this helmet on them and it protects them against the ballistic and crash.

But we have a problem. The problem is now, when these IEDs go off, we have blast injuries. Where before you would be close to a blast and the body or the torso would absorb part of that blast, now that blast hits all that armor that we have put on them, and part of that goes up the face where the helmet is strapped onto the chin, and when it goes up into the helmet there is no place for the force to be released. So you get a concussion, and as the force

then comes back down you get a precussion. So we have traumatic brain injuries.

We need to examine this, and I want to work with Mr. YOUNG, with Mr. WELDON, and Mr. MURTHA. We need for the Under Secretary of Defense for Acquisition, Technology, and Logistics to conduct a series of comprehensive, nonballistic and ballistic tests and an evaluation of the Marine Corps light combat helmet and Army combat helmet with all qualified sling, pad, and suspension systems available in accordance with the operational requirements applicable to such helmets.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. I thank my colleague for yielding.

Last week, on Thursday, I chaired a hearing in my subcommittee looking at this very issue with helmets, and we have a dilemma right now, Mr. Chairman.

We have all of our Army being outfitted with modern helmets thanks to the good work of the appropriators. 500,000 of these helmets are on order and in place with cutting-edge technology inserts that the soldiers are very happy with. We have the Marines Special Ops units deployed with similar helmets with the inserts the Army is using.

But we have 20,000 marines in theater, and 6,000 of those marines have requested an updated insert that the marines are unwilling to provide. So we have a private nonprofit, headed by a former Navy surgeon, who has raised hundreds of thousands of dollars to buy inserts to give to our soldiers in theater, including the 6,000 marines.

It is a very confusing issue. General Catto last week said, well, we are not going to stop them from using these inserts, but he won't order them for the rest of the marines. What this language does is it says complete this study within 60 days and buy immediately the helmets and the inserts, especially for the Marine Corps that the marines in theater are in fact requesting and using.

Mr. BUYER. I thank the gentleman for his good work.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. For those of us who have visited our wounded soldiers and marines in the hospitals understand the importance of the type of injury you are discussing. Sometimes it is very obvious, very evident, and sometimes it is not obvious at all, but it is there.

I believe we can help with what you want to do here. I believe as we write our conference report that will come with the conference product. I think we can direct what it is that you want to see directed, and I am prepared to offer that as we go into the conference.

Mr. BUYER. I thank the chairman, and I yield to Mr. MURTHA.

Mr. MURTHA. I agree.

Mr. BUYER. I thank the two gentlemen and look forward to working with you as we go to conference.

AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for the Institute for Exploration at Mystic Aquarium in New London, Connecticut.

Mr. FLAKE. Mr. Chairman, when I saw this earmark, which is $1 million for research at the environmental center at Mystic Aquarium, Connecticut, I thought I was experiencing deja vu. We had a similar amendment in the Energy and Water bill just last week, or 2 weeks ago. Now we are looking at the defense bill, and the only difference is the amount of the earmark. I believe it was $400,000 then; this defense bill earmark is for $1 million. My amendment would remove this earmark from the bill.

Now, during our debate a few weeks ago on this subject, we learned that the aquarium has been in operation for over 20 years, that it is an educational and research institution with expertise in ocean environmental studies and in deep sea exploration. We learned that it provides activities and learning for boys and girls clubs. All of these are worthy activities, certainly.

We learned that the world's foremost deep sea explorer collocates his operation at the aquarium. That is Dr. Robert Ballard, I believe.

□ 1745

What we didn't learn was why this aquarium gets favorable treatment over aquariums in Arizona or Massachusetts or Kansas. We didn't learn what enumerated Federal function the aquarium fills. We certainly did not learn, and we haven't learned yet today, and I hope to learn in the next 5 minutes, how the aquarium contributes to the most basic and critical function of defending our country.

We just heard a great discussion about how we need to free up more funding for helmets for our military. I would suggest this is a great place to start. It is often said you can't vote for the Flake amendments because the money will simply be spent anyway by the agency. In this case the agency is the Department of Defense, and I think it would be hard to believe that they could make a case for a program less wise than this on their own, that they have something that fitters away more dollars than spending on an aquarium.

I like the Boys and Girls Club, but they aren't fighting for us and defending our country. Maybe they have programs that benefit them at this aquarium, but I would submit that it is no way to spend our defense dollars.

By voting against this amendment, you are saying that we place more value in the defense bill for funding aquariums than we do in funding defense.

Now we were trying to find out when we were researching this amendment, and we were not told much by the Appropriations Committee, so we tried to find out what this is, if it really is Connecticut, and I was told today, no, I think it is in Ohio on Lake Erie. I don't know what the aquarium does. I am anxious to learn what it does and how it contributes to defense.

In this process without a unanimous consent agreement on this bill, I am unable to ask questions and then speak later. I hope whoever is sponsoring this legislation or supporting this will please tell us how it is more vital to fund aquariums in the defense bill than funding helmets for our troops, for example, or anything else the Defense Department can do.

I would ask, please, for the sponsor of the amendment or whoever is defending it to tell us why we should be funding aquariums in the defense bill.

Ms. KAPTUR. Mr. Chairman, I rise in opposition to the amendment and oppose the gentleman's effort to try to eliminate the funding for this program.

Let me first begin by saying that the Supreme Allied Commander of NATO supports this effort as one that is strategic. Many of us on the committee also support it because it is educational.

Let me explain to the gentleman that the organizations that will carry out the undersea exploration in the Black Sea and in the eastern Mediterranean will do this working under the authority of NATO. There are very preeminent scholars who are involved in this, including Mr. Bob Ballard, best known for finding the wreckage of the Titanic.

The efforts in the Black Sea and the eastern Mediterranean will be to explore underwater in a cooperative effort with our friends in both Ukraine and in Russia. The Government of Greece will be involved as well, but the instrumentalities that you talked about in this country are only locations through which some of our talented people have been selected and will be coupled with those of Ukraine, Russia and Greece.

As you may or may not know, Russia has a base in Crimea, and as both Russia and Ukraine move towards NATO, I think it is important for the United States to find ways to work with them together so we can achieve a very progressive maturation and a set of relationships that include underwater exploration in which everyone feels they have a stake.

One of the side benefits of this particular effort, so you know, is that there will be educational programs relating to math and science. This particular scientific endeavor will be

broadcast through a live network of museums, science centers, Boys and Girls Clubs, and aquariums, perhaps the one the gentleman mentioned. There are literally hundreds of them, including Department of Defense schools in all of the NATO countries. So there is also a benefit for education.

One of the goals is to take and broadcast through Ukraine and Russia so we work on this together. There is actually a term that they use, I might not have it exactly right, but it is like an instantaneous televideo connect where as they film underwater and begin to identify various undersea artifacts and conditions, and the oceanographers and the scientists involved will make this information available globally.

So the Institute for Exploration Project is designed not only to help our strategic relationships in the region, but it has a benefit for children across the world. And by working on a project focused on exploration of the maritime conditions in those locations, we engage strategically with countries where we need to develop friendships and a common agenda without engaging in any kind of overt military activity. That is a bit of an explanation.

Mr. Chairman, I yield to the gentleman from Connecticut (Mr. SIMMONS), who has been such a great colleague in helping the Ukrainian Caucus move this project forward.

Mr. SIMMONS. Mr. Chairman, I thank the gentlewoman for yielding, and I also rise in opposition to the amendment.

If the logic of the amendment is to be understood, the Department of Defense should not engage in any funding of academic research. I think we know that the Department of Defense expends incredible dollars on academic research, especially applied research, that has application to some of their varied missions.

The United States since World War II has enjoyed subsurface dominance. Just a few minutes ago we talked about the issue of our submarines and our Submarine Center of Excellence in Groton-New London. Well, that Submarine Center of Excellence in Groton-New London is collocated with the Institute for Exploration. We are not talking about funding for fish food and cleaning the tanks. My colleague from Arizona keeps saying it is an aquarium as if we have goldfish in this place, or something like that. That is to trivialize some of the activities that take place there.

The CHAIRMAN. The time of the gentlewoman from Ohio (Ms. KAPTUR) has expired.

(On request of Mr. SIMMONS, and by unanimous consent, Ms. KAPTUR was allowed to proceed for 1 additional minute.)

Ms. KAPTUR. Mr. Chairman, I continue to yield to the gentleman from Connecticut.

Mr. SIMMONS. That is to trivialize the fact that Dr. Robert Ballard, a Navy officer, whose exploration activities also mirror his activities as a naval officer, and is involved in very interesting and sensitive research in the subsurface.

I would say to my colleague from Arizona, the Department of Defense does engage in funding for academic research. The investment in this program is very consistent with that, and I feel that perhaps in another venue or another time we could make a very detailed explanation as to why this is important to our country.

Ms. KAPTUR. Mr. Chairman, I just wanted to mention to the gentleman from Arizona that some of the following school districts in your State will benefit directly, including the Mesa Unified School District, and schools in Phoenix, Tucson, Scottsdale, Glendale, Yuma, Prescott and the Arizona Science Center in Phoenix is also involved in the dissemination of materials.

The CHAIRMAN. The time of the gentlewoman from Ohio has expired.

(By unanimous consent, Mr. FLAKE was allowed to proceed for 15 additional seconds.)

Mr. FLAKE. Mr. Chairman, the gentlewoman mentioned school districts in my State that would benefit. I would say again, this is the exact point we are making. This is not the Labor-HHS bill. This is the defense bill, for crying out loud. We are trying to fund our defense, and we are bleeding off dollars to aquariums. This is the wrong place to have this debate. It should be on Labor-HHS.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for the JASON Foundation.

Mr. FLAKE. Mr. Chairman, I put this next one after the last one because they kind of are similar. Again, the argument has to be why aren't we debating this in the Labor-HHS bill? If we are debating it at all, it should be debated in the Labor-HHS.

This earmark that we are seeking to strike is $1 million for the JASON Education Foundation in Ashburn, Virginia. Again, it seems like something that ought to be in the Labor-HHS bill. The mission of the JASON Foundation, and this is from their own Website, is to ''inspire in students a lifelong passion for learning in science, math and technology through hands-on, real-world scientific discovery.'' That is a wonderful mission. I am glad kids are getting the opportunity, but we shouldn't be funding it in the defense bill.

Dr. Robert Ballard has already been referenced here. He is the world's foremost ocean archeologist, and is its founder. They have good leadership. This is the same Dr. Ballard who collocates his ocean exploration operations out of the Mystic Aquarium, the recipient of $1.4 million in earmarks so far this year.

With corporate sponsorship and support from the likes of Oracle, Sun Microsystems, EDS, Shell, and Texas Instruments, the JASON Foundation has very good backing. However, this earmark raises questions that apply to too many other earmarks: Why is it in the defense bill? Should it receive any earmark funding at all? Who requested it? We don't know. I to this moment do not know who requested this earmark. I am hoping the author will come and say. Has there been a hearing on the subject? What essential Federal purpose does this serve; and doubly, what defense purpose does this earmark serve?

I think the mission of the JASON Foundation is noble, but the fact that we are funding it this way with this vehicle without real transparency is very disconcerting. This is not the Labor-HHS-Education bill. And frankly, given a lack of transparency and many problems that the current earmarking process presents, I don't think that it belongs in that bill either when we have a situation where I still to this moment have no idea who authored this earmark or what else it is supposed to do. All I know is what I have read, and yet we are being asked to approve a million dollars for it.

This is the only oversight this earmark will likely ever get. There is virtually no oversight after this. The agencies don't know about these earmarks. Most of the time they can't tell us what the earmark is for. And if we don't ask these questions here on the House floor, they simply don't get asked. I am anxious to hear answers to the questions that have been asked: Why is it in the defense bill? Who requested it? Has there been a hearing on the subject? Is there a Federal purpose? And is there a purpose for it in the defense bill? I can't ask that question too many times: Why are we funding this in the defense bill?

Mr. LEWIS of California. Mr. Chairman, I rise to oppose the amendment and to try to answer the gentleman's very appropriate questions.

I will speak to both of the amendments that he might have in mind, the Tech Center in Apple Valley, California, and the JASON Foundation program, for it speaks very much to why this kind of funding should flow through the Defense Department. If

there is a need that this country has today as it relates to our future security and national defense, it is to one way or another here at the Federal level, where we can impact education, it is to begin to turn around the involvement of young people as well as excellent teachers in the fields of math and science.

Without any question, our future viability in terms of security does relate to America leading in these fields. The JASON Foundation is very much involved in that question; but most importantly, I would like to highlight that by describing the Tech Center in Apple Valley, California, and give you a feeling for what we are talking about as far as turning kids on to math and science and stimulating teachers to become better teachers in the fields of math and science.

A young teacher dealing with kids at the elementary level took them out in the countryside in the nighttime in the desert. You and I know it gets cold in the desert, and they looked at the stars. When it started getting cold, he thought, we need a center where kids can study these things.

□ 1800

It led to this high-tech center. Amazing over time what has evolved from that model that one day may very well turn around the teaching of math and science in the country. No less than Dan Goldin visited this school, and walking into a classroom with me. Here were about 30 youngsters around the room at computers. The unique thing about this was not just that. But these were third grade youngsters who happened to be handicapped, and they were using their computers to develop lesson plans for their colleagues in the third grade in Philadelphia.

And Goldin's eyes got big as he examined some of the ideas coming from this high-tech center as to how to turn kids on. Over time he saw that this was perhaps the first chapter of the book that must be written that will change the way we teach math and science in the country. Dan Goldin eventually, with this young guy, became convinced that he ought to gift him the first antenna that brought men back from the Moon. And as a result of that gift, that school and its teaching model is currently across the country teaching kids to use the Internet by way of using this antenna. Now, tens of thousands of youngsters in school districts all over the country and in four foreign countries are participating in this effort to turn around the way math and science is taught, the way teachers are turned on, and the way kids are turned on to the fields of math and science.

If we are going to lead the world in the future and have the security for the world for peace we need, we must get back in the business of math and science, and this chapter will be a piece of the book that will be written.

Mr. Chairman, I want to thank the gentleman for the chance to tell my colleagues about the benefits to students from military families from access to the JASON science education program.

Since 1993, this non-profit subsidiary of the National Geographic Society has provided advanced science and mathematics training to DoD teachers and students. Because of the funding provided in past Defense Appropriations bills, many DoD teachers have had the opportunity to attend extended hands-on science training sessions with experts from NASA, NOAA and many major universities.

As my colleagues are well aware, we are facing a science education crisis in the United States. Within the next five years, some 70 percent of current advanced math and science teachers will be able to retire. More and more of the science and math students in our top universities are immigrants, with fewer and fewer students from our nation's public schools each year.

Independent analysis shows that teachers who have the opportunity to attend the JASON seminars are much better prepared to lead their students into an understanding of science and math, and to get their kids enthusiastic about making a career out of these subjects. These seminars are highly recommended by the National Science Teachers Association.

Schools that serve our nation's military families are increasing ranked among the best, and one of the chief reasons for that is their affiliation with enrichment programs like the JASON project. Our responsibility lies not only with providing weapons and training to those who would defend our nation. We must also make we give the very best opportunities and benefits to their families, who are also making a sacrifice in defense of America.

Mr. Chairman, this is a modest amount of money to invest in bringing better science and mathematics education to our military families. Our nation needs that training, and these families deserve it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by Mr. SCHIFF of California.

Amendment No. 1 by Mr. KING of Iowa.

Amendment by Mr. CHOCOLA of Indiana.

Amendment by Mr. FLAKE of Arizona regarding the Mystic Aquarium.

Amendment by Mr. FLAKE of Arizona regarding the JASON Foundation.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. SCHIFF

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. SCHIFF) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 207, noes 219, not voting 6, as follows:

[Roll No. 295]

AYES—207

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

NOES—219

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)

Barrow
Barton (TX)
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Edwards
Ehlers
Emerson
English (PA)
Everett
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Oxley
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
Ruppersberger
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Walsh
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Cannon
Davis (FL)
Evans
Hunter
Napolitano
Nussle

□ 1827

Messrs. SULLIVAN, McCAUL of Texas, BONILLA, HOBSON, NEY, SOUDER, GOHMERT, and EHLERS changed their vote from ''aye'' to ''no.''

Messrs. GORDON, BISHOP of Georgia, Ms. KAPTUR, Messrs. BERRY, COOPER, WAMP, ROSS, REYES, SALAZAR, and SHAYS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 1 OFFERED BY MR. KING OF IOWA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 50, noes 376, not voting 6, as follows:

[Roll No. 296]

AYES—50

Barrett (SC)
Barrow
Beauprez
Bishop (UT)
Blackburn
Boren
Brady (TX)
Burgess
Cole (OK)
Davis (KY)
Deal (GA)
Drake
Feeney
Fortenberry
Foxx
Franks (AZ)
Gingrey
Gohmert
Green (WI)
Hyde
Johnson, Sam
Kennedy (MN)
King (IA)
Kline
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Marshall
McHenry
Miller (FL)
Miller (MI)
Myrick
Neugebauer
Norwood
Pearce
Pitts
Poe
Price (GA)
Ryan (WI)
Schwarz (MI)
Sessions
Shadegg
Shuster
Smith (TX)
Souder
Thornberry
Tiahrt
Westmoreland
Wilson (SC)

NOES—376

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
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
Honda
Hooley
Hostettler
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Neal (MA)
Ney
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—6

Cannon
Davis (FL)
Evans
Hunter
Napolitano
Nussle

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 1832

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CHOCOLA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. CHOCOLA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 141, noes 285, not voting 6, as follows:

[Roll No. 297]

AYES—141

Baird
Barrett (SC)
Barrow
Barton (TX)
Bean
Beauprez
Berkley
Berry
Biggert
Bilbray
Blackburn
Blumenauer
Boehner
Boren
Boswell
Boyd
Brown-Waite, Ginny
Camp (MI)
Campbell (CA)
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Coble
Cole (OK)
Conaway
Cooper
Cuellar
Davis (KY)
Davis (TN)
Deal (GA)
Dent
Duncan
Ehlers
English (PA)
Eshoo
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goodlatte
Graves
Green (WI)
Gutknecht
Harris
Hart
Hayworth
Hefley
Hensarling
Hoekstra
Hooley
Hostettler
Hulshof
Inglis (SC)
Inslee
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kelly
Kennedy (MN)
King (IA)
Kucinich
Larsen (WA)
Leach
Linder
Lipinski
Lofgren, Zoe
Lungren, Daniel E.
Mack
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McKinney
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Otter
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Ramstad
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Schakowsky
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Strickland
Sullivan
Tancredo
Thompson (CA)
Tiberi
Upton
Walden (OR)
Waxman
Weiner
Weller
Westmoreland

NOES—285

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Bartlett (MD)
Bass
Becerra
Berman
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Clyburn
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Emanuel
Emerson
Engel
Etheridge
Everett
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Gallegly
Gibbons
Gilchrest
Gonzalez
Goode
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hoyer
Hyde
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Keller
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
LoBiondo
Lowey
Lucas
Lynch
Maloney
Manzullo
Marchant
Markey
Marshall
McCarthy
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (NC)
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Sodrel
Solis
Spratt
Stark
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—6

Cannon
Davis (FL)
Evans
Hunter
Napolitano
Nussle

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

□ 1837

Mr. SPRATT, Mrs. MALONEY and Mr. AL GREEN of Texas changed their vote from ''aye'' to ''no.''

Mr. GOODLATTE changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding the Mystic Aquarium on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 77, noes 347, answered ''present'' 1, not voting 7, as follows:

[Roll No. 298]

AYES—77

Andrews
Barrett (SC)
Bass
Bean
Beauprez
Bilbray
Bilirakis
Blackburn
Bradley (NH)
Brown-Waite, Ginny
Chabot
Chocola
Cooper
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
Duncan
Feeney
Flake
Ford
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Green (WI)
Gutknecht
Harris
Hayworth
Hefley
Hensarling
Holt
Inglis (SC)
Israel
Istook
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Linder
Lungren, Daniel E.
Marshall
Matheson
Miller (FL)
Moore (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Ramstad
Rohrabacher
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Slaughter
Souder
Stearns
Tancredo
Taylor (MS)
Terry
Thornberry
Udall (CO)
Udall (NM)
Waxman
Westmoreland

NOES—347

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa

Hobson
Hoekstra
Holden
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Neal (MA)
Ney
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Gohmert

NOT VOTING—7

Cannon
Davis (FL)
Evans
Hart
Hunter
Napolitano
Nussle

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

□ 1842

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. HART. Mr. Chairman, on rollcall No. 298 I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding the Jason Foundation on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 69, noes 352, answered ''present'' 1, not voting 10, as follows:

[Roll No. 299]

AYES—69

Andrews
Barrett (SC)
Bass
Bean
Beauprez
Bilbray
Bilirakis
Blackburn
Bradley (NH)
Brown-Waite, Ginny
Chabot
Chocola
Cooper
Davis (KY)
Deal (GA)
Doggett
Duncan
Feeney
Flake
Ford
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Green (WI)
Gutknecht
Hayworth
Hefley
Hensarling
Inglis (SC)
Israel
Jindal
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kline
Linder
Matheson
Miller (FL)
Moore (KS)
Musgrave
Myrick
Norwood
Otter
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Ramstad
Rohrabacher
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Slaughter
Stearns
Sullivan
Tancredo
Taylor (MS)
Terry
Udall (CO)
Udall (NM)
Westmoreland
Whitfield

NOES—352

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Gohmert

NOT VOTING—10

Cannon
Davis (FL)
Davis (TN)
Evans
Hunter
Istook
Napolitano
Nussle
Price (GA)
Scott (GA)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

□ 1846

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. STEARNS

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

The Clerk read as follows:

Amendment offered by Mr. STEARNS:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used to to interpret voluntary religious discussions as ''official'' as specified in the revised interim guidelines concerning free exercise of religion in the Air Force.

Mr. STEARNS. Mr. Chairman, I have this amendment, and it took quite a bit of expertise on myself and staff to get this so it would be germane, and I sort of feel that that is one of my accomplishments. I intend to offer this, but then I am going to ask unanimous consent to withdraw it out of great deference to the chairman.

The second is to bring it on the House floor and to discuss it so we can put it in the RECORD so that the Armed Forces, particularly the Air Force, when they talk about the revised interim guidelines concerning free exercise of religion in the Air Force, have an understanding what we in the House believe is appropriate.

The amendment is basically saying that none of the funds made available in this act may be used to interpret voluntary religious discussion as official, because within this interim guidelines concerning free exercise of religion the word ''official'' is in the paragraph where we are talking about voluntary worship. Let me read this portion to you:

''Voluntary participation in worship, prayer, study, and discussion is integral to the free exercise of religion.''

Now, that we all agree upon. And then they go on to talk about this voluntary discussion of religion. But then there is a sentence in this that goes on to say: ''Voluntary discussions of religion or the exercise of free speech where it is reasonably clear that the discussions are personal and not official.''

So even within the paragraph talking about voluntary, talking about voluntary discussion of people coming together, there is still an interpretation by the Air Force that it is reasonably clear it is not official. Well, obviously if these people come together voluntarily to talk about their faith, to pray, to study, and have this discussion, it is voluntary and should the word ''official'' not even be in this paragraph. But it still gives the Air Force the ability to go in and say, well, you know, we can reasonably say that it is not clear that the discussion that you men and women have had while you are worshipping, you are praying, you are studying is an integral part of this free speech. It appears that there might be some official overtone. So it is official overtone. Then at that point they can step in and say, okay, you cannot have this discussion.

So my amendment is basically saying that, no, the Air Force could not step in anytime there is voluntary participation in worship, prayer, study, and discussion. And it is simple on that respect.

Some of the revised interim guidelines that the military put together is worded in such a way that it makes many of us feel a little uncomfortable. It seems like it is a little bit over the line, and I felt personally, and I say to the chairman, my colleague from Florida (Mr. YOUNG), that when you add voluntary, I think that should be enough. And the word official and reasonably clear and some of these extraneous words that would imply intimidation to the people who are trying to worship and pray should not be a part of this interim guideline.

So I wanted to go on record to say I as one Member don't agree, and I hope perhaps there are other Members who would take this amendment to heart. And so if we find that the Air Force somehow intimidates these people during voluntary participation in prayer, worship, and study, that they would remember my amendment.

With that, Mr. Chairman, I am going to ask unanimous consent to withdraw out of deference and understanding the lateness of the hour and also the understanding that you have just been through one donnybrook and perhaps this one might be another one, but I still feel and I might at a later date bring this forward now that I finally figured out a way to make it germane.

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

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT OFFERED BY MR. FILNER

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

The Clerk read as follows:

Amendment offered by Mr. FILNER:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used to place a social security account number on any identification card issued to a member of the Armed Forces, a retired member of the Armed Forces, or a dependent of such a member or retired member.

Mr. FILNER. Mr. Chairman, I thank the chairman and the ranking member of the committee for this discussion we have had on so many issues today.

As the senior Democratic member of the Veterans Committee, I have been particularly appalled at the loss of 26½ million records of veterans with their Social Security numbers and some medical data plus about 200,000 active duty personnel. So the issue of identity theft I think is on all our minds. And we all know that servicemembers and military retirees are at great risk for identity theft because the Department of Defense puts the Social Security number right on their military ID cards. The DOD is thereby placing millions of servicemembers, military retirees, and their family members at risk for identity theft, and the threat is heightened for servicemembers who must carry this ID with them at all times.

We all know identity theft as being one of the fastest growing crimes of the decade, and it creates a nightmare for the victims who suffer. Identity thieves make off with billions of dollars each year, and each day more than 1,000 people are being defrauded. The Federal Trade Commission recently listed identity theft as the top consumer complaint. With just your name and your Social Security number, a thief can open credit lines worth thousands of dollars, rent apartments, sign up for utilities, earn income, and your credit rating is ruined. You risk being rejected from everything from a college loan to a mortgage, and it is all up to you as an individual to fix it all up. Law enforcement will generally not pursue these identity theft cases.

Sixteen percent of the 13 million victims of identity theft in the last 2 years had their wallets stolen. Anybody who had their ID card in their wallet lost their identity. A military ID is one of those that is generally carried in a wallet. We could have saved 2 million people from the problems of identity theft. Just look at the two individuals who were recently convicted of Federal identity theft after creating 331 fake credit cards in the name of high-ranking military officers. They just found their Social Security numbers and military IDs on a Web site and copied the information from the CONGRESSIONAL RECORD.

The recent incident at the VA affirms our need to wean the Federal Government from its overreliance on the Social Security number for ID purposes. There seems to be a culture of indifference in many agencies with regard to these numbers. States and universities and health care insurance companies have given up their addiction of Social Security numbers. Why can't we in the Federal Government?

So I hope this issue is taken very seriously. I know Mr. MURTHA and Mr. YOUNG are seriously looking at this. I hope they will look at it in conference and as they pursue this bill.

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

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. INSLEE

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

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

At the end of the bill, add the following new title:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds appropriated by this Act may be used to waive or modify

regulations promulgated under chapter 43, 71, 75, or 77 of title 5, United States Code.

Mr. INSLEE. Mr. Chairman, this amendment brought by myself and my colleagues, Mr. VAN HOLLEN and Mr. JONES, seeks to protect very basic job securities for Department of Defense employees by blocking funds for those parts of the National Security Personnel System that have been declared illegal. The workplace environment that would result if this amendment does not pass, that results in destroying basic worker rights; jeopardizes our ability to recruit and maintain qualified, skilled workers to protect our national security. These are hardworking men and women. They deserve our gratitude, they deserve our respect, they deserve a personnel system that respects their work and complies with principles that we hold forth.

I have got to tell you, I just want to note who we are talking about here. These are the men and women who make sure that our equipment works. When I went out and saw the Carl Vinson, one of our great carriers coming back from the Afghanistan campaign, the sailors asked me to thank the people who worked on that carrier to see to it that it could launch 10,000 sortees without losing an airplane.

These people are part of the defense team. They deserve respect. But, unfortunately, the current situation does not give them either respect or fairness in the personnel system.

It is worth noting that the Office of Personnel Management questioned the legitimacy of this new program in March 2004 in a letter to Secretary Rumsfeld and said, ''The current system may be contrary to law insofar as it attempts to replace collective bargaining with consultation and eliminate collective bargaining agreements all together. In addition, other elements of the proposal lack a clear and defensible national security nexus and jeopardize those parts that do.''

Now, this is not just us speaking; it is the Federal courts. At the beginning of this year, U.S. Federal District Court Judge Emmitt Sullivan ruled that the NSPS system failed to ''ensure even minimal collective bargaining rights.'' The court further enjoined the National Security Labor Relations Board on the grounds that it did not satisfy congressional requirement for independent third-party review. It has been declared illegal.

Now, one might assume after such a ruling had come down that the Pentagon would attempt to fix the problem and that the administration would do so, but in fact that has gone on after 3 years. They are essentially snubbing their noses at collective bargaining rights, at civil service rights, at the right to know whether you are discharged or what your discharge would be, basic fundamental rights that we ought to give to the people who are critical members of the defense team.

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That is why we bring this amendment, to preserve the right to be free from discrimination based on political opinion, something that our Civil Service rules need to protect; and the right to collective bargaining, to engage in collective bargaining in good faith; the right to due process for advance notice of suspension and some meaningful appeal rights for people who work on the defense team.

So we are offering a commonsense amendment that will recognize that we should not be forcing this broken system that has been ruled illegal for people who are doing such great work for us, keeping our uniformed personnel on the post in Iraq and Afghanistan. We commend this amendment to our colleagues' attention.

Mr. JONES of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this amendment, a simple and commonsense statement from this Congress that says we stand with our Nation's Federal civilian employees.

We are here today to take a stand and rein in a personnel system that is opposed by nearly each and every one of the 700,000 members of the DOD Federal civilian workforce.

The National Security Personnel System, or NSPS, is a system that restricts our Nation's Federal civilian employees of their collective bargaining rights, as well as the right to have an independent labor relations board settle disputes, as was recently affirmed in a court of law.

This amendment would withhold the funding to go forward on implementing only those portions of the NSPS declared illegal. It would not arbitrarily kill the system as a whole, but allow Congress to carry out its oversight responsibility.

Congress has continuously affirmed its strong support of the men and women in our Nation's military. Today, with this amendment, we are asking the same thing, reaffirm your support for our Nation's Federal civilian workforce.

Mr. Chairman, by passing this amendment we will help send a message to these highly valuable men and women that we stand with them today; that we stand with those Federal civilians who maintain and repair our Navy and Marine Corps' battle-worn helicopters; that we stand with those Federal civilians who capitalize and upgrade our Army's Bradley fighting vehicles and Abrams tanks; that we stand with those Federal civilians who skillfully manage our Air Force's logistics and distribution operations; and that we stand with those Federal civilians who maintain, overhaul and upgrade our Navy's fleet of ships, submarines and aircrafts.

I hope that my colleagues in this House of Representatives will join us and vote ''yes'' on this amendment.

Mr. VAN HOLLEN. Mr. Chairman, I move to strike the requisite number of words.

I am pleased to join with my colleagues Mr. INSLEE and Mr. JONES in offering this amendment, and the issue here is really straightforward: Are we going to require the Department of Defense to comply with guidelines established by this House and this Congress, or are we going to allow them, one more time, to ignore the will of Congress and roll over us here in the House of Representatives?

Here is the situation. Back in 2004, this House passed the defense authorization provision that allowed the Defense Department to go out and set up a new personnel system, but we did it with certain guidelines. We wanted to provide the Department of Defense with greater flexibility, but we also wanted to ensure fairness to the employees.

Here is what happened. The DOD took the flexibility part, and they ignored the portions requiring fairness to employees. They ignored the provision that required, for example, an independent entity to arbitrate certain disputes between management and labor. They ignored the provisions that said you have to have a merit system protection board that has an independent judgment, instead of allowing the Defense Department to essentially overrule the decisions, at least on a preliminary basis, of an independent merit system protection board. So they made a number of changes to the congressional intent.

As my colleague Mr. INSLEE said, you do not have to take our word for it. Just listen to what a Federal judge said, and that is Judge Emmet Sullivan. He is the first person in the District of Columbia to have been appointed by three United States Presidents to three judicial positions, and he ruled in favor of the employees who brought a case and challenged the administration's decision on this. He said it was ''the antithesis of fairness'' the way DOD had set up its system and determined that it was outside the scope of what the Congress had mandated.

Now, they have ruled. That ruling came down in February. We have had a Federal judge, therefore, stick up for the Congress. The question is, are we going to stick up for ourselves? Did we mean what we said back there? A Federal judge has looked at the law and said, clearly, the DOD provisions are outside the scope of what we intended. Anyone who takes a fair look at what this Congress said to the administration and to the guidelines that we had in setting up the system would reach the same conclusion.

Let us not once more roll over. A Federal judge has done the right thing. They said the administration should not roll over the will of Congress. Let us not allow them to do it. Let us make sure that we do not spend taxpayer money on a system that a Federal judge has said is outside the scope of what Congress intended.

So I urge my colleagues to support this amendment.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to begin by thanking Chairman YOUNG and Mr. MURTHA for their hard work and support of our troops and support of our Nation's defense, but I also join with my colleagues who have previously spoken.

In November of 2003, I supported the National Defense Authorization Act, which authorized the NSPS system. At that time, I believed that NSPS would produce greater efficiencies in government. Further, I believed NSPS would reward government employees that displayed personal initiative, hard work, and productivity, all at the same time while preserving collective bargaining and Civil Service protections.

Unfortunately, as others have outlined, the implementation of NSPS has been staggered and revised on several different situations, indicating both the complexity and the problems when applying some of the good aspects of NSPS with the reality of its implementation.

Last November the Department of Defense and the Office of Personnel Management published the final regulations for NSPS. These did not live up to the spirit of cooperation and collaboration between the government and labor that was promised when Congress passed the authorization bill several years ago.

In fact, as has already been alluded to, a Federal judge agreed with representatives of labor that NSPS failed to meet fundamental standards. On February 27, 2006, a Federal court enjoined the NSPS regulations because they failed to ensure collective bargaining rights, did not provide for independent third-party review of labor relations decisions, and failed to provide a fair process for appealing adverse actions.

For the thousands of Federal workers at Portsmouth Naval Shipyard, which is in my district, the NSPS regulations as proposed would have had a damaging impact. The shipyard's unique labor and management relationship has created tremendous efficiencies and progress and has become a model for good government. This progress and the relationship at the Portsmouth Naval Shipyard could well be lost under the NSPS program.

Under the broad and rigid centralized NSPS regime, the flexibility that has led to some of our government's best practices and most successful entities would be impossible. In fact, representatives of labor have indicated to me that many of the efficiencies that were the result of labor-management agreements would not have been possible under NSPS.

NSPS, as proposed, systematically restricts opportunities for labor representatives to communicate, negotiate and collaborate with Pentagon management. Given the exemplary record of the Portsmouth Naval Shipyard, which is in my district, which has returned submarines to the water and to fleet commanders sooner than any other yard in the country, all while saving significant millions of dollars on submarine maintenance for taxpayers, it is difficult to imagine that none of this could have been possible under the proposed NSPS format.

So, Mr. Chairman, I appreciate my colleagues who have spoken previously on this issue, and I rise in support of this amendment and ask the entire House to support it tonight.

Mr. MURTHA. Mr. Chairman, I rise in support of the amendment.

I think at times we have an arrogance in the Defense Department when they ignore not the regulations, but what we are trying to do in this legislation. We expected them to talk to the people working in the Defense Department.

I have never seen a better workforce than we have in the United States when it comes to the civilians who support our troops out in the field and civilians who work for the Defense Department, and we have tried several years now to get them to do more negotiations. They have continually ignored our advice, and I am very nervous about the way they have handled things.

I have never seen so many union representatives come to me and say, we have asked them for this, and then the court, the court itself, says they are not being treated fairly.

So I would hope we could accept this amendment or at least vote this amendment. It is a little broader than I would like, but we can always adjust that if we have to at some other point.

I would advise, recommend the Members they support the amendment.

Mr. DICKS. Mr. Chairman, I rise in strong support of this amendment.

Based on the actions of the Department of Homeland Security and the Department of Defense, it is clear to me that it is time for Congress to send a message to the Administration about the importance of preserving bedrock principles of labor relations.

In making my case for this amendment, I want to recount a few key points leading up to where we are today.

In 2002, Congress enacted legislation to create the Department of Homeland Security. This legislation provided the Secretary of Homeland Security and the Director of the Office of Personnel Management with the authority to develop a separate human resources management system for the employees of the Department of Homeland Security. Subsequently, in the FY2004 Defense Authorization Act, the Department of Defense was authorized to develop and implement the National Security Personnel System.

In August 2005, U.S. District Court Judge Rosemary Colyer ruled that the proposed Department of Homeland Security personnel rules ''would not ensure collective bargaining, would fundamentally alter [Federal Labor Relations Authority] jurisdiction . . . and would create an appeal process at MSPB [Merit Systems Protection Board] that is not fair.'' This federal court ruling should have been a wakeup call to the Department of Defense to take care in pursuing changes to labor relations regulations. However, DOD chose to ignore it, proceeding with plans to implement regulations that would make substantial changes concerning collective bargaining and review of appeals of adverse actions.

In February 2006, U.S. District Court Judge Emmet Sullivan ruled that specific sections of DOD's NSPS regulations were unlawful. He ruled that NSPS ''fails to ensure that employees can bargain collectively,'' that the proposed National Security Labor Relations Board ''does not meet Congress's intent for independent third party review,'' and that ''the process for appealing adverse actions fails to provide employees with fair treatment.''

To their credit, the labor organizations that represent many federal government workers have been vigilant in protecting the rights of their members by appealing to the courts. I believe that it is time for Congress to reinforce the ruling of the federal court to ensure that the Administration gets the message: Congress does not intend that core principles of labor relations are to be eroded by DOD, and we are prepared to make that crystal clear by prohibiting the expenditure of funds on steps that violate the intent of the law.

I urge my colleagues to support this amendment.

Mr. HOYER. Mr. Chairman, I rise in support of the amendment offered by my colleagues, Representatives INSLEE, JONES and VAN HOLLEN, which would prohibit the use of funds in this bill to be expended on specific elements of the National Security Personnel System.

In February, U.S. District Court Judge Emmet G. Sullivan ruled that the Department of Defense, in establishing a rule to execute the National Security Personnel System, had failed to ensure the rights of the approximately 700,000 civilian employees of the Department of Defense.

Specifically, the judge determined that the rule:

Fails to ensure that employees can bargain collectively.

Does not meet Congress's requirement for ''Independent Third Party Review'' of labor relations decisions.

And that the process for appealing adverse actions fails to provide employees with the ''Fair Treatment'' required by the Congress.

Yet, despite the decision, the department has proceeded with the implementation of the rule.

Mr. Chairman, this amendment simply ensures that the Department of Defense will not continue to pursue a policy that is clearly against the law and against the best interests of our national security.

I commend the gentlemen for their continued efforts on behalf of our Federal employees and urge my colleagues to support this important amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for the Center for Rotorcraft Innovation.

Mr. FLAKE. Mr. Chairman, before addressing this amendment, let me simply speak to the problem with this process of earmarking. We have the last amendment with regard to the Jason Foundation. All we know is that it was, I believe, requested for Ashburn, Virginia.

We still do not know, after having voted for it, after 332 Members voted for it, after people came to defend other earmarks, nobody came to defend this one. We still do not know. What we do know is that the administration never requested it, that no hearings were ever held, no markup was ever held. We still do not know why it is in the defense bill.

As I mentioned, we do not know who requested it. There is no oversight mentioned, no, no process or structure for oversight, nothing, yet we just appropriated $1 million for the Jason Foundation in Ashburn, Virginia. That is all we know, and that is all we will probably ever know.

What kind of process is that? It is simply wrong. We should have a process that is more transparent where there is real accountability.

Let us go on to this amendment. This is an amendment to strike $4 million for the Center for Rotorcraft Innovation in Media, Pennsylvania. This amendment would prohibit funds in the bill from being used for the Center for Rotorcraft Innovation.

According to the center's Web site, their goal is to enhance the competitiveness of the U.S. rotorcraft industry in the world marketplace.

I should say nobody is more supportive of a strong, viable rotorcraft industry than I am. Just about 2 miles from my house is the Boeing facility that makes the Apache. About a mile and a half from my home is where MD Helicopter has made for Special Forces the Little Bird helicopter. So this is important for my district and every other district that does have a strong, viable rotorcraft industry.

But what we should not be doing is picking winners and losers and saying the Federal Government, in the defense bill, is going to prop up one industry or another. We simply should not be doing that.

The helicopter companies that are principal members of the center are world-class and competitive because they make a great product needed by our military and militaries around the world.

I have toured a number of times the Apache facility. I have heard the accounts of soldiers who have been to Iraq and Afghanistan, and the Apache has performed wonderfully. I have also toured MD Helicopter. It is a great product. I am sure Sikorsky and others who manufacture helicopters do as well.

The question becomes, why are we using the defense bill as a mechanism to fund a center like this when these businesses are fully capable of marketing their own products?

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The rotorcraft industry wants $4 million of Federal defense dollars to subsidize their marketing efforts around the globe. They are doing pretty well. I hope they continue to do well. They are competitive because they make a good product, not because the Federal Government is subsidizing them.

Many of them compete for government contracts. That is great. We rely on them, but we shouldn't be saying, all right, we are going to pick you and we are going to lavish you with Federal dollars to help market your product.

Those of us who oppose corporate subsidies for cotton and sugar and tobacco and the airline industry, I think that we also ought to say, if we are going to oppose those subsidies, why don't we oppose subsidies for the rotorcraft industry as well?

At this time of war, we need to send money to help our troops and not subsidize private industry. Again, it is not the role of the Federal Government, and certainly not in a defense bill, to be picking winners and losers in industry, saying you are going to get a subsidy but you are not.

This argument will come up as we offer additional amendments in the next few minutes, but I would ask support for this amendment.

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise in opposition to the amendment.

First of all, let me say there is a role for this Congress to play in defense, in spite of my colleague from Arizona. If it wasn't for this Congress, a decision made by the administration back in 1989, when they canceled the V–22 program, would have been left undone. This year, the Marine Corps will deploy the V–22 program.

In spite of the administration back then and Secretary CHENEY canceling the program, we did the right thing for the Marines. Today, we are building 450 of these aircraft because this Congress knew what it was doing.

I would remind my colleague that it was in 1996 that this Congress passed a defense authorization bill requiring that we arm the Hellfire missile on the Predator system. The administration didn't want it back then. They knew better than we did. Thank goodness this Congress armed the Hellfire missile on the Predator. That was our decision, not the administration's.

If this Congressman would have come to me and asked me some questions, perhaps he would have been a bit more enlightened about what this is. This is not a subsidy program. This is a program to focus research and technology on the rotorcraft industry for our military and for other purposes.

If the gentleman would have come to me, he could have attended one of our four hearings. Now he speaks a good game here. Why weren't you at the hearings when we discussed rotorcraft over the past 2 years? We had two hearings this year. Why didn't you come and sit on those hearings and understand what the rotorcraft center was all about? Why didn't you talk to the American Helicopter Society, headed by Rhett Flater? More importantly, why didn't you talk to the Boeing folks? Maybe by then you would have realized that a portion of this money, and by the way none of it goes into my district, the money is funneled out to 21 other locations, including your district. The Boeing Company received a grant from this program in your district, which you weren't even aware of.

I will not yield because the gentleman has offered an amendment that he knows nothing about. I respect people of intelligence, who have integrity. You didn't have the courtesy to come and ask me about this program. You didn't have the courtesy to come and ask about the briefing, about the four hearings, about the memorandum of understanding signed in 2004 by every major rotorcraft manufacturer in this Nation, including Sikorsky, Bell Textron, including Kaman Industries, including Boeing, including Georgia Tech, Penn State, and Maryland, all the major rotorcraft centers in this Nation.

You didn't have the courtesy to come and ask. You took a cheap shot. And you know what? Your cheap shot is just that. The amount of impact on my district is one job, one job at Penn State University. The money you just talked about flows into 21 other States, into universities and corporations doing research on rotorcraft technology.

Now, why is that important? Because the primary responsibility for rotorcraft research was NASA, but NASA has seen fit to move away from that. And as a member of the Science Committee, we have worked repeatedly to try to get NASA to take the responsibility mandated by the law. NASA used to fund $30 million a year in rotorcraft research. In the past 5 years, they have spent zero. So we took the initiative that the Army established.

And when the gentleman says on this floor, again ignorantly, that the military and the Pentagon don't support this, I would have said to him, why don't you go talk to the Army, because the Army has supported the Center For Rotorcraft Innovation repeatedly. The U.S. Army. Not the Russian Army, the U.S. Army. If you would have taken the time to go to the Army, you would have found those facts out.

You know, Mr. Chairman, I hate to be emotional in this debate; but doggone it, I am not going to let somebody stand up here in total and complete ignorance and spout off a bunch of gobbledygook about subsidizing the rotorcraft industry. That is not what this is about.

If you want to give the money back from your district, you go to Boeing and tell them to turn back the money they got from this research initiative. But don't stand up on the floor and make stupid allegations because you want a headline about cutting waste. This is not waste.

Mr. Chairman, I submit for the RECORD the memorandum of understanding, the list of all 21 centers that have received funding from this program, and the Center For Rotorcraft Innovation's outline.

MEMORANDUM OF AGREEMENT

This MOA is between the Boeing Company, a Delaware corporation having offices at Ridley Park, Pennsylvania, Sikorsky Aircraft Corporation, a United Technologies Company, having offices at Stratford, Connecticut, Bell Helicopter Textron Inc, a Delaware corporation that is a wholly owned subsidiary of Textron having offices at Hurst Texas, the Kaman Aerospace Corporation, having offices in Bloomfield, CT, the Rotorcraft Industry Technology Association (RITA) Inc., a Delaware corporation, Keystone Helicopter Corporation, having offices in West Chester, PA, The Pennsylvania State University, located at State College, PA, The University of Maryland, located in College Park, MD, the Georgia Tech Research Corporation, located in Atlanta, GA, the Piasecki Aircraft Corporation having offices in Essington, PA, Augusta Aerospace Corporation having offices in Philadelphia, PA and the American Competitiveness Institute, having offices in Philadelphia, PA, hereinafter which may be referred to individually as ''party'' or collectively as ''parties''.

I. PURPOSE

Sec. 1: The parties to this agreement agree to provide oversight for the Center for Rotorcraft Innovation (the ''Center''), which will be established by the American Competitiveness Institute (ACI), a Pennsylvania corporation with its principal place of business in Philadelphia, PA.

Sec. 2: The Center's mission will be to administer and conduct rotorcraft pre-competitive research and development with the participation of rotorcraft manufacturers, their suppliers, operators, support providers, academic researchers, government laboratories, industry associations and other non-profit organizations. Research projects will be conducted both at the Center and the participants' facilities, including subcontractors as appropriate.

Sec. 3: ACI will administer, at no cost to the parties, the acquisition and expenditures of federal, state, local and private funding for the creation of the Center by:

(i) establishing and implementing a business plan to acquire the necessary funding for the creation and sustainment of the Center; and,

(ii) establishing and implementing a plan for the Center's design, operations and final incorporation into a rotorcraft organization governed by industry and academia.

Sec. 4: ACI shall provide oversight consistent with the mission stated above. Such oversight shall include participation and guidance associated with formation of the Center, and such other Administrative support as mutually agreed to by the Parties. Technical oversight, including Program selection and monitoring of projects performed by the Center shall be provided by the other Parties to this Agreement.

Sec. 5: A Center Director will be appointed by ACI to oversee the daily operations of the Center.

II. BACKGROUND

There have been several initiatives to facilitate joint government, industry and academic collaboration to address technical challenges facing the rotorcraft industry. Despite this, tight government budget constraints and a shift in emphasis to other programs, the rotorcraft program has suffered and funding has failed to materialize. Advanced rotorcraft systems for military applications and the emerging needs for homeland security clearly demonstrate a need for advancement through an investment in research and development. The unique capabilities of rotorcraft are indispensable in both national security and emergency response situations. The highly competitive commercial rotorcraft industry and its worldwide proliferation make it an ideal candidate for technical cooperation and collaboration. The intent of the Center is to centralize and refocus the attention, technology and expertise of industry and academia to achieve adequate and sustainable funding through government and commercial sources. The goal is to be a recognized Center of Excellence in rotorcraft technology to support and coordinate research and development, education, training and outreach to expand and strengthen the U.S. rotorcraft community.

III. TECHNICAL ADVISORY BOARD

Sec. 1: The organizations that are parties to this agreement shall provide technical oversight to the Center through a Technical Advisory Board.

Sec. 2: The Technical Advisory Board shall be comprised of a representative from each of the initial organizations who sign this agreement. Notwithstanding the foregoing, the Georgia Tech Research Corporation is a cooperative organization of the Georgia Institute of Technology (''GIT'') and may identify a GIT employee as a representative to the Technical Advisory Board.

Sec. 3: The Technical Advisory Board shall utilize its collective expertise in various aspects of the Rotorcraft Industry to establish and maintain a technical roadmap to guide Center activities consistent with its mission. It is recognized that inputs from industry, academia, and government sources are essential to creating and maintaining a dynamic and relevant Center agenda.

Sec. 4: Additional representatives may be added to the Technical Advisory Board subsequent to the execution of this agreement by majority consent of the initial parties to this agreement.

IV. MEETINGS

Sec. 1: The Technical Advisory Board will meet a minimum of four (4) times a year at a time and location determined by the Center Director.

Sec. 1a: The Center Director shall preside over Technical Advisory Board meetings, and with the advice and consent of the Technical Advisory Board, shall set the time, place, and agenda.

Sec. 1b: Each Technical Advisory Board member may designate, by notifying the Center Director in writing, a qualified alternate to attend and participate in Board meetings in his/her absence.

V. FISCAL CONSIDERATIONS

Sec. 1: No membership fees or dues are required to be paid.

Sec. 2: The salaries and expenses of representatives of the Technical Advisory Board shall be the responsibility of their respective organizations.

Sec. 3: Any contractual relationship entered into between Technical Advisory Board members shall be solely the responsibility of those members, and the Center shall expressly have no performance or fiscal obligation.

Sec. 4: In no event shall the parties be liable to each other or any third party in privity with any party for any special, indirect, exemplary, incidental, or consequential damages arising out of or in connection with this agreement.

VI. RELATIONSHIP OF THE PARTIES

Nothing contained in this Agreement shall be deemed to constitute, create, give effect to, or otherwise recognize a joint venture, partnership, or formal entity of any kind between the parties. No party shall have the authority to bind any other party or the Center except to the extent authorized in this Agreement. Each party shall bear sole responsibility for its own actions in furtherance of the Center.

The parties agree to execute appropriate confidentiality agreements prior to disclosing any proprietary information. No intellectual property right or license, either express or implied is granted to any other party as a result of this Agreement.

VII. TERM OF THE AGREEMENT

An organization may terminate its participation in this agreement at any time by notifying ACI in writing.

This Agreement shall terminate upon the intended transfer of the administration of the Center for Rotorcraft Innovation from ACI to the Rotorcraft Industry Technology Association (RITA) or another suitable third party, and/or the execution of subsequent Agreements by the parties relative to the formation of the Rotorcraft Center.

VIII. ASSIGNMENT

No party may assign or transfer this agreement, its interest, or obligations hereunder without the written consent of the parties to this agreement.

The Boeing Company Integrated Defense Systems; Bell Helicopter Textron Inc.; The Kaman Aerospace Corporation; The Pennsylvania State University; Georgia Tech Research Corporation; Keystone Helicopter Corporation; Sikorsky Aircraft Corporation; American Competitiveness Institute; Rotorcraft Industry Technology Association; University of Maryland; Piasecki Aircraft Corporation; Agusta Aerospace Corporation.

Bell Helicopter Textron: Fort Worth, TX—Lloyd Doggett, 26th district; Kay Granger, 12th district.

The Boeing Company: Philadelphia, PA—Robert A. Brady, 1st district, Robert A. Brady, 1st district, Chaka Fattah, 2nd district, Allyson Y. Schwartz, 13th district.

The Boeing Company: Mesa, AZ—Jeff Flake, 6th district.

Sikorsky-UTC: Stratford, CT—Christopher Shays, 4th district.

Kaman Aerospace: Bloomfield, CT—John B. Larson, 1st district.

BF Goodrich: Vergennes, VT—Bernard Sanders, 1st district.

Armour Holdings: Phoenix, AZ—Ed Pastor, 4th district, John B. Shadegg, 3rd district.

Smiths Industries: Grand Rapids, MI—Vernon Ehlers, 3rd district.

Endevco: San Juan Capistrano, CA—Ken Calvert, 44th district.

Lord Corporation: Erie, PA—Philip S. English, 3rd district.

Georgia Tech: Atlanta, GA—John Lewis, 5th district, Cynthia McKinney, 4th district.

Penn State University: State College, PA—John E. Peterson, 5th district.

University of Illinois—Chicago: Chicago, IL—Bobby Rush, 1st district, Jesse Jackson, Jr., 2nd district, Dan Lipinski, 3rd district, Luis V. Gutierrez, 4th district, Rahm Emanuel, 5th district, Danny K. Davis, 7th district, Janice D. Schakowsky, 9th district.

University of Maryland: College Park, MD—Steny H. Hoyer, 5th district.

University of Texas—Arlington: Arlington, TX—Joe Barton, 6th district.

UCLA: Los Angeles, CA—Henry A. Waxman, 30th district, Xavier Becerra, 31st district, Hilda L. Solis, 32nd district, Diane Watson, 33rd district, Lucille Roybal-Allard, 34th district, Maxine Waters, 35th district.

Arizona State University: Tempe, AZ—J.D. Hayworth, 5th district.

West Virginia University: Morgantown WV—Alan B. Mollohan, 1st district.

Ohio Aerospace Institute: Cleveland, OH—Stephanie Tubbs Jones, 11th district.

Mississippi State University: Starkville, MS—Charles ''Chip'' Pickering, Jr., 3rd district.

Syracuse University: Syracuse, NY—James T. Walsh, 25th district.

Ohio State University: Columbus, OH—Deborah Pryce, 15th district, Patrick J. Tiberi, 12th district.

KSR, LLC: Newport Beach, CA—John Campbell, 48th district.

Mr. ABERCROMBIE. Mr. Chairman, I move to strike the last word.

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

Mr. ABERCROMBIE. Mr. Chairman, I rise in opposition to the amendment, and I rise speaking as the ranking member on Mr. WELDON's committee.

Mr. WELDON, as my good friend from Arizona now knows, has a deep and abiding interest in this activity. And he is my good friend, that is to say Mr. WELDON, as well as you, Mr. FLAKE.

Mr. FLAKE. Mr. Chairman, will the gentleman yield?

Mr. ABERCROMBIE. I certainly will yield to the gentleman from Arizona.

Mr. FLAKE. I simply want to respond to the allegation that I did not know that some of the beneficiaries were in my district. I stated that in my statement. I know they are. I live less than 2 miles from them. I spoke with the Boeing representative this morning, and I knew full well that it would impact them.

Mr. ABERCROMBIE. I accept you at your word, and reclaiming my time, I hope that this is instructive in the end for us.

One of the reasons I like working with Mr. WELDON is I think we bring a certain amount of passion to our work. And as with many other things in our lives, sometimes your virtues are also your vices, so I understand that very, very well.

My request is that you think perhaps about withdrawing this amendment. It is not to argue with you about your premises. Believe me, Mr. FLAKE, I don't do that. I understand exactly what you are saying, and I understand your concerns with regard to whether or not there are full and complete understandings of what we are doing and why we are doing it under the general aegis of earmarks. My point is that this particular designation has had thorough, and I assure you nonpartisan, thorough, complete briefings and hearings. That is the way our subcommittee works on Armed Services. I assure you of that.

Again, as I say, everybody's virtue is also their vice; but let me tell you, if it is a vice to go into exquisite detail as to what you are dealing with, then Mr. WELDON, and I guess by extension myself, is guilty of that.

I can assure you that if there is an argument on the floor against what we want to do with rotorcraft innovation in research, then I could understand why you wouldn't want to vote for it. But I can assure every Member here, Republican and Democrat alike, that in the Armed Services Subcommittee, on which I am privileged to serve with Mr. WELDON, that we go into the details of what we are doing and why we are doing it.

The final point here. The reason that I support this and the reason Mr. WELDON recommended it to the subcommittee and that he succeeded is that the big companies, the big companies don't do the innovation and the research. They really don't.

Mr. HUNTER in particular, and, again, I have had my differences with Mr. HUNTER, but Mr. YOUNG recognizes and Mr. HUNTER recognizes that true innovation in this country comes from the small companies. It comes from the research areas that don't necessarily get the big contracts, nor are they sought out by the big companies. They are like the Titanic. They go right down there. And they can be told there's an iceberg, but, boy, they head there anyway by kinetic energy.

I can assure you, Mr. FLAKE, if you would at least consider withdrawing the amendment, this is one time when the research has been done, the background has been done, the hearings have been held, and we are trying to support the true innovative research side with regard to rotorcraft that might not otherwise get the attention that it deserves and what we need to have for our Armed Forces.

I can assure you that the ideological content or premise that forms the philosophy upon which you are making these inquiries I have no argument with, and I give you credit for standing up. It is not easy to stand up against the tide coming at you. It is a lot easier to vote against you and walk off and claim victory. I don't do that. I don't take any shots like that at you. I respect you and I understand what you are doing and why you are doing it. But in this instance, my request to you as a ranking member on this subcommittee is that you consider whether or not this might be an instance in which the House is well served and the Nation is well served by its adoption as recommended by the Appropriations Committee.

I thank you for your kind attention.

Mr. KINGSTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to my friend, because I can see he has something to say real quick.

Mr. FLAKE. Well, thank you, and I simply want to reiterate if I were to stand here and offer amendments that had no impact on my district at all, if I ignored those that had an impact, then I could be accused of hypocrisy and doing things that simply have no impact on me.

I have tried to make a point to offer amendments that do have an impact, and I have offered them in other bills as well, those that have an impact on both my district and on my State. I simply think that this process is out of control and we have to start on it.

And I appreciate the gentleman from Hawaii. That was a very good explanation. I appreciate that hearings have been held on this, certainly more thoroughly than some of the other earmarks. But the case I would make is that simply I have made my case.

Mr. ABERCROMBIE. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. It would be an honor to yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Thank you. That is why I am hoping that you would consider in this instance possibly withdrawing it.

When you say the process is out of control, I am not going to argue with you about that. I really don't. But this process with this project, I can assure you was totally in control, thoroughly vetted, and the decision that came out of it was I believe unanimous in the committee, and I don't believe received any opposition on the basis that it was done capriciously or arbitrarily or because of the influence of a Member for reasons other than the merits.

I can assure you of that, and I make my request once again, and thank you for your time and thank the gentleman for yielding.

Mr. KINGSTON. Mr. Chairman, I thank both of my colleagues, and now I want to claim my time to oppose this amendment, but I wanted to talk about the bigger picture.

Each year, the House Appropriations Committee receives about 35,000 requests for individual projects in all the appropriation bills. Just to give one example, on the Labor-HHS bill there were 10,272 different requests. That is about 25 projects per Member. Yet this committee has worked very hard to scrutinize those requests and to decide which ones are good and which ones have less of a case and we eliminate all of them.

To give you some of the numbers, it is incredible. This bill alone is $1 billion below last year's in terms of Member earmarks. The Ag Committee, which I sit on, is $35 million below last year's. The Energy and Water Committee is 16 percent, or $197 million below last year's in Members' earmarks. The Interior Committee is $89 million, or 32 percent less than last year. Military Quality of Life, $40 million below last year's. The Labor-HHS is $100 million, Transportation-Treasury is $2.1 billion below last year's, and Science, State and Justice is $1.3 billion less than last year's.

And this is a sign of the committee doing their work on a bipartisan basis. We are going to continue to work for earmark reforms. The House Appropriations Committee is the first committee that wants to have earmark reform, something Mr. FLAKE is a great advocate of, in all committees, not just appropriations.

For example, the infamous ''bridge to nowhere'' did not come from an appropriation bill. We need to have earmark

reform. The Appropriation Committee supports that, but we support it for all committees, if we are going to make it complete. If it is good for one, let us do it for all.

We also have Member scrutiny and Member criteria requests. And this year, more than ever, we are asking for local grant money, State money, matching money so that if we do appropriate something back home, the folks back home have skin in the game, not just something that the Federal Government is paying for.

I have also, Mr. Chairman, a 2½-page list of some of the programs which the Appropriations Committee has terminated. Now, Ronald Reagan said, if you don't believe in resurrection, try killing a Federal program.

□ 1930

Indeed, that is the case. It is hard as the dickens to kill programs here, and yet Appropriations remains the only committee on a consistent level that is eliminating spending and terminating programs.

In Agriculture, there were about eight eliminated, including the Classical Chinese Garden at $8 million. Mr. FLAKE, I am sure, would have approved of that. In Foreign Operations we eliminated the Asia Pacific Partnership for $46 million. I don't know what it did. Does anybody here?

We eliminated the Congo Debt Relief, $160 million.

In Homeland Security, we eliminated $21 million for the SURGE initiative, and a new Coast Guard headquarters for $50 million.

In conclusion, Mr. FLAKE is not the only one applying the big magnifying glass to spending. This committee is doing it, and we need to be talking more about it. I appreciate the gentleman for what he is bringing up, but he is trodding on turf that a lot of us have already driven on at the committee level.

CONTINUED EARMARK REFORMS FOR 2006

(1) Include all Member project funding during the House consideration of appropriations bills.

(2) Sharply limit the number of Member project requests. Curtailing the number of Member requests per Appropriations subcommittee would dramatically improve oversight and lead to a reduction of earmarks. Last year, the House Appropriations Committee received nearly 35,000 individual project requests. In the Labor-HHS Appropriations bill, 417 Members requested 10,272 projects, or nearly 25 projects requested per Member.

(3) Require that all project requests be submitted in writing to the Appropriations subcommittee of jurisdiction via a Member-signed request letter or form.

(4) Establish clearly defined criteria for all project requests and require Members to specify how each project meets those criteria. Member requests would also be required to be strictly germane to the spending bills in which they are contained.

(5) Increase the proportion of projects that have a dollar-matching requirement. HUD economic development initiative grants are among those that ought to be considered for a local matching requirement.

(6) Require all congressionally approved projects go through a formal Executive Branch contracting and auditing process.

(7) Require that all other committees adopt similar earmarking reforms. Earmarks are not unique to the House Appropriations Committee. The most notable earmark in recent history—the so-called ''Bridge to Nowhere''—had its origins elsewhere.

FY07 MEMBER PROJECT FUNDING

FY07 Agriculture Member Project Funding: The House bill includes $435 million in Member project funding which is $35 million below last year's House bill level of $460 million and $277 million below last year's conference agreement of $812 million.

FY07 Defense Member Project Funding: The bill includes a little less than $5 billion which more than $1 billion below last year's House bill and $2.7 billion below last year's conference report.

FY07 Energy and Water Project Funding: The bill includes $1.04 billion in Member project funding which is 16% or $197 million below last year's House level of $1.24 billion.

FY07 Interior Member Project Funding: The bill includes $188 million in Member project funding for 246 projects. This is an $89 million or 32% reduction compared to last year's enacted total of $277 million in Member project funding.

FY07 Military Quality Member Project Funding: Total Member project funding in the bill is $572 million which is $40 million below the last year's House bill level of $612 million and $804 million below the enacted level of $1.376 billion.

FY07 Labor-HHS Member project funding: The bill provides approximately $1 billion for Member projects, $100 million less than previous, comparable levels and less than 1% of the total funding in the bill.

FY07 Transportation-Treasury, HUD Member Project Funding: Total Member project funding in the bill is $986 billion which is $2.1 billion below last year's level. This is an 70 percent reduction from the previous year. In addition, for the first time ever, the bill requires a 40 percent matching requirement for grantees receiving Economic Development Initiative funding.

Science-State-Justice: The bill provides approximately $387 million for Member projects, $1.3 billion less than the enacted level and less than 1 percent of the total funding in the bill.

PROGRAM TERMINATIONS

Agriculture includes 8 terminations for a savings of $414 million.

Healthy Forests Reserve: $3 million.

Invasive Species Grant: $10 million.

Wildlife Air Safety initiative: $3 million.

Classical Chinese Garden: $8 million.

Financial Management Modernization Initiative: $14 million.

Child Nutrition Program, contingency reserve fund: $300 million (new mandatory).

P.L. 480 Title I program: $64 million.

Ocean Freight Differential Grants: $12 million.

Energy and Water includes 3 terminations for a savings of $411 million.

Geothermal R&D technology: $23 million.

Natural gas R&D technologies: $20 million.

Construction of the Mixed Oxide Fuel Plant: $368 million.

Foreign Operations includes 4 terminations for a savings of $286 million.

Conflict Response Fund: $75 million.

Asia Pacific Partnership: $46 million.

Africa Housing Facility: $5 million.

Congo Debt Relief: $160 million.

Homeland Security includes 6 terminations for a savings of $154 million.

Office of Screening Coordination and Operations: $4 million.

SURGE initiative: $21 million.

Maritime security response team shoot house: $2 million.

Fast Response Cutter: $42 million.

Citizen Corps: $35 million.

New Coast Guard headquarters: $50 million.

Interior includes 4 terminations for a savings of $54 million.

Stateside Land and Water Grants: $30 million.

Forest Service economic action program: $9 million.

BLM rural fire program: $10 million.

Asia Pacific Partnership: $5 million.

Labor-HHS-Education includes 56 terminations for a savings of $1.66 billion.

Responsible Reintegration for Youthful Offenders: $50 million.

Women's Educational Equity (FIE): $3 million.

Math Now for elementary schools: $125 million.

Math Now for middle schools: $125 million.

Science-State-Justice includes 8 terminations for a savings of $96 million.

Grants for Televised Testimony: $1 million.

Forensic Science Grants: $18 million.

Crime Identification Technology Act Grants: $28 million.

Cannabis Eradication: $5 million.

Public Television Facilities, Planning, and Construction: $22 million.

Microloan Technical Assistance: $13 million.

Microloan Subsidy: $1 million.

PRIME: $2 million.

Transportation-Treasury-HUD includes 6 terminations for a savings of $742 million.

Rural Housing and Economic Development: $17 million

FTA Small Starts: $200 million.

Housing Counseling Assistance: $45 million.

National Defense Tank Vessel Construction Program: $74 million.

Open Roads Financing Pilot Program: $100 million.

New Coast Guard Headquarters: $306 million.

Denali Commission: $7 million.

Prisoner Re-entry: $20 million.

Community College Initiative: $150 million.

Work Incentives Grants: $20 million.

Management Crosscuts: $2 million.

Working Capital funds: $7 million.

NY State UI: $50 million.

Tech Asst. Nat Activities: $2 million.

HRSA—Health Career Opportunity Program (HCOP): $4 million.

HRSA—Faculty loan repayment: $1 million.

HRSA—Public health/dental training: $8 million.

HRSA—Delta Health Initiative: $25 million.

HRSA—Denali Commission: $39 million.

HRSA—ER 1 Administration earmark: $25 million.

CDC—Pandemic Flu base activities: $168 million.

CDC—Bulk Monovalent Vaccine Purchase: $30 million.

CDC—Mind-Body Institute: $2 million.

CDC—Special Olympics Healthy Athletes: $6 million.

CDC—Diamond Blackfan Anemia Program: $1 million.

CDC—Arctic health program: $0.3 million.

CDC—Hanford study: $1 million.

CDC—Pfiesteria program: $8 million.

CDC—Volcanic Emissions program: $0.1 million.

CDC—ALS Registry: $1 million.

SAMHSA—Access to Recovery: $98 million.

CMS—Health Care Fraud and Abuse Control: $118 million.
Health admin: $1 million.
ACF—Job Opportunities for Low-Income Individuals: $5 million.
ACF—Sex and other severe forms of trafficking program: $5 million.
Early Learning Fund: $36 million.
Embryo adoption campaign: $2 million.
Alcohol Abuse Reduction: $32 million.
Dropout Prevention Programs: $5 million.
Close Up Fellowships: $2 million.
Education Technology State Grants: $272 million.
Foundations for Learning (FIE): $1 million.
Whaling trading partners (FIE): $9 million.
Javits Gifted and Talented Ed: $10 million.
Mental Health Integration in Schools (FIE): $5 million.
Parental Information and Resource Centers (FIE): $40 million.
Ready to Learn TV: $24 million.
Ready to Teach (FIE) $11 million.
Star Schools (FIE): $15 million.
Teacher to Teacher (FIE): $2 million.
Language Teacher Corps (FIE): $5 million.
State scholars (FIE): $8 million.
State Grants for Incarcerated Youth Offenders: $23 million.
Underground Railroad: $2 million.
Byrd Scholarships: $41 million.
Demonstration in Disabilities: $7 million.
Thurgood Marshall Legal Educational Opportunity Program: $3 million.
Interest Subsidy Grants: $2 million.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. HINCHEY

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

The Clerk read as follows:

Amendment offered by Mr. HINCHEY:

At the end of the bill (before the short title) insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used to initiate military operations against Iran except in accordance with Article I, Section 8 of the Constitution of the United States.

Mr. HINCHEY. Mr. Chairman, the background is obvious and well known to all of us. The fact of the matter is we are now living in a moment which is among the most difficult and dangerous periods in the modern history of our country. It came about as a result of the administration sending our military to attack Iraq. There was no justification, certainly no adequate justification, for that attack. The rationale for doing so as it was presented to the Congress was falsified, unjustified. I think that we all see that today very clearly.

The consequences of that action are afflicting our country very decidedly. We have now lost 4,500 American servicemen and women killed, tens of thousands others very seriously wounded. The dollar cost to our country is now approximately $400 billion. By the end of this year it is anticipated to be $450 billion.

The costs to Iraq are even more severe. The loss of life in that country may be as many as 100,000 people. Circumstances of life in that country are worse than they were 3 years ago when the invasion occurred in March 2003. And we have now been engaged in an occupation of that country for more than 3 years.

The fact that we all have to face is that it is becoming increasingly apparent that the administration has no plan for ending that occupation, and so it will continue. The loss of life will continue, the loss of funds will continue, and the deterioration of our reputation in the world will continue to decline.

This Congress has been derelict in its duty. We have not examined the administration in its activities related to the attack on Iraq, the falsified way in which it presented the rationale to this Congress, the way in which it failed to adhere to the recommendations of the military with regard to actions taken prior to the attack and subsequent to it, right up to the present moment.

So now we are faced with another potential problem that would magnify the one that we currently confront, and that is we have come to understand that there have been serious considerations within this administration to engage in a military attack on Iran. The rationale for that attack as it has been presented to us is that Iran is engaged in a nuclear weapons development program. Of course, that was part of the falsified rationale that was presented for the attack on Iraq.

We also know, of course, that the President in his State of the Union Address here, the address that attempted to justify by presenting false information to the Congress, attempted to justify the attack on Iraq, associated Iraq with the phrase ''axis of evil'' with two other countries, North Korea and Iran.

We now learn that there are discussions within the administration for a potential attack on Iran. And in the context of those discussions, it has also been suggested that the administration has the authority to engage in such an attack based upon the vote that was taken here to authorize the attack on Iraq based upon falsified, misleading information, information that was presented to us intentionally falsified and misleading.

So the purpose of this amendment is to make sure that none of the funding in this defense appropriations bill is used to engage in any military operation against Iran without a full vote of the Congress of the United States in accordance with the Constitution of the United States.

It is a very simple, very straightforward amendment, and I hope that this Congress will live up to its obligations and this House of Representatives in accordance with its responsibilities will pass the amendment.

While our Chamber is on track to complete another lightning round of spending bills during this appropriations cycle, we have abdicated our oversight responsibilities across the board in the process. We are writing blank checks for bankrupt foreign policies without having sufficiently robust debate on the administration's actions abroad.

Our invasion of Iraq in 2003 was a terrible mistake resulting in an inextricable quagmire. And regardless of what our friends across the aisle claimed during our waste of a discussion last week, we are still not on the road to success in that country.

Now that other legitimate hot spots in the world, such as Iran, are heating up, we are a passive audience sitting on the sidelines as the Bush administration uses its damaged credibility and poorly-conceived diplomacy to try to head off a nuclear crisis within the most volatile area of the world.

We should be an active participant in the formulation of our foreign policy.

The Bush administration must be held accountable by Congress for its failings on the world stage. In addition, the administration must work with Congress before it stretches our already-depleted defense capabilities to the breaking point in another ill-conceived engagement.

And while the administration's recent efforts to engage with the European community in diplomacy on this issue are a welcome change, their international dealings have not proven to be trustworthy—another cause of our diminished credibility abroad.

This administration is tone-deaf when it comes to understanding the diverse religious beliefs and cultural principles of countries in the Middle East. It does not sufficiently support the troops that are already engaged abroad, and it does not understand the damage that this engagement has done to our armed services. We must rectify these problems, and Congress must be an active participant.

Iran presents our Chamber with the opportunity to right past wrongs, and to assume the responsibility for oversight and management that we tragically abandoned in the months leading up to our invasion of Iraq.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment.

I read the amendment about Iran, but I heard the debate about Iraq. The gentleman's debate made it appear that we just indiscriminately decided to attack Iraq.

I would remind the gentleman that there were not only United Nations resolutions dealing with the issue of Iraq, but there was also an overwhelming vote in the House and in the Senate to authorize the President to take whatever military action was necessary.

He talked about Iraq, and so I want to talk about Iraq. I want to talk about the June 25, 1996, bombing of Khobar Towers in Saudi Arabia. We were not in Iraq, nowhere near Iraq. Khobar Towers was bombed, and 19 of our airmen who were living there lost their lives.

In August of 1998, our embassies in Kenya and Tanzania were bombed with a loss of life, including Americans. And by the way, we were not in Iraq or Afghanistan for that matter.

October 12, 2000, the USS *Cole* offshore of Yemen was bombed by terrorists, and 17 sailors lost their lives, and many others were seriously injured.

And then there was September 11, and I don't have to explain what happened there because everyone knows

what happened there. It was the Pearl Harbor of this century.

So what does that have to do with Iraq? Information continues to be uncovered where Saddam Hussein, who was the dictator of Iraq until we removed him, Saddam Hussein had contacts with the terrorists of different stripes, not only al Qaeda, but other terrorists. And that's why, and Congress reacted to that, and Congress approved the President making whatever military move he thought was necessary. So that goes to the issue of the gentleman's debate on the Iran amendment relative to his comment about Iraq.

The vote on the Iraq resolution was 296–133. That is a pretty sizable majority.

I have a copy of the Constitution. Section 8 of Article I is a very long article, a very long section, and I am not sure which provision in here that the gentleman's amendment is talking about unless it gets down to the part of section 8 that says to declare war. I assume that is what he is talking about.

To declare war in today's world, previous wars you had a little time. Even after Pearl Harbor, we had time to recover and react. Today's world you don't have that. So I would think you would want to be very, very careful about tying the hands of this Congress in authorizing whatever was needed to defend and support the United States and the security of the American people.

I do not want another September 11 on my hands. I don't want something else to happen that is going to kill innocent Americans, and then have people come to me and say, Why didn't you do something about it? Why weren't you prepared for it? Why did you have to wait and go through all of the political charades?

I don't think that the American people would be very, very happy with this Congress if we didn't take every step necessary to prevent another aircraft hijacking and flying into the World Trade Center or something similar, or hijacking an airplane that landed in Pennsylvania or at the Pentagon. I think we better think very carefully before we, on an appropriations bill, make a major decision like this.

Mr. DEFAZIO. Mr. Chairman, I move to strike the last word.

Just to remember, Khobar Towers, of course, was perpetrated by Saudi Arabians. The *Cole* and the embassies were attacked by al Qaeda, which was based in Afghanistan, led by Osama bin Laden, who is still at large and still based in Afghanistan or Pakistan. But I am not going to revisit the debate of last week about Iraq.

What we are going to talk about here is the Constitution and the authority of the United States Congress. There seems to be a new-found respect for that among the Republican leadership, and I appreciate that.

Recently Speaker HASTERT said: ''We need to protect the division of powers in the Constitution of the United States. We want to make sure that we protect the Constitution.''

Majority Mr. Leader BOEHNER said: ''Every 2 years I stand in the well of the House and raise my right hand and swear to uphold and defend the Constitution.''

So there is a new-found and growing respect on that side of the aisle for the Constitution. Unfortunately, all of that umbrage was about a search with a warrant of a Member's office, a Member of Congress who had $90,000 cold cash in his freezer.

Now I don't agree with their concerns and don't feel that it is an abrogation of the Constitution, but I do feel that ceding our war powers is.

In the case of Iraq, the United States Congress, I believe, unconstitutionally ceded its authority. We didn't declare war, we just said the President should do whatever he wanted, whenever he wanted, however he wanted. And it hasn't worked out real well.

Article I, section 8, is quite specific about the authorities reserved for the Congress. They were worried, the Founders were worried, about the wont of kings to engage in foreign adventures, so they wanted to restrain the king and retain the authority to raise the armies, fund the armies, and declare war to the Congress.

They are very clear in Article II, section 2, which says, ''The President shall be the Commander in Chief of the Army and Navy, and of the Militia of the several States, when called into actual service of the United States.'' That is, the President had the authority to repel sudden attacks, but not launch a offensive military actions without a declaration of war.

Now, unfortunately, Mr. Gonzales, the President's former counsel, now head of the Justice Department, the Attorney General, has said he finds new inherent powers in the President in times of war, and he says the President has constitutional authority as Commander in Chief, as the sole organ of the Federal Government in foreign affairs, to deploy the Armed Forces of the United States. A formal declaration of war or other authorization from the Congress is not required to enable the President to undertake the full range of actions.

This is a total denial of all previous jurisprudence of the writings around the Constitutional Convention and basically rendering Congress meaningless.

Now, in this House we did have a proud moment after 9/11. On September 14, we voted with near unanimity, one person dissenting, to go after, essentially a declaration of war against the Taliban, the perpetrators of 9/11, al Qaeda, and Osama bin Laden.

□ 1945

Now that was a proud moment. And we should look back to that, and we should retain those authorities, and we should safeguard those authorities to this United States Congress. This would not tie the hands of the President in any way that isn't tied by the Constitution of the United States. If there was an imminent attack, if they had a missile on the pad and they were fueling it up to shoot at the United States of America, with a nuclear weapon on it, the President would have authority to repel a sudden attack. But if they are contemplating a preemptive or preventative or whatever they want to call it war, similar to the one launched under false pretenses in Iraq, then they should come and make the case to the people's House, the United States House of Representatives, and to the Senate and get the legal authority in order to conduct those actions.

So I would urge our colleagues to stand up for our constitutional rights here in the United States House of Representatives. I know it is a lot easier to have plausible deniability sometimes and give the President a broad grant of authority; and if in the end it is skewed, then you can say, they really didn't exactly tell us the right stuff when they launched that war. It would be better for us to be very clear about the delineation of these authorities, and the House should approve this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for the Illinois Technology Transition Center.

Mr. FLAKE. Mr. Chairman, my amendment would prohibit funds in this bill from being used for the Illinois Technology Transition Center, which receives $2.5 million in this legislation.

The Illinois Technology Transition Center's objective is to stimulate enterprise growth by helping technology companies realize their commercial potential. The center offers entrepreneurial services, technology transition support, and commercialization support.

Again, this is a defense bill, yet we are offering this funding.

I support the technology center. I encourage growth in it. I think all of us do. It is a great source of entrepreneurship and innovation.

The United States has the largest and most technologically powerful

economy in the world. Technological progress is responsible for one-half of the growth of the U.S. economy.

Competition is a driving force in this innovation. We all know that free markets flourish when there is less government involvement.

I am all for seeing the technology sector in Illinois grow, just as I do hope that it grows in Arizona or any other State.

However, in this defense bill the American taxpayers are being asked to pay for support services for the private sector. I don't think that that is appropriate in a defense bill.

Our troops are fighting insurgents in Iraq and Afghanistan. We ought to be spending money in the defense bill on equipment, on helmets, on body armor, on other things, rather than subsidizing the technological center in one particular State.

I should note I believe the Illinois Technology Transition Center was established by a contract with the Department of the Navy, the Office of Naval Research, in 2005. But it is also my understanding that the Office of Naval Research did not request this earmark for $2.5 million in funding.

With that, I request support for the amendment.

Mr. LAHOOD. Mr. Chairman, I ask to have the opportunity to speak against the amendment.

I wonder if the gentleman would take a question.

Mr. FLAKE. You bet.

Mr. LAHOOD. Do you know who earmarked this money?

Mr. FLAKE. I was told by a reporter this morning who it might be. That was the first time I learned it after I had already agreed to offer it.

Mr. LAHOOD. And the answer to my question is?

Mr. FLAKE. I was told that it was the Speaker who offered it.

Mr. LAHOOD. And so when you were told that, did you think that maybe you might look into the earmark to see if it had merit and to see if it was a set-aside that might merit further consideration?

Mr. FLAKE. Well, seeing that I had already agreed to offer it, I thought that had I agreed to pull back now, I would be looked to favoring one particularly powerful Member of my party.

Mr. LAHOOD. The Illinois Technology Transition Center is a public-private collaboration between academia, industry, and government. It collaborates with the Department of Defense, and it has identified innovative technology applications that meet DOD mission requirements and strives to take technology from the laboratory to use by DOD within 12 to 18 months.

This is an extraordinary opportunity for the public and the private to come together. The lion's share of the money that funds this is private dollars. It is not Federal dollars. It comes from people who have businesses and people who want to invest in smart people and smart ideas.

And the answer to your question about Iraq is that one of the technologies that is being developed is being developed in my hometown of Peoria by a company called Firefly. And they are developing a revolutionary battery that will have the opportunity to withstand huge amounts of heat and not become the kind of traditional batteries that are currently used.

Now, this would not have been able to come about if it hadn't been the collaboration of a private business and the Federal Government coming together in a collaboration.

So are some of the technologies that are being developed in this center being used in Iraq? The answer is yes, they are.

So the point is that there are many innovative approaches that are being taken here. And this kind of collaboration really takes the smart ideas that people in the private sector are using and trying to develop them with the public sector. And some revolutionary things have really come about. And I could name at least six or eight of them, but this is an opportunity for the private sector to take the lion's share of the money and collaborate with the public sector.

Many of these innovative approaches are being requested by the Defense Department. Try them out, test them out, see if they work, and then send them out to the private sector to be funded. And some of these could not come about without this center. They would not come about without this center.

So I wish the gentleman would have looked into this a little bit further, and I wish he would appreciate the idea that what is being developed here could not be developed without the opportunity for the public and private sector to work together.

This is an appropriate appropriation for the defense bill. That is why it is not in any other bill. And it is appropriate, because many of the things that are being tested, many of the innovative approaches will be used by the Defense Department.

Now, I don't know if the Department of the Navy requested this or not. I don't know the answer to that. But I know that some of the innovative approaches have been requested.

The company that I mentioned, Firefly, is in direct collaboration with the Defense Department on a regular basis. And they did ask for Firefly to help them develop this. Eventually Firefly will be spending all of the money, and hopefully, what will happen is that once the battery is in full development, it will create jobs in central Illinois, in my district.

And when people say to me, Congressman, what are you going to do about the erosion of the industrial base? It is to think outside the box. It is to take smart people to get them to think outside the box to create opportunities that eventually will create jobs that no one ever thought could exist in central Illinois because in my district people worked at Caterpillar for years and worked in other industries for years. This is the kind of thing that creates opportunities and jobs and could not come about without a collaboration between the Defense Department and this company that exists in my district.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. LAHOOD) has expired.

(By unanimous consent, Mr. LAHOOD was allowed to proceed for 2 additional minutes.)

Mr. LAHOOD. This kind of collaboration could not come about, and these jobs, very few at this point, but an opportunity for expansion.

And the truth is, the reason that the Speaker asked for this kind of set-aside is because it helps all of us in Illinois. It creates not only opportunities in central Illinois but all over the State, and it does give hope and opportunity to people that there are going to be innovative approaches and people can think outside the box and they can collaborate.

I yield to the gentleman if he has a question; or if he would like to withdraw the amendment, I would certainly entertain that.

Mr. FLAKE. I would not like to withdraw the amendment. I would simply say, and I thank the gentleman for yielding, this is the private sector. I would submit that companies in Phoenix and in St. Louis and in a number of cities and centers around the country are facing difficulties and are having drawdowns, or technology is shifting. The world economy is shifting.

But we can't simply at any time like this say, all right, we are going to give an earmark to that industry or to that region. If we do that, there is simply not enough money in the Federal budget. There is not enough money in the Federal budget to do what we are doing. We are in a deficit.

Mr. LAHOOD. I agree with that, Mr. FLAKE. And that is the reason that this opportunity exists.

It is not a significant amount of money. When you look at the overall defense budget, this is an insignificant amount of money in terms of what it does in terms of the expansion of jobs, the expansion of ideas, the expansion of technology, and it does create hope and opportunity for people who really want to do business with the Federal Government and have opportunities for creating new opportunities for people.

And listen to me, this is a no-brainer. And I hope that we can get the House, when we come back in to vote on this amendment, to vote down this amendment. This is a very, very good technology center and it has created lots of opportunities for many, many people. And I urge the House to vote against the Flake amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. HINCHEY

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

The Clerk read as follows:

Amendment offered by Mr. HINCHEY:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for any contract with the communications and public relations firm known as the Lincoln Group.

Mr. HINCHEY. Mr. Chairman, late last year a number of American news agencies blew the cover off a covert propaganda operation pursued by the Department of Defense in Iraq. Through this operation, members of our Armed Forces write articles and have them planted in Iraqi newspapers. They also engage with private contractors to do that as well.

DOD works with a contractor, the Lincoln Group, who actually pays off Iraqi journalists and publications to get their words printed in Iraqi newspapers and other media.

According to a November 30 Los Angeles Times report, many of the articles are presented in the Iraqi press as unbiased news accounts written and reported by independent journalists. The stories trumpet the work of U.S. and Iraqi troops, denounce insurgents, and tout U.S.-led efforts to rebuild the country.

By December 2005, the Lincoln Group had paid to plant upwards of 1,000 of these articles in the Iraqi and Arab media. I was shocked by this revelation, which is completely antithetical to what we should really be doing in Iraq. In fact, it is completely antithetical to what other U.S. agencies are doing in Iraq.

With one hand we are trying to develop a free, fair and independent news media in that country. But with the other, we are manipulating that media and breeding distrust among Iraqis of their democratic institutions and our efforts at reconstruction. That distrust is a direct threat to our troops in Iraq and a direct impediment to efforts to end our involvement in Iraq.

This revelation shocked a lot of people across our country. Both Defense Secretary Rumsfeld and President Bush were reported as being concerned about the effort. In fact, National Security Advisor Steven Hadley predicted that the program would soon end.

A USA Today-CNN Gallup poll taken immediately after the program was exposed showed that nearly 75 percent of Americans thought it was wrong for the Pentagon to pay Iraqi newspapers for made-up articles.

In early March, General Casey announced that an internal review conducted by DOD had concluded that its own activities were legitimate and would continue.

Mr. Chairman, these efforts need reconsideration and careful scrutiny.

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With the Internet and the round-the-clock news reporting, as well as the unfortunate development of media consolidation, the boundaries between international and domestic news are increasingly fuzzy. There is no guarantee that articles sold by the Lincoln Group to the Iraqi press will exist alone, in a bubble, ignored by other media outlets. There is an ever-increasing likelihood that these stories will make their way into our media, which directly contradicts our own laws.

These reports are strangely similar to stories that we were seeing here in the United States last year about the administration's developing packaged news articles that they paid to have placed in our own news outlets. I want to know if the Lincoln Group effort is a continuation of that behavior, which was strongly condemned by this House.

The program appears to violate a directive that was signed by Secretary Rumsfeld on October 30, 2003, which restricts psychological operations, or PSYOPS, from targeting American audiences, military personnel, and news agencies or outlets. DOD's decision to continue this effort in one country could easily lead to a decision to expand the effort to other countries, a wholly inappropriate idea that is very plausible in the current environment. That needs to be stopped.

And DOD is conducting this program with a company called the Lincoln Group, whose beginnings, current activities, and partnerships are cloaked in confusion and deception. This amendment prevents the Department of Defense from spending any of the money it receives in this bill on contracts with the Lincoln Group, its coconspirator in this inappropriate and damaging program.

I believe this amendment will send a clear signal to the Department of Defense that Congress and the American public do not agree with this administration's continued efforts to manipulate the media, especially when those efforts jeopardize the safety of our troops and the always shaky trust that we are fighting to maintain with the Iraqi people.

I urge my colleagues to support this amendment.

Mr. KUCINICH. Mr. Chairman, I move to strike the last word.

I rise in support of the Hinchey-Kucinich amendment, which would prohibit funds from being used in this bill to fund Pentagon contracts with the Lincoln Group.

The Lincoln Group is a controversial PR firm that has been awarded major Pentagon contracts, worth over $100 million, to help the Pentagon covertly place dozens of pro-U.S. stories, written by U.S. military ''information operations'' troops in Iraqi news outlets. Lincoln would help write and translate these stories and then have them placed in Iraqi newspapers, without revealing the Pentagon's role. Staff for the Lincoln Group would even at times pose as freelance reporters or advertising executives when delivering propaganda stories to Iraqi media outlets. That is according to the L.A. Times of November 30, 2005.

There has been much controversy over the Pentagon's dissemination of propaganda to foreign media outlets. We appear hypocritical when on one hand we advocate democracy and freedom in Iraq, including freedom of the press, and on the other hand, we manipulate the Iraqi press to achieve our own aims. This hypocrisy not only damages the United States' reputation abroad, but it places our soldiers in greater harm's way when we come to believe our own propaganda.

Yet the contract with Lincoln also goes beyond this controversy and is symptomatic of the familiar problems with the Pentagon's use of private contractors in the war: waste, fraud, and abuse.

The Lincoln Group earned its Pentagon contracts partially by misrepresenting its contacts to the Pentagon. The group has claimed to have partnerships with major media and advertising companies, former government officials and former military officers. According to the New York Times, some of those companies and individuals say their associations were fleeting or even nonexistent. For example, Lincoln Group said that it worked with the ad conglomerate Omnicom Group, but Omnicom has no knowledge of such a relationship.

The Lincoln Group has also run into problems delivering on work for the Pentagon. After earning a contract in 2004 to get Iraqi publications to run articles written by the U.S. military, Lincoln admitted to the Pentagon that it had not yet fully staffed and had not yet acquired necessary media monitoring software.

According to a former strategic adviser for the Lincoln Group, they, and this is a quote, ''The Lincoln Group appear very professional on the surface; then you dig a little deeper and you find that they are pretty amateurish.''

Well, not only has this amateurish work come to this country, it has come at a not-so-amateurish price of $100 million. It is also likely that the Lincoln Group's contract is in violation of a Pentagon directive and maybe even in violation of U.S. law.

A recently classified Pentagon directive, signed by Secretary Rumsfeld on October 30, 2003, prohibited U.S. troops from conducting psychological operations targeting the news media. According to one senior Pentagon official, based on the language of the 2003 directive, the Lincoln Group operation seemed to violate Pentagon policy. That from the L.A. Times, January 7, 2006.

While the Pentagon has initiated two investigations into the Lincoln Group's work in relation to this directive, the group's contract, get this, has not even been temporarily suspended. Moreover, if the Pentagon's dissemination of propaganda for Iraqi media is picked up by other foreign news organizations, like Reuters, for example, it could then

easily be picked up by American news organizations. Yet U.S. law has banned the Pentagon from propaganda activities in the United States since the mid-1970s. The Lincoln Group's work could be in violation of this law.

Now, this is a question of tens of million of dollars being misspent. It is also a question of official deception, of a real effort to try to fool the American people, to try to fool the people of Iraq, to try to fool the foreign press.

Our soldiers know what is going on in Iraq. They know when they read these stories or the stories come to them of a totally different situation than what they are living with. They know it is a lie.

We should make our decisions in this Congress based on the truth, not on fiction written by individuals who never have to deal with the real reality. Think of how unconscionable this is. They reveal a garden in the Iraqi media while our soldiers are in a desert of hell. How wrong that is.

That is why the Hinchey-Kucinich amendment is important. That is why we must prohibit funds in this bill from going to the Lincoln Group.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is not a good amendment at all. Earlier in the debate earlier in the day, I said we should not be tying our hands behind our back with a specific amendment. This amendment would disarm part of our arsenal against the enemy.

If you do not like the Lincoln Group, I do not care about that because I have no idea who they are. And maybe they are amateurish, as my friend from Ohio suggested. If that is the case, maybe we ought to fire the Lincoln Group. But let us not stop the ability of the United States and our story to be told to the Arab world.

You have a hard time turning on television and news stories around here that you do not see some of the propaganda from al Jazeera put out by Zarqawi, the former Zarqawi, and his cohorts. Those messages get spread all over the world.

In war, psychological war is very important. Is anybody here old enough to remember Tokyo Rose? Mr. HASTINGS says he is, and so am I. Tokyo Rose, who broadcast radio propaganda to our troops, trying to demoralize them every day, 24 hours a day. Well, are you going to just ignore that kind of warfare, or are you going to fight back?

We have a story to tell. Mr. KUCINICH talked about the soldiers. Let me tell you something. I have seen and talked with a lot of wounded soldiers and marines in our hospitals right out here north of the city, and many of them complain, Why isn't our story getting told? They do not believe that our story is getting told. They hear the trash that comes out of al Qaeda on al Jazeera that spreads out to all of the Arab worlds and finds its way back here to America, as the gentleman conceded. Are we just going to sit back and take those blows, just sit back and let the enemy throw all of the lies and all of the trash that they want to at us without fighting back? Not me. Not me.

Do not take away one of the tools in our arsenal: the ability to fight back in a psychological way, because fighting for the minds of the people involved are a big part of our issue.

If you want to fire the Lincoln Group, do it. If this amendment should pass, and I hope that it does not, and the Lincoln Group doesn't get funded, what is to say that they do not hire some other firm to do the same thing? Specifying a particular company is not what we do in appropriations bills. We do not specify companies for contracts or projects. We just do not do that. If you want to fire the Lincoln Group, put in an amendment that says fire the Lincoln Group, but do not take away one of the tools in our arsenal of fighting the battles that we have to fight.

Mr. SAXTON. Mr. Chairman, I move to strike the last word.

As I noted earlier today, Mr. Chairman, Chairman HUNTER, who is chairman of the Armed Services Committee, is not here today due to an important personal commitment, and he asked me to state his opposition to this amendment.

The issue of authorization and funding for public affairs and information operations in Iraq has been monitored and discussed by the Armed Services Committee to some length. Information operations are vital, as our good chairman from Florida just pointed out. In Iraq the United States faces a determined enemy that attempts to manipulate the media, often with the purpose of further endangering U.S. forces. Chairman HUNTER, in fact, has pledged to hold hearings on this matter.

But let me just point out, as Chairman YOUNG just so eloquently stated, information dissemination on the battlefield and in the countries that are affected in a direct way by warfare such as Iraq is extremely important. Earlier today we had that in mind when Chairman YOUNG led us in opposition to an amendment proposed by another Member because of the message it sent. Messages in Iraq and other countries torn by war are extremely important. As a matter of fact, we devote a great deal of time, effort, and money to train members of our military forces in operations called psychological operations. As a matter of fact, we used them extensively during the invasion of Iraq, not through the contractor that is in question here, but through our military personnel who are trained to do just that. The use of broadcast has traditionally been an important part of information operations as well.

So Chairman HUNTER and the rest of us on the Armed Services Committee and the Defense Appropriations Committee have paid a lot of attention to this matter for many reasons. I am sure the committee will continue to do so if necessary. And Deputy Secretary of Defense Gordon England has informed us on the Armed Services Committee that he is reviewing this matter very closely. In the meantime, General Casey in Iraq and the Department of Defense inspector general are both investigating the use of funds by the Lincoln Group and by the Rendon Group. The results of the Casey investigation are expected to be released in the near future.

I could only say on behalf of Chairman HUNTER that the Armed Services Committee will continue to monitor closely and will take appropriate action as needed.

I urge a ''no'' vote on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

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AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for the Northwest Manufacturing Initiative.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit funds in the bill from being used for the Northwest Manufacturing Initiative, which receives $2.5 million in this defense bill.

What is the Northwest Manufacturing Initiative? Where is the money going? To the northwest of what? Of the United States? Of Arizona? Of Washington, DC.?

There is no description of this project in the committee report. It strikes me again, why can't Members get more information on these projects beforehand? We made calls to the Department of Defense, which funds this earmark. They knew nothing. They didn't get back to us with anything. Calls were unanswered. We asked the Appropriations Committee as well, and we couldn't get anything from the Appropriations Committee before we filed the amendment to be offered here. It was only after the amendment was filed that those who are sponsoring the earmark called to tell us what the amendment is about.

It is the Northwest portion of the United States, I come to understand, and it is a manufacturing initiative, but we don't know much else about it.

A few of the Members have been kind enough to share with me today what they are seeking to do. My understanding is that businesses in the Northwest, particularly those that contract with the United States Government, the Department of Defense and others, some are having difficulty, as they are in many parts of the country.

My question is, why in the defense bill are we offering help to manufacturing companies in the Northwest? What about the Southeast or the Southwest? What about companies in Arizona or California or Colorado? Why don't they get similar treatment? How does the Federal Government decide, all right, we are going to help manufacturing companies there, but not here? Again, we are picking winners and losers here. It is not the job and should not be the job of the Federal Government.

I appreciate the fact there are Members here willing to defend this amendment. My good friend Mr. BLUMENAUER is here to do so and others, and I appreciate that. In this way we can actually have a dialogue.

Again, sometimes this is the only oversight, the only explanation. This is it. This is all we get on some of these earmarks. I feel it is important when we are spending taxpayer dollars, particularly $2.5 million in the defense bill, that it is important to know what it is going for. So I am glad the authors of the amendment are here, and I look forward to the explanation.

Mr. BLUMENAUER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I welcome the gentleman's opportunity to engage in what, in fact, the proposal is about, because there was a rather detailed proposal that was extended to the Defense Appropriations Subcommittee. It is cosponsored by the entire House delegation, 10 Northwest Representatives and Senators, a bipartisan effort, and it is dealing with the need to be able to have a bistate program to help support a strong defense industrial base.

It contributes directly to our national defense. We have outlined how it helps in terms of providing research and development on the reliability, cost-effectiveness and environmental performance of products designed specifically for the defense marketplace. It increases the ability to deal with workforce, to provide the products, to expand the reach of high-performance manufacturing techniques, and create more efficient and competitive companies in the defense sector, and to build the capacity of small and medium-sized companies to participate in this marketplace.

This is precisely the sort of thing that I think we would want to have to help the defense opportunities, not just in the Pacific Northwest, but to be able to scale it and take it in other parts of the country.

I could go on at great length. I will not, because I have been admonished that time is short and because others from the Northwest who are part of this are here.

But let me just say that I have been struck by, and one of the reasons I have been working on this for some time is the ability of small companies that I work with to make a difference, and that we have great difficulty in terms of scaling and being able to help them perform in this arena.

In my district we have Danner Boots, which far exceeds the capacity of the specifications that the Department of Defense requests. Our soldiers would be safer. In fact, that is the boot of choice for people who have young men and women going to Iraq.

We have had the same consortium develop HemCon Bandages, which have an amazing capacity to accelerate the clotting. In fact, it is the consensus that our troops should all be provided with this when they go overseas.

We have got small companies that are dealing with technology that others are going to speak to that I won't go into that are all a part of this consortium.

Last but not least, the notion here is having skin in the game. Well, this is matched by a 50 percent match by local sources. It is a public-private partnership where we are not looking for something that has dropped out of the sky, but is matched by the Federal Government. I think anybody who reviews this proposal will find that it is cost-effective, that it is important for the Defense Department, that it builds on proven technologies and opportunities and speaks to gaps that need to be filled, and will have application not just for the Department of Defense, but for others that work to serve it.

So, in the interest of time, I will conclude on that point and invite anybody to look at this proposal that has been offered by my colleagues from the Northwest. I think they will be satisfied that there will be full value offered, and it is worthy of support.

Ms. HOOLEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in opposition to the amendment offered by the gentleman from Arizona to strike the funding for the Northwest Manufacturing Initiative.

The Northwest Manufacturing Initiative encompasses Oregon and southwest Washington. The initiative is organized as a regional coalition, and its purpose is to make the Northwest region's diverse manufacturing sector a stronger contributor to the Nation's defense and national security.

The initiative seeks to provide to the Defense Department a coordinated, regional resource for assessing products and services being offered by the private sector that meets our Nation's future defense needs. A key goal of the initiative is to increase the contribution of the Northwest coast to the Nation's industrial preparedness and security. A focus of this project is to assist small and medium-sized manufacturers to become providers of products to defense contractors.

My colleague talked about HemCon; he talked about another company, Danner Boots. I could name several companies. There is another company, Hydration, which allows you with a membrane to fill water into this CamelBak and give you clean drinking water from the filthiest water you can find. Those are the kind of companies. These are small, innovative companies. This is where we get our innovation.

The Oregon Manufacturing Initiative is a key component of the Oregon business plan and economic development plans in communities across Oregon and southwest Washington. Local, regional and State funding has been used to plan and develop the initiative.

As manufacturing has declined in many parts of the Nation, it has become more urgent that small to medium-sized companies are mobilized to provide the necessary goods demanded by a modern military and the Nation's security. Through the Northwest Manufacturing Initiative, the Defense Department will have a one-stop resource when it needs information on what companies are providing to meet defense needs or when it seeks critical manufacturing research and development.

The Northwest Manufacturing Initiative is a regional model designed to create efficiencies and cost savings. While I appreciate the intentions of the gentleman from Arizona, I must urge my colleagues to oppose this amendment and ask they support this worthwhile project.

Mr. BAIRD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the intent of the gentleman from Arizona, but I rise to join my colleagues in explaining why this is so important.

We have talked about boots, we have talked about hydration systems. This same coalition is involved with making some of the finest combat knives in the world; laser sights, laser devices that can help protect aviation or even possibly one day shoot down missiles; adhesive armor, to up-armor Humvees in 4 hours to save our soldiers' lives.

The gentleman from Arizona said we don't pick winners and losers. In fact, we do. If you vote against this provision and for your amendment, you will pick our soldiers as losers. This is about providing resources to help small businesses and medium-sized businesses get state-of-the-art equipment to our soldiers.

I don't know if you have had the occasion to meet with a midsized growing business that makes this kind of equipment, but talking to them and the challenges they face in working with defense procurement proposals, defense procurement procedures and other needs are very difficult challenges. I think it is entirely appropriate that the Federal Government participate in this, along with the match that was described earlier, because this is a program that could well be a model for the

country, that will produce more effective business results and better products for our soldiers.

One final statement I would just make: We talk in this body a lot about dynamic scoring of tax cuts. There is also dynamic scoring of expenditures. I would submit to the gentleman from Arizona and to all my colleagues that for a small amount of money, we are going to stimulate manufacturing of state-of-the-art devices and equipment that will save our soldiers' lives and save this government money over the long run.

This is a good proposal, an innovative proposal, and good products that will save the lives of our soldiers will result from it. I urge a ''no'' vote on this amendment.

Mr. DEFAZIO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, again, this is about public-private partnerships. It is about cost-effective and innovative production. The large defense manufacturers are not exactly known as paragons of innovation or cost-effectiveness, so diversifying into the small and midsized businesses in the Pacific Northwest is a great investment for the Federal taxpayers, and we are providing vital products to our troops. Hydration technologies was already mentioned, based in my district. Body armor is produced in my district. We have a stealth boat manufacturer, missile silos up in DARLENE's district. These are all members of the coalition. Night vision goggles, critical to our troops.

So if you support cost-effective, innovative and effective equipment for our troops, you will oppose this amendment and support the initiative.

Mr. WU. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Arizona seeking to cut all $2.5 million for the Northwest Manufacturing Initiative, NMI.

I, along with all members of Oregon's bipartisan House and Senate delegation as well as House and Senate members from Washington, asked for funding for NMI because of its goal to improve the Department of Defense's industrial base by strengthening the Northwest's diverse, value-added manufacturing sector.

Through research and development to enhance the reliability, cost effectiveness and performance of defense related products and through increasing our ability to train and deliver work-ready employees to defense related manufacturing companies, NMI will increase and improve the contributions of Northwest companies to the nation's industrial preparedness and security.

We have seen what innovative and cutting edge technologies can come out of the Northwest to benefit our military:

HemCon, located in my Congressional district, has developed a new bandage technology that has already saved the lives of dozens of U.S. soldiers in Iraq and Afghanistan. In fact, the Army Surgeon General has requested that every soldier deployed to a combat zone carry a HemCon Bandage in their first-aid kit.

Similarly, through work being done at iSense in my district, military doctors will have the technology to quickly detect severe blood loss or internal bleeding. There is no doubt in my mind that these technologies have and will save the lives of Americans at home and abroad.

Another company, InSport, is ensuring that our service members have the best products available in combat. InSport has developed base layer t-shirts for our military that resist the build up of bacteria that adversely affects performance on the battlefield.

Yet, despite these innovative companies, challenges remain. Many small defense companies, especially those in manufacturing, have trouble finding skilled workers.

The NMI will help train manufacturing workers and increase participation of innovative companies. It will allow an entire region's companies to learn from each other, and more Oregonians to learn to earn.

More importantly, it will save the Department of Defense, DOD, time and money by making these manufacturers more efficient and competitive and, consequently, able to provide better and less expensive products.

Mr. Chairman, I support the Northwest Manufacturing Initiative and I urge my colleagues to oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. NORTON:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 1001.

None of the funds made available in this Act may be used to enter into or carry out a contract for the performance by a contractor of any base operation support service at Walter Reed Army Medical Hospital pursuant to the public-private competition conducted under Office of Management and Budget Circular A–76 that was initiated on June 13, 2000, and that has the solicitation number DADA 10–03–R–0001.

Ms. NORTON. Mr. Chairman, this amendment concerns the Walter Reed Army Medical Hospital.

Mr. MURTHA. Mr. Chairman, if the gentlewoman will yield, we have no problem with the amendment on our side.

Mr. FRELINGHUYSEN. Mr. Chairman, we are pleased to accept the amendment.

Ms. NORTON. Mr. Chairman, I thank both gentlemen for accepting my amendment.

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The CHAIRMAN. The question is on the amendment offered by the gentlewoman from the District of Columbia.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for the Lewis Center for Education Research.

Mr. FLAKE. Mr. Chairman, this amendment would prevent any funding from going to the Lewis Center for Educational Research in Apple Valley, California.

Mr. Chairman, the Lewis Center has hosted more than 100,000 students, teachers, and parents participating in educational activities. The center's Web site contains a wish list for funding for three log cabins for third graders, an amphitheater, a schoolhouse shed, a large water wheel for panning gold during the gold rush educational fourth grade outreach program, and similar activities to that.

Mr. Chairman, these are undoubtedly worthy educational tools. My question is this: Why are Federal tax dollars intended for our national defense being used to fund this type of institution? It seems that corporate sponsors of the center abound, including corporations like JPL, Allied Signal, Boeing, Verizon, Lucent Technologies, Lomac Information System, Mitsubishi, RFG, Rockwell Rocketdyne Aerospace. Surely these donations can keep the center in good stead.

The center has already received $3 million in earmarked funds in fiscal year 2004 and an additional $2.5 million in 2005. It looks as if the center is back for more in this bill to the tune of $4 million.

The description of the earmark in this bill provides no detail on how the $4 million is to be spent on the Lewis Center. If there is a defense angle for this earmark, I am simply not seeing it. Again, it seems as if we are debating the Labor-HHS bill at this point or some other education bill and not the defense bill. These may well be worthy programs, but should we be funding them with defense dollars?

I would like to hear justification for the Federal defense function in this case. Again, why are we doing this in the defense bill? These are clearly educational functions. Why should we be taking money that could be spent for the troops and for the operations in the military for things like this?

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment and ask for a ''no'' vote.

Mr. FRELINGHUYSEN. Mr. Chairman, earlier this evening Mr. LEWIS talked extensively in support of projects and made I think the relationship between education for our youngsters in math and science and the work of the U.S. Department of Defense, and I believe that his comments are on the record and I would like to resubmit them in case they are not.

Mr. LEWIS of California. Mr. Chairman, I welcome the opportunity to inform my colleagues on the excellent programs put together by the Center for Education Research in Apple Valley, California.

First, it is important to remember that the 21st Century Department of Defense is much more than weapons programs and soldiers in barracks. Tens of thousands of our dedicated men and women in uniform have made a lifelong career of defending their nation. They now have families, and it has become our responsibility to provide for those families as they move about our nation to meet the needs of our military.

Many schools that serve the children of military families have developed high standards of excellence. But not all schools in all places have met these standards in the past. As the DoD worked to translate these high standards to other schools, the Center for Education Research came forward with a proposed discipline for science nearly a decade ago.

The heart of this program is the Goldstone-Apple Valley Radio Telescope curriculum, which allows 10,000 students around the world to take part in NASA research projects by way of the Internet. This program now reaches students and teachers in 27 states, 14 countries and three territories.

I want to emphasize that the support of these students is valued and sought out by NASA researchers. In fact, the students' efforts have in many cases saved millions of dollars for Federal science programs by freeing top researchers from process work and allowing them to do more analysis.

The Center for Excellence was asked last year to create a comprehensive Internet-based science curriculum and train 500 teachers by the Department of Defense Education Activity program, which is the primary agency helping our DoD schools achieve high levels of excellence. The Stars and Stripes newspaper, and even DoDEA itself, have featured this program in stories that highlight what we are trying to do for our military families.

In conclusion, Mr. Chairman, I once again want to point out that not all good ideas come through the bureaucracies that oversee spending for our federal government. Often those bureaucracies hold back ideas that could quickly and dramatically advance the quality of services we provide to our constituents—and in this case—the families of those who defend us.

When this happens, these programs need an advocate who can get the agency to engage, and see the value of these ideas. I am proud to be an advocate for a program that continues to help tens of thousands of kids whose parents devote their lives to protecting our nation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for the Advanced Law Enforcement Rapid Response Training Program (ALERRT).

Mr. FLAKE. Mr. Chairman, this amendment would prevent funding from going to the Advanced Law Enforcement Rapid Response Training Program, or ALERRT program, at Texas State University in San Marcos, Texas.

The ALERRT program, as it is called, provides training for first responders and police officer. It would appear that this is not the first earmark appropriated to Texas State University for the ALERRT program. Evidently, the program has received $300,000 in the past; now it needs another $1 million.

I am all for the training of our police officers, although it is primarily a function of State and local governments. However, I understand the Federal Departments of Justice and Homeland Security grants go toward law enforcement agencies. In the defense appropriations bill why is this a vehicle for funding for law enforcement training? Are we not adequately training our military troops at our Defense Department facilities? Do we now need to send them to this law enforcement training center? If this is the case, I would submit that we ought to hold some hearings on the subject. I should note that the President did not request this money.

I would submit that it is time for Congress to be a little more attentive to how we are spending and earmarking valuable defense dollars. Again, we have other appropriations bills, and homeland security certainly comes up here. This is a function of training local police officers or others for a local police function. We have scarce defense dollars, and we shouldn't be spending them in this way. I hope that we will vote for this amendment and keep the funding for defense in defense.

Mr. YOUNG of Florida. Mr. Chairman, I am opposed to the amendment.

The type of warfare that we are involved in now is different than army-against-army or squad-against-squad and actually is an urban type of warfare street-by-street, and seeking out individuals who may be in hiding. Law enforcement does this extremely well. The FBI or the local police or these folks, they do a really good job at this because that is what they do, seek out criminals. It is probably a pretty good idea that we give our military troops some training from experts who really know something about how to do this street-by-street seeking out terrorists who are in hiding. So I think it does have a military application and I am opposed to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word. And to clarify Ms. NORTON's amendment, I should have added to it besides we were pleased to accept her amendment, and the committee looks forward to working with her and the Armed Services Committee towards its objective.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Let me say that I started out this debate when I raised the question regarding the compensation of our soldiers with my appreciation for both Mr. MURTHA and Mr. YOUNG. I continue that appreciation because this is a very difficult challenge to appropriate funds for a myriad of issues on the Defense Department, including addressing questions of humanity, if you will, personnel issues, issues dealing with combat stress, medical issues dealing with the research on prosthetics.

I rise today to discuss an issue that is enormously important to me. It might be that I am a child of the Vietnam War and many of my fellow contemporaries, my friends, male friends, went off to this war. Some did not come back. And I am reminded of the simple honor that was given the families as these fallen soldiers came home to the American soil.

I am reminded also of the visit that President Ronald Reagan made when he went to Dover Air Force Base to receive the fallen soldiers from the explosion in Lebanon. What a moving expression to see that. As they first touched American soil, we were there to say thank you. So I rise to discuss an amendment that simply would have allowed the option of arrival ceremonies to be presented for our deceased military personnel returning to or departing from Ramstein Air Force Base or Dover Air Force Base. In particular, I think the focus would be for those coming to Dover Air Force Base where many families come to greet their loved ones.

My amendment does not in any way or the amendment would not in any way have banned or eliminated the ban on media coverage of arrival ceremonies at this time on any returning individuals fallen who have come from overseas. By continuing the ban on media, I believe it appropriately addressed the question and the sensitive question of the privacy of families.

But I do note that many come with the resolve that their fallen soldier is truly a hero. And because of that, they deserve an arrival ceremony with America acknowledging that that fallen soldier is truly a hero and it is all together fitting and proper that there be a pause and a remembrance when the remains of an American freedom fighter are returned to the land they gave their bodies to defend.

As I mentioned, I am forever reminded of that fateful day that President Reagan went on behalf of a grateful Nation to Dover Air Force Base to welcome the marines who had fallen and who had been killed in Lebanon.

Perhaps you recall also that President Jimmy Carter attended arrival ceremonies held at Dover Air Force Base in Delaware when the brave Americans who lost their lives in the Iran hostage rescue attempt were returned home.

Similarly, the first President George H.W. Bush, the first President, participated in the arrival ceremony held for soldiers killed in Panama and Lebanon.

To most Americans welcoming home, it is a fitting ceremony that the men and women who willingly risked all and sadly gave all that they had for this country, it is a simple statement of justice. And so I had hoped to be able to offer an amendment to be able to give guidance to the Defense Department on behalf of the families of the fallen and the families of the United States military using the degree of sensitivity that I think would be appropriate, keeping in place the media issue that we would be concerned about. I am hoping that as we move this bill that we will have the opportunity to be able to address this question.

Before I yield to the gentleman, might I just cite, and I will yield to the distinguished gentleman from Pennsylvania quickly, that it was Abraham Lincoln who said the loss is doubly great to the families of the fallen for they have laid so costly a sacrifice on the altar of freedom. I am hoping that we will have the opportunity to have these arrival ceremonies.

Ms. JACKSON-LEE of Texas. Mr. Chairman, before I explain my amendment, let me express my deep appreciation and gratitude to Chairman YOUNG and Ranking Member MURTHA for their hard work on this bill and for all the good work they have performed for so long on behalf of the Nation's soldiers, sailors, marines, air forces, and all who work to keep our Nation safe and free.

Mr. Chairman, my amendment is simple and easy to understand. The amendment simply defunds that part of the Department of Defense policy that bars arrival ceremonies for deceased military personnel returning to Dover Air Force Base. My amendment does not—I repeat does not—lift the Defense Department ban on media coverage of arrival ceremonies or of any returning or departing deceased military personnel. By continuing the ban on media coverage but permitting arrival ceremonies my amendment accommodates and balances the interests of those families who wish to have their privacy respected and the Nation's interest in paying fitting tribute to their fallen heroes who have given the last full measure of devotion on foreign soil.

It is altogether fitting and proper that there be a pause and a remembrance when the remains of American freedom fighters are returned to the land they gave their lives to defend.

I remember when President Reagan, on behalf of a grateful Nation, traveled to Dover Air Force Base in 1983 to welcome home the fallen marines who had been killed in Lebanon. Perhaps you recall also that President Jimmy Carter attended arrival ceremonies held at Dover Air Force Base in Delaware when the brave Americans who lost their lives in the Iran hostage rescue attempt were returned home. Similarly, the first President Bush, George H.W. Bush, the 41st President, participated in the arrival ceremony held for the soldiers killed in Panama and Lebanon. To most Americans, welcoming home in a fitting ceremony the men and women who willingly risked all and, sadly, gave their all is only right. It is a matter of simple justice.

I was then quite shocked to realize that there is now a policy guidance from the Defense Department that directs this government not to honor our soldiers when they come, having fallen in battle, back to the soil of the United States of America.

Might I share with you the language. "There will be no arrival ceremonies for or media coverage of deceased military personnel returning to or departing from Ramstein AB or Dover Air Force Base." What a shocking statement to make to the Nation, that when our soldiers fall in battle or when they lose their lives as members of the United States military, there is a blanket order, an across-the-board policy, affirmed by the administration in March 2003, not to pay honor and tribute to the fallen when they return.

Mr. Chairman, I am not speaking of disrespecting family members who desire no such formal ceremonies. What I am suggesting is it should be an option and that there should be no blanket barrier that would, in fact, stop the honoring of these soldiers.

I remind you of the words of Abe Lincoln, who said the loss is doubly great to the families of the fallen. For they have laid "so costly a sacrifice on the altar of freedom." We owe them the respect of this honor, and a grateful Nation should be permitted to show its gratitude. But with this blanket order that suggests that there can be no arrival ceremony, I believe we denigrate, we deny the opportunity for honor.

My colleagues will say that there are individual ceremonies and funerals and memorials. And they may be right. But I ask you as Americans and colleagues, how many times have we been able to mourn as a Nation the soldiers who are in the war on terror, fighting in places around the world? In these recent years, we have seen none. We have not honored any publicly.

Yes, in just 2 weeks from now will be Independence Day, but yet we are denied the right to be able to show our gratitude. My amendment is intended to comfort the widow and the orphan as President Lincoln enjoined us to do. I believe many of them will find comfort in their hour of loss by the certain knowledge that a grateful Nation remembers. My amendment is on behalf of Americans.

Mr. Chairman, let me simply say that in reading this language, I struggled with the reason and the premise. Why can't we join together as patriots, respecting and recognizing the young lives that have been sacrificed, by the Reservists, the National Guard and all the service branches on behalf of this Nation? Why would you have this kind of prohibition with no basis, no premise, particularly when we saw flag-draped coffins being utilized after the tragedy of 9/11? Why would you not allow us as Americans to embrace the widows and orphans and be able to say to them, thank you.

I urge my colleagues to support this amendment.

AMENDMENT #4 TO H.R. 5631, AS REPORTED (DEFENSE APPROPRIATIONS, 2007) OFFERED BY MS. JACKSON-LEE OF TEXAS

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. . None of the funds appropriated in this Act may be used to implement the provision in Paragraph 4.F of ''Public Affairs Guidance On Casualty and Mortuary Affairs in Military Operations,'' (R 311900Z) March 2003, as it relates to barring arrival ceremonies for deceased military personnel.

Ms. JACKSON-LEE of Texas. I would be delighted to yield to the distinguished gentleman from Pennsylvania.

Mr. MURTHA. I appreciate what the gentlewoman from Texas said, and I hope we can work something out. It is always a delicate situation where one family, maybe more than one soldier or service person comes in at the same time. But I hope we can work something out in line with what she is talking about if the family is interested in doing this. I appreciate what she is saying and the statement and sentiment behind what she is trying to do.

AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for the Leonard Wood Research Institute.

Mr. FLAKE. Mr. Chairman, before I address this amendment, let me simply say that I spoke earlier today with Representative CUELLAR. He would have liked to be here to offer a defense of the last earmark, the Advanced Law Enforcement Rapid Response Training program. He offered a spirited defense to me today. I still don't happen to agree with him about the amendment, but I know he would have liked to be here to offer that. And I have enjoyed the opportunity to hear about these amendments and to hear them defended today as Members have known that they are going to be challenged on the floor, and that is what this process is all about.

Mr. Chairman, this amendment would prohibit any funds from the Leonard Wood Institute at Fort Leonard Wood, Missouri. As many of you know, Major General Wood led the Rough Riders in the Spanish-American war. The Leonard Wood Institute develops, promotes, and manages worldwide collaborations that are related to the Department of Defense.

I am all for seeing the Missouri business sector grow as I would other States' business sectors as well, particularly Arizona. But it seems to me that American taxpayers are being

asked to spend Federal defense dollars on promoting Missouri businesses rather than on the war on terror. Again, we are picking winners and losers here. I know that there are institutions in Arizona, business sectors everywhere else, that would like to get this kind of funding, $20 million, in the defense bill.

□ 2045

So why are we choosing one State? Why are we picking the businesses of that one State as the winners here?

I would ask the chairman of the subcommittee or the sponsor of the amendment to explain to the taxpayers and every other State outside of Missouri why we should support this earmark. Frankly, dollars in the defense bill should go to the war on terror. They ought to go to the troops. They ought to go for body armor. They ought to go for vehicles, for ammunition, for everything else we spend on defense. I do not believe they ought to go to support businesses that are simply looking for defense contracts or looking to promote business in one particular State.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment and ask for a ''no'' vote.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this, it is my understanding, would be the last amendment to be considered on this bill today, and I wanted to just a minute to thank everyone who participated in the debate. It has been a lively debate all day. A lot of good arguments were made on both sides of the various issues, but it is a good example of how intense this bill really is. It is a very large bill. It includes an lawful lot of important material for the security of our Nation, to provide our troops with the best equipment possible, to provide them with the best training possible, to provide them with the best protective gear possible.

It is a bipartisan bill, one that was put together with the cooperation of all of the Members of both parties on the subcommittee. It was approved unanimously by the full committee. I want to compliment all the Members, especially of the subcommittee, who worked so hard to make this a good bill.

I want to thank the staff who was led on our side by John Shank and on Mr. MURTHA's side by David Morrison, and the staff that worked with them. They are 24/7 workers, and they are extremely well-qualified and dedicated to the job that they do.

So thank you for a good day, and, Mr. Chairman, I want to especially compliment you on the excellent way that you have conducted the affairs of the committee this afternoon.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by Mr. HINCHEY of New York regarding Iran.

Amendment by Mr. HINCHEY of New York regarding the Lincoln Group.

Amendment by Mr. FLAKE regarding Northwest Manufacturing Initiative.

Amendment by Mr. FLAKE of Arizona regarding Lewis Center.

Amendment by Mr. FLAKE of Arizona regarding Leonard Wood Institute.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. HINCHEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) regarding Iran on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 158, noes 262, not voting 12, as follows:

[Roll No. 300]

AYES—158

Abercrombie
Allen
Andrews
Baca
Baldwin
Bartlett (MD)
Becerra
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Duncan
Ehlers
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Garrett (NJ)
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Nadler
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Serrano
Slaughter
Smith (WA)
Snyder
Solis
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Woolsey
Wu

NOES—262

Ackerman
Aderholt
Akin
Alexander
Bachus
Baird
Baker
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Edwards
Emanuel
Emerson
Engel
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Israel
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Ortiz
Osborne
Otter
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Terry
Thomas

Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Bilbray
Cannon
Davis (FL)
Evans
Ford
Hunter
Issa
Marshall
Napolitano
Nussle
Oxley
Spratt

□ 2112

Mr. HEFLEY and Mr. POMEROY changed their vote from ''aye'' to ''no.''

Mr. FATTAH, Mr. GILCHREST, Ms. CORRINE BROWN of Florida, Messrs. SERRANO, GARRETT of New Jersey, BARTLETT of Maryland, COSTELLO, and MOORE of Kansas changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HINCHEY

The Acting CHAIRMAN (Mr. CHOCOLA). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) regarding the Lincoln Group on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 153, noes 268, not voting 11, as follows:

[Roll No. 301]

AYES—153

Abercrombie
Ackerman
Allen
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson
Clay
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Duncan
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Lantos
Larsen (WA)
Leach
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Neal (MA)
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rahall
Rangel
Reyes
Rothman
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—268

Aderholt
Akin
Alexander
Andrews
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Edwards
Ehlers
Emerson
English (PA)
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hulshof
Hyde
Inglis (SC)
Israel
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Kelly
Kennedy (MN)
Kennedy (RI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Larson (CT)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Osborne
Otter
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Saxton
Schmidt
Schwarz (MI)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Cannon
Davis (FL)
Evans
Ford
Hunter
Issa
Keller
Marshall
Napolitano
Nussle
Oxley

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

□ 2117

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding Northwest Manufacturing Initiative on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 56, noes 369, not voting 7, as follows:

[Roll No. 302]

AYES—56

Barrett (SC)
Bass
Bean
Beauprez
Blackburn
Bradley (NH)
Brown-Waite, Ginny
Chocola
Cooper
Deal (GA)
Duncan
Ehlers
Feeney
Flake
Ford
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Gohmert
Green (WI)
Hall
Harris
Hayworth
Hefley
Hensarling
Inglis (SC)
Jindal
Jones (NC)
Kennedy (MN)
King (IA)
Linder
Miller (FL)
Moore (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Poe
Price (GA)
Ramstad
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Stearns
Tancredo
Terry
Udall (NM)
Waxman
Westmoreland

NOES—369

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor

Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Neal (MA)
Ney
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Cannon
Davis (FL)
Evans
Hunter
Napolitano
Nussle
Oxley

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

□ 2122

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding Lewis Center on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 50, noes 373, not voting 9, as follows:

[Roll No. 303]

AYES—50

Barrett (SC)
Bass
Bean
Beauprez
Blackburn
Bradley (NH)
Chabot
Chocola
Cooper
Deal (GA)
Duncan
Feeney
Fitzpatrick (PA)
Flake
Ford
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Green (WI)
Gutknecht
Harris
Hayworth
Hefley
Hensarling
Inglis (SC)
Jones (NC)
Kennedy (MN)
King (IA)
Kline
Linder
Matheson
Moore (KS)
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Poe
Price (GA)
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Sullivan
Terry
Udall (NM)
Westmoreland

NOES—373

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
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 (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Ney
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)

Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Cannon
Davis (FL)
Evans
Gilchrest
Hunter
Napolitano
Nussle
Oxley
Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

□ 2126

Mr. HEFLEY changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding Leonard Wood Research Institute on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 62, noes 363, not voting 7, as follows:

[Roll No. 304]

AYES—62

Barrett (SC)
Bass
Bean
Beauprez
Bilbray
Blackburn
Bradley (NH)
Brown-Waite, Ginny
Castle
Chabot
Chocola
Cooper
Deal (GA)
Duncan
Ehlers
Feeney
Flake
Ford
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Green (WI)
Gutknecht
Hall
Harris
Hayworth
Hefley
Hensarling
Inglis (SC)
Inslee
Jindal
Jones (NC)
Kennedy (MN)
King (IA)
Leach
Linder
Lungren, Daniel E.
Matheson
McHenry
Musgrave
Myrick
Norwood
Paul
Pence
Petri
Pitts
Poe
Price (GA)
Ramstad
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Udall (NM)
Upton
Westmoreland

NOES—363

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
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
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Cannon
Davis (FL)
Evans
Hunter
Napolitano
Nussle
Oxley

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

□ 2131

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read the last 2 lines.

The Clerk read as follows:

This Act may be cited as the ''Department of Defense Appropriations Act, 2007''.

Mr. YOUNG of Florida. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GILLMOR) having assumed the chair, Mr. CAMP of Michigan, 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. 5631) making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Pursuant to House Resolution 877, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 407, nays 19, not voting 6, as follows:

[Roll No. 305]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer

Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
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
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
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
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
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)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—19

Baldwin
Conyers
Filner
Flake
Frank (MA)
Kucinich
Lee
Lewis (GA)
McDermott
Moore (WI)
Olver
Owens
Paul
Payne
Schakowsky
Stark
Watson
Watt
Woolsey

NOT VOTING—6

Cannon
Davis (FL)
Evans
Hunter
Napolitano
Nussle

□ 2150

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5631, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 5631, the Clerk be authorized to make technical corrections and conforming changes to the bill.

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

There was no objection.

REPORT ON H.R. 5647, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Mr. REGULA, from the Committee on Appropriations, submitted a privileged report (Rept. No. 109–515) on the bill (H.R. 5647) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MARCHANT). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO FLOYD PATTERSON

Mr. HINCHEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. HINCHEY. Mr. Speaker, I ask my colleagues here in the House to join me in celebrating the life of an outstanding American, an American who was a boxer and the heavyweight champion of the world. His name was Floyd Patterson. He died recently, on May 11 at the age of 71.

He was a truly outstanding athlete and, I think even more importantly, an incredibly outstanding human being. All of us who had the opportunity to know him benefited from that knowledge and our association with him, and I am proud to be one of those people who knew him well.

Floyd Patterson was born in a rural cabin in Waco, North Carolina, one of 11 children. When he was still young, his family moved to Brooklyn, New York. As a young child there, he struggled in a tough urban environment and as a youngster got into a certain amount of trouble.

He was sent upstate to Wiltwyck School For Boys where, under the proper kind of supervision, he began to turn his life around. He did so in a very dramatic way. He became associated with a very important boxing trainer named Cus D'Amato, and at the age of 17 Floyd Patterson won a gold medal in the 1952 Helsinki Olympics, boxing as middleweight.

He was known as a ''gentleman boxer.'' He was known as a gentleman boxer because in the ring he knocked a number of people out and a lot of people down, but he always helped them to their feet.

He had an amazing boxing career. In 1956 he became the youngest boxer to win a world heavyweight championship, and in 1960 he became the first boxer to ever regain the world heavyweight championship.

After an outstanding career in the ring, where he set an extraordinary example for other athletes, he eventually retired to a 17-acre farm that he purchased in New Paltz, New York. While in his retirement, he served as the

chairman of the New York State Athletic Commission. He counseled troubled teens through the New York State Office of Children's Services. He welcomed dozens of young men into his home and he trained numerous boxers in the boxing ring that he built in the barn on his farm.

He gave generously of himself to the young men he trained and to the communities of the Hudson River Valley in New York, including his generous support of the athletic facilities at New Paltz High School and the State University College of New York at New Paltz.

Floyd Patterson was an extraordinary, one might say almost unique, individual. He came from a very difficult set of circumstances. As a very young child he grew up in a set of very dangerous circumstances, but he managed to move himself away from all of that and to realize the extraordinary physical potential that he possessed as a human being and became the kind of champion that I just described.

He is an American worthy of honor and tribute and worthy of the recognition of this Congress. I hope that all of the Members of this Congress will join me in a resolution honoring him, his athletic career, and the contributions that he made to countless other individuals whom he helped succeed in realizing the potential of their lives.

Floyd Patterson, an extraordinary boxer, an extraordinary American, an outstanding, extraordinary human being. I am proud to celebrate his life.

□ 2200

IN CELEBRATION OF THE LIFE OF FLOYD PATTERSON

Mrs. JONES of Ohio. Mr. Speaker, I ask unanimous consent to follow Mr. HINCHEY in the RECORD because my remarks are about Floyd Patterson as well.

The SPEAKER pro tempore (Mr. MARCHANT). Without objection, the gentlewoman from Ohio is recognized for 5 minutes.

There was no objection.

Mrs. JONES of Ohio. Mr. Speaker, I want to thank my colleagues for allowing me to proceed at this time.

I rise today as well in honor of one of the greatest boxers of all times. Unfortunately, at the time of his death, we were engaged in so many different activities that we were unable to obtain a Special Order or hour Special Order to celebrate Floyd Patterson's life.

Those that know me know that I am one of the greatest boxing fans. It is always a great opportunity for me to have a chance to turn on a boxing match any chance I have the opportunity.

Most recently, in fact week before last, one of the young boxers said that he wanted to be able to do what Floyd Patterson had not been able to do, and he came into the ring and was able to win that boxing match. I think he did it in celebration of the great life of Floyd Patterson.

Floyd Patterson once said, ''They said I was the fighter who got knocked down the most, but I also got up the most.'' I am pleased to stand here on the floor today to celebrate his life.

As you have already heard, he was born in Waco, North Carolina; raised in Brooklyn, New York; and rose from humble beginnings to become the first two-time heavyweight champion of the world.

You know that he is 1 of 11 children. I will not repeat that.

He represented the United States in the 1952 Olympics in Helsinki, Finland, bringing home the gold in the middleweight division.

He turned pro in 1952 under the management of Cus D'Amato, and all of us know what a famous trainer Cus D'Amato was at the legendary Gramercy Gym. D'Amato in the 1980s would develop another heavyweight champion by the name of Mike Tyson.

At just 21, Patterson became the youngest man to ever win the heavyweight championship with a fifth-round knockout of Archie Moore in 1956. In 1959, Patterson would suffer an embarrassing loss to Ingemar Johansson at Yankee Stadium that cost him the heavyweight title. However, Patterson would make a triumphant comeback and beat Johansson and become the first man to regain the heavyweight title.

Though he was known as a shy and quiet man, he had what critics call a ''big man's punch,'' and in one match he knocked down his opponent 11 times. He had a unique style of holding his gloves high in front of his face and leaping in with hooks.

Floyd Patterson, as a boxer, was considered a small heavyweight; however, he competed against some of the giants of the boxing word. He went up against some of the best in boxing world, including Sonny Liston and Muhammad Ali.

He would lose his title to Sonny Liston in a first-round knockout. Following his loss to Liston, Patterson fought for 10 years, getting three more shots at the title, but never regaining it.

He fought Muhammad Ali in 1965. Despite taking a devastating beating from Ali, he lasted until the 12th round. Ali, who was angry because Patterson called him by his given name Cassius Clay, taunted and toyed with Patterson during the fight, peppering him with jabs and right hands while asking him, what is my name, what is my name?

Patterson and Ali would later reconcile when Patterson approached Ali in a restaurant and said, hello, Muhammad Ali. They would remain friends, and ironically, Patterson's last fight would be against Muhammad Ali in 1972.

Overall, Patterson finished with a record of 55 wins 8 losses and 1 draw, with 40 knockouts. He was inducted into the International Boxing Hall of Fame in 1991.

Following his retirement, he remained close to the sport, serving twice as chairman of the New York State Athletic Commission, and he resigned from this post in 1998.

Patterson passed away on May 11 in his home in New Paltz, New York, at the age of 71, and as my other colleagues say, we join today in celebrating the great life of Floyd Patterson. A lot of us choose different roads to stardom and opportunity, but think of this, a man who was 1 of 11 children, who went from a man no one knew to a man who everyone in the world knew.

So I thank you for joining me today in celebrating the life of Floyd Patterson.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 9, FANNIE LOU HAMER, ROSA PARKS, AND CORETTA SCOTT KING VOTING RIGHTS ACT REAUTHORIZATION AND AMENDMENTS ACT OF 2006

Mr. LINCOLN DIAZ-BALART of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 109–516) on the resolution (H. Res. 878) providing for consideration of the bill (H.R. 9) to amend the Voting Rights Act of 1965, which was referred to the House Calendar and ordered to be printed.

THREE BROTHERS OF THE BAND OF BROTHERS

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

Mr. POE. Mr. Speaker, they were called the Screaming Eagles of World War II. They jumped into Normandy into the wet darkness of the night before sunrise on D–Day, June 6, 1944. They held off the Germans in the dead of winter in the Battle of the Bulge in a small Belgian town called Bastogne. Even though completely surrounded, they replied to the demands of the Germans to surrender with that famous statement of their commander, ''Nuts.''

They are the 101st Airborne of the United States Army. They are the Band of Brothers. The 101st is still on duty, and their legacy now continues in the blistering heat of Iraq. They are once again fighting the forces of tyranny and terrorism.

Recently, at an outpost near Baghdad, American volunteers of the 101st found themselves surrounded and attacked by the enemy. One soldier, Specialist David Babineau, was killed in the skirmish. Private First Class Kristian Menchaca and Private First Class Thomas Tucker were kidnapped, captured, and later, apparently, murdered.

Twenty-three-year-old Kristian Menchaca was from my hometown of

Houston, Texas. The Army turned Kristian Menchaca's life around. It gave him a greater purpose, a higher calling. He leaves behind a wife, a family, and lots of grateful Americans.

The terrorists that America fights in Iraq and Afghanistan, they take no prisoners. They have no POW camps. While the media here is bemoaning some alleged improper events in Guantanamo Bay prison about some captured terrorist that got their feelings hurt while in custody, they would do better to point out terrorists execute their prisoners.

Terrorists kill everybody because terrorists hate everybody that believes in freedom. They kill children, the elderly, the weak, the innocent, and they even murder captured American soldiers.

This enemy we fight in the desert sands of Iraq and Afghanistan are evil villains who oppose our righteous and just cause to proclaim freedom throughout the world.

News reports claim the attackers of the outpost all wore masks to cover their faces. Mr. Speaker, outlaws and bandits of the Old West wore masks to disguise who they were because they, like these terrorists, covered up their wicked intentions of destruction of everything that is good and right.

But like the outlaws of yesteryear, each of these criminals will be hunted, tracked and brought to a speedy end, because the 101st Airborne is on patrol in the hot hills of Iraq.

These terrorists have messed with the wrong people. These American soldiers fear no enemy. You see, they are brothers. They are the Band of Brothers, and while three of them have given their lives for liberty, it will be the wrath of the remaining brothers that these terrorists will experience. The terrorists will be introduced to judgment day.

Shakespeare said of the brothers in Henry V how they will be regarded. He said, ''From this day to the ending of the world, but we in it shall be remembered; we few, we happy few, we band of brothers; for he today that sheds his blood with me shall be my brother.''

Tonight, we remember the strongest of those unyielding warriors against terror, three members of the 101st Airborne, these Band of Brothers.

And that's just the way it is.

MINE SAFETY—HONORING THE MINERS OF HARLAN COUNTY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, this day of June 20, 2006, marks the 1-month anniversary of the mining disaster in Harlan County, Kentucky, where five miners were killed in another mine accident.

I started thinking about the history of Harlan County and in paying tribute to these five brave Americans wanted to place in the RECORD the fact that these miners are from a region of our country that has been home to generations of coal miners with entire communities dependent on the mines.

While the coal mines have gotten somewhat safer with deaths steadily declining as a result of stricter safety laws passed by the Congress of the United States, coal mining remains one of our Nation's most dangerous professions.

This year has been a particularly deadly year. Our Nation held its breath before learning of the 12 deaths at the Sago Mine in West Virginia, and then we mourned with the families in Harlan County, Kentucky, after learning of the deaths of five miners killed at the Darby Mine in May.

With the year just half over, we have already seen 33 coal mining deaths 6 months into this year.

□ 2210

The names of Harlan County's most recent fatalities, Roy Middleton, Amon ''Cotton'' Brock, Jimmy D. Lee, and George William Petra and Paris Thomas, Jr., will now be added to a memorial honoring the ultimate sacrifice made by 1,200 coal miners that were killed in Harlan County since 1912.

Harlan County has been the site of mammoth labor organizing battles between the United Mine Workers strike and the region's coal mining companies. The bloody strikes of the 1930s and 1973 earned Harlan County the nickname ''Bloody Harlan.'' Coal miners from this region know all too well the dangers of this dirty and dangerous business.

The five miners from the Darby mine in Harlan County have joined another 104,574 miners that perished in our Nation's coal mines since 1900. To put this into perspective, this number would be about equivalent to one-third of the entire population of the largest city I represent, Toledo, Ohio. And keep in mind this number only accounts for the actual deaths, not the countless others that have been maimed in our Nation's dangerous mines.

On this 1-month anniversary of these horrific deaths, Congress can point to recently passed legislation. But you know, Mr. Speaker, a couple hours' oxygen won't solve the problem either. This act certainly strengthens the mine safety requirements enforced by the Mine Safety and Health Administration, but what good does the law do for a grieving widow or an orphaned child?

As our Nation struggles with another coal mining tragedy, I would like to place into the RECORD an old coal mining song, ''Come All You Coal Miners,'' sung by Sarah Gunning. Hopefully, some of the words in this song will remind us of those who have laid down their lives for us and the other 110,000 miners that go into the mines every day in this country facing death every single one of those days.

Some of the words of the song read: ''They take your very lifeblood, and they take our children's lives. They take fathers away from children and husbands away from wives. Oh, miner, won't you organize wherever you may be and make this a land of freedom for workers like you and me.''

Mr. Speaker, I yield to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Thank you very much. I appreciate all of the work that you have done and the attention that you have given to the coal mining issue, and the fact that you have been trying to get this Congress to focus in real and concrete ways. What has happened over the past year is just indescribable, and I think avoidable.

We need to do all that you have told us over the past months that we need to do to ensure safety in the mines, and I just appreciate the fact that you are here representing not only the people in your district in all the ways that you do, but that you have once again focused your time and your energy on this very important issue.

Ms. KAPTUR. Thank you very much, Ms. WATERS. I could have no one that I admire more in terms of her love of community and her complete dedication to those who don't have enough voice in this Congress of the United States. To have that compliment from you means a great deal to me this evening. Thank you.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO RISK OF NUCLEAR PROLIFERATION CREATED BY ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN TERRITORY OF RUSSIAN FEDERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–115)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2006. The most recent notice continuing this emergency was published in the *Federal Register* on June 20, 2005 (70 *FR* 35507).

It remains a major national security goal of the United States to ensure

that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 19, 2006*.

BLOCKING PROPERTY OF PERSONS IN CONNECTION WITH SITUATION IN BELARUS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–116)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Consistent with subsection 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b)(IEEPA), and section 301 of the National Emergencies Act, 50 U.S.C. 1631 (NEA), I hereby report that I have issued an Executive Order (the ''order'') blocking the property of persons in connection with the situation in Belarus. In that order, I declared a national emergency with respect to the policies and actions of certain individuals in Belarus, to address the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the actions and circumstances involving Belarus, as described below. This action follows the issuance of Proclamation 8015 of May 12, 2006, ''Suspension of Entry as Immigrants and Nonimmigrants of Persons Responsible for Policies or Actions That Threaten the Transition to Democracy in Belarus,'' in which I determined that it is in the interest of the United States to suspend the entry into the United States of members of the government of Alyaksandr Lukashenka and others who formulate, implement, participate in, or benefit from policies or actions, including electoral fraud, human rights abuses, and corruption, that undermine or injure democratic institutions or impede the transition to democracy in Belarus.

The United States, the European Union, and other allies and partners around the world have repeatedly expressed support for the democratic aspirations of the Belarusian people and condemned the Belarusian government's human rights abuses, assaults on democracy, and corruption. The Belarusian authorities have resorted to intense repression in an attempt to preserve their power, including the disappearance of four regime critics in 1999 and 2000, which the authorities have failed to investigate seriously despite credible information linking top government officials to these acts.

The undemocratic 2006 presidential election was only the latest example of the Belarusian government's disregard for the rights of its own citizens. Hundreds of civic and opposition activists were arrested—and many beaten—both before and after the vote for exercising their rights. The authorities forcibly dispersed peaceful post-election demonstrations. There is simply no place in a Europe whole and free for a regime of this kind.

The order also takes an important step in the fight against public corruption, which threatens important United States interests globally, including ensuring security and stability, the rule of law and core democratic values, advancing prosperity, and creating a level playing field for lawful business activities. As noted in Proclamation 8015, the persistent acts of corruption by Belarusian government officials in the performance of public functions has played a significant role in frustrating the Belarusian people's aspirations for democracy. This order authorizes the Secretary of the Treasury to block the asserts of senior-level officials of the Government of Belarus, their family members, or those closely linked to such officials engaged in such corruption.

This, pursuant to IEEPA and the NEA, I have determined that these actions and circumstances constitute an unusual and extraordinary threat to the national security and foreign policy of the United States, and I have issued the order to deal with this threat.

The order blocks the property and interests in property in the United States, or in the possession or control of United States persons, of the persons listed in the Annex to the order, as well as of any person determined by the Secretary of the Treasury, after consultation with the Secretary of State:

—to be responsible for, or to have participated in, actions or policies that undermine democratic processes or institutions in Belarus;

—to be responsible for, or to have participated in, human rights abuses related to political repression in Belarus;

—to be a senior-level official, a family member of such official, or a person closely linked to such an official who is responsible for or has engaged in public corruption related to Belarus.

The order also authorizes the Secretary of the Treasury, after consultation with the Secretary of State, to designate for such blocking any person determined to have materially assisted, sponsored, or provided financial, material, or assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, the activities listed above or any person listed in or designated pursuant to the order. I further authorized the Secretary of the Treasury, after consultation with the Secretary of State, to designate for such blocking any person determined to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person listed in or designated pursuant to the other. The Secretary of the Treasury, after consultation with the Secretary of State, is also authorized to remove any persons from the Annex to the order as circumstances warrant.

I delegated to the Secretary of the Treasury, after consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA, as may be necessary to carry out the purposes of the order. All executive agencies are directed to take all appropriate measures within their authority to carry out the provisions of the order.

The order, a copy of which is enclosed, was effective at 12:01 a.m. eastern daylight time on June 19, 2006.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 19, 2006*.

HONORING WINSTON-SALEM FIRE AND RESCUE TEAM

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. Mr. Speaker, I rise today to recognize and congratulate the Winston-Salem Fire and Rescue Team for their tremendous efforts participating in the World Championship Firefighter Combat Challenge. The world finals of this competition were held in Deerfield Beach, Florida, late last year. Over 1,500 firefighters from around the globe, including members from every branch of our military, descended on Deerfield Beach to compete for the right to be called the ''best of the bravest.''

While wearing full firefighting gear, teams from across the United States raced through obstacle courses that mirrored the real demands and challenges of firefighting. I am proud to say that one of the teams in the competition was made up of six brave firefighters from Winston-Salem, North Carolina, which is located in the Fifth Congressional District. Joining them were 10 firefighters from the adjacent city of Greensboro. This great group is often referred to as ''the ambassadors of the State of North Carolina.''

Teams competed in several divisions in the week-long competition. Winston-Salem team members Duane

Creek and Ricky Brown finished second in the over-40 male Tandem Relay and Robert Klingersmith and Jesse Walker of the Greensboro Fire Department teamed up to grab second in the over-50 male Tandem Relay. Kelvin Astrop, Ricky Brown, and Duane Creek also finished with individual qualification times fast enough to compete for the individual finals.

The highlight of the competition was when Winston-Salem team members Duane Creek, Ricky Brown, Kelvin Astrop, John Pennington and Robert Klingersmith went head-to-head against team Dr. Pepper, the 2004 World Champions, and defeated them in the over-40 relay.

Mr. Speaker, I am honored to represent these courageous firemen and congratulate them on their achievements.

OUT OF IRAQ CAUCUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I rise tonight to continue the debate on Iraq, the war in Iraq. I rise to continue this debate because those of us who are part of the Out of Iraq Caucus, and I am the Chair of that caucus, do not intend to have a debate organized for one day and have people going away saying, well, we took care of that.

□ 2220

This debate must continue because the truth must be told.

Over the weekend, we received terrible news. Two of our soldiers, Private First Class Kristian Menchaca of Texas and Private First Class Thomas Tucker of Oregon were captured by insurgents, reportedly al Qaeda operatives in Iraq.

Today their bodies were found. Their bodies showed signs of torture, leading an Iraqi Defense Ministry official to say that they were ''killed in a barbaric way.'' I extend my deepest sympathies to the families and friends of Private Menchaca and Private Tucker. Our thoughts and our prayers are with them and all those who have lost loved ones in this war.

Mr. Speaker, the President constantly tells us that ''as Iraqis stand up, we will stand down.'' This is the President's way of describing in a rather vague and evasive manner our involvement in Iraq, our continued involvement in Iraq.

According to the Department of Defense, significant progress is being made in training Iraqis to assume security responsibilities in Iraq. The Defense Department trumpets the news that 250,000 Iraqi military are either fully trained or nearly fully trained to provide security throughout Iraq. Well, my question to the administration is: What are they doing? What are these trained Iraqi soldiers doing?

If they are so trained as the administration says they are, they should be able to take over the responsibility of providing security to their fellow countrymen while allowing our men and women in uniform to return home.

But the sad fact is Iraqis are not assuming this role. Instead, our troops who are put in harm's way are the ones paying the price for this administration's mistaken and misguided war. They have been assuming this role and will continue to do so indefinitely until this President's irresponsible leadership is challenged and changed.

Furthermore, Mr. Speaker, the administration constantly tells the American people that progress is being made on the war. For example, when the formation of the Iraqi Government was announced, President Bush said the Iraqis had reached a ''turning point.'' At least five times since the beginning of the Iraq war, President Bush has declared that Iraq has reached a turning point. Yet after each milestone was achieved, violence in Iraq grew progressively worse, and more U.S. soldiers have died or been injured.

The most infamous turning point was on May 1, 2003, when President Bush rolled out and declared ''Mission Accomplished'' aboard the USS *Abraham Lincoln*. At that point, 139 U.S. servicemen and -women had died in Iraq. Today that number has grown to 2,502 U.S. servicemen and -women who have died in Iraq.

Furthermore, the violence against Iraqis has grown almost beyond comprehension. It is estimated that between 138 and 242 Iraqis have died so far this month alone. They die from car bombings, assassinations and other violent acts.

Today alone, news report indicate that at least 11 Iraqis were killed in a string of bombings across Iraq. In short, the progress that the administration and its supporters cite in Iraq does not exist.

The administration went into war with rose-colored glasses on. They promised the American people that the war had been adequately justified, planned and could be an affordable undertaking.

Unfortunately, the facts on the ground show differently. The war has gone on for more than 3 years, and by the end of this year, the total cost of the war will be $450 billion.

Mr. Speaker, it is time for us to redeploy our troops from Iraq and end the war in Iraq. The best way to accomplish these goals is to pass the Murtha resolution, H.J. Res. 73, which would redeploy U.S. forces from Iraq. The resolution says no more U.S. troops sent to Iraq, and that the troops in Iraq will be redeployed as soon as possible, a judgment made by military officials on the ground.

Section 2 says that a group of marines will remain in the Middle East to respond to threats that destabilize our allies in the region or the national security of the United States.

I wish could go into it more, but I have run out of time.

HONORING THERE'S NO PLACE LIKE HOME

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

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today to pay tribute to a New Hampshire organization called There's No Place Like Home.

This group is a committee of volunteers who have made a commitment to helping those who are most in need, those who have lost their homes to a natural disaster. The mission of No Place Like Home is to raise funds and organize volunteers to build homes for families who lack the resources to rebuild after their home has been lost to a natural disaster.

There's No Place Like Home was founded in response to the tragic losses suffered in the wake of Hurricane Katrina and Hurricane Rita. The idea came from the building trades program at Somersworth High School, which takes on a building project each and every year. The students in this program were so moved by the devastation caused by Hurricane Katrina, that they decided they would build a home to send from New Hampshire to a deserving family in the gulf coast as their project for this year.

After working hard all year, the students recently completed the first home, and it is on its way, as we speak, to Louisiana. Having been successful on this first project, the students are now going to build a second home to send to another family in our gulf coast.

In addition to the students that are building this home, there are several people whose involvement have made this project possible. They are: There's No Place Like Home team, consisting of the program development coordinator Paula Young, program director Pastor Bernie Quinn of the Rochester Grace Community Church, the construction coordinator Roy Darling, and the building trades instructor Brian Patterson.

These individuals are passionately committed to this cause. They have been working hard to raise funds, find deserving recipients of a home, and oversee the students and the construction. They have worked tirelessly to support this laudable project from its conception, and they deserve a world of thanks for their efforts.

I would also like to thank the members of the New Hampshire National Guard who are in charge of the important task of transporting the finished home to Louisiana, and the many businesses and sponsors in New Hampshire who have donated supplies, money and time to this organization.

I had the opportunity to twice visit with the students of Somersworth High School, the first time while they were building the home and just yesterday after it was completed. To see these students, fine young Americans hard at work using their skills to help families

in need, was truly remarkable and for me very inspiring. I was impressed not only by the quality of their work, but certainly by the compassion that they displayed for the family receiving this home.

I wish There's No Place Like Home continued success and hope they are able to inspire other organizations to follow their lead. The founders of this organization, like Paula Young and all of the volunteers, are to be commended for their hard work and their commitment to giving back to the greater good of our Nation.

I am honored to represent such caring, civic-minded citizens in the U.S. House of Representatives.

WORLD REFUGEE DAY

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

Mr. MCDERMOTT. Mr. Speaker, of all the urgent matters in the world today, and there are many, none is more poignant than the plight of millions of homeless refugees in countries like Africa, Asia and Latin America, and here in the United States.

There are 8.4 million refugees worldwide. Some were displaced because of natural disasters. Most were forced to flee their homes and their homeland and loved ones to avoid being killed because of persecution, civil war and outright genocide.

They were forced to flee through no fault of their own, and were forced to abandon their belongings and their lives. They fled with the clothes on their back, memories and hopes that one day they would go home again.

Today we meet some of these people. This is World Refugee Day, organized by the United Nations to focus attention on the millions of innocent people who are entitled to live and not merely survive.

□ 2230

Every one of those 8.4 million refugees has a personal story. They hope, as we do, for healthy children, a bright future and peace and security in their lives. They long for a standard of living measured by dignity, not by personal possessions.

And it is within our power to make a difference. I think of it this way: if a million people make one small difference today, the world will wake up tomorrow a much different place.

Almost every day I wear a tie from Save the Children, although I left it off today, because Save the Children does, and lots of Americans help them. There are other noble organizations just like them. Organizations like World Vision in my congressional district respond every day to the needs of people in places like Darfur. The need always outstrips the available resources. But no one gives up. They just dig deeper. They have been there on the ground in camps next to people who are just like us. Once that happens, you never forget.

I know. I went to the refugee camps in Darfur last year as part of a bipartisan congressional delegation. You don't forget people jammed into a refugee camp who pass you handwritten notes asking you to tell the world that they exist and not to forget them.

There are those who refuse to forget. A megastar like Angelina Jolie willingly trades on her name to focus global attention on poverty and homelessness. Angelina is a U.N. goodwill ambassador whose works speak louder than words and whose words echo through capitols, including this one. Angie is redefining the phrase, ''one person can make a difference.'' She will make a difference again tonight as she goes on CNN to tell the world firsthand about the millions of people around the world who want nothing more than to go home. But they cannot do it alone. Watch, learn, and listen.

In a world united by technology, we remain divided by brutal conflicts with millions of innocent victims homeless and held hostage, and that is where they will remain until the nations of the world intercede.

Nations rally behind leaders, political or otherwise, and nations are beginning to hear the voices of people like Ms. Jolie.

The United Nations tells us that 6 million people have returned to their homelands in recent years. That is dramatic progress, but the world has a long way to go before human liberty is protected in every nation.

All too often, refugees return home to find their towns and villages completely destroyed. And all too often, new conflicts disenfranchise or endanger new people.

From afar it seems almost impossible to believe that one person can make a difference. Then I remember the scraps of paper with personal notes handed to me in Darfur. You recognize the work of organizations like Save the Children representing millions of Americans. You meet people like Bono and get to know people like Angelina, and pretty soon you realize that we are all in this together. You recognize that refugees haven't given up. How can we?

Today is the day to see the faces and hear the voices of those who don't have a home, but do have a heart.

Today is the day to meet the people who are worth fighting for, who believe that hope can triumph over despair and that courage can overcome adversity and that every person on Earth is entitled to a life of dignity.

Do the world a favor. Change the television channel tonight. Watch and learn the news on CNN as they help us face the world in which we live. Listen to humanitarian leaders like Angelina. She will help you understand and change the world that we can all make a difference. There is no one who can't make a difference for a refugee in this world.

1-YEAR ANNIVERSARY OF THE KELO DECISION

The SPEAKER pro tempore (Mr. MARCHANT). Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, this Friday is the 1-year anniversary of the United States Supreme Court's decision of Kelo v. City of New London. And this decision has wide-ranging constitutional ramifications, most notably the grasping at rights guaranteed by our guiding document, the Constitution. That is the reason that we dedicate this week's Congressional Constitution Caucus to discuss this case.

The fifth amendment clause, the so-called ''taking clause,'' the one cited by the Court here and cited by the city as well to allow them to take homes from various families away from them and give them to other private individuals, that clause, the power of eminent domain, that is not a positive grant of power to the government. Rather, that is an express limitation on the powers of the government. In other words, our Constitution expressly limits the powers the government has to take away your property or mine.

James Madison once said: ''As a man is said to have a right to his property, he may be equally said to have property in his rights.''

Our Founding Fathers understood that private ownership of property is vital. It is vital to our freedom and to our prosperity as well. Yet our own, very own U.S. Supreme Court issued a very narrow 5–4 decision in the Kelo v. City of New London case, giving local governments broad powers to seize private property from one private party and to give it to another private party, citing nothing more than a subjective claim of sorts, a claim of economic development and something called public benefit.

But once again, the highest court in the land has shown its inability to interpret the Constitution and defend the liberties and freedoms that our forefathers so desperately envisioned when they established this great Nation. Instead, this unelected body just across the street seeks now to make its own law for the land.

For over a generation, our judicial branch in this country has headed down what we call the old proverbial slippery slope of overstepping their bounds, and this decision is judicial activism at its worst.

I bring with me tonight a book that is called ''Constitutional Chaos.'' It was written by actually a constituent of mine, a former judge in the Fifth Congressional District. This is Judge Andrew Napolitano. Members may know that name from seeing it on TV. And I want to cite something he that he says in his book talking about this taking by the courts. He says, we have seen in the past the proper function of eminent domain, the government's

taking of lands for use by the public. And the radical transformation of the taking clause to mean public benefit rather than the public use. And this began, this change, this radical change began in the early 20th century, back from 1936 on in a New York City case.

There the court determined that slum clearance would be a public use, that was a good use, taking away people's homes from one set of circumstances and giving it someplace else. And he says, ''This is a quintessential private use. The government took the land from private individuals so that other private individuals could use that land to live on.''

Then he goes on to say, the Court blatantly ignored the fact that the Constitution uses the phrase ''public use'' rather than ''public benefit.'' And the Court concluded ''the law of each age is ultimately what the age thinks the law should be.''

What a scary thought that is, if the courts really take that view that the law can simply change from age to age to age, and that there are no firm foundations from one generation to the next.

Our government, both on the State and the Federal level, were intended to be limited with only certain specific powers being delegated by the people to the various branches. And the ability of the government to seize private property from its citizens far exceeds the authority the people have bestowed upon it. And that authority may not be changed from generation to generation to generation.

The Justices in the majority, while they may have been well intentioned and trying to provide what they cited as economic development, had absolutely no constitutional authority to make those decisions. Certainly, not in the liberty-grasping fashion that they did.

So tonight I come here and, again, I call for limitations on the courts' jurisdiction before every one of our liberties and freedoms are clutched from our very possessions as our homes now apparently may be. And in light of this anniversary, I recently introduced a resolution, again emphasizing this body, this House's disapproval of the majority opinion of the Supreme Court and highlighting other positive actions we have taken, such as my amendment recently to, in fact, a year ago to say the Federal Government would not use our dollars to help facilitate these actions.

You see, Mr. Speaker, the United States, the greatest Nation in the world, must always remain a Nation where rights and liberties are celebrated, not a Nation where people live in fear of those rights and liberties being instantaneously taken away by unelected judges covetous of policy-making powers.

POWER SHARING NEEDS BIPARTISAN ASSISTANCE

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

Mr. OWENS. Mr. Speaker, power sharing and the Voting Rights Act will be on the agenda tomorrow. The United States Voting Rights Act, launched and guided by President Lyndon Johnson, was a front line cutting-edge innovation in constitutional democratic government. The turmoil and conflict of the civil rights struggle was brought to a high level, successful, peaceful conclusion with the passage of the Voting Rights Act.

□ 2240

We could hold up to the world a new refinement in democratic governance. That was in 1967. Today in 2006 we should take note of the fact that the Government of Norway has established a new frontline for democratic inclusiveness. Last January Norway passed a law mandating that 40 percent of the board members of all major corporations, private and public, must be women. This is a far-reaching and bold action; however, it reflects a mushrooming trend toward the goal of a fair and productive inclusiveness of all citizens in vital decision-making processes. Norway is at one extreme, but there is a great deal between Norway and our Voting Rights Act.

As we consider reauthorization of the Voting Rights Act, we should look beyond our borders. A serious examination of the struggle for democracy across the globe reveals that our American constitutional democracy is not the final realization of the most perfect governance structure that can be achieved. In fact, it may be that our American democracy is now being eclipsed by more a sophisticated set of mutations of constitutional democracy. Our way, born in 1776, may within a few decades appear to be a crude, outdated approach to the rule of law with justice for all.

As of this date, one-third of the world's democratic governments have some form of mandates or incentives for promoting ethnic minority or gender representation. Norway, with its 40 percent mandate for female board representation on private company boards, may be way out there ahead of other governments; nevertheless, many others recognize the need to move out beyond the slow processes of tradition and the prevailing power arrangements.

Denmark and Germany elect minorities in their respective countries into regional and national Parliaments. In Iran ethnic minorities such as Armenians and Jews have seats allocated for them in Parliament. The Pakistan Government has provided for special representation for minorities and women in Parliament. Burundi guarantees 40 percent of the Parliament and Cabinet positions to the Tutsi minority and half the positions in the army.

Advised by the United Nations, the Kosovo Parliament will be chosen by direct elections with special arrangements for Serb and other minority groups to be represented. Billions of United States dollars have been spent in Kosovo to achieve this outcome.

In Iraq the United States advisers are insisting on an all-inclusive government with the dominant majority Shiites sharing power with the minority groups such as the Sunnis and the Kurds.

Our Voting Rights Act, which we are about to renew and extend, is very much in harmony with an escalating international consensus which emphasizes the fact that power sharing promotes good government and peace. Shortsighted efforts to dilute the provisions of the Voting Rights Act must be defeated. This act goes as far as our Constitution will allow us in order to create opportunities for minority representation. However, beyond the law the time has come for each of the political parties to adopt platforms and positions which further enhance the highly desirable goal of power sharing. Beyond opportunity for minority representation, the Republican Party and the Democratic Party should assume positions and take actions to discourage and remove any roadblocks to the greatest possible amounts of power sharing at all levels of government.

There is bipartisan agreement that Kosovo, Rwanda, and Iraq must have power sharing. At home we can offer no less to our minorities. The Voting Rights Act is our successful weapon of mass construction, mass democratic construction. We must support the renewal of the Voting Rights Act.

PERSONAL PROPERTY RIGHTS AND THE KELO DECISION

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

Mr. BISHOP of Utah. Mr. Speaker, one of my top five movies of all time was the 1968 cult classic, the original Producers. And, of course, as you know, that was the story of a Broadway producer who tried to find the worst play possible to produce a Broadway flop, and unfortunately it turned into a smash hit. And there is this wonderful scene where the producer Max Bialystock looks at the audience in the movie and says, ''I chose the wrong play, the wrong director, the wrong actor. Where did I go right?''

Well, to me the Max Bialystock of government, the Supreme Court, sometimes does the same thing, as their best laid plans and correct principles end up in something simply messed up. As my good friend, the gentleman from New Jersey, spoke a moment ago, this week will be the 1-year anniversary of the Kelo decision. After years of harping and praying and hoping the Supreme Court would actually take the

right concept and respect States rights, to respect the 10th amendment, they did it for the first time and once again got it wrong. For in their respect for the process, the majority of the Court forgot the constitutional principle involved.

We have talked, as the Constitutional Caucus, a great deal about the concept of federalism. Federalism is not the same thing as States rights. Federalism is the idea of a balance between the national and State governments solely for the purpose of protecting individual liberty and individual property. States rights is decisions and powers being made at the State level, which usually produces the proper result, but every once in a while has a history of abuse of power.

This particular situation, the Kelo decision, is one of those, where one of our good States in New England, both the local government and State decided to use eminent domain to take property from individuals not for the public good, but for economic development, a government abuse of property rights for the sake of money.

Fortunately, the dissenters of the Supreme Court clearly understood it. In reading the words of the dissent on the Kelo situation, they said, ''If such 'economic development' takings are for a 'public use,' any taking is, and the Court has erased the public use clause from our Constitution.'' Further, he said, ''The takings clause also prohibits the government from taking property except 'for public use.' Were it otherwise, the takings clause would either be meaningless or empty.''

It was appropriate for this body, immediately after that decision, to pass both the resolution and the law condemning those decisions. It is also appropriate at the 1-year anniversary that we once again understand and review the significance of that concept of personal property rights.

The Supreme Court recently made a decision this week dealing with wetlands cases. We are talking, as well as the Senate, about the concept of death taxes. Both of those have at their core the understanding of the significance and importance of personal property rights. It is right and proper for us at the dedication of this anniversary of this infamous decision on Kelo to once again restate and reunderstand our purpose and the purpose of this government, which is to protect personal property.

JUNETEENTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to acknowledge the World Refugee Day as we keep the flame of hope alive, showing some 20.8 million internally displaced refugees fleeing persecution who are now looking to the world to ask for relief.

As I stand to acknowledge that day, I draw the House's attention to a day I believe that symbolizes the hopes and dreams of many. Although the occasion of Juneteenth happens to be a holiday that is celebrated by African Americans, it is, in fact, the oldest nationally celebrated commemoration of the ending of slavery in the United States. So I say simply that it is symbolic of people who are in need of empowerment.

And, in fact, this celebration took place in this country, and certainly in the State of Texas, over the last 3 days, this past weekend. I participated with my colleagues in different States to celebrate Juneteenth, as well as my constituents, on Saturday and Sunday and Monday.

From its Galveston, Texas, origin in 1865, the observance of June 19 is considered the African American Emancipation Day even as it claimed a time frame in which African Americans were actually denied the knowledge of their freedom. Those in Texas did not hear of the declaration that President Lincoln made until 1865.

Today Juneteenth commemorates, I believe, African American freedom and symbolically freedom around the world. And that is why in the beginning I stood and acknowledged this is World Refugee Day, for refugees are looking for freedom and hope, and they belong to us, and they are placed around the world.

This special day of Juneteenth, however, emphasizes education and achievement. It is a day, a week, and in some areas a month marked with celebrations, guest speakers, picnics, and family gatherings.

□ 2250

It is a time for reflection and rejoicing. It is a time for assessment, self-improvement and planning for the future. But it is a time for reinvesting, restoring ourselves. It relates to the struggle of freedom. It reinforces the fact that freedom is not easy and it is not free, and as those who stood witness waiting in the State of Texas near the Galveston Bay to find out whether they were free, there are many who still stand waiting for that call of freedom.

The growing popularity of Juneteenth signifies a level of maturity and dignity in America long overdue. In cities across the country, people of all races, nationalities and religions are joining hands to truthfully acknowledge a period in our history that shaped and continues to influence our society today. Sensitized the ties to the conditions and experiences much others only then can we make significant and lasting improvements in our society.

The civil rights movement of the fifties and sixties yielded both positive and negative results for the Juneteenth celebrations. While it pulled many of the African American youth away and into the struggle for racial equality, many linked these struggles to the historical struggles of their ancestors. They wanted to be free of the Juneteenth celebration.

This was evidenced as students began to participate in student demonstrations involved in the Atlanta civil rights campaign in the early 1960s, who wore Juneteenth freedom buttons. Again, in 1968, Juneteenth received another strong resurgence through the Poor Peoples March to Washington, D.C. Reverend Ralph David Abernathy called for people of all races, creeds, economic levels and professions to come to Washington to show their support for the poor.

Juneteenth has a way of generating the kind of compassion for the struggle and, of course, a reason for fighting for freedom.

Let me thank Representative Al Edwards, a constituent of mine and a State representative who can be called the father of Juneteenth in the State of Texas, establishing the first State holiday for African Americans, Juneteenth, June 19, here in the State of Texas that we have the opportunity to celebrate.

He has not finished his work, for he continues to promote the Juneteenth Commission, and I am very proud that on Monday morning, we opened and christened the first Juneteenth statute in the State of Texas. This holiday, however, is spreading across the country as a symbol of freedom.

Tomorrow we will have the opportunity, as we have had today, to acknowledge the that people are still struggling for freedom by World Refugee Day, but tomorrow this body will have the opportunity to reauthorize the Voting Rights Act of 1965, now in 2006, now named the Fannie Lou Hammer, Rosa Parks, and Coretta Scott King Voting Rights Act.

I ask my colleagues in the name of Juneteenth and many other symbolic holidays that establish and create freedom, that we should stand tall for the reauthorization of the Voting Rights Act. It should not be a political struggle or a power struggle. It should be the right struggle, the right thing to do.

And for those who intend to offer what we call poison pill amendments, I would ask my colleagues to defeat them handily, because the Voting Rights Act is a symbol of freedom for all, all colors, all creeds, to be able to suggest that every citizen has a right to vote. Whether they speak English or not, Mr. Speaker, they have a right to vote, and these amendments that are being offered to undermine their voting rights say that if you are a citizen and you speak a different language, you cannot have the protection of the Voting Rights Act.

I ask my colleagues to join us in continuing the freedom statement of the Juneteenth holiday and to vote for the Voting Rights Act tomorrow. Juneteenth is alive and well.

Mr. Speaker, I rise to mark the occasion of Juneteenth, the oldest nationally celebrated

commemoration of the ending of slavery in the United States. From its Galveston, Texas origin in 1865, the observance of June 19th as the African American Emancipation Day has spread across the United States and beyond.

Today Juneteenth commemorates African-American freedom. This special day emphasizes education and achievement. It is a day, a week, and in some areas, a month marked with celebrations, guest speakers, picnics and family gatherings. It is a time for reflection and rejoicing. It is a time for assessment, self-improvement and for planning the future. Its growing popularity signifies a level of maturity and dignity in America long over due. In cities across the country, people of all races, nationalities and religions are joining hands to truthfully acknowledge a period in our history that shaped and continues to influence our society today. Sensitized to the conditions and experiences of others, only then can we make significant and lasting improvements in our society.

The Civil Rights movement of the 50's and 60's yielded both positive and negative results for the Juneteenth celebrations. While it pulled many of the African American youth away and into the struggle for racial equality, many linked these struggles to the historical struggles of their ancestors. This was evidenced by student demonstrators involved in the Atlanta civil rights campaign in the early 1960's, whom wore Juneteenth freedom buttons. Again in 1968, Juneteenth received another strong resurgence through Poor Peoples March to Washington D.C.. Rev. Ralph Abernathy's call for people all races, creeds, economic levels and professions to come to Washington to show support for the poor. Many of these attendees returned home and initiated Juneteenth celebrations in areas previously absent of such activity. In fact, two of the largest Juneteenth celebrations founded after this March are now held in Milwaukee and Minneapolis.

TEXAS BLAZES THE TRAIL

On January 1, 1980, Juneteenth became an official state holiday through the efforts Rep. Al Edwards, an African American state legislator. The successful passage of this bill marked Juneteenth as the first emancipation celebration granted official state recognition. Representative Edwards has since actively sought to spread the observance of Juneteenth all across America.

JUNETEENTH IN MODERN TIMES

Throughout the 80's and 90's Juneteenth has continued to enjoy a growing and healthy interest from communities and organizations throughout the country. Institutions such as the Smithsonian, the Henry Ford Museum and others have begun sponsoring Juneteenth-centered activities. In recent years, a number of National Juneteenth Organizations have arisen to take their place along side older organizations—all with the mission to promote and cultivate knowledge and appreciation of African American history and culture.

Juneteenth today, celebrates African American freedom while encouraging self-development and respect for all cultures. As it takes on a more national and even global perspective, the events of 1865 in Texas are not forgotten, for all of the roots tie back to this fertile soil from which a national day of pride is growing. The future of Juneteenth looks bright as the number of cities and states come on board and form local committees and organizations to coordinate the activities.

With the Voting Rights Act Reauthorization and Amendments Act of 2006 coming up on the floor tomorrow, it is important to remember that the VRA is one of the most effective civil rights statute ever enacted, and while its successes has generated increased political power for many at the local, state, and federal levels, there is still much work to be done. Critical provisions of the Act, including the language assistance provisions contained within Section 203, are set to expire next year. The right to vote is only meaningful when the language of the ballot and other election materials is fully comprehensible to the voter.

Recently, a 9-foot bronze statue, created by Eddie Dixon of Lubbock, was erected in the city of Galveston, TX. The Statue depicts a man holding the state law that made Juneteenth a state holiday in 1979. It was at the Ashton Villa where Maj. Gen. Gordon Granger of the U.S. Army is believed to have read a proclamation on June 19, 1865, announcing that slaves were free. The historic emancipation proclamation enacted by President Abraham Lincoln went into effect Jan. 1, 1863. Monday marked the 27th year that people have gathered to celebrate Juneteenth.

ON THE ONGOING DISENFRANCHISEMENT OF BLACK VOTERS

The SPEAKER pro tempore (Mr. MARCHANT). Under a previous order of the House, the gentlewoman from Georgia (Ms. MCKINNEY) is recognized for 5 minutes.

Ms. MCKINNEY. Mr. Speaker, on the eve of the reauthorization of the Voting Rights Act, I come to the floor to say to that the dream of full participation by all Americans has yet to be fulfilled. And, in fact, even at the dawn of a new century, black voters are still confronted with a concerted effort to deny their right to vote when it is politically necessary and expedient to do so.

We can start with the fiasco that brought the current administration to power, the Florida vote of 2000. First of all, in testimony from African American voters in Florida, outright voter intimidation is documented in dozens of cases.

You know, the passage of time is a wonderful thing. It makes wine taste better; it makes women look better; it makes us long for the days of good music, however we define ''good music.'' The older songs always just seem the best.

So, too, it is with information. But with the passage of time, truth crushed to the Earth, rises. The ashes of the Phoenix rise.

As a result of a town hall meeting that I organized in Georgia, bringing in the vice president of ChoicePoint, the company hired by the Florida Board of Elections under the control of the then Secretary of State KATHERINE HARRIS, we now know that ChoicePoint was asked to provide an incorrect list of supposed convicted felons who would be denied the right to vote in Florida. The only thing is that the list compiled by ChoicePoint imported data from several States; Ohio, New Jersey and Texas.

Now, it just so happens that the Governor of Texas is now our President, and the interesting thing about the list that was given from Texas to KATHERINE HARRIS in Florida is that it was not a list of convicted felons. The Texas list was a list of those convicted of misdemeanors, thereby enlarging the number of entrants on the ChoicePoint list destined for Florida.

Now, why is this important? Because the method of disenfranchisement in Florida was to deny people the right to vote based on fictitious felony conviction records. And since KATHERINE HARRIS had told ChoicePoint that she only wanted an 80 percent match, an example is that John Smythe, who had committed a misdemeanor in Texas, say, for example, became John Smith, a convicted felon in Florida. The list was labeled by race, so that the folks down in Florida knew who would be denied the right to vote before the voting even started.

As a result, ChoicePoint presented a list of about 90,000 so-called convicted felons, whose only crime was being registered to vote in a battleground State whose leaders were willing to commit crimes in order to deny people the right to vote. And I am sorry that the Democrats didn't fight this gross travesty of justice carried out against black voters.

Now, there will be folks who will say that we don't need a Voting Rights Act any more. If you ask George Wallace or George Maddox or, for that matter, even Strom Thurmond back then, I am sure they would have said you didn't need a Voting Rights Act then too. I am sure they would have said no.

But if this gross disenfranchisement scheme could happen in 2000, it means that the right to vote and the right to representation are still precious, so precious that we have to have laws in place to protect those who will not respect the rights of their fellow Americans.

Then in 2002 we learned that crossover voting can be used as effectively as the all-white primaries were to deny African American voters their right to choose their representatives.

I am glad to know that BENNIE THOMPSON from Mississippi, our colleague, has filed a lawsuit against Mississippi's open primary statute. We need to rid the South of open primaries, because, as in my State, they were enacted in the days when the lips of staunch segregationists dripped with the words of nullification and interposition.

The advent of the electronic voting machines offers another peril to the voting rights of all Americans who use them. In my own district, those machines broke down, burned out, froze screens and cast votes for the candidate not intended by the voter.

In Georgia, our machines are also equipped with a wireless capability. That means that somebody who has got a Treo that is properly outfitted can come in and change the outcome of

an election just by entering the signal space of a voting machine. Since no action has been taken by the Federal Government to prevent any of these abuses, we can expect more of the same.

And speaking of voting machines, the allocation of those machines is also done to manipulate the outcome. Who wants to wait 5 hours in line in the rain to vote? Thousands of voters in Ohio had to do that and it just so happened that they were black. Scholars and researchers have done the math. Voting machines were allocated not by the number of registered voters by precinct, but by some other calculation. How could majority black precincts in Columbus, OH have 3, 4, or 5 machines and have over 1,000 voters in their precincts, and mostly Republican precincts in say, Dublin, OH had the same number of machines for one third the number of voters?

This pattern of devaluing and marginalizing the black vote was seen again in the recent Mayoral election in New Orleans. Here it was not Republicans, but a conservative Democratic Governor who blocked efforts to provide electronic polling stations to enable hundreds of thousands of mostly Black Katrina survivors the chance to vote. It was among the largest instance of African-American voter disfranchisement since the enactment of the Voting Rights Act in 1965.

Since no action has been taken by the Federal Government to prevent any of these abuses, we can expect more of the same. In addition, in the coming Fall election we will see the introduction of electronic poll-books, which are untested and non-transparent. Governor Ehrlich of Maryland, a Republican, has deemed this new addition to the voting experience to be unreliable.

So, Mr. Speaker, who cares? We care. And that is why we need a Voting Rights Act. Not to tarry in the days of the past, but to protect us from encroachments on the right to vote that occur today and that might be tried tomorrow.

□ 2300

RESTORING ACCOUNTABILITY

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

Mr. ROSS. Mr. Speaker, on behalf of the 37-Member strong, fiscally conservative, Democratic Blue Dog Coalition, I rise this evening to talk about a very important principle, and that is restoring accountability within our government.

Under the United States Constitution, Congress has an obligation to provide congressional oversight of the executive branch. Congressional oversight prevents waste and fraud, ensures executive compliance with the law, and evaluates executive performance. However, under the current leadership, Congress has abandoned this responsibility by failing to conduct meaningful investigations of allegations of serious waste, fraud, abuse and mismanagement of taxpayer dollars.

By failing to serve as a check and balance for overspending, waste, fraud and financial abuse within the executive branch, this Republican-led Congress has failed the American taxpayer.

This President, this administration, and this Republican-led Congress must be held accountable for our massive Federal debt. American taxpayers deserve to know how their money is being spent.

In 2004, $25 billion of Federal Government spending went absolutely unaccounted for, according to the Treasury Department. The Bush administration was unable to determine where the money had gone, how it was spent, or what the American people got for their tax money. Even worse, the Republican-controlled Congress failed to hold the executive branch accountable for this omission.

Then, in 2005, the Government Accountability Office reported that 19 of 24 Federal agencies were not in compliance with all Federal accounting audit standards and could not fully explain how they had spent taxpayer money appropriated by this Republican-led Congress. Yet, Republican leaders in Congress did not force these agencies to fully account for how the money was being spent before doling out billions more of taxpayer dollars to the same programs.

FEMA continues to store over 9,000 mobile homes, as you can see here, in a pasture in Hope, Arkansas, while victims of Hurricane Katrina remain homeless. FEMA's response has been, well, we will make sure the manufactured homes do not sink; we will spend $4 million laying gravel in this pasture. It is time FEMA was held accountable. It is time FEMA got these brand new, fully furnished, 14-foot-wide, 60-foot-long mobile homes to the victims of Hurricane Katrina.

American taxpayers deserve answers as to why their children and grandchildren have to foot the bill for the fiscal mismanagement of this administration. The time has come that this administration is held accountable for its reckless behavior. Congress must act now to renew its constitutional responsibility to serve as a check and balance for overspending, waste, fraud and financial abuse within the executive branch.

That is why the Blue Dog Coalition is sponsoring legislation that would require Congress to renew its duty to conduct hearings on spending and hold the administration officials accountable.

One of the founders of the Blue Dog Coalition, Mr. TANNER of Tennessee, has introduced H. Res. 841. Among other things, it would require congressional hearings within 60 days of Inspector General reports that identify waste, fraud, abuse or mismanagement of more than $1 million.

It would require congressional hearings when the Government Accountability Office names an agency ''high risk'' for mismanagement.

It would require congressional hearings when an agency's auditors issue disclaimers or corrections, indicating accounting information is inaccurate or incomplete.

It would require congressional hearings at least twice a year to review the Office of Management and Budget's performance-based review program.

Mr. Speaker, wasteful government spending must stop, and that is why it is time to restore some commonsense and fiscal discipline to our Nation's government. It is time to restore accountability to our Nation's government.

OUR UNITY

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

Mr. KUCINICH. Mr. Speaker, in 2 weeks, we will be observing the 230th anniversary of our Declaration of Independence, and I think it was on June 21, in 1788, that the State of New Hampshire was actually the ninth State to ratify the Constitution of the United States.

When the United States was founded, there was a search for a national motto, and the first motto of our country, e pluribus unum, Latin, translates to, out of many, we are one.

The very words, United States, speaks to the unity, not just of colonies and then States, but really speaks to a deeper meaning of human unity. Out of many, we are one. It is not simply unity in this country. It is the unity of people all over the world.

This year, in our 230th year since we declared our independence, we find ourselves gripped by a type of thinking which separates us from the rest of humanity, which causes the United States to be locked into dichotomized thinking of us versus them, whoever they are.

With that comes a very heavy price. It comes a separation which has led us to war. It comes a separation that has separated us from the ambitions of people all over the world who are hoping for a rising standard of living through having guarantees for workers rights, human rights, environmental quality principles, which they had hoped that the United States would stand for.

We separate ourselves from human unity by not participating in a wide range of international agreements, and yet we are the United States. Our very name speaks to unity.

How then can we find ourselves again as a Nation? How can we come to reconnect with the deeper meaning of who we are? How can we step away from this experience which since 9/11 has taken us into a blind alley?

If there was ever a time when this country needed a period of truth and reconciliation, this is it. We find so many of our fellow countrymen and women still believe that Iraq had something to do with 9/11. It did not. But at

a time when 9/11 gave us an opportunity to start a whole new national discussion about who we are and how we can reconnect with the world, decisions were made which further separated us. We went down a blind alley, and in that blind alley we remain, unaware of the truth behind 9/11, not with respect to who did it, but with respect to what is our role in the world, what is America's position in the world.

This, the 230th year of our experience of declaring independence, is a perfect time for us to recommit ourselves to perhaps call for a declaration of interdependence, accompanied by a vision which sees the world as one, which sees the world as being interconnected and interdependent, which understands that when we build nuclear weapons, we, the United States, threaten the world; that we have a responsibility to lead with nuclear non-proliferation; that we have the responsibility to lead with the biological weapons convention, fully participating in that, and the chemical weapons convention and the small arms treaty and the land mine treaty, to join the International Criminal Court, to sign the Kyoto climate change treaty, to truly participate the entire world.

We are independent, but we are also interdependent, and there is no paradox there. It is a fact that both of those modalities can and must exist simultaneously in order for our Nation to be healthy, in order for us to grow.

□ 2310

Mr. Speaker, although I didn't really agree with many of his policies, one of the President's I admired the most was Ronald Reagan, because I saw him as being connected to the optimistic nature of America. One of the casualties of 9/11 has been our optimism, our courage.

This Nation has the capacity to be much more than it is today, and whether we are Democrats or Republicans, we need to try to search for a deeper meaning of who we are. We need to reach for a deeper meaning of who we are in the world and we need to confirm that our purpose is human unity, not just the unity of 50 States.

MINIMUM WAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from California (Mr. GEORGE MILLER) is recognized for half the time remaining before midnight.

Mr. GEORGE MILLER of California. So I have 25 minutes; is that correct?

The SPEAKER pro tempore. Yes.

Mr. GEORGE MILLER of California. Mr. Speaker, I would say to those who are going to speak to be aware of that so others get a chance to speak.

I yield to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Thank you very much. The hour is late and the time is limited. Mr. Speaker, I rise, however, to briefly urge my colleagues to take action on raising the minimum wage. This is an action of fairness. It is the right thing to do. It is an issue of values. The American people believe it is the right thing to do. Eighty-six percent of them have said we ought to raise the minimum wage.

This issue clearly illustrates the different priorities, it seems to me, between the Democratic and Republican sides of the aisle. We Democrats have been trying to get this issue on the floor for years now.

Let us look at the facts, Mr. Speaker. Democrats have been fighting to raise the minimum wage from $5.15 to $7.25 an hour over 2 years. Today, if the minimum wage were at the rate it was in 1968, we would be paying $9.05. We are not getting there, but we ought to do better than we have done.

Unfortunately, Mr. Speaker, the Republican side of the aisle is fighting us tooth and nail while attempting this week to bring up legislation once again that gives the heirs of the wealthiest families in America a break on the estates tax and drive our Nation even deeper into debt. That is right, while the working people struggle to make ends meet, doing what we expect them to do, this Congress is rushing an estate tax bill, what I call the ''Paris Hilton Tax Relief Act,'' to the floor.

Of course, as usual, the bill is not paid for and continues the majority's fiscal irresponsibility and will increase our costs of borrowing by $280 billion over the next 10 years. We are borrowing because we have no money to give a tax cut, so we are going to have to borrow it from other nations.

Last week, in the Appropriations Committee, I offered an amendment to the fiscal year 2007 labor-health bill. That amendment passed, raising the minimum wage 70 cents on each of the next Januarys, 2007, 2908 and 2009, bringing to $7.25 the minimum wage. Seven Republicans, Mr. Speaker, on the committee voted for that bill, several of whom have tough races. So they were listening very carefully to their people at home; and their people, again by overwhelming majorities, say this is the fair and right thing to do.

We thought we were going to consider that labor-health bill this week. It was announced it would be on the floor this week, but it was pulled. I am not sure exactly of all the reasons, but in part surely it was pulled because there was a question about the rule.

I want to say, Mr. Speaker, when that bill comes to the floor, the rule vote will be a minimum-wage vote. And if you think that the minimum wage ought to be increased, if you think working Americans ought to be given a wage that gets them out of poverty, if you think that somebody who works in America ought to be able to support at least themselves, then you will vote against the rule, unless it gives a waiver for this amendment.

Mr. Speaker, Mr. MILLER and I, and the others who will speak on this floor, believe very strongly that in an America that honors work and in an America, the richest Nation on the face of the Earth, that is an example for the rest of the world, we ought to make sure that those who work, those who get up in the morning and work hard, play by the rules, as Bill Clinton used to say, ought to get a decent, fair wage.

Mr. Speaker, I hope that when this bill comes forward that every Member of this House will vote for a rule that ensures an up-or-down vote on raising the minimum wage in America for all our workers who work at that level. There are 6.6 million people, Mr. Speaker, 6.6 million Americans trying to support themselves and participating in helping to support their children and their families. It is the right thing to do.

Over 86 percent of Americans think it is the right thing to do and the House of Representatives ought to do the right thing.

And, five of those seven Republicans who voted with Democrats last week flip-flopped. The other two failed to vote.

And, the amendment failed.

Mr. Speaker, the failure of this Congress to act on the minimum wage is a national embarrassment.

It has been 9 years since we last raised the Federal minimum wage—the second longest period without an increase since a minimum wage was first enacted.

Today, the minimum wage is at its lowest level in 50 years, when adjusted for inflation.

Had the minimum wage been indexed for inflation since 1968, it would be $9.05 an hour today—not $5.15.

People who work full-time in the United States of America—the richest nation on earth—should not be poor.

But in 2003 there were 3.7 million workers who worked full-time, year-round, and still lived in poverty.

And, let's disabuse ourselves of this notion that ''no one'' really makes the minimum wage any more.

Not true.

In fact, a minimum wage increase would directly benefit 6.6 million low-wage workers—most of whom are adults who work to support themselves and their families.

An increase would specifically benefit 760,000 single mothers who toil day in and day out, sometimes at 2 or 3 jobs to provide just the basic necessities for themselves and their children.

Let's also dispense with the Republicans' favorite argument—that raising the minimum wage will somehow cost us jobs.

Again, not true.

We know that this argument is false because 20 States and the District of Columbia have raised their minimum wage above the federal rate.

And, a study conducted by the Center for American Progress and Policy Matters Ohio shows the following:

Employment in small businesses grew more (9.4 percent) in states with higher minimum wages than Federal minimum wage states (6.6 percent).

And, inflation-adjusted small business payroll growth was stronger in high minimum

wage states (19 percent) than in Federal minimum wage states (13.6 percent).

Raising the minimum wage is an issue of fairness and an issue of values.

A PEW research poll in December 2005 found that 86 percent of Americans support raising the minimum wage.

The time to increase the minimum wage is long overdue, and Democrats are going to keep fighting for a fair wage for America's working families.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield to the gentleman from New York (Mr. OWENS).

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

Mr. OWENS. Mr. Speaker, the fact that we have not had a minimum wage increase over such a long period of time, over $5.15 an hour, when we should be at $9 an hour, is reflective of the fact that our government, the decision-makers, this Congress, this administration are hostile towards poor people. We are hostile towards poor people. We have contempt for poor people.

I have reams of statistics here which show the validity of increasing the minimum wage and how we are holding people in poverty, but I don't want to address those statistics except to say just one blunt fact: minimum-wage employees, working 40 hours a week, 52 weeks a year, earn $10,000. That is $10,700 per year. That is $6,000 below the Federal poverty guidelines of $16,600 for a family of three. If you work 40 hours a week, 52 weeks a year, you come in at that level.

Now, we have, as a government and as an administration, we have had Alan Greenspan for ages, under Democratic administrations and Republican administrations, Alan Greenspan has come to Congress several times and testified he doesn't believe in a minimum wage. We shouldn't have a minimum wage. He's a disciple of Ayn Rand, who says government should not get involved in anything except defense. Only defense.

Roll out the troops to defend the rich. Roll out the troops to defend our property. What happens is that the people who are from the working families, those that we have most contempt for and refuse to adjust our economic society so that they have a way to earn a decent living, those are the people who go off to fight. And I have statistics that in war after war, World Ward I, World War II, the Korean War, the Vietnam War, the largest number of the casualties came out of the big cities of America, the slums, the people who were poorest, the working families. The same thing is true in Iraq.

Let the rich go first in times of war. They are the ones that have the most to defend. Ayn Rand and Greenspan feel we should do nothing to help to force our government to protect the welfare of the poor. But those poor are to go off and defend the wealthy. The New York Stock Exchange has the most to lose if the government were to collapse. If we didn't have soldiers fighting and protecting the Nation, the rich and those who have contempt for the poor would have the most to lose.

So I want the moral issue here to come forward, and let us look at it in the face and let the American people out there ask their Congressman, ask their President, Why do you want to hold people in a state of near chattel slavery? Why are you looking at the rest of the world and saying, well, they have low wages and China is way down there and we have to compete with China. If you compete with China, you end up having prisoners, prisoners manufacturing goods, and prisoners will be the basic labor force. We don't want to go in that direction.

In America, everybody should have a chance to share in the prosperity that is possible here. Certainly those men and women who go off to fight our wars and who are very much a part of our society deserve to be recognized and protected and regulated, their economic lives, regulated in a way which gives them a chance to make it. All they want is a chance to survive and prosper like all other Americans. A minimum wage increase will allow us to do that.

□ 2320

Mr. GEORGE MILLER of California. Mr. Speaker, I yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman for yielding to me and for holding this Special Order tonight on the minimum wage.

We are not the only ones that are up at this hour and doing our work. There are millions of Americans around the country who are working. Some of them are working in all-night diners serving people food, maybe taking care of a crying baby right now for someone else, maybe cleaning up after some elderly person, and many of them are doing that just to try and make ends meet and really aren't because they make the minimum wage, about 7 million hard-working people, and anybody who thinks a minimum wage worker doesn't work hard hasn't done a minimum-wage job. Sixty percent are women; many are the heads of households and have children themselves that they have a hard time buying food for or providing health care for.

In fact, a lot of those people who often are held in some contempt when they go to the store with food stamps, and who feel some embarrassment they have to come to get help from the government, put their hand out for assistance, and who are we really helping? We are helping the employers. We are subsidizing those employers with taxpayer dollars who don't pay a living wage or even close to a living wage to many of those workers.

Today the Economic Policy Institute and the Center on Budget and Policy Priorities released a study entitled ''Buying Power of Minimum Wage at 51-Year Low.'' The title tells it all. It has been 10 years since the Congress voted to raise the minimum wage and nearly 9 years since its implementation. If we don't act this year, it will be the longest period of inaction and stagnation since the minimum wage was created.

I know we have limited time, but I wanted to make a couple of points about what it really means to be on the minimum wage.

According to a New York Times article reporting on a recent study by the National Low-Income Housing Coalition, last year was the first year on record that a full-time worker making minimum wage could not afford a one-bedroom apartment anywhere in the country. Anywhere in the country. Over the past 9 years, the minimum wage has not increased, but average rents have gone up more than 28 percent. In Illinois where I live, you need to make $15.44 an hour. In Chicago, you need to make $17.44 an hour in order to pay a two-bedroom apartment at fair market rent. That is three times the minimum wage.

In the 9 years that minimum wage hasn't increased, average health care premiums have risen over 75 percent. What hasn't risen? Everything has risen. All of the basics have risen, but the minimum wage has not. It is just shameful. Here we are talking about tax breaks for the wealthiest Americans, talking about eliminating the estate tax for the Paris Hiltons of our country, and minimum-wage workers, people working right now at this late hour, make $5.15 an hour. We should all be ashamed.

We can do that right away. We could do it tomorrow. We could raise the minimum wage and provide some level of dignity and relief for hard-working Americans, and we should do that.

Mr. Speaker, I thank the gentleman for allowing me to speak on this.

Mr. MILLER of California. I yield to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I rise tonight also to add my voice to this important issue of the need to raise the minimum wage. The fact that the Federal minimum wage remains $5.15 an hour is a disgrace.

I think it was stated earlier by Mr. OWENS that someone who works 40 hours a week, 52 weeks a year at minimum wage, they will still be $2,000 below the poverty level for a family of two and $5,000 below the poverty level for a family of three. There are several million Americans who fall into that category working full time year around and living in poverty. We should be able to do better in America. It is a matter of fairness. The American people do not want this kind of situation to continue.

We can pass legislation to raise minimum wage any time we wish, except that the Republican majority does not wish to bring forward the bill that could do just that. It has been 9 years since we last raised the minimum

wage. According to the Bureau of Labor Statistics, the real value of minimum wage is lower today than at any time since 1968. To have the purchasing power it had in 1968, the minimum wage would have to be increased to $7.54 an hour. If it were just to equal 50 percent of the average wage, as it did in the 1950s and 1960s, it would need to be increased to $8.20 an hour.

If the minimum wage had grown at the same rate as chief executive officers' pay since 1990, the lowest paid worker in the United States would be earning $25 an hour. But since 1997, Congress has failed to raise that amount, relegating millions of hard-working Americans to poverty by freezing that rate at $5.15.

Even The Economist, a notably conservative publication, is concerned about the fact that the gap in rich and poor exists. They are not concerned so much that the gap exists, but they are concerned that the way of bridging that gap is disappearing, and people no longer feel there are the rungs up on the ladder to get from one status in life to another.

We should take notice that in States that have raised the minimum wage above the Federal level, jobs have been created faster than in States that have not raised that level. A case in point is Oregon. In 1998, when its raised its minimum wage above the Federal level, wages and job opportunities increased. We should get the message.

I would like to hear what Mr. MILLER has to say, but please add my voice to the fact that we need to act immediately to raise the minimum wage.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield time to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman for yielding me this time, and thank you for your legislation, the Fair Minimum Wage Act.

In 2004, 37 million Americans lived below the poverty line, a 1.1 million increase from the year before. In 2004, 13 million children in America lived below the poverty line, and one in six children was poor. Yet here in the richest country on Earth, there is no guarantee that a full-time job will lift a family out of a situation of dire poverty and need.

That is because the full-time minimum wage earnings of $5.15 an hour leaves a family of three 31 percent below the poverty line. As a matter of fact, Mr. MILLER, if the minimum wage growth had kept pace with the increase in the pay levels of CEOs, the minimum wage today would be closer to $16. So this is a major issue of social and economic justice.

I am pleased to stand here with my colleagues in support of Congressman MILLER's legislation, the Fair Minimum Wage Act. It is time that we raise the minimum wage for 7 million Americans. It is time that we recognize their right to fully participate in the economic life of this Nation.

Mr. GEORGE MILLER of California. Mr. Speaker, I want to thank all of my colleagues for joining me in this Special Order to try to bring to the attention of this Nation the unwillingness of the Republican Congress to raise the minimum wage for these workers that my colleagues have described.

We are talking about the dignity of millions of workers. We are talking about millions of workers who must rely on the Congress of the United States to give them a raise, and this Congress has refused to do so and has refused to do so for the past 9 years.

These are people who work very hard. They get up and go to work every day, just like we tell them we want them to do. We don't want them to get on public assistance. We want them to take responsibility, and they do. They work at some of the most difficult jobs in the Nation, and they do it every day, and at the end of the year they simply end up poor. They end up poor not because they are not tough people, not because they are not diligent, not because they are competent; they end up poor because they simply do not get paid enough, and this Congress is unwilling to lend a hand to them.

When we refuse to pay these workers, we refuse them the dignity of that work and the recognition that we all understand. This country could not survive without their effort. They cook our food. They take care of our families and clean our offices. They do so many things for us without asking the question, and we come to expect it. It is just that way when we show up in the morning, it is just that way when we go home because of their hard work.

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I dare say most Members of Congress couldn't toil at these jobs for a day, a week, or a month. And yet these people do it all year long. And they are now working for a wage that has its lowest value in 50 years. That is what we tell them that they are worth, that they are not entitled to that increase. And yet, do we see in just one week's time the Congress voted to give itself a COLA, turned around and we thought vote to raise the minimum wage in the Labor-HHS bill after 9 years, finally voting to raise the wage.

But the Republican leadership interceded. When the amendment was offered today, this Republican Congress changed their vote and voted against the minimum wage. And the majority leader, Mr. BOEHNER of the Republican Party, is quoted as saying he is against it. It is not going to happen. It is not coming to the floor and he hasn't voted for minimum wage in 25 years of his public service, a boast of pride. I think it is a boast of shame.

It is a shame this Congress doesn't understand its obligation to these workers who are in such desperate need. These are people who are trying to hold their family together. Again we ask them to take care of their children to keep them safe, to provide for the care for these children. Do you know how difficult it is to put a family together on $10,000 a year? At a time, as Ms. SCHAKOWSKY says, what is it that isn't going up? You have to pay the utility bills. You have to pay increased prices. These people have to work all week to fill the gas tank. All week. $5.15 an hour. How do you do this? How do you do this? You have got to fill the gas tank; you have got to drive the car. You have got to take care of your kids. You have got to buy groceries. You can't afford the rent.

How is it they do this? How do they do it? One day is for gas; one day is for food. It doesn't work out. It simply doesn't work out. So what happens to these people? They become dependent on the taxpayer. Because the employers won't pay them the wages, the taxpayers come in and subsidize the jobs. They subsidize the jobs in terms of housing, in terms of free and reduced-price lunches, in terms of health care.

So the employer simply decides that he won't pay this wage. We don't know whether or not he can afford to. That is the claim. But they end up just handing them off to the taxpayers. And even that voice of an industry that was doing the same thing at a different level, Wal-Mart, now has come out and asked for an increase in the minimum wage. Why? Because they realize that people who are shopping and earning at the minimum wage simply don't have enough to buy the necessities of life. Even at Wal-Mart with everyday low prices, as they advertise, people cannot do this.

So that power, that bastion of capitalistic spirit is saying, if the Nation doesn't do something for these workers, growth is going to go down in the retail industry. You know what it means? You know what Wal-Mart understands? They understand that this increase of the minimum wage would mean about $4,300 to these families, to these individuals, that that is real purchasing power and that is what the communities that Mr. TIERNEY cited and Ms. SCHAKOWSKY cited. What we see is jobs were created in those communities. Retail sales are actually up in those communities because people have money to spend. They can go to the grocery store. They can go and buy their kids clothes. They can buy them things for school.

None of that is possible at the minimum wage. None of that is possible at the minimum wage. And that is why this Congress has got to understand the human dimensions of this. If the Republicans are so callous that they can't understand how hard these people work and how they toil, and they cannot figure out that these people are worth more than $5.15 an hour, something is terribly wrong.

I heard one of the spokesmen for the Club For Growth today said there shouldn't be any minimum wage. Just let the marketplace set the price. Just let the marketplace set the price. And former Secretary Rice said, oh, you mean like it does for executive salaries? And the answer was absolutely,

just like it does for executive salaries. Are those the same executives that were backdating the stock options? They didn't let the marketplace set their compensation. They backdated the stock options so they were guaranteed a profit in those stock options. No, they didn't rely on the market. They manipulated the market. They manipulated the market.

And how is it that somehow they want to suggest that for people at the minimum wage that they are the ones that have to survive in the marketplace? The fact of the matter is the marketplace is exploiting these individuals by failing to pay them a decent wage so that they can raise their families.

And it has got to stop. And it has got to stop here because the times has come to do this, to make sure that after 9 years, after 9 years of no increases, after six times of increasing congressional salaries, somehow something is terribly wrong for these individuals, and we have got to change that. We have got to make sure that that can't happen.

The disparities are just unbelievable in terms of these people and the rest of the country. And we cannot believe that each of these children who are in these families are going to have the same kind of opportunity that other children have, and that is why we have got to raise the minimum wage.

This is an issue of moral dimensions. It is way beyond the pay for the hours worked, the pay for the week's work. It is about whether or not we really do, in fact, believe in the value of work, whether we really do believe in the human dignity of these individuals who toil at these jobs. That is what this minimum wage is about. And it is a tragedy, it is a tragedy that the Republican leadership is now vowing that it simply will not be able to be voted on.

This is a Congress. We have a bipartisan solution; clearly we have enough votes in the Congress to pass the minimum wage. But they are going to do everything they can from keeping that vote from taking place. So the democracy is not going to work its will. The House is not going to work its will. All of the jabbering that goes on about bipartisan government is not going to work its will because bipartisan government in the House of Representatives would vote to increase the minimum wage. But that apparently is not going to happen.

But we have got to continue to struggle on behalf of these families, on behalf of their children, on behalf of this Nation in terms of human dignity.

And I want to thank my colleagues for joining me in this Special Order to raise this issue with our colleagues and with people in the country.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HUNTER (at the request of Mr. BOEHNER) for today on account of personal business.

Mr. MANZULLO (at the request of Mr. BOEHNER) for June 19 on account of being with his wife at the hospital.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

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

Mr. PALLONE, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Mr. ROSS, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. KUCINICH, for 5 minutes, today.

(The following Members (at the request of Mr. BRADLEY of New Hampshire) to revise and extend their remarks and include extraneous material:)

Ms. FOXX, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today and June 21.

Mr. POE, for 5 minutes, June 27.

Mr. OTTER, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. BRADLEY of New Hampshire, for 5 minutes, today.

ADJOURNMENT

Mr. GEORGE MILLER of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 37 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 21, 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:

8176. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Radio Frequency Identification (DFARS Case 2006-D002) (RIN: 0750-AF31) received June 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8177. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Contract Termination [DFARS Case 2003-D046] received May 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8178. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Authorization for Continued Contract [DFARS Case 2003-D052] received May 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8179. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Special Contracting Methods [DFARS Case 2003-D079) received May 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8180. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Quality Assurance [DFARS Case 2003-D027] received May 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8181. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Basic Agreements for Telecommunications Services [DFARS Case 2003-D056] received May 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8182. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Describing Agency Needs [DFARS Case 2003-D073] received May 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8183. A letter from the Secretary, Department of the Treasury, transmitting the annual report on the operations of the Exchange Stabilization Fund (ESF) for fiscal year 2005, pursuant to 31 U.S.C. 5302(c)(2); to the Committee on Financial Services.

8184. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's notification to Congress of any significant modifications to the auction process for issuing United States Treasury obligations, pursuant to Public Law 103-202, section 203; to the Committee on Financial Services.

8185. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's report that no such exemptions to the prohibition against favored treatment of a government securities broker or dealer were granted during the period January 1, 2005 through December 31, 2005, pursuant to Public Law 103-202, section 202; to the Committee on Financial Services.

8186. A letter from the Secretary, Federal Trade Commission, transmitting the Twenty-Eighth Annual Report to Congress consistent with Section 815 of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. 1692m; to the Committee on Financial Services.

8187. A letter from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of

Commerce, transmitting the Department's final rule — Cuba: Revisions of Personal Baggage Rules [Docket No. 051219342-5342-01] (RIN: 0694-AD23) received May 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8188. A letter from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting the Department's final rule — Implementation of New Formula for Calculating Computer Performance: Adjusted Peak Performance (APP) in Weighted TeraFLOPS; Bulgaria; XP and MT Controls [Docket No. 0604096-6096-01] (RIN: 0694-AD66) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8189. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule — Iranian Assets Control Regulations, Narcotics Trafficking Sanctions Regulations, Burmese Sanctions Regulations, Sudanese Sanctions Regulations, Weapons of Mass Destruction Trade Control Regulations, Highly Enriched Uranium (HEU) Agreement Assets Control Regulations, Zimbabwe Sanctions Regulations, Syrian Sanctions Regulations, Iranian Transactions Regulations, Western Balkans Stabilization Regulations, Global Terrorism Sanctions Regulations, Terrorism Sanctions Regulations — Received May 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8190. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Revision of NRC Form 7, Application for NRC Export/Import License, Amendment, or Renewal (RIN: 3150-AH89) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 5574. A bill to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals; with an amendment (Rept. 109–508). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 5573. A bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act (Rept. 109–509). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. S. 655. An act to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention: with an amendment (Rept. 109–510). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. House Concurrent Resolution 426. Resolution recognizing the Food and Drug Administration of the Department of Health and Human Services on the occasion of the 100th anniversary of the passage of the Food and Drugs Act for the important service it provides to the Nation (Rept. 109–511). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 5076. A bill to authorize appropriations for fiscal years 2007, 2008, and 2009, and for other purposes (Rept. 109–512). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Concurrent Resolution 235. Resolution expressing the sense of the 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 (Rept. 109–513). Referred to the House Calendar.

Mr. YOUNG of Alaska. Committee on Transportation and Infrastructure. H.R. 5187. A bill to amend the John F. Kennedy Center Act to authorize additional appropriations for the John F. Kennedy Center for the Performing Arts for fiscal year 2007 (Rept. 109–514). Referred to the Committee of the Whole House on the State of the Union.

Mr. REGULA: Committee on Appropriations. H.R. 5647. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2007, and for other purposes (Rept. 109–515). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINCOLN DIAZ-BALART of Florida. Committee on Rules. House Resolution 878. Resolution providing for consideration of the bill (H.R. 9) to amend the Voting Rights Act of 1965 (Rept. 109–516). 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. HERGER (for himself and Mr. MCDERMOTT):

H.R. 5640. A bill to amend part B of title IV of the Social Security Act to reauthorize the safe and stable families program, and for other purposes; to the Committee on Ways and Means.

By Mr. LANTOS (for himself and Mr. BROWN of Ohio):

H.R. 5641. A bill to promote safe and ethical clinical trials of drugs and other test articles on people overseas; to the Committee on International Relations.

By Mr. WAXMAN (for himself, Mr. GEORGE MILLER of California, Mr. MARKEY, Mr. PALLONE, Mr. SANDERS, Ms. ESHOO, Mr. HINCHEY, Mr. FARR, Mr. DOGGETT, Mr. BLUMENAUER, Mrs. CAPPS, Mr. INSLEE, Ms. SCHAKOWSKY, Ms. SOLIS, and Mr. VAN HOLLEN):

H.R. 5642. A bill to reduce greenhouse gas emissions and protect the climate; to the Committee on Energy and Commerce, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT (for herself, Mr. BOEHLERT, Mr. HALL, and Mr. GILCHREST):

H.R. 5643. A bill to authorize the commercial application and transfer of technologies developed by the Department of Energy, and for other purposes; to the Committee on Science.

By Mr. MCCAUL of Texas (for himself, Mrs. BIGGERT, Mr. HALL, Mr. EHLERS, and Mr. INGLIS of South Carolina):

H.R. 5644. A bill to authorize higher education curriculum development and graduate training in advanced energy and green building technologies; to the Committee on Science.

By Mr. CARNAHAN:

H.R. 5645. A bill to direct the Director of the Federal Emergency Management Agency to convey an easement to St. Louis County, Missouri, for the construction, operation, and maintenance of a road in Lemay, Missouri; to the Committee on Transportation and Infrastructure.

By Mr. ROGERS of Michigan:

H.R. 5646. A bill to study and promote the use of energy efficient computer servers in the United States; to the Committee on Energy and Commerce.

By Mr. REGULA:

H.R. 5647. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2007, and for other purposes.

By Mrs. DAVIS of California:

H.R. 5648. A bill to amend the Older Americans Act of 1965 to facilitate interaction between students and older individuals with limited English proficiency; to the Committee on Education and the Workforce.

By Ms. HARRIS:

H.R. 5649. A bill to provide for exploration, development, and production activities for mineral resources on the outer Continental Shelf, and for other purposes; to the Committee on Resources.

By Mr. HULSHOF (for himself, Mr. POMEROY, Mr. NUSSLE, Mr. PETERSON of Minnesota, Mr. SHIMKUS, Mr. TERRY, Mr. BOSWELL, Mr. OSBORNE, Mr. EMANUEL, Mr. MORAN of Kansas, Mr. SALAZAR, Mr. MOORE of Kansas, and Ms. HERSETH):

H.R. 5650. A bill to amend the Internal Revenue Code of 1986 to make permanent certain tax incentives for ethanol and biodiesel used as a fuel; to the Committee on Ways and Means.

By Mr. KOLBE:

H.R. 5651. A bill to revise the boundary of the Fort Bowie National Historic Site, and for other purposes; to the Committee on Resources.

By Ms. LEE (for herself and Mr. FORTENBERRY):

H.R. 5652. A bill to amend the African Development Foundation Act to redesignate the name of the Foundation, to increase funding for the mission of the Foundation, and to increase the powers of the Foundation; to the Committee on International Relations.

By Mr. LEWIS of Kentucky:

H.R. 5653. A bill to amend the Internal Revenue Code of 1986 to promote investment in energy independence through coal to liquid technology, biomass, and oil shale; to the Committee on Ways and Means.

By Mr. WEINER:

H.R. 5654. A bill to prohibit the Department of Homeland Security from limiting the amount of Urban Area Security Initiative or State Homeland Security Grant Program grant funds that may be used to pay salaries or overtime pay of law enforcement officials engaged in antiterrorism activities, and for other purposes; to the Committee on Homeland Security.

By Mr. CLEAVER:

H. Res. 879. A resolution expressing the sense of the House of Representatives that Members of the House of Representatives should use alternative fuel vehicles in their professional and personal lives; to the Committee on Energy and Commerce.

By Mr. GARRETT of New Jersey:

H. Res. 880. A resolution expressing the sense of the House on the occasion of the first anniversary of the Supreme Court's decision in Kelo v. City of New London; to the Committee on the Judiciary.

By Mr. PRICE of North Carolina (for himself, Mr. BUTTERFIELD, Mr. COBLE, Mr. ETHERIDGE, Ms. FOXX, Mr. HAYES, Mr. JONES of North Carolina, Mr. MCHENRY, Mr. MCINTYRE, Mr. MILLER of North Carolina, Mrs. MYRICK, Mr. TAYLOR of North Carolina, and Mr. WATT):

H. Res. 881. A resolution congratulating the National Hockey League Champions, the Carolina Hurricanes, on their victory in the 2006 Stanley Cup Finals; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

367. The SPEAKER presented a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 92 urging the Congress of the United States to authorize and appropriate funds to allow all members of the Armed Forces Reserve component to access the TRICARE Program; to the Committee on Armed Services.

368. Also, a memorial of the House of Representatives of the State of Iowa, relative to House Resolution No. 122 requesting the Congress of the United States to give due consideration to the readiness of the Republic of China on Taiwan for membership in the United Nations; to the Committee on International Relations.

369. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Resolution 06-027 concerning condemnation of the Chinese government's persecution of practitioners of Falun Gong; to the Committee on International Relations.

370. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 83 memorializing the Congress of the United States to reconsider the decision to exclude Plaquemines Parish from the federal plan to invest $2.5 billion for levee re-enhancement in south Louisiana; to the Committee on Transportation and Infrastructure.

371. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 72 memorializing the Congress of the United States to immediately authorize the Morganza to the Gulf Hurricane Protection Project, and urging and requesting the United States Army Corps of Engineers to include such recommendation in its pending report to Congress; to the Committee on Transportation and Infrastructure.

372. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 74 memorializing the Congress of the United States to provide funding for local housing authorities located in Vermillion Parish which were impacted by Hurricane Rita; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 611: Mr. ENGEL.
H.R. 615: Mr. GOHMERT.
H.R. 898: Mr. CLYBURN, Mr. REHBERG, and Mr. FITZPATRICK of Pennsylvania.
H.R. 1237: Mr. SHAYS.
H.R. 1249: Mr. UDALL of New Mexico.
H.R. 1306: Mr. KELLER, Mr. BOOZMAN, and Mr. SHIMKUS.
H.R. 1333: Mr. DAVIS of Alabama, Ms. NORTON, and Mr. OWENS.
H.R. 1356: Mr. WYNN and Mr. DELAHUNT.
H.R. 1415: Mr. ROTHMAN.
H.R. 1416: Mr. CLYBURN and Mr. LEACH.
H.R. 1424: Mr. BOYD.
H.R. 1849: Mr. DINGELL.
H.R. 1898: Mr. GOHMERT and Mr. DAVIS of Kentucky.
H.R. 2386: Mr. DEFAZIO and Mr. FITZPATRICK of Pennsylvania.
H.R. 2470: Mr. DEAL of Georgia, Ms. FOXX, and Mr. WELDON of Florida.
H.R. 2567: Mr. KIRK and Mr. WYNN.
H.R. 2730: Mr. HASTINGS of Florida, Mr. SHIMKUS, and Mr. WYNN.
H.R. 2861: Ms. GRANGER and Mr. HASTINGS of Florida.
H.R. 2869: Mr. THOMPSON of Mississippi, Ms. MATSUI, Mr. OWENS, and Mr. PAUL.
H.R. 2943: Mr. ANDREWS.
H.R. 3034: Mr. BRADY of Pennsylvania, Mr. CLYBURN, Mr. CLAY, Mr. GUTIERREZ, and Mr. GRIJALVA.
H.R. 3478: Mr. PICKERING and Mr. ACKERMAN.
H.R. 3547: Miss MCMORRIS.
H.R. 3616: Mr. BROWN of Ohio.
H.R. 3854: Mr. SIMMONS.
H.R. 4047: Mr. THORNBERRY and Mr. PICKERING.
H.R. 4166: Mr. CLYBURN.
H.R. 4212: Ms. KAPTUR.
H.R. 4264: Mr. PETERSON of Minnesota.
H.R. 4282: Mr. BRADLEY of New Hampshire.
H.R. 4341: Mr. GERLACH.
H.R. 4403: Mr. CLYBURN and Mr. SHIMKUS.
H.R. 4414: Mr. HASTINGS of Florida and Mr. OWENS.
H.R. 4423: Mr. WELLER.
H.R. 4434: Mr. CUMMINGS.
H.R. 4452: Mr. BARROW.
H.R. 4547: Mr. SMITH of Texas.
H.R. 4725: Mr. AKIN.
H.R. 4747: Ms. ZOE LOFGREN of California and Mr. BARROW.
H.R. 4767: Mr. WEXLER, Ms. CORRINE BROWN of Florida, and Mr. HINCHEY.
H.R. 4800: Ms. ESHOO.
H.R. 4950: Mr. NEAL of Massachusetts.
H.R. 4961: Mr. BEAUPREZ, Mr. HAYWORTH, Mr. TERRY, Mr. GOHMERT, Mr. FORTENBERRY, and Mr. COLE of Oklahoma.
H.R. 4980: Mr. PLATTS.
H.R. 4993: Mr. SCHIFF.
H.R. 4994: Mr. HASTINGS of Washington.
H.R. 4997: Mr. MCHUGH.
H.R. 5005: Mr. COLE of Oklahoma.
H.R. 5081: Mr. SOUDER, Mr. LATOURETTE, Mr. BROWN of South Carolina, Mr. CONAWAY, Mr. SCHWARZ of Michigan, Mr. UPTON, Mr. RADANOVICH, Mr. PITTS, Mr. ADERHOLT, Mr. CANNON, and Mr. SIMPSON.
H.R. 5100: Ms. KILPATRICK of Michigan, Mrs. MCCARTHY, Mrs. MALONEY, Mr. SABO, and Mr. ACKERMAN.
H.R. 5120: Mrs. JONES of Ohio.
H.R. 5134: Mr. OWENS and Mr. FORTENBERRY.
H.R. 5150: Ms. WASSERMAN SCHULTZ.
H.R. 5159: Mr. BECERRA.
H.R. 5177: Ms. SCHWARTZ of Pennsylvania and Ms. PRYCE of Ohio.
H.R. 5182: Mr. WAXMAN, Mr. BLUMENAUER, Mr. GUTKNECHT, and Mr. PLATTS.
H.R. 5201: Mr. WU, Mrs. BIGGERT, and Mr. ROTHMAN.
H.R. 5211: Mr. GOODE.
H.R. 5216: Mr. DAVIS of Florida.
H.R. 5230: Mr. GOHMERT and Mr. CARTER.
H.R. 5233: Mr. CONYERS and Mr. CLYBURN.
H.R. 5238: Mr. CLYBURN.
H.R. 5255: Mr. MANZULLO and Ms. HART.
H.R. 5265: Mr. CASE.
H.R. 5280: Mr. FERGUSON.
H.R. 5312: Mr. BOREN.
H.R. 5317: Mr. HOSTETTLER, Mr. KUHL of New York, Mr. BURTON of Indiana, and Mr. REHBERG.
H.R. 5319: Mr. BASS, Mr. BRADLEY of New Hampshire, Mr. ROGERS of Michigan, Mrs. BLACKBURN, and Mr. HAYWORTH.
H.R. 5322: Mr. PAUL and Mr. HOSTETTLER.
H.R. 5328: Mr. GONZALEZ, Ms. DELAURO, and Mr. FARR.
H.R. 5337: Mr. BRADLEY of New Hampshire and Mr. VAN HOLLEN.
H.R. 5365: Mr. LIPINSKI.
H.R. 5367: Mr. NEAL of Massachusetts.
H.R. 5417: Mr. VISCLOSKY.
H.R. 5436: Mr. WAXMAN.
H.R. 5442: Mr. OWENS and Ms. JACKSON-LEE of Texas.
H.R. 5444: Mrs. BIGGERT and Mr. UPTON.
H.R. 5453: Mr. JEFFERSON and Mr. BROWN of Ohio.
H.R. 5462: Ms. FOXX, Mr. FRANKS of Arizona, Mr. CARTER, Mr. WELDON of Florida, Mrs. MYRICK, Mr. FEENEY, and Mr. DOOLITTLE.
H.R. 5472: Ms. GINNY BROWN-WAITE of Florida, Mr. MCDERMOTT, Mr. CAPUANO, Ms. DELAURO, Mr. CONYERS, Mr. HINCHEY, Mr. GRIJALVA, Ms. BERKLEY, Mr. MCINTYRE, Mr. PORTER, Mr. NEAL of Massachusetts, and Ms. WASSERMAN SCHULTZ.
H.R. 5476: Mr. GOHMERT.
H.R. 5483: Ms. MCCOLLUM of Minnesota.
H.R. 5499: Mr. GONZALEZ and Mr. PETERSON of Minnesota.
H.R. 5523: Mr. BURTON of Indiana.
H.R. 5526: Mr. KINGSTON.
H.R. 5538: Mr. GILCHREST.
H.R. 5551: Mr. WAMP.
H.R. 5554: Mr. CLYBURN.
H.R. 5557: Mr. CONYERS.
H.R. 5558: Mr. BROWN of South Carolina and Mr. BARTON of Texas.
H.R. 5560: Mr. MCCOTTER and Mr. GORDON.
H.R. 5579: Mr. PALLONE, Mr. ENGEL, and Mr. MEEHAN.
H.R. 5594: Mr. GILCHREST.
H.R. 5595: Mr. ENGEL.
H.R. 5598: Ms. SOLIS and Mr. CLAY.
H.R. 5611: Mr. SESSIONS and Mr. DOOLITTLE.
H. R. 5615: Mr. HONDA, Mr. WEXLER, and Mr. MCDERMOTT.
H. R. 5624: Mr. BROWN of South Carolina.
H. R. 5632: Mr. KINGSTON and Mr. LIPINSKI.
H. Con. Res. 415: Mr. ANDREWS.
H. Con. Res. 425: Ms. ROS-LEHTINEN.
H. Res. 79: Mr. CROWLEY, Mr. CAPUANO, Ms. MCKINNEY, Mr. HINCHEY, and Ms. ROYBAL-ALLARD.
H. Res. 323: Mr. PICKERING.
H. Res. 461: Mr. SMITH of Washington.
H. Res. 605: Mr. OSBORNE.
H. Res. 787: Mr. HONDA, and Mr. FARR.
H. Res. 825: Mr. PRICE of North Carolina.
H. Res. 846: Ms. KAPTUR, Mr. DEFAZIO, Mr. GRIJALVA, Mr. OWENS, Mrs. NAPOLITANO, Mrs. MALONEY, Mr. MARKEY, Mr. HINCHEY, Mrs. CHRISTENSEN, and Mr. DAVIS of Illinois.
H. Res. 854: Mrs. MCCARTHY, Mr. SHERMAN, Mr. TOWNS, Ms. CARSON, Mr. OWENS, Ms. KILPATRICK of Michigan, Mr. MEEK of Florida, Mrs. JONES of Ohio, Mrs. TAUSCHER, Mr. RAHALL, and Mr. TIBERI.
H. Res. 858: Mr. KENNEDY of Minnesota.
H. Res. 860: Mr. AKIN, Mrs. JO ANN DAVIS of Virginia, Mr. MANZULLO, Mr. MCGOVERN, Mr. PEARCE, Mr. PITTS, Mr. SCHIFF, Mr. WELLER, Mr. BROWN of Ohio, Mr. BURTON of Indiana, Ms. HARRIS, Mr. MCCOTTER, and Mrs. SCHMIDT.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5631

OFFERED BY MR. CHOCOLA

AMENDMENT NO. 3: At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available by this Act may be obligated or expended for the development, deployment, or operation of the web-based, end-to-end travel management system of the Department of Defense known as the Defense Travel System.

H.R. 5631

OFFERED BY MR. STEARNS

AMENDMENT NO. 4: At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used to implement guidelines for military chaplains that do not allow a chaplain covered by the guidelines to pray according to the dictates of the chaplain's own conscience, except as must be limited by military necessity.

United States
of America

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Vol. 152 WASHINGTON, TUESDAY, JUNE 20, 2006 *No. 80*

Senate

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, Creator of heaven and earth, lead us to the path of compassion. Help us who would be Your followers to feel the pain in our world. Open our eyes to the plight of the sick, the hungry, and the oppressed. Unstop our ears, that we may hear the groans of suffering people and the cries of those without hope. Teach us to pray for the lost, the lonely, and the least, until we unleash Your sovereign power that can rescue the perishing.

Today bless the work of our Senators and use them as agents of Your grace. Help them to do their part to relieve suffering, to alleviate pain, and to plead for justice.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we open the Senate with a 30-minute period of morning business. After those statements, we will resume consideration of the Department of Defense authorization bill. There are now six pending amendments that the chairman and ranking member are reviewing to determine how much debate will be necessary. Yesterday, Senator LEVIN filed an amendment related to troop withdrawal in Iraq. I understand that amendment may be offered today. I know many Senators will want to participate in that debate. It is my expectation that we will set up blocks of time for debate, perhaps for this afternoon, so that Senators will know of the appropriate time to come to the floor to give their remarks on the amendment. In addition to the pending amendments, other amendments will be offered today. Therefore, we will be voting today on amendments to the Defense authorization bill. The Democratic side of the aisle will have their normal policy meeting today, and we will recess from 12:30 to 2:15. As a reminder to my colleagues, we have scheduled our Republican policy meeting to occur during Wednesday's session instead of today.

IRAQ

Mr. FRIST. Mr. President, I want to take a few moments to comment on the debate that has been underway on the Defense authorization bill. In particular, I want to draw attention to the heroism, courage, and great work of our soldiers on the frontline. Every day they are risking their lives to defend our freedom. They are taking that battle to the enemy so that the enemy does not bring that battle to us on our own soil.

No one would have guessed almost 5 years ago that we would be free from having suffered another major terrorist attack. We have been extraordinarily fortunate. We remember 1993, the World Trade Center attack, Khobar Towers, our embassies in Tanzania and Kenya, the USS *Cole*, and then that day on 9/11. We have been safe because of our brave men and women, Americans who are putting their lives on the line to protect this country. Then there was that day on 9/11 where our enemy declared war. They slaughtered innocent citizens right here on American soil. They judged us to be weak, to be vacillating. They believed we would cower in the face of brutality. They were wrong.

Out of the black smoke and ashes of that terrible day, America stood up strong, united, and determined. And after careful deliberation, we answered back. We toppled the Taliban in Afghanistan, where al-Qaida had trained. We toppled Saddam Hussein, a real and continuing threat to the security of our Nation and to our allies. Since then we have continued the hard work of draining the swamp that nurtured and festered these monsters. It hasn't been easy. The last 3 years have strained our patience as we have watched the terrorists' counterattack. Innocent Iraqis, coalition forces, humanitarians, and journalists have been targeted simply for trying to secure a free and open Iraq. But the enemy's effort to plunge Iraq into chaos will not succeed.

Slowly, freedom is gaining ground. The Iraqi people are emerging from three decades of brutal repression and claiming their right to stand among democratic nations. Last year, millions of Iraqis defied the threats of Abu al-Zarqawi and streamed to the polls in three national elections. Iraq's Sunni population participated in greater numbers each time. On June 8, the new democratically elected Prime Minister Jawad al-Maliki named the last three members of his Cabinet—the Ministers of Defense, Interior and Security—thereby completing formation of his unity government. What huge progress. The new government is committed to facing the challenges of terrorism and corruption and to move Iraq's fledgling

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democracy forward on the path to freedom. I believe they will succeed as long as we do not break faith with them.

It was a week ago the Iraqis formally asked the United Nations Security Council to maintain the U.S.-led coalition with these words:

> While great achievements have been gained by the people of Iraq in the realm of political development, the continuation of the mandate of the multinational force in Iraq remains necessary and essential for our security.

Far from the rhetoric that is being used by some today, the Iraqi people want us, and they need us to help them. If we don't, if we break our promise and cut and run, as some would have us do, the implications could be catastrophic. Not only would it be a dishonor to our Americans, a dishonor of historic proportions, the threat to America's national security would be potentially disastrous. If large parts of Iraq were to fall into the hands of terrorists, there would be no end to the threats we might face. Iraq could become a terrorist base for attacking us and undermining our allies. Many of Saddam Hussein's weapons scientists are still in Iraq, and the destruction of 9/11 would pale in comparison to the devastation terrorists could inflict with weapons of mass destruction produced in Iraq using their experience.

Leaving Iraq to the terrorists is simply not an option. Surrendering is not a solution. Zarqawi's elimination on June 7 was a profound victory. Coalition forces have captured or killed 161 of Zarqawi's leaders, key elements in the command and control of the terrorist network. Iraqi troops and the Iraqi people are working ever more diligently to defeat the terrorist enemy. In July of 2004, there were no operational Iraqi Army division or brigade headquarters. In just 2 years, 2 divisions, 14 brigades, and 57 battalions control their own area of responsibility. That is progress. Also, 28 authorized national police units are in the fight with 10 battalions in the lead. Over 254,000 trained and equipped Iraqi security forces are taking the battle to the enemy. These are just a few of the positive indicators. With our help, Iraq is making steady and impressive progress every day.

America has faced great challenges before. We rose up to defeat Naziism, one of the ugliest ideologies in modern history. It took terrible sacrifice and great pain, but we defeated the Nazi scourge. Through the Marshall plan, we rebuilt a continent of democratic and independent states. For the next four decades, we battled the Cold War against Communism, a long battle we ultimately won. In the great wars of the 20th century, our ideals carried us through even when victory seemed far from assured. Young American men and women who had never seen the world came to be its bravest defenders.

As we continue the war on terror, we cannot retreat, we cannot surrender, we cannot go wobbly. The price is far too high. The strength we show now is the security we earn for the future. As the President has explained, America's troops will stand down as the Iraqi troops stand up. They are gaining strength every day. By keeping a steady eye on the ultimate goal, by having flexibility and patience, I am confident we will succeed. No less than America's security depends on it.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

IRAQI AMNESTY PLAN

Mr. REID. Mr. President, it goes without saying there are a number of issues upon which Senate Democrats and Senate Republicans will never agree. We have our differences about whether there is global warming, about the staggering deficits we have, lack of health care, economic policy generally. I understand and respect the differences we have on those issues. If there were ever an issue where we should be able to find common ground, it is supporting the troops we have around the world. I use the word ''should'' because of what is now happening in the Senate.

As I speak, there is an amendment pending before this body. It is an amendment that says the Iraqi Government should not proceed with their plan to grant amnesty to terrorists who kill American troops. It is a very simple amendment with a message the American people, I know, agree with. So why is it that Republicans who control this body have filibustered this amendment? It has been going on for days now. I really have trouble figuring that out. Their excuses don't make sense.

Their first excuse is that aides to the Prime Minister were misquoted, but we don't have any evidence of that. In fact, it is quite the contrary. The aide who first stated this stands by his story. They have asked him to step down, and he no longer has his position. But he was quoted, after having stepped down, as saying:

> The prime minister himself has said that he is ready to give amnesty to the so-called resistance, provided they have not been involved in killing Iraqis.

That was the end of the quote. Of course, what it doesn't say, according to everything that they have said, is that it is OK to kill Americans but not Iraqis. We now have news accounts—not confirmed by the Pentagon, at least to me—that Kristian Menchaca, 23 years old, member of the U.S. Army, and Thomas Tucker, age 25, U.S. Army, who were abducted, taken as prisoners of war, have been killed. Try telling their families that it is OK to give amnesty to the so-called resistance provided they have not been involved in killing Iraqis, only Americans. The families of Tucker and Menchaca would be very displeased.

Over the weekend we received even more evidence that the Iraqi Government favors amnesty for those who shed American blood. From Sunday's Los Angeles Times: The amnesty plan would apparently include insurgents alleged to have staged attacks against Americans.

They are saying amnesty. So it is clear that the situation regarding amnesty, the amendment pending before this body, is one where the Iraqis who serve in their Government are saying that it is OK if the insurgents kill Americans and not OK if they kill Iraqis. The only thing that is clear is the Senate needs to go on record and direct President Bush to tell the Iraqi Government that that plan is unacceptable. That is what the amendment does.

There are other excuses offered by the majority. Some have argued that if indeed this amnesty plan is real, we should just accept it as we did amnesty plans following World War II and Vietnam. Of course, we know that there were war trials in World War II. World War II went on for 3 years plus. This war has been going on for 3 years plus. World War II was fought all over the world, Southeast Asia, all over Europe, Africa, all of the islands between Hawaii and Japan. The war in Iraq has been fought in a relatively small area and has been going on almost as long as World War II. So I believe the argument that we should accept their amnesty plan doesn't set well with me or with the American people.

The majority of Americans killed in Iraq have not been killed in traditional acts of war. This war is different from others. They have been killed in acts of war, even though they have been so-called nontraditional acts of war. They were killed in acts of terror, which is part of this war. Anybody who believes in freedom and what our troops are dying for in Iraq should believe their killers should be brought to justice if possible. I believe the excuses on the majority side are designed by Republicans to hide the truth.

The filibuster of the anti-amnesty amendment is just another example of cutting and running. We hear this all the time. If there were ever an example of cutting and running, it is not to allow a vote on a simple amendment that says we should not condone the Iraqis granting amnesty to Iraqis who have killed Americans.

I believe this cutting and running, which is thrown around here so gratuitously by the majority, could apply to what happened last year on the Defense authorization bill. It took months. The bill was reported out of committee, I think sometime in late April. We didn't get to the bill for months after that. Why? We had it on the floor once, but it was pulled because of gun liability legislation, which some believed was more important than the bill directing

how we are going to handle the policy of our armed services.

Today, instead of pulling this bill for gun liability or some other extraneous issue, they are doing it with filibustering. They have more votes than we have. They control what happens on the floor most of the time, and they are not letting us vote on this amendment. The majority doesn't want to embarrass the White House, so they are content to sit on their hands and have the Iraqi Government over there talking about granting amnesty to those who kill Americans.

The President said he looked Prime Minister al-Maliki in the eye and said he is OK, ''I looked him in the eye.'' Well, I hope he saw in that eye the fact that this man was willing to grant amnesty to Iraqis who killed Americans. It is not an eye that I think the American people think is appropriate—amnesty for the killers of American troops. But it appears that the majority is willing to do this even if it jeopardizes our soldiers serving in Iraq by giving terrorists who want to attack them a get-out-of-jail-free card.

We can do a lot better than that. Let's put the excuses aside and do the right thing before another day passes. Let's join together and pass this amendment.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for 30 minutes, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The 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 PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, under morning business, are the Democrats recognized at this moment?

The PRESIDENT pro tempore. Yes. The Democrats have the first 15 minutes, with 14½ minutes remaining.

MINIMUM WAGE AMENDMENT

Mr. DURBIN. Mr. President, later this week, we are going to debate the Department of Defense authorization bill. It is a very important bill. It also is one of the few times during the course of the year where we actually have a chance to offer amendments on very important issues. Most bills that come to the floor are fairly restrictive in terms of the procedures of the Senate. They limit what you can say and what you can address and the amendments that can be offered.

On this authorization bill, in the words of the Senate, precloture you can offer quite a few different amendments, and many will address issues that don't relate directly to the Department of Defense. There is one Senator KENNEDY will bring to the floor this week that he has been offering repeatedly and one that we should take up very quickly; that is, the question of the minimum wage in America today.

Senator KENNEDY's amendment would raise the minimum wage to $7.25 an hour in three steps over a period of several years—$5.85 shortly after enactment, $6.55 a year later, and then $7.25 a year after that. Increasing the minimum wage to $7.25 an hour would benefit 6½ million Americans, 60 percent of whom are women. These are people by and large who are in very low-paying jobs and are trying to raise children, trying to make ends meet under extremely difficult circumstances.

The current minimum wage was enacted in 1997 at $5.15 an hour, which is barely $10,000 a year in gross wages, total wages. I cannot imagine a family struggling to survive that could make it on $10,000 a year. As a result, many people are forced to work more than one job in minimum wage. Many are forced to turn to pantries and soup kitchens to supplement the income for their families. Imagine, if you will, the stress most Americans feel working 40 hours a week, trying to keep up with their kids and trying to spend a little time with them, enjoying life with them on weekends, and then make that 40-hour week a 60-hour week and figure out how it would be, particularly if you are a single parent doing your level best to raise a good child.

As this Congress has ignored the minimum wage for 9 years, we have said to these struggling families and parents: We are going to make the burden more difficult for you. Even though you get up every morning and go to work, which we applaud, we are not going to reward you for that. We are going to make it more difficult for you to keep your family together.

Since Congress last increased the minimum wage in 1997 to $5.15 an hour, the real value of that wage has gone down 20 percent, which basically means the cost of living keeps going up while the minimum wage has been stuck at $5.15. Minimum wage workers have already lost all of the gains that were enacted in 1996 and 1997, when we last raised the minimum wage. It is amazing to me that the minimum wage has become a partisan football in the Congress. There was a time when Republican Presidents would waste no time increasing the minimum wage, and Republican Congresses would follow suit, understanding that this is very basic to the question of economic justice in America; that if the poorest among us don't receive enough money for going to work, it causes extreme hardship on them.

The minimum wage, once created by President Roosevelt, has been each year, through each administration, extended. Now for 9 years we have done nothing, leaving the minimum wage workers in very difficult circumstances. If we pass Senator KENNEDY's amendment—and I hope we do—to raise the minimum wage to $7.25 an hour, it will mean $4,400 more a year for these families. That is significant. When you look at the average low-income family, they would be able to buy 15 months' worth of groceries; pay 19 months of utility bills, which have gone up dramatically since we last raised the minimum wage; pay 8 months of rent; over 2 years of health care for the basic low-income family; 20 months of childcare; 30 months of college tuition at a public 2-year college.

Think about that difference. A low-income mother, a single mother, raising children now might be able to afford good daycare for her children so she has peace of mind when she goes to work, knowing the kids are in safe hands. I have visited with families, and if they are not lucky enough to have a mother or a grandmother who will step in, some try to find a neighbor who will, and that is not always the best care. That has to be a source of great concern to every parent facing that possibility.

I believe there is a direct correlation between the failure to raise the minimum wage and a dramatic increase in the number of Americans living in poverty.

We used to talk about this issue. This used to be an issue which was debated on the floor of the Congress, about how many people were poor in America. We believed—and still do—that this great land of opportunity should offer opportunity to the poorest among us. Yet what we have seen is that the number of poor people has been growing dramatically over the last several years, while those who are well off are even better off. So the poor are truly poorer, and the rich are getting richer.

If you look at America as a system of laws that reflect an American family, how can we afford to leave people behind? I don't think we can. Thirty-seven million Americans currently live in poverty. That is more than 10 percent of America. Thirteen million of those are children. Among full-time, year-round workers, poverty has increased by 50 percent since the late 1970s. There was a time when we cared about those numbers. There was a time when President Reagan suggested changing the Tax Code to put in an earned-income tax credit to give the poorest families a helping hand. Of course, we created programs such as food stamps, WIC, and other programs for those low-income categories. There was a time when both political parties cared about the issue of poverty. Today, we don't discuss it. I don't know why. I believe we should.

Minimum wage employees working 40 hours a week, 52 weeks a year, earn $10,700 a year. That is $6,000 below the

Federal poverty guideline of $16,600 for a family of three. We should be ashamed of our Nation that we have reached this point where we ignore what we are doing to people because of this minimum wage.

Let me add that I salute our Governor in Illinois who, through the State legislation, increased Illinois' minimum wage so that we pay more to workers. But clearly we need to do this across the Nation and not leave it to the leadership of Governors. We should show leadership in Congress.

Raising the minimum wage is going to help the economy, too. A lot of people argue otherwise. Whether it be raising the Federal or State minimum wage, history shows that it doesn't have a negative impact on the economy. That is the argument which has been used against the minimum wage since Roosevelt first created it; that if you raise the minimum wage to $1 an hour—or whatever it happened to be in the earliest days of the history of this legislation—somehow jobs would be eliminated because people would say that rather than pay a dollar an hour, they will hire fewer employees. That is always the argument, and that argument fails every time when we look at the impact of an increase in the minimum wage.

In the 4 years after the last Federal minimum wage increase passed in Congress, the economy experienced its strongest growth in over 30 years. Nearly 12 million new jobs were added in the late 1990s—almost a quarter of a million a month. So as we raised the minimum wage, the number of jobs didn't shrink, it dramatically increased—exactly the opposite of what the critics of increasing the minimum wage have argued for 60 years or more.

The last raise in the minimum wage did not have a negative impact on my State's economy when the State of Illinois sought a minimum wage increase. The fact is, in the 4 years after Congress passed the last Federal increase, Illinois experienced great economic growth. Over 350,000 new jobs were added to the State's economy. Even the retail industry, which is often cited as the industry most sensitive to the minimum wage, saw over 44,000 new jobs created in Illinois 4 years after the increase in the Federal minimum wage.

Research shows that other States experienced similar impacts.

A study by the Fiscal Policy Institute of 10 States that raised the minimum wage above the Federal rate found that both total employment and employment in the retail sector grew more rapidly in higher minimum wage States.

And for small businesses with fewer than 50 employees, the number of businesses, employment, and the size of the total payroll grew faster in higher minimum wage States than in States where the lower minimum wage prevailed, exactly the opposite of what critics say if you raise the minimum wage: you are going to hurt the retail sector; they are going to have to shut down their businesses. Exactly the opposite has happened time and again.

The minimum wage needs to be updated. In contrast to the first 4 years after the Federal minimum wage took effect and created jobs, in the last 4 years under the Bush administration the minimum wage has held steady while its real value has steadily declined, and only 4.7 million jobs have been created.

It is one thing for politicians to give lofty speeches about values and family values. It is another thing to look at the rollcall on the minimum wage and ask those same Members who are pontificating about the guidance—the divine guidance—that brings them to this Chamber and then systematically voting against the poorest among us. That, to me, is a shame and something we should remedy by adopting the Kennedy amendment.

We force a lot of hard-working Americans and their families to work longer hours, work harder to pay for the necessities. That is time away from their children, time away from just a little relaxation so they can put their lives together and face another hard week of work.

In Illinois, a worker earning the minimum wage has to work 95 hours a week to afford a two-bedroom apartment. Mr. President, 11.9 percent of Illinois residents live in poverty, and an unacceptably low minimum wage is part of the problem.

Over 20 States, including Illinois, have taken upon themselves to raise the minimum wage and give an economic boost to their citizens. After the State of Illinois raised the minimum wage in January of 2005 to $6.50, Illinois nonfarm employment increased by 79,800 jobs. It didn't go down in Illinois after the minimum wage went up. It increased.

Since the State raised the minimum wage, Illinois has ranked No. 1 among all Midwest States in the total number of new jobs.

Illinois employers have created 30,000 new jobs in the traditionally lower paying, higher proportion minimum wage industry sectors of leisure, hospitality, and trade.

The minimum wage amendment we are debating today would give a raise to 333,000 workers in Illinois.

It has been more than 9 years since the minimum wage workers last saw an increase in their wages. It is a delicate subject and one that Members of Congress do not want to discuss, but I think we have to be very honest about it. While we have consistently, year after year, denied an increase in the minimum wage to the poorest, hardest working Americans, we have every year without fail increased congressional pay. Our salaries have gone up while we have ignored the plight of the poorest among us.

During the 9 years that Congress has raised its own pay by $31,600, we have not increased the minimum wage for the poorest workers in America. It isn't fair.

How can we continue to turn a blind eye to these people who get up and work hard every day? Who are they? They are the people who took the dishes off your table at the restaurant this morning. They are the ones who made the bed at the hotel after you left. They are the ones who are watching your kids at the day-care center. They are the same ones who are watching your parents at the nursing home. They are the ones who are making sure your golf course is perfect when you go out to play golf. And they are the ones who get up every single day and do these hard jobs for very little pay.

Why in the world are we sitting here ignoring the obvious? If you value families and you value workers, you should value work. To hold the minimum wage at $5.15 an hour for 9 years is shameful, and it should change.

I urge my colleagues to support the amendment that is going to be offered by Senator KENNEDY. I am happy to be a cosponsor of that amendment.

Mr. President, how much time is remaining on the Democratic side in morning business?

The PRESIDING OFFICER (Mr. DEMINT). There is 1 minute remaining.

IRAQ

Mr. DURBIN. Mr. President, later this week as part of the debate on the Defense authorization bill, we will talk about Iraq. That a timely issue. As of last week, there have been 2,500 soldiers' lives lost in Iraq since the beginning of this conflict. What was promised to the American people to be a rather uncomplicated effort by America to rid Iraq of a dictator has turned out to be a war that has gone on for 3 years with no end in sight.

This week the Senate will have a chance to say to the Iraqi people that as of the middle of next year, this becomes your responsibility. We will give you 12 months and more American lives and more American dollars and then, Iraq, you have to stand up and defend yourself. If you believe in the future of your Nation, it has to go beyond an election, go beyond political debate. It has to reach the point where Iraqi citizens are prepared to stand, defend, and die, if necessary, for their own country.

There are 130,000 American lives on the line today and every day. We have to serve notice on the Iraqis that their future has to be in their hands.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Georgia.

Mr. ISAKSON. Mr. President, I ask unanimous consent to be recognized for 7 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. ISAKSON. Mr. President, I heard the distinguished deputy minority

leader speak last Friday morning in about a 15-minute speech, and he just added another minute, about Iraq. So I come to the floor to address the specific points the distinguished Senator just raised and the potential amendments that will be offered on the floor.

I want to tell you about the flashback that went through my mind as I sat in that chair and listened to that speech. The flashback was to my generation's war in the 1960s and 1970s in Vietnam. The flashback was to what I remember started in 1970 and culminated in 1972.

I commend my staff, in particular Andrew Billing, for spending the weekend accumulating the speeches on the floor of the Senate from August of 1970 to May of 1972, speeches by Cranston and McGovern and KENNEDY and BYRD and Humphrey. They talked about it was time for us to start withdrawing, first not on a time certain, but by just a certain number of troops, until the crescendo built so loud over 18 months it became a date certain, August 31, 1972.

The debate on the Senate floor drove the policy of the United States of America against communism and in defense of freedom, and all of us remember what happened. The first steps were it wasn't a date certain, it was 120,000 troops, and we went from a half million to 380,000 and then to 240,000, and then when we got to 240,000, the resolution became: Withdraw by August 31, 1972.

Anyone who was alive on that date who remembers that scene remembers precisely what happened: the last of the Americans to leave Saigon on the roof of our Nation's embassy being shot at by the Vietcong as they were climbing a rope ladder into a Huey helicopter.

We lost over 50,000 American lives in Vietnam and a lot of them between the beginning of that debate to withdraw in August of 1970 until the end of it in August of 1972.

I know there is a proposed amendment, probably by the Senator from Michigan, that will begin the same way the amendments began over 30 years ago on this Senate floor: not a date certain, but a scaling down of our commitment. And to that I want to address the damage that will do to our effort.

First and foremost, it hands a victory to our enemy they cannot win on the battlefield. The terrorists have said it is to psychologically destroy the will of America that they want to win the battle. They know they can't win it on the battlefield. Why should we begin to question our resolve and, worst of all, why should we repeat the horrible mistake of the way in which we managed our conflict in the seventies?

It is time we recognized that we are winning a great victory for mankind, not just the Iraqi people; that America went to enforce a U.N. resolution when the U.N. would not; that we deposed a dictator that everybody said was bad. We won in Afghanistan over the Taliban, and we are winning in Iraq today over the insurgency headed by al-Qaida.

Have some of us forgotten 9/11/2001? Have we forgotten the USS *Cole*? Have we forgotten the fatwa issued in 1996 when war was declared by al-Qaida on the United States of America? Most Americans haven't.

I want to conclude by three little stories about the past month in my life.

I stood on the courthouse steps in Walton County, GA, this Saturday welcoming home eight members of the 48th Brigade from Iraq. I stood there with all the citizens of Monroe and Walton Counties cheering them on—all the citizens, including Robert Stokely, the father of SGT Mike Stokely who died in August of 2005 in Iraq. He came up and gave me Michael's dog tag, hugged me, grabbed my hand, and he welcomed home those eight soldiers, knowing that his son, Michael, the ninth, was not home with them, but he was proud of his effort.

Let's make sure Michael didn't die in vain. Let's not lose our resolve on the floor of the Senate.

The second incident I want to describe is what happened yesterday in the Atlanta airport. I was late. I was running for my flight. I went through the atrium. All of a sudden a huge round of applause erupted. I stopped. I didn't know what in the world was going on. I turned and looked, and there marched about 30 members of the United States Army in their desert fatigues on the way to an airplane, probably on their way to Iraq, and all those citizens in that airport from around the world flying through Atlanta stopped to give them a standing ovation.

I don't think those people would want us to set deadlines, timetables, and withdraw from the ultimate battle.

And my last analogy is in Margraten in the Netherlands 3 weeks ago when Senators CRAIG, SPECTER, BURR, and myself sat on a beautiful sun-lit day before 7,000 Dutch in the American Cemetery in the Netherlands as the Royal Dutch Air Force flew over in a missing-man formation and as the Royal Dutch Senior Man's Choir sang ''God Bless America.''

I stood there for the better part of an hour having my hand shook by citizens of Holland thanking me for what Americans did 62 years ago when they invaded Normandy, fought the Battle of the Bulge, and deposed Adolph Hitler.

There is nothing different about the hatred and intolerance for humanity, race, and religion of Adolph Hitler and the intolerance for race, religion, and faith of al-Qaida. The battle is just as great. The warriors may be different, the site may be different, the methodology may be different, but the result would be the same.

Had we not stayed the course in the 1940s, the world would have lost. If we do not stay the course today, if we turn our back, the world will lose again.

Once again, the sons and daughters of the United States of America are fighting the right war in the right place at the right time for the right reason. For us to talk about timetables or suggest drawdowns or compromise our commitment is just plain wrong.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I compliment our distinguished colleague from Georgia for his remarks. I hope throughout the day colleagues on both sides will address this critical issue with regard to our future policies in Iraq and in Afghanistan.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, it is amazing to me that less than a week after the President returned from Iraq, having visited with the new Government leaders there, and having disclosed the death of the top al-Qaida leader Zarqawi, in Iraq, colleagues in the Senate would actually be proposing withdrawal from Iraq.

The strategy there needs to be to win, not to withdraw. Withdrawal follows victory. If we think about the wars we have gone into—think about World War II, for example—would it have made any sense for the Congress of the United States to pass a resolution saying to Franklin Roosevelt: You set a deadline for getting out of Germany and for getting out of Japan or we are not going to continue to support this effort? It would have been ludicrous at the time. More importantly, it sends a message to our troops, to our enemies, and to our allies, and to the people in Iraq that is devastating.

Let me read a letter that was written by one of our soldiers stationed in Fallujah recently to his hometown newspaper in Ridgefield, CT, which expresses what I suspect is the view of many of our soldiers. Here is what he said:

> In Fallujah, the people watch Al-Jazeerah. However, they also watch CNN. A lot of them fear the United States will soon cut and run. . . . Furthermore, they know that the insurgents will not end their efforts early . . . Therefore, if they help us, their lives and the lives of their loved ones will be in great jeopardy the minute we leave—if we don't finish the job. Much that they see on American television leads them to believe that we intend to abandon our efforts before the new Iraqi Government is capable of defending itself and its citizens.

The bottom line is that the people in Iraq watch what we do, our friends and our enemies, and much of our ability to win there depends upon figuring out which is going to be the winning side. They want to be on the winning side. They don't want to side with us only to have us cut and run, leaving them with these insurgents who will find out who they are and take care of business. Obviously, we have to send a message to them that we intend to prevail and therefore they can side with us.

What we will learn is that much of our ability to get al-Zarqawi and others depends upon the cooperation of the

Iraqis themselves. A lot of our intelligence comes from the fact that Iraqis believe we are there to stay until the job is done, and if they help us, they can hasten that day. But if they come to believe that they help us, we leave, and then the insurgents find out who they are, we are not going to get any more help. It is going to delay the time that we can leave rather than accelerate that time.

The people in the region, the countries that surround Iraq, would be in the very same position. They have decided that they are going to be on the side of the winner, and they believe right now the United States is the winner in Afghanistan, in Iraq, and certainly the leaders of Pakistan, of Saudi Arabia, of Lebanon, each of the countries surrounding has decided to throw in with us. As the President said, you are either for us or against us. If we cut and run from Iraq, those countries are not going to be able to stay with us, and what we will have done is to prove what Osama bin Laden said is true, and that is that instead of the strong horse, we are the weak horse. That is what the people in the region are waiting to see.

So these concepts—whether it is an immediate withdrawal or simply the beginning of a phased withdrawal this year, with the President being required to submit a plan for complete withdraw by the end of next year—are all part and parcel of the same thing: a message to the enemy that we are leaving and here is our timetable for leaving. All you have to do is wait until we are gone and then it is yours for the taking. That is not just destructive for the Iraqi people; the whole point is that it is destructive for our whole policy in winning the war against the terrorists.

They have to believe we are on the offensive, we are going after them, and we won't quit until we win. But by pulling out of Iraq, we are sending the signal that by simply hanging on, by causing us trouble with roadside bombs and other mechanisms, all they have to do is wait us out; we will lose patience, we will lose nerve, we will leave, and that is how they win the war on terror.

So it is not just about the Iraqi people and their ability to govern themselves in freedom or the people of Afghanistan; it is about the message it sends to the people who are today with us in the war on terror. It is about our ability to continue to show that we are winning the war on terror, and that they better side with us rather than side with people who are going to lose. It is all about winning the war over there so that we don't have to worry as much about attacks in the United States.

This is a multifaceted war. There are enemies all over the globe. The best way to win that war is through good intelligence and then taking the fight to the enemy. Right now, the bulk of that fighting is in Iraq, and it is there that we have to confront the enemy and defeat the enemy. If we pull out through these sort of sugar-coated notions of phased withdrawals—not a deadline—not cut and run—it is just a phased withdrawal, what kind of a signal does that send? It still creates a date, a timetable, and a message to the enemy that we are, in fact, going to be leaving, and all they have to do is wait us out.

So I say to my colleagues, these kinds of proposals should be soundly rejected as they were last week, both in the Senate and in the House of Representatives, and we should be sending the signal to our troops, as well as to our enemies and to our allies: we are there to stay until victory, not until we achieve some artificial deadline.

Mr. WARNER. Mr. President, I thank the Senator for his contributions to this debate. I simply would add this one very important thought I have had all along. This has been a struggle of a nation to achieve its place in the world of governments of democracy. They have had—if there is one sign of courage amongst the Iraqi people, and today regrettably there is so much strife and killing, but these people have gone to the polls in record numbers three consecutive times. You need only look at history and the difficulty of forming a government to say that the newly elected government, a permanent government now, at long last, is a unified government, and it has been achieved in a matter of months. They were tough months, to wait them out. It is interesting that it took 8 years in a way for this great Nation of ours to achieve the final form of government that we have today.

So the Iraqi Government is in place, and we must recognize it is a sovereign nation, and they have to make decisions on their own. The Iraqi people cannot perceive that we are dictating how they will exercise their sovereignty. We are committed to stay there with our forces and the coalition forces to enable them to exercise their choice and the means by which to provide sovereignty for their people.

So I thank my distinguished colleague, and I think this will, in the hours and days to come, unfold into a very strong and vigorous debate on these issues. But in the end, always allow the beacon of sovereignty, which we have enabled through enormous sacrifice to allow them to achieve, to be the beacon that we must follow.

Mr. President, I understand that my distinguished colleague from Rhode Island is prepared to address the Senate for a period of 20 minutes or so is my understanding, and if that is in accordance with the wishes of my ranking member, he may so state.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I would ask the Senator from Rhode Island, who is under a unanimous consent agreement to be recognized for 20 minutes, to yield to me for 2 minutes.

Mr. REED. I will yield.

Mr. LEVIN. Mr. President, I noticed Senator KYL again uses rhetoric which they apparently have decided will be used no matter what the facts of any particular proposal are. I would just point out in this morning's Washington Post that Mr. al-Rubaie, who is the National Security Adviser for Iraq, has argued that by year's end, we envision the U.S. troop presence to be under 100,000. That would be at least a 30,000 reduction. I wonder whether people, or Senators, who are going to mischaracterize the Levin-Reed et al amendment are going to also then suggest that the Security Adviser to the new Prime Minister of Iraq supports cut and run when he says that they envision a reduction of American troops to be below 100,000 by the end of this year, and he sets forth in this morning's Washington Post all of the reasons it is so important that foreign troops be redeployed, including to legitimize Iraq's Government in the eyes of its people.

I ask unanimous consent that the entire article written by the Security Adviser to the new Prime Minister, Mr. al-Rubaie, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post]

THE WAY OUT OF IRAQ: A ROAD MAP

(By Mowaffak al-Rubaie)

There has been much talk about a withdrawal of U.S. and coalition troops from Iraq, but no defined timeline has yet been set. There is, however, an unofficial ''road map'' to foreign troop reductions that will eventually lead to total withdrawal of U.S. troops. This road map is based not just on a series of dates but, more important, on the achievement of set objectives for restoring security in Iraq.

Iraq has a total of 18 governorates, which are at differing stages in terms of security. Each will eventually take control of its own security situation, barring a major crisis. But before this happens, each governorate will have to meet stringent minimum requirements as a condition of being granted control. For example, the threat assessment of terrorist activities must be low or on a downward trend. Local police and the Iraqi army must be deemed capable of dealing with criminal gangs, armed groups and militias, and border control. There must be a clear and functioning command-and-control center overseen by the governor, with direct communication to the prime minister's situation room.

Despite the seemingly endless spiral of violence in Iraq today, such a plan is already in place. All the governors have been notified and briefed on the end objective. The current prime minister, Nouri al-Maliki, has approved the plan, as have the coalition forces, and assessments of each province have already been done. Nobody believes this is going to be an easy task, but there is Iraqi and coalition resolve to start taking the final steps to have a fully responsible Iraqi government accountable to its people for their governance and security. Thus far four of the 18 provinces are ready for the transfer of power—two in the north (Irbil and Sulaymaniyah) and two in the South (Maysan and Muthanna). Nine more provinces are nearly ready.

With the governors of each province meeting these strict objectives, Iraq's ambition is to have full control of the country by the end of 2008. In practice this will mean significant foreign troop reduction. We envisage

the U.S. troop presence by year's end to the under 100,000, with most of the remaining troops to return home by the end of 2007.

The eventual removal of coalition troops from Iraq streets will help the Iraqis, who now see foreign troops as occupiers rather than the liberators they were meant to be. It will remove psychological barriers and the reason that many Iraqis joined the so-called resistance in the first place. The removal of troops will also allow the Iraqi government to engage with some of our neighbors that have to date been at the very least sympathetic to the resistance because of what they call the ''coalition of occupation.'' If the sectarian issue continues to cause conflict with Iraq's neighbors, this matter needs to be addressed urgently and openly—not in the guise of aversion to the presence of foreign troops.

Moreover, the removal of foreign troops will legitimize Iraq's government in the eyes of its people. It has taken what some feel is an eternity to form a government of national unity. This has not been an easy or enviable task, but it represents a significant achievement, considering that many new ministers are working in partisan situations, often with people with whom they share a history of enmity and distrust. By its nature, the government of national unity, because it is working through consensus, could be perceived to be weak. But, again, the drawdown of foreign troops will strengthen our fledging government to last the full four years it is supposed to.

While Iraq is trying to gain its independence from the United States and the coalition, in terms of taking greater responsibility for its actions, particularly in terms of security, there are still some influential foreign figures trying to spoon-feed our government and take a very proactive role in many key decisions. Through this many provide some benefits in the short term, in the long run it will only serve to make the Iraqi government a weaker one and eventually lead to a culture of dependency. Iraq has to grow out of the shadow of the United States and the coalition, take responsibility for its own decisions, learn from its own mistakes, and find Iraqi solutions to Iraqi problems, with the knowledge that our friends and allies are standing by with support and help should we need it.

Mr. LEVIN. Mr. President, I ask unanimous consent that after Senator REED is recognized—the chairman and I have talked about this—at that point, the Dorgan amendment be the matter before the Senate. I believe that the Senator from Virginia and I have agreed that Senator DORGAN would be recognized for 10 minutes, to be followed then by the chairman for 5 minutes, and the intention then would be to proceed to a rollcall vote.

Mr. WARNER. Mr. President, we are fully in concurrence as managers, but I would like to have the benefit of our leaders and the respective staff working up a unanimous consent agreement precisely outlining that. Then, as I further discussed with my colleague from Michigan, we had hopes that the matter raised by the Senator from Florida, Mr. NELSON, in which he had an amendment relating to the issue of amnesty, be addressed together with the side-by-side amendment by the Senator from Kentucky, Mr. MCCONNELL. So I hope that while hearing from our colleague from Rhode Island addressing the Senate, we can have a formalized UC agreement.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2766, which the clerk will report.

The bill clerk read as follows:

A 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.

Pending:

McCain amendment No. 4241, to name the Act after John Warner, a Senator from Virginia.

Nelson of Florida/Menendez amendment No. 4265, to express the sense of Congress that the Government of Iraq should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States.

McConnell amendment No. 4272, to commend the Iraqi Government for affirming its positions of no amnesty for terrorists who have attacked U.S. forces.

Dorgan amendment No. 4292, to establish a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism.

Kennedy amendment No. 4322, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Frist amendment No. 4323 (to Amendment No. 4322), to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

The PRESIDING OFFICER. Under the previous order, the Senator from Rhode Island, Mr. REED, shall be recognized to speak for up to 20 minutes.

Mr. REED. Mr. President, I rise this morning to discuss the fiscal year 2007 Defense authorization bill. I am glad it is on the floor. It is very important legislation, and it is arriving in a timely manner where we can dispose of it along with the other body and hopefully conclude in the next few weeks with a finalized Defense authorization bill.

I would also note that this is Senator WARNER's last bill as chairman of the Senate Armed Services Committee, and I personally want to commend him and thank him for his leadership, not only as the chairman of this committee, but as a young sailor, a young marine, and a more mature Secretary of the Navy, and now a mature Member of the United States Senate. So thank you, Senator, for your leadership and friendship.

Mr. WARNER. Mr. President, I thank my colleague from Rhode Island. I appreciate his remarks, a Senator with a very distinguished military record of his own, and quite modest about it. But at some point I would love to have a colloquy with the Senator on why Rhode Island—we are talking about sovereignty and the formation of governments—about why did they hold out those many years before ratifying the Constitution? At some point, could the two of us have a colloquy about that?

Mr. REED. I would be happy to do that, in the future.

I would like to highlight some of the aspects of the bill which I think are very important. I have had the privilege of working with Senator CORNYN as the ranking member of the Emerging Threats Subcommittee. It has been a real pleasure. He has conducted the committee with great efficiency and great cooperation. The staff has been particularly helpful on a bipartisan basis.

I am pleased to note that in the context of our deliberations, several important measures were included in this legislation. First, we have authorized an additional $400 million for science and technology programs. The original request sent by the Department of Defense was woefully inadequate. Science and technology is the key to our future on the battlefield as we match the skill and valor of our soldiers with the very best technology. We have to continue this investment. I am pleased that our legislation increases that item by $400 million.

Also, the bill includes language to require a report to Congress on the testing policies and practices that should be pursued with respect to rapid acquisition programs, spiral development programs, quick reaction fielding programs, and the testing for safety and survivability of deployed equipment. One of the weaknesses, I believe, with the present approach of the Department of Defense is a failure to adequately test and evaluate, and I think that failure has to be corrected and this report will, I hope, put attention on this issue and lead to positive results.

The legislation also urges the Department of Defense to identify and nominate an individual to serve as the Director of Operational Test and Evaluation. This position has been vacant since January 2005. It is a critical position. This individual is the key independent personality in the Department of Defense to look at the testing and evaluation of new equipment. Without this position, the testing emphasis is woefully inadequate in the Department of Defense.

As we put new systems into the military, we have to ensure that these systems are adequately tested. Without an individual with that responsibility and that position and posture within the Department of Defense, we are not providing the appropriate personality and mechanism to do the job.

The bill also establishes the Joint Technology Office to coordinate all DOD hypersonics research programs in

conjunction with NASA. The new office reflects an appreciation of the important role that these technologies can play in advanced air platforms, missile systems, and space systems. The committee's provision is an effort to ensure that millions of dollars being invested by the services and by DARPA in hypersonics are optimized and coordinated to enable this maturing set of technologies to reach operational capabilities at the highest possible rate and at the earliest possible time.

The bill also extends the authority for DOD to run technology competitions and awards cash prices to winners. This is a provision that DARPA uses very effectively.

The bill also authorizes more than $30 million in increases for research that supports defense manufacturing technology. A growing concern in the United States, in both the defense and commercial sector, is whether or not we have the capability to manufacture what we invent. This money will help us enhance our manufacturing abilities throughout the United States.

There is another area of the bill that I think is very important and that is the area that helps us protect this country from weapons of mass destruction. First, the Cooperative Threat Reduction Program of the Department of Defense is fully funded with a budget request of $372 million. The Cooperative Threat Reduction Program is one of the leading nonproliferation programs. It allows our Government to cooperate with other governments, principally those of the former Soviet Union, to reduce the availability and supply of the fissile material and potential access to nuclear devices.

Also, the nonproliferation programs at the Department of Energy are fully funded at $1.7 billion. This funding is critical. One of the most obvious threats and the most grievous threats to face this country is the existence of nuclear weapons, particularly if they fall in the hands of terrorists. One very effective way to prevent this potential apocalypse is to ensure these weapons are fully under the control of a credible responsible party. In fact, in many cases we are destroying some of this material to prevent it from ever being used again.

The bill also includes an important waiver for the President with respect to the conditions that Russia must meet for chemical weapons destruction programs. It is important to continue to have these programs go forward. This waiver gives the President flexibility to continue these efforts.

In the areas of combating terrorism and homeland defense, the bill authorizes funding increases of about $150 million. Approximately $100 million of these funds are being used to fund the top eight unfunded requirements of the Special Operations Command. We all understand each of the components of the Department of Defense submit their requests. These eight elements were not funded under the prevailing budget. Our legislation would provide $100 million to do that and allow our special operators to continue to enhance their technology and their programs.

The increase will provide, I think, also, support for our Weapons of Mass Destruction Civil Support Teams. These are military teams that are organized in case of a weapons of mass destruction incident in the United States. They are critical. The original 32 teams played a key role. This would allow them to upgrade their equipment.

The bill also authorizes about $70 million to fund two of Northern Command's highest unfunded priorities. Included among these priorities are interoperable communications to facilitate the support of civilian authorities. This is an obvious need after Hurricane Katrina. When we go back—I am sure my colleagues are in the same position—to our home States we hear a persistent cry from fire and police officials that they need interoperable communications to talk amongst themselves and to talk to other levels of command.

The bill also creates a senior executive position within the Office of the Assistant Secretary for Defense for Special Operations and Low-Intensity Conflict to provide management oversight for SOCOM's acquisition programs. One of the lacking elements in SOCOM's organization is an acquisition specialist. This bill would put in a person with those skills, so they can facilitate the acquisition and development of new technology for our Special Operations Command.

The bill also includes an authorization for the Department of Defense to use counterdrug funds to support U.S. assistance to the unified counterdrug/counterterrorism military campaign in Colombia. Last April, I was in Colombia and I had the opportunity to meet with President Uribes. I was encouraged by what he has done and what the people of Colombia have done. I also visited with our military personnel and civilians working to help the Colombian military personnel who have been working to fight narcoterrorism and strengthen democratic governance in Colombia, and I was extremely impressed with what they have done since my last visit in 2000. I believe, as we support the Colombians in their efforts, we will make a significant contribution to stability in that region.

Finally, with respect to our efforts on the Emerging Threat Subcommittee, I note the bill includes authorization for incentive clauses in some of our chemical demilitarization contracts. This authority is intended to provide a more efficient way to close some of our chemical weapons facilities and to meet international deadlines.

All of these efforts were the result of the close cooperation of Senator CORNYN and the staff with respect to the Emerging Threats Subcommittee.

Let me now turn to an issue of increased importance in the last few days and that is missile defense. We are all anxiously observing what is going on in North Korea—the intelligence suggesting that the North Koreans are preparing to launch a long-range ballistic missile.

This bill contains language that I think recognizes a need to continue to develop a missile defense system and to do so in a way that can assure its effectiveness. The bill would authorize additional funding for systems that we know are working and are extremely valuable, including the Aegis BMD system and the Patriot/PAC–3 system. I note the Patriot system is our only system that has actually intercepted a hostile missile, and that additional support for this system is more than justified. I also note that the Patriot system was rigorously tested and was subject to operational testing before it was fully deployed.

The largest single missile defense funding increase which is authorized by this bill is $115 million for additional integrated flight tests for the Ground-based Mid-course Defense system, the GMD. I think it is very important to focus in on operational testing of this system. One of the shortcomings of the whole program for developing our missile defense system has been a rush, in many cases, to failure, not taking the steps to test the system or not designing tests that are operationally significant. In that respect, we have spent a lot of money but we have yet, I think, to fully and effectively deploy the ground-based mid-course system.

We have to recognize that after three successive intercept flight test failures, the Missile Defense Agency is taking some steps which I think are encouraging. They created an Independent Review Team and a Mission Readiness Task Force to analyze these failures and recommend improvements to the GMD program.

Again, one of the persistent criticisms I had was that the system was rushing pell-mell forward without stopping to evaluate the mistakes that have been made and then planning for a thorough and exhaustive system of tests. Therefore, the effort was just to put something in the ground, not to ensure that missile system would work adequately.

MRTF, the Mission Readiness Task Force, recommended that four ground-based interceptors be diverted from planned operational deployment—essentially sitting in the ground being described as operational, but frankly I don't know anyone who would give that a high probability of success—to using these missiles for ground tests. I think that is a step forward in terms of development the system.

These recommendations were accepted by the Missile Defense Agency and the Defense Department. Again, I think a recognition of a new pragmatism and realism on the part of the Missile Defense Agency, something

that is more than overdue. We need more testing to ensure the GMD system will work, and I think the legislation we have before us will signal and encourage such testing.

The bill would also include a provision that would require the Department to submit to Congress each test and evaluation plan approved by the Director of Operational Tests and Evaluation under Section 234 of last year's National Defense Authorization Act. Again, this provision is designed to help improve testing and to show the emphasis that the Congress places on this testing.

Finally, the bill includes a provision that would extend the requirement to have the GAO assess the missile defense program. The GAO plays a very valuable role as an outside objective observer on the progress of missile defense.

We have to invest in a missile defense system, but we have to do it wisely. We have already seen where the effect of other budget priorities, principally Iraq, has even caused the administration to move money away from their original plans in missile defense. I believe we cannot afford to waste money in this regard. We have to invest it wisely. Part of that wise investment means having an adequate, thorough, exhaustive operational testing program to make steady progress, rather than to rush to failure.

I would like to turn to another topic which is of concern to myself, and that is the shipbuilding program. Since 2001, most of the focus of the Department of Defense and Congress, indeed, of the Nation, has been on our land forces, the Army and Marines. They are engaged in combat in Afghanistan and Iraq and doing a magnificent job. They are bearing the burden of a very difficult combat situation.

However, our Navy is still a vital element in our national defense. Its importance will continue to loom significant in the future. The CNO has stated that he needs $13.5 billion each year for at least the next decade to recapitalize the fleet. With this funding, the Navy must also build approximately 11 ships per year to maintain a 313-ship fleet.

Mr. WARNER. Mr. President, will the Senator kindly yield for me to make a unanimous consent request so Senators can arrange their schedules?

Mr. REED. I yield to the Senator from Virginia and will then regain my time.

Mr. WARNER. This is a cleared unanimous consent request on both sides. I ask unanimous consent that at 11:15 the Senate proceed to a vote in relation to the Dorgan amendment No. 4292 and that no amendments be in order prior to the vote. I further ask unanimous consent that Senator DORGAN be recognized to speak for up to 10 minutes between now and the time before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. As I stated, the Chief of Naval Operations indicated he would need approximately $13.5 billion each year for the next decade to recapitalize the fleet. However, the President's budget request only includes 7 ships in fiscal year 2007 versus the 11 that the Chief needs to maintain the 313-ship fleet. Seven ships in fiscal year 2008. In 2009 the suggestion is they move up to nine ships. But those plans have been delayed before.

This shipbuilding level simply cannot sustain the fleet. My greatest concern is with respect to the construction level of submarines. While many believe that the need for submarines has diminished with the end of the Cold War, the demand for these unique assets has never been greater.

Last week I was with Senator DODD and Senator INOUYE for the christening of the USS *Hawaii*, our newest Virginia Class attack submarine at Groton, CT. Admiral Roughhead, Commander of the Pacific Fleet, pointed out submarines are his most demanded asset. They are the one ship that is constantly requested by commanders throughout the Pacific to do the tasks that are necessary to defend the Nation.

This is true in our global war on terrorism as we need the ability for stealthy insertion of special operations troops. We need to be able to recover these troops, we need to have the capacity to strike with precision-guided Tomahawk cruise missiles. All of these are capabilities of the submarine fleet.

Back in March of 2004, Admiral Bowman, who was then the Director of the Navy's Nuclear Propulsion Program, suggested to me that the Navy was only able to meet about 65 percent of the combatant commanders' submarine requirements with the current fleet of 54 boats. In 2003, Vice Admiral Grossenbacher, then commander of the Naval Submarine Forces, estimated we needed 70 submarines to meet the request of all of the commanders. These are requests that will simply not be met if we drop our submarine fleet below certain limits.

In addition, we understand that China is developing a very robust submarine fleet. Today, China's submarine fleet is estimated at a number of approximately 60 boats. In 2004 and 2005, 12 new submarines joined the Chinese fleet. New nuclear-missile-attack boats are coming on line, and China has one of the largest modern diesel submarine fleets in the world. Clearly, there is a need to prudently react to the growing underwater prowess of China.

Presently, the U.S. Navy has 282 ships, including 54 attack submarines. In the fiscal year 2007 long-range plan for construction of naval vessels, the Navy expressed the intent to maintain 313, but only 48 attack submarines. Recall recently there were requirements for up to 70 submarines—at least discussion of 70 submarines—or 54 submarines; 48 attack submarines are currently in the plan. The Navy is in danger of not even being able to put to sea 48 attack submarines at current build rate.

Right now the Navy is currently procuring one *Virginia* class attack submarine per year, and a ninth is in the budget for this year. However, under the original plan drawn up by the Navy in 2003, production of two boats per year was supposed to begin in fiscal year 2007. Now the procurement of two per year has been pushed back to fiscal year 2012.

If the Navy is able to implement its plan and begin building two attack submarines per year in fiscal year 2012, the attack submarine fleet will still drop below 40 before it begins to increase again. If the 2-per-year procurement keeps getting pushed off to the left—it has already happened 10 times where it has been pushed back—the submarine force would drop as low as 28.

I think we all agree that 28 is a number that cannot be justified in terms of the demand and in terms of this effort. We have to do quite a bit to move up the construction of two submarines per year.

First, the report language accompanying this bill states: ''The Committee does not understand the continuing delays in increasing the [submarine] construction rate'' and directs the Secretary of the Navy to submit a detailed plan for lowering costs and defining goals and benchmarks for the Virginia class production program. I believe this language will help compel the Navy and the industry to redouble their efforts to increase the construction rate—and that is vitally important.

Second, I am pleased to know that this legislation includes $65 million for R&D for the Virginia class submarines.

This R&D is I think critical not only to improve the capabilities of these ships but also to continue to engage in the design force which is part of the human capital in our submarine industrial base.

Also, I note that the bill includes $10 million for funding to begin design work on the successor to the Ohio class ballistic submarine. This design work is essential to continue our ability to produce a follow-on generation of attack submarines but also ballistic submarines.

I think this is absolutely critical.

Let me turn to another point with respect to our Army; that is, end strength.

I am pleased to see that this bill authorizes an Active-Duty Army end strength of 512,400, which is 30,000 over the President's fiscal year 2007 budget request.

The act also authorizes an Active-Duty Marine Corps of 180,000, which is 5,000 over the President's budget request.

I think it is important to maintain the end strength of the Army.

I think it is a result of the efforts of Senators LOTT and TALENT and myself on the budget resolution, where we actually moved $3.7 billion to accomplish this.

Let me make one final point, if I may.

The Army end strength is a critical issue. I think we have to note, at this time but also at a later date continue to note, that recruiting is becoming a critical issue for the U.S. Army. According to the information I have, the U.S. Army, in the first three-quarters of the year, has recruited to a level of 40,000. That means in the final quarter the Army is going to have to recruit 40,000 soldiers to meet their goals. That is much higher than they have ever done in the last few years.

We have a recruiting problem that is beginning to emerge.

I will devote additional time on this subject at a later time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I ask unanimous consent that the Senator from North Dakota be recognized for 10 minutes, after which time the Senator from Virginia be recognized for 5 minutes, and the Senate then vote immediately thereafter.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank the Senator from Virginia for his courtesy.

This is a vote that we had before in the Senate. It is a vote on the establishment of a type of committee called a Truman Committee. The Truman Committee was established in the early 1940s to try to root out waste, fraud, and abuse in military contracting. That was done when there was a Democrat in the White House, a Democratically controlled Senate, and a Democratic Senator named Harry Truman. He decided there ought to be a special investigation of waste, fraud, and abuse with respect to military contracting. They established a bipartisan committee to do that. They found a massive amount of waste, fraud, and abuse.

I think it is clear that perhaps the most significant amount of waste, fraud, and abuse that has ever occurred in this country is occurring right now. I think the American taxpayers are being fleeced. I don't think the Congress is doing nearly enough about it.

Let me go through a couple of charts that I have shown before on the floor of the Senate. This is from the highest ranking procurement official in the Corps of Engineers, which does all the procurement for the Department of Defense. She lost her job. She was demoted for being honest.

She said:

I can unequivocally state that the abuse related to the contracts awarded to KBR represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

This from the top civilian contracting official in our Government at the Corps of Engineers. She is being demoted for being honest. She was always given the best recommendations, the highest performance evaluations, and when they saw that the ''old boy'' network decided to give big sole-source contracts, no-bid contracts and do it in a way that violated procurement rules, she spoke out. ''The most blatant and improper contract abuse'' she has ever seen.

Let me describe one contract—the Custer Battles contract. Two guys—Custer Battles—show up in Iraq. They know there is a lot of money. The American taxpayers are funding not only reconstruction of Iraq but also funding Army contracts. Two guys show up in Iraq with nothing. And $100 million later, they got $100 million of the taxpayers' money for contracts. The first contract was to provide security at the Baghdad Airport. There is a criminal inquiry as a result of that.

Here is what Bagdad Airport security said about this company, Custer Battles—Mr. Custer and Mr. Battles.

Custer Battles have shown themselves to be unresponsive, uncooperative, incompetent, deceitful, manipulative war profiteers. Other than that, they are swell fellows.

They received 100 million in American taxpayer dollars.

By the way, they took the forklift trucks off the Baghdad Airport and put them in a warehouse. They painted them blue and then sold them back to the Coalition Provisional Authority—forklift trucks which didn't belong to them. There are now criminal proceedings about this contract. But this is the tip of the iceberg.

Mr. President, I ask unanimous consent to show an item on the floor of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, a man named Henry Bunting worked for KBR, a subsidiary of Halliburton Corporation, in the area of Kuwait where Henry Bunting was in charge of procurement. He had to buy things.

Let me show the Senate what he bought. He brought this to a hearing we held. This is a hand towel. He was charged, on behalf of Halliburton's KBR subsidiary, to buy hand towels. He would order a hand towel for the American troops at a certain price, but his company said: Don't do that. We want you to have a hand towel that has the embroidered logo on it, the name of our company. So double the price to the American taxpayer for hand towels for the troops. So you have KBR embroidered on the hand towel.

He says: Why should we do that? It doesn't matter. It is cost-plus. The American taxpayer is paying the bill. Don't worry about the cost.

Same guy, $7,500 a month for an SUV; $45, $43 for a case of Coca Cola. He said: Don't worry, be happy. The taxpayer is going to pay for all of this. Don't worry about the cost.

Yes, I know this towel is one small issue. But when you buy thousands and thousands and tens of thousands of towels and double the price so you can put the logo of the contractor on it because it is a cost-plus contract, that relates to $100 million contracts, and it relates, in my judgment, to billions of waste, fraud, and abuse.

Regrettably, the Congress doesn't care enough.

I suggest we remedy this by creating a Truman-type committee. It worked, it was bipartisan, and it began to root out the waste, fraud, and abuse that is so prevalent.

I am not going to go through the whole list again. But let me describe it. If you are in the right place of the country of Iraq, you can stumble onto 50,000 pounds of nails, 25 tons of nails, lying in the sand. Why? Because somebody ordered the wrong size nails. So you throw them out in the sand. Doesn't matter, the American taxpayer is going to pay for that.

Or you can see a brandnew $75,000 truck that was set on fire because it had a flat tire, and they run it off the road. They didn't have the capability to fix it and just left the truck. Doesn't matter, the American taxpayer is going to pay the bill.

I think this is unbelievable. We have spent hundreds of billions of dollars at this point.

I understand that our responsibility is to do everything we should do, and must do, to support the troops who are fighting in Iraq.

We cannot send American men and women abroad wearing our country's uniform and not do everything that is humanly possible to provide all of their needs, equipment needs, weapons needs, and so on. I understand that. That is a responsibility we have. I believe the chairman of this committee and the ranking member of this committee have done a great job. I am impressed with that.

The one area where all of us have failed in this Congress, however, is oversight. We have not done the oversight. I think part of it is because we have one-party rule in this town—the White House and the House and Senate. Nobody wants to embarrass anybody. But the fact is there is such massive amount of money that is going out the door in support of these contracts—sole-source, no-bid contracts that have promoted waste. And nobody wants to take a second look at it. Nobody wants to see what is going on.

There are whistleblowers coming forward saying this money is being spent. It is being spent in an unbelievable way.

This is a slightly different picture. By the way, this is $2 million in $100 bills wrapped in Saran Wrap. This money actually belongs to the Iraqi people that was spent by us in something called the Coalition Provisional Authority. That was our responsibility to spend this appropriately. This money went to Custer Battles and is the subject of a criminal inquiry. This $2 million wrapped in Saran Wrap in $100 bills was a part of a substantial

stash of cash in the basement of a building where they were standing.

This particular fellow came and testified. He said: We used to throw these around as footballs. We wrapped up $100 bills in Saran Wrap and threw them as footballs in the office because the message in this office was this:

You bring a bag because we pay in cash. Bring a sack. If you want some money, bring a sack, we pay in cash.

The stories are unbelievable.

The American taxpayer is going to pay to air condition a building. It went to a subcontractor, to another subcontractor, and then to another subcontractor, and pretty soon we pay the bill. The American taxpayer paid the bill, and that building now has a ceiling fan—not an air conditioner.

What is going on is unbelievable. Yet nobody seems to care very much. Nobody seems to be willing to do anything. I suggest, given the unprecedented amount of waste, fraud, and abuse, that now is the time for us to decide we are going to take action. We will create a Truman Committee, bipartisan, and sink our teeth into this and investigate on behalf of the American taxpayer—investigate and expose the waste, fraud, and abuse.

The fact is we turned down, regrettably, a bill which I offered previously that would have prevented the no-bid, sole-source, huge contracts going to just a couple of companies. That is one way to solve this problem. We should have accepted that. But notwithstanding the decision by the Senate to turn down that amendment, this amendment stands on its own.

Are we going to decide that when the highest civilian procurement official in the Corps of Engineers responsible for all these contracts says that she can unequivocally state that the abuse related to contracts awarded represents the most blatant and improper contract abuse she has witnessed during the course of her professional career, are we going to decide that is serious? We are going to do something about it?

I know people will say we have done this or that. The fact is we haven't scratched the surface—not a bit.

It is time for the Senate to ask itself whether it is serious about oversight and doing the job.

I am not standing here trying to pull the ground out from under this committee—or any committee. I am saying we have never spent this much money so quickly, never given the kind of sole-source, no-bid contracts that we have offered. We have never shoved money out the door as quickly as we have for procurement and in support of contracts for the troops.

Again, let me show this towel as a small hand-towel symbol of a massive amount of waste, fraud, and abuse that I believe we ought to correct, and we ought to begin today by approving my amendment.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank the Presiding Officer.

Mr. President, I wish to say to our colleague from North Dakota that he feels very strongly about this issue. That comes through in the debate on this issue that we have had now for 3 days, on and off.

But I bring to the attention of my colleagues that three times the Senate has addressed this issue and has rejected it. It is not a rejection in the sense that the Senator doesn't raise points that should be addressed to the Senate. But there is a clear record that the Senate is addressing these issues. The Committee on Armed Services had a number of hearings. The Committee on Foreign Relations had a number of hearings. And most importantly, the Senate is structured whereby issues of this type are within the jurisdiction of the Committee on Homeland Security and Governmental Affairs.

In that committee, and it has been for many years, there is a subcommittee entitled ''The Permanent Subcommittee on Investigation'' with subpoena power. In the colloquy we had on the Senator's bill on Thursday, my distinguished colleague, Senator LEVIN, and I, both commented, since we serve on that committee—he serves on the Special Permanent Subcommittee on Investigations—that this is a matter we should take up with the chairman and ranking member of the Homeland Security and Governmental Affairs Committee.

Before the Senate tries to restructure the framework of how it performs its work, we should focus on what is and what has been that framework for these many years now. It is for that reason I suggest strongly this amendment not be accepted. It would, in effect, be overruling what we are doing on the Permanent Subcommittee.

Second, Congress should be stepping into the role that is now being performed by inspector generals, being performed by the General Accountability Office and, indeed, an inspector general specially designated by the Congress and the Secretary of Defense for Iraq and other nations.

With that, I will not move to table this because I feel very strongly the Senate should address it in the same manner we have addressed it on previous occasions three times and rejected it.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. SUNUNU). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Under the previous order a vote is now to occur in relation to the amendment.

Mr. LEVIN. I ask unanimous consent I be allowed 1 minute to respond to my good friend's comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, what we are dealing with is a historic use of no-bid contracts, where billions of dollars have been spent. There is good evidence they have been misspent in many ways, and there is a huge amount of waste and abuse.

I agree with my good friend from Virginia we do have committees that could look into this matter and could focus on this matter. The agendas of those committees are left basically to the chairmen of those committees. If the chairmen of those committees choose to focus their energies in other places—and I don't quarrel with the places they look—it does not mean the Senate should not express its opinion on the need to focus on these abuses, these excesses, this expenditure of billions of dollars on no-bid contracts.

Therefore, I support the Dorgan amendment.

Mr. DORGAN. Might I ask consent to point out to my colleagues that Senator HARKIN, Senator DURBIN, and Senator CLINTON are cosponsors. I did not mention that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, a vote now occurs on the Dorgan amendment on which the yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from New Mexico (Mr. DOMENICI) and the Senator from Alabama (Mr. SHELBY).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. JEFFORDS) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mr. BURR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 52, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—44

Akaka	Durbin	Menendez
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Inouye	Nelson (NE)
Boxer	Johnson	Obama
Byrd	Kennedy	Pryor
Cantwell	Kerry	Reed
Carper	Kohl	Reid
Chafee	Landrieu	Salazar
Clinton	Lautenberg	Sarbanes
Conrad	Leahy	Schumer
Dayton	Levin	Stabenow
Dodd	Lieberman	Wyden
Dorgan	Lincoln	

NAYS—52

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Ensign	Roberts
Bennett	Enzi	Santorum
Bond	Frist	Sessions
Brownback	Graham	Smith
Bunning	Grassley	Snowe
Burns	Gregg	Specter
Burr	Hagel	Stevens
Chambliss	Hatch	Sununu
Coburn	Hutchison	Talent
Cochran	Inhofe	Thomas
Coleman	Isakson	Thune
Collins	Kyl	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	
DeMint	McCain	

NOT VOTING—4

Domenici	Rockefeller
Jeffords	Shelby

The amendment (No. 4292) was rejected.

(Disturbance in the Visitors' Galleries.)

Mr. LEVIN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. 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. WARNER. Mr. President, the managers are working with our respective leaders on the remainder of the schedule for the next few hours, but in the meantime I understand our distinguished Senator from Iowa wishes to speak. I certainly have no objection.

I ask unanimous consent that at 2:15 p.m., the Senate proceed to 30 minutes of debate equally divided in the usual form relative to the McConnell and Nelson amendments; provided further, that following the use or yielding back of time, the Senate proceed to a vote in relation to the McConnell amendment No. 4272, as modified, to be followed by a vote in relation to the Nelson amendment No. 4265, and that no amendments be in order to the amendments prior to the votes.

Mr. LEVIN. Reserving the right to object. 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. WARNER. 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. WARNER. Mr. President, we are still getting the concurrence of one side on the unanimous consent request. It was my understanding it was cleared. I think it will eventually be cleared. In the meantime, I yield the floor so that our colleague from Iowa can speak.

The PRESIDING OFFICER. The request is withdrawn. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the chairman. Any time the chairman needs to interrupt my remarks to seek that agreement, I will be more than happy to yield the floor.

I wish to talk about an amendment I have not offered yet but I hope will be accepted by both sides. I will offer it, and I hope it will be acceptable. It has to do with the loss of some $8 billion for which we cannot account.

More than 3 years into the Iraq war, we have had report after report documenting rampant corruption and profiteering on the part of some defense contractors, as well as lax oversight by governmental officials. A major reason this is continuing largely unchecked is that apparently the Department of Justice has been delaying whistleblower lawsuits brought under the False Claims Act, and DOJ is not pursuing these suits aggressively. So I filed an amendment designed to break this logjam by requiring the Department of Justice to report on a semiannual basis, every 6 months——

Mr. WARNER. Mr. President, might I ask the Senator to yield for the purpose of a unanimous consent request?

Mr. HARKIN. Certainly.

Mr. WARNER. Mr. President, I thank the Senator from Iowa. I am prepared to restate the unanimous consent request.

I ask unanimous consent that at 2:15 p.m., the Senate proceed to 30 minutes of debate, equally divided in the usual form, relative to the McConnell and Nelson amendments; provided further, that following the use or yielding back of time, the Senate proceed to a vote on the McConnell amendment No. 4272, as modified—

The modification is at the desk. Did the Chair rule on the modification?

AMENDMENT NO. 4272, AS MODIFIED

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 4272), as modified, is as follows:

Sec. __ SENSE OF THE CONGRESS COMMENDING THE GOVERNMENT OF IRAQ FOR AFFIRMING ITS POSITION OF NO AMNESTY FOR TERRORISTS WHO ATTACK U.S. ARMED FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Armed Forces of the United States and coalition military forces are serving heroically in Iraq to provide all the people of Iraq a better future.

(2) The Armed Forces of the United States and coalition military forces have served bravely in Iraq since the beginning of military operations in March 2003.

(3) More than 2,500 of the Armed Forces of the United States and members of coalition military forces have been killed and more than 18,000 injured in operations to bring peace and stability to all the people of Iraq.

(4) The National Security Advisor of Iraq affirmed that the Government of Iraq will ''never give amnesty to those who have killed American soldiers or Iraqi soldiers or civilians.''

(5) The National Security Advisor of Iraq thanked ''the American wives and American women and American mothers for the treasure and blood they have invested in this country . . . of liberating 30 million people in this country . . . and we are ever so grateful.''

(b) SENSE OF CONGRESS.—It is the sense of Congress that

(1) the goal of the United States and our Coalition partners has been to empower the Iraqi Nation with full sovereignty thereby recognizing their freedom to exercise that sovereignty. Through successive elections and difficult political agreements the unity government is now in place exercising that sovereignty. We must respect that exercise of that sovereignty in accordance with their own wisdom;

(2) history records that governments derived of free elections should not grant amnesty to those who have committed war crimes or terrorists acts, and;

(3) the United States should continue with the historic tradition of diplomatically, economically, and in a humanitarian manner assisting nations and the people whom have fought once a conflict is concluded.

Mr. WARNER. To be followed by a vote on the Nelson amendment No. 4265, and that no amendments be in order to the amendments prior to the votes, with the modification that is at the desk having now been acted upon.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, and I do not intend to object, did I hear that they have an opportunity to speak on their amendments?

Mr. WARNER. That is correct, 30 minutes of debate equally divided.

Mr. LEVIN. I missed that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, to accommodate the Senate, would we not at 12:30 p.m. go into recess? Perhaps I can ask unanimous consent that at the conclusion—how much time does the Senator wish to speak?

Mr. HARKIN. Mr. President, 15 minutes.

Mr. WARNER. I ask unanimous consent that at the conclusion of the remarks of the Senator of Iowa, the Senate stand in recess until the hour of 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the distinguished chairman and ranking member.

As I was saying, the amendment I filed is designed to break the logjam of what is happening at the Department of Justice delaying whistleblower lawsuits brought under the False Claims Act, and they are not pursuing these cases aggressively.

My amendment would require the Department of Justice to report on a semiannual basis on the status of its efforts to respond to whistleblower lawsuits alleging corruption in Iraq, Afghanistan, and elsewhere. The Department would be required to report its findings to the Judiciary Committee, the Appropriations Committee, the Armed Services Committee, the Homeland Security and Governmental Affairs Committee, and the Defense Appropriations Subcommittee.

I believe this is an important first step that would allow Congress to evaluate the Department of Justice efforts so we can decide what further steps are needed to ensure these cases are vigorously prosecuted.

I am pleased that Senators GRASSLEY, DORGAN, DURBIN, KENNEDY, JOHNSON, WYDEN, KERRY, LIEBERMAN, LEAHY, and LAUTENBERG are cosponsoring this amendment.

The cost of the wars in Iraq and Afghanistan has risen dramatically in each of the last 3 years. The Congressional Research Service reports we are

now spending about $6.4 billion a month in Iraq alone. That is about $9 million an hour of spending in Iraq—$9 million an hour. One of the reasons for these runaway costs is the widespread corruption in the contracting process: shoddy work, nonwork, theft, fraud, kickbacks, bribes, insider dealings, inflated billings, and on and on.

There have been many reports in the press about this wave of corruption. The Wall Street Journal reported earlier this year about the problem. Our former inspector general in Baghdad, Stuart Bowen, concluded that U.S. occupation authorities accounted poorly for $8.8 billion in funds dedicated to Iraqi reconstruction from the Development Fund for Iraq. He stated this $8.8 billion is lost—lost. The Inspector General Stuart Bowen said, ''The Coalition Provisional Authority did not implement adequate financial controls.''

I ask unanimous consent that the April 19, 2006 article in the Wall Street Journal by Yochi J. Breazen be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 19, 2006]

CONTRACTOR ADMITS BRIBING A U.S. OFFICIAL IN IRAQ

LAWYER USES CIVIL WAR-ERA LAW TO GO AFTER FIRMS FOR CORRUPTION, BUT ADMINISTRATION WON'T HELP

(By Yochi J. Dreazen)

ORLANDO.—From his home office in a pink-painted mansion here, lawyer Alan Grayson is waging a one-man war against contractor fraud in Iraq.

Mr. Grayson has filed dozens of lawsuits against Iraq contractors on behalf of corporate whistle-blowers. He won a huge victory last month when a federal jury in Virginia ordered a security firm called Custer Battles LLC to return $10 million in ill-gotten funds to the government. The ruling marked the first time an American firm was held responsible for financial impropriaties in Iraq. But it also highlighted the limits of the broader efforts to stem contractor abuses there.

The False Claims Act that Mr. Grayson used in the Custer Battles case is a Civil War-era statute allowing whistle-blowers to sue contractors suspected of defrauding the government and then keep a chunk of any recovered money. There are an estimated 50 such cases pending against Iraq contractors, including large firms like Halliburton Co.'s Kellogg Brown and Root subsidiary. A technicality in the statute, however, has allowed the Bush administration to prevent the other lawsuits from moving forward. Cases filed under the statute are automatically sealed, which means that they can't proceed to trial—or even he publicly disclosed—until the administration makes a formal decision about whether to join them.

The law says such decisions are supposed to be made within 60 days, but with the exception of the Custer Battles case, which it declined to join, the administration has yet to take a position on any other suits, some of which were filed more than two years ago. The law allows the Justice Department to ask for extensions, which are almost always granted, for as long as it sees fit. The department has kept the other False Claims Act cases from proceeding by repeatedly asking for extensions in each one.

That has left the cases in legal limbo, with lawyers like Mr. Grayson unable to bring them to trial or detail them publicly.

Contracting experts says previous administrations often declined to join the False Claims Act lawsuits but that the Bush administration's refusal to unseal the cases is unprecedented. Justice Department spokesman Charles Wilson says he can't discuss sealed cases or comment on why the department has yet to act on them. ''All of the cases are examined on their merits,'' Mr. Wilson says. With the Bush administration sitting on the sidelines, primary responsibility for pursuing the Iraq fraud cases rests with plaintiffs' lawyers like Mr. Grayson, a Harvard-educated lawyer who began his career defending federal contractors but now makes his living going after them.

''With the sheriff asleep in the office, the only way you get justice is with private lawyers like Alan Grayson willing to step up and take down these fraudulent companies,'' says Patrick Burns, the spokesman for the advocacy group Taxpayers Against Fraud. ''Alan Grayson showed that you can do that even without help from the government.''

Though it is unclear when the cases will proceed to trial, Mr. Grayson is continuing to press ahead as best he can. He and other lawyers in his firm travel the country taking depositions, gathering documents and interviewing prospective witnesses for the dozens of currently pending lawsuits. Mr. Grayson says he also regularly passes information to the federal investigators probing the cases and the prosecutors deciding whether the government will participate in them.

A fierce critic of the war in Iraq, Mr. Grayson drives an aging Cadillac emblazoned with antiadministration bumper stickers such as ''Bush Lied, People Died, ''He says the administration's botched handling of Iraq opened the door for corrupt contractors to improperly reap fortunes there. At a hearing in February 2005 held by Democratic senators, Mr. Grayson asserted that the administration had ''not lifted a finger to recover tens of millions of dollars our whistle-blowers allege was stolen from the government.''

His opinions on the matter haven't shifted since. ''The Bush administration has made a conscious decision to sweep the cases under the rug for as long as possible,'' he says today. ''And the more bad news that comes out of Iraq, the more motivation they have to do so.''

For the contractors in his cross hairs, Mr. Grayson, 48, is a formidable opponent. He received his undergraduate, master's and law degrees from Harvard. He made millions during a two-year stint as the president of IDT Corp., a start-up that has since grown into one of the nation's largest providers of discount telecommunications services. Mr. Grayson says he has poured hundreds of thousands of personal funds into his small eight-person law firm to help defray the cost of pursuing Iraq fraud cases that may not make it to trial for years. ''I have deep enough pockets to subsidize the legal work,'' he says.

If he prevails, he might fill those deep pockets. Whistle-blowers generally receive 30% of any penalty, although the exact portion of every award is set by the judge in each case. Lawyers like Mr. Grayson, in turn, receive 30% to 50% of whatever the whistle-blowers get. ''It's really a financial crapshoot,'' he says.

Mr. Grayson's firm switched its focus from working for contractors to representing individual whistle-blowers shortly after U.S. forces swept into Iraq in March 2003. He says the firm made the move because they began to be contacted by whistle-blowers who were referred by former clients and others.

Two of his first clients were William D. Baldwin, a former manager for Custer Battles, and Robert J. Isakson, a construction subcontractor who had worked with the firm. The company, run by a pair of politically connected military veterans, had won security contracts in Iraq worth more than $100 million. But the two men told Mr. Grayson that they had evidence the firm was substantially overcharging the U.S. occupation authority.

Mr. Grayson filed suit against the company under the False Claims Act in February 2004, but it languished under seal until that fall, when the Justice Department formally declined to join the case. The government never explained its decision. The case finally went before a judge in February.

After a contentious three-week trial, a federal jury on March 9 found the company's two founders, along with a business partner, guilty of using fake invoices from shell companies to overcharge the authorities by millions of dollars. The jury ordered the men to pay $10 million in penalties, with Mr. Grayson's clients standing to receive about $3 million of the money. Mr. Grayson declined to say how much money he will be paid. David Douglass, a lawyer for Custer Battles, says the company has appealed the verdict.

While waiting for the government to act on the other lawsuits, Mr. Grayson is weighing a career change. HIs congressional district is represented by a conservative Republican, and Mr. Grayson is strongly considering seeking the Democratic nomination to oppose him. He says his campaign, if he chooses to run, would center on the war in Iraq.

PLEA DEAL SHOWS HOW BUSINESSMAN RIGGED BIDS FOR REBUILDING HILLAH; 'CONSIDERED IT A FREE-FRAUD ZONE'

(By Yochi J. Dreazen)

In January 2004, Robert Stein, a senior U.S. contracting official in Iraq, sent an unusual email to American businessman Philip Bloom.

Mr. Stein wrote that he arranged for a new set of lucrative rebuilding contracts to be awarded to Mr. Bloom, but wanted the businessman to send his bid on the letterhead of a fake company to avoid attracting attention in Baghdad. A few days later, Mr. Bloom replied that he would ''bring with me the dummies . . . I have five dummies per bid.''

The emails illustrate how closely U.S. officials on active duty, like Mr. Stein, were willing to work with Mr. Bloom to help him defraud the government through a massive bid-rigging scheme in southern Iraq. They were released yesterday as part of a guilty plea from Mr. Bloom, who admitted to steering $2 million in cash and other bribes to government officials in exchange for $8.6 million in Iraqi construction and demolition contracts. Mr. Bloom—who also admitted to providing the officials with jewelry, first-class plane tickets and sexual favors from women he employed at a villa in Baghdad—faces as long as 40 years in prison and nearly $8 million in penalties.

The plea to charges of conspiracy, bribery and money laundering is the latest to emerge from an investigation into alleged corruption by American officials in Hillah, a restive southern city. Mr. Stein, a former civilian occupation official charged with overseeing $82 million in rebuilding funds there, pleaded guilty on Feb. 2 to conspiracy, bribery and using stolen government money to purchase an array of high-powered rifles and grenade launders.

Lt. Col. Michael Wheeler and Lt. Col. Debra Harrison, who both worked in Hillah, were arrested late last year and charged with similar offenses; both are free on bond. Lt. Col. Wheeler's attorney didn't return a call; Lt. Col. Harrison declined to comment. Three other military officials are mentioned in the court papers, and law enforcement authorities say more arrests are likely. ''There

was no oversight anywhere near them at the time and they did not believe they would be caught,'' says Special Inspector General for Iraq Reconstruction Stuart Bowen, whose investigators uncovered the ring. ''They considered if a free-fraud zone.''

A variety of reports of congressional investigators and the special inspector general for Iraq reconstruction have found evidence that hundreds of millions of dollars were spent without proper authorization, given to contractors who performed shoddy work or paid to firms charging unreasonably high prices. Large sums of money remain unaccounted for, and auditors say they have little sense yet of how much may have been stolen.

Previous court filings had detailed the broad outlines of the conspiracy, which continued for almost two years. Mr. Stein and the military officials submitted fake bids from dummy companies for contracts that Mr. Bloom was seeking and then awarded him the work as the low bidder. To evade scrutiny, Mr. Stein—who had the authority to award contracts of as much as $500,000—typically awarded contracts to Mr. Bloom in amounts of as much as $498,900.

The new plea offered new evidence of how closely the two men worked. In a separate series of early 2004 emails, Mr. Stein warned the businessman that another U.S. official in Hillah would demand a ''cut'' if he knew about the bid-rigging arrangements. ''The fewer people who know what we are doing the better,'' Mr. Stein wrote. ''I am your partner as you put it so trust in me and what I feel.''

Mr. Bloom seemed willing to make Mr. Stein his partner in a formal sense as well, In a Feb. 18, 2004, email, Mr. Bloom told one of his employees that Mr. Stein was the ''vice president of operations'' for the company and should get whatever assistance he asked for. Mr. Stein, then a serving government official, sent a note back asking that the firm's business cards spell his name as Robert because ''it sounds a bit better than 'Bob.' ''

Mr. Stein, 50, who faces formal sentencing next month, could receive a prison sentence of as long as 30 years, although he is likely to receive far less because of his cooperation with prosecutors.

No sentencing hearing has been set yet for Mr. Bloom, 65. He had pleaded guilty in February and been cooperating with prosecutors ever since, although the plea was only unsealed Tuesday. John Nassikas, an attorney for Mr. Bloom, said he had filed court papers asking for home detention during the course of his dealings with the government and hopes Mr. Bloom's ultimate sentence would be reduced because of his cooperation.

Mr. HARKIN. This has had an extremely negative impact on our work in Iraq. This fund was responsible for paying the salaries of hundreds of thousands of government employees, such as teachers, health workers, and government administrators; it supported the Iraqi defense and police forces; and it helped repair Iraq's dilapidated infrastructure. So the loss of $8.8 billion hurts our mission in Iraq.

There is real urgency to the spending issue. On Meet the Press recently, we heard from retired GEN Barry McCaffrey, who just returned from Iraq and who only last week advised the President and his national security team at the White House on the situation in Iraq. He spoke about the importance of spending our resources efficiently on Iraq economic reconstruction. General McCaffrey said:

Unemployment is a bigger problem than the Iraqi insurgent force. We spent $18 billion on economic reconstruction. There is only $1.6 billion left in the pipeline. When the money runs out, in my judgment, we just lost the war.

But money on a massive scale—$8.8 billion, as the inspector general has said—has been ''lost into thin air.'' We can't account for it. While this was not all U.S. money, it symbolizes the magnitude of the corruption we are facing. We don't know where it has gone. Imagine the critical things we could have done with that $8.8 billion to help win the hearts and minds of the Iraqi people. This chart shows what the Iraqi Relief and Reconstruction Fund goes for. I won't read them all, but obviously security and law enforcement, the electric sector—they are getting less electricity now than they did before the war started—oil infrastructure, water resources and sanitation, roads and bridges, health care, education; all of these things, $8.8 billion could have gone for, but it didn't go for that. Where did it go? Well, we just don't know.

The State Department's own numbers for this Iraq Relief and Reconstruction Fund tell us they believe a lot can be done with this amount of money. It could have paid for all of the security and law enforcement training. It could have paid for all of the electric sector programs. The waste of billions of dollars is bad enough, but the widespread corruption is impeding our war effort; it is slowing reconstruction efforts; it is denying our troops in the field the quality support and equipment they deserve.

Just imagine how we could have utilized $8.8 billion to help our military in the field. When our administration loses $8.8 billion that was to have gone for reconstruction, then we have to replace that money with our money. The reconstruction is taking place. If we don't restore the unaccounted for money, no other country will. So we have to appropriate U.S. taxpayer dollars to fill the void. Let me repeat that. By this loss of $8.8 billion, if we don't account for it and somehow recoup it, the reconstruction effort going forward will be made up by taxpayers' dollars, our taxpayers' dollars.

Aside from that, how could we have used $8.8 billion to support our own troops? Well, let's take a look at this. Here is the $8.8 billion that we have lost. Equipment maintenance, about $3.2 billion; billeting of soldiers, $2.4 billion; body armor, $1.9 billion; special pay for hostile fire pay, family separation allowances, hardship duty pay, $1.3 billion. All of it could have been done with the $8.8 billion that is lost. Let me repeat: $8.8 billion lost. It is not just a loss to our Treasury and the taxpayers, it is as well a loss to our ability to keep our own troops sustained.

The single most important legal tool that American taxpayers have to recover funds stolen through fraud by U.S. contractors is the False Claims Act. Indeed, thanks to this law, more than $17 billion has been recovered on behalf of the American taxpayer. Under the False Claims Act, whistleblowers are given a powerful incentive to come forward and expose instances of fraud. The statute allows them to sue contractors suspected of defrauding the government, and then they can keep a portion of the recovered funds as a reward.

But there is a problem—a big problem. Scores of lawsuits have been brought against contractors suspected of fraud in Iraq and Afghanistan, including—and I will have more to say about this in a minute—a Halliburton subsidiary, Kellogg, Brown, & Root. Yet the Department of Justice has allowed only one of those suits to go forward in the courts, and that lawsuit resulted in a major recovery of fraudulently collected payments.

Given the massive amount of missing money, you would think that more than just one lawsuit has been filed against corporate contractors. To be sure, there are many more legitimate cases out there. Since 2003, the Special Inspector General for Iraqi Reconstruction, the U.S. Army Audit Agency, and the Defense Contract Audit Agency have all uncovered contracting abuses related to the conflict in Iraq. Auditors of the Defense Contract Audit Agency have found that Halliburton has charged $1.4 billion in questionable and undocumented costs on just two contracts. The auditors found $813 million in questioned costs under Halliburton's Logistic Civil Augmentation Program contract to provide support services to the troops. So here are two, right here: $813 million in ''questioned costs'' on Halliburton's—what they call the LOGCAP contract, that is for Logistic Civil Augmentation Program; and $382 million in ''unsupported costs.'' That is $1.195 billion just to one company. That is Halliburton. That is Halliburton in ''questioned costs.''

The auditors at the agency challenged most of these costs as ''unreasonable in amount'' after completing the audit action because the costs ''exceeded that which would be incurred by a prudent person.'' The auditors also found an additional $442 million in Halliburton's charges are ''unsupported.'' As a result, Halliburton's total ''questioned'' and ''unsupported'' costs exceed $1.4 billion.

So if you look here at the audits of Halliburton's Iraq contracts, the ''questioned costs,'' the ''unsupported costs'' under these two contracts, LOGCAP and RIO, if you add them up, combined it is $1.47 billion.

What is being done about this? Nothing. Nothing. The Department of Justice is doing nothing.

There are numerous reports from former top Army contracting officials, from former DOD officials, from soldiers on the ground, and from former Halliburton and Kellogg, Brown & Root employees as to that company's waste,

fraud, and abuse—numerous reports. There are reports that Halliburton charged for meals never served, that Halliburton overcharged for oil and oil delivery, that Halliburton overcharged and double-charged for shipments of soda pop, that Halliburton overcharged on transportation contracts. I could go on and on.

But for reasons that I cannot fathom, the Department of Justice has not told Congress or the American taxpayer what it is doing to bring these cases to justice. And it seems as though nothing is being done.

I believe we have an obligation to the American taxpayer to be protected against theft or misuse of tax dollars by corrupt contractors. Yet there is no evidence the Justice Department is doing anything about it. So absent this information, I can only conclude that nothing is being done about this corruption. If this is the case, then the recovery of perhaps billions of dollars in taxpayer money is being blocked.

While Congress and the American taxpayer remain in the dark about what the Justice Department is doing to combat contract corruption, False Claims Act cases continue to languish. The way it works is that the False Claims Act cases are automatically sealed. They cannot go to trial; they cannot be publicly disclosed until the Department of Justice makes a decision of whether to join them. Under the statute, these decisions are supposed to be made within 60 days. However, the Department of Justice is allowed to seek additional time where needed. This is appropriate because a lot of times these cases are very complex and require extensive investigation. However, these extensions cannot be allowed to become a form of indefinite delay, stretching out year after year after year. And I fear that is exactly what is happening. As I said, with just one exception, the Department of Justice has refused to take a position on any of the lawsuits related to Iraq and Afghanistan, some of which were filed over 3 years ago. Instead, the Department files for and receives indefinite extensions.

As a result, as I said, with one exception, every single whistleblower lawsuit has been effectively blocked by the Department of Justice. Fraud has gone unpunished, billions of taxpayer dollars continue to be squandered, and courageous whistleblowers who have come forward, often at great personal risk, have been left in a sort of legal limbo. As one attorney representing a whistleblower put it:

> The Bush administration has made a conscious decision to sweep the cases under the rug for as long as possible. And the more bad news that comes out of Iraq, the more motivation they have to do so.

This situation is unacceptable. So my amendment would therefore require the Justice Department to report to Congress on a semiannual basis the efforts it is undertaking to ensure that it is investigating in a timely and appropriate manner all claims of contractor waste, fraud, and abuse related to the U.S. Government's activities in Iraq and Afghanistan. It would require the Department of Justice to report on similar executive branch interagency efforts. My amendment would prevent the Department of Justice from imposing undue secrecy on false claims civil actions related to Government spending in Iraq and Afghanistan by simply requiring the Department of Justice to tell Congress what it is doing to combat this corruption. Sharing this information with Congress is nothing out of the ordinary, but it is long past due. As a matter of good faith to our troops and to the American taxpayer, we need to move aggressively against corruption and war profiteering in Iraq, Afghanistan, and elsewhere. These cases have gone on too long.

In closing, I quote the British philosopher John Stuart Mill who said: ''The proper office of a representative assembly is to watch and control the government.''

Mr. President, hopefully this is a nonpartisan amendment. It is all about enabling Congress to provide meaningful oversight of executive branch activity consistent with our duty to do so under the Constitution and the law. It will enable Congress to know the administration's plans for rooting out contractor corruption in Iraq, Afghanistan, and elsewhere, and I urge my colleagues to support the amendment.

Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m. today.

Whereupon, the Senate, at 12:28 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CORNYN).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007—Continued

The PRESIDING OFFICER. The distinguished Senator from Virginia is recognized.

Mr. WARNER. Mr. President, the pending business is the DOD authorization bill and most specifically the amendments by Senator MCCONNELL and Senator BILL NELSON of Florida. The McConnell amendment is to be voted on first, followed by a vote on the second amendment. Am I correct?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 4272, AS MODIFIED

Mr. WARNER. I shall address the McConnell amendment.

First, the amendments have a great likeness. But I felt, in working with the distinguished Senator from Kentucky, that his amendment—I ask unanimous consent that I be a cosponsor of that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I believe very strongly that a second amendment was needed because of what we have been working toward—the United States and its coalition partners—from the very beginning, and that is to provide the Iraqi people with a sovereign nation in which they can exercise the full range of authorities and responsibilities of a sovereign nation. Therefore, they went about a series of elections. Every Member of this Chamber recognizes the courage of the Iraqi people in three elections. Then there was the formation of a permanent government, a unity government. Having achieved that, they are now beginning to exercise the full responsibilities of a sovereign nation. I was concerned that we, as a legislative body of our Nation, not indicate that we are infringing on their rights of sovereignty.

This whole issue of amnesty is an important one. I do not, in any measure, suggest it is not important. But I think we have to observe that they are a sovereign nation. How they go about it should largely be within the confines of their own wisdom and goals because our whole future is dependent on this Government and the people of Iraq taking back their country such that our forces can come back home. Whatever that Government does that is constructive toward reaching that goal I want to support. So in working on this amendment, I, working with the distinguished Senator from Kentucky, drafted one or two provisions with him which state as follows:

> It is the sense of Congress that the goal of the United States and our Coalition partners has been to empower the Iraqi Nation with full sovereignty thereby recognizing their freedom to exercise that sovereignty. Through successive elections and difficult political agreements the unity government is now in place exercising that sovereignty. We must respect that exercise of that sovereignty in accordance with their own wisdom;
>
> History records that governments derived of free elections should not grant amnesty to those who have committed war crimes or terrorist acts, and; [further]
>
> The United States should continue with the historic tradition of diplomatically, economically, and in a humanitarian manner assisting nations and the people whom have fought once a conflict is concluded.

Mr. MCCONNELL. Will the Senator from Virginia yield for a question?

Mr. WARNER. I am happy to yield the floor, if the Senator so desires.

Mr. MCCONNELL. If the Senator will yield for a question, I say to my friend from Virginia: Is the Senator from Kentucky correct that the genesis of the Nelson amendment is a newspaper story quoting a lower level Government official, since dismissed by the Iraqi Government for suggesting that forces who may have killed American or Iraqi troops would be given amnesty? Is it not correct, I ask my friend from Virginia, chairman of the Armed Services Committee, that that lower level official has since been dismissed from the Iraqi Government?

Mr. WARNER. Mr. President, he was fired.

Mr. MCCONNELL. He was fired. Is it not the case, I ask my friend, the chairman of the Armed Services Committee, that the National Security Adviser, Steve Hadley, if you will, of the Iraqi Government, stated shortly thereafter what the policy of the Iraqi Government was?

Mr. WARNER. Mr. President, the Senator is exactly correct.

Mr. MCCONNELL. Is the Senator from Kentucky not correct that the policy of the Iraqi Government is not to do exactly what we have been having this discussion about on the Senate floor for lo these several days?

Mr. WARNER. That is correct. Based on my discussions with Senator NELSON, he in good faith read those reports and felt very strongly, as I think many of us do, about the issue of amnesty and came forward with that amendment. Then, we purposely delayed final action on these two amendments last week, such that in the intervening time there would be further clarification. I do believe there has been some further clarification of this matter. I can address that in the context of a communication from the Department of State, I say to my good friend from Kentucky. I was able to obtain this information, which hopefully will be forthcoming momentarily, stating just that: The Iraqi Government understands precisely what the situation is, that an error was made and they have put in place I think adequate corrections.

Mr. MCCONNELL. So I ask one final question of my friend from Virginia. Since the Nelson amendment basically addresses a nonexistent problem and the McConnell amendment simply asserts what we already know to be the policy of the Iraqi Government, that it would likely be a good idea for the Senate to go on record as supporting both of these amendments at this juncture?

Mr. WARNER. Mr. President, I think, certainly in my judgment, that would be an acceptable situation because there is clarity in the amendment of the Senator from Kentucky about a point that is very important to me; i.e, sovereignty, exercise of that. With no disrespect to the Senator from Florida, I believed his amendment as originally drafted, and the intent, was to reach across the ocean and have the U.S.A. reach into the Government and try to dictate what was to be done. So I believe the Senator is correct in that, and I join him in that suggestion to our colleagues.

Mr. NELSON of Florida. Will the Senator yield?

Mr. MCCONNELL. Mr. President, is the Senator yielding the floor?

Mr. WARNER. Yes, of course.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Kentucky.

Mr. MCCONNELL. Let me add, briefly, as I hear the distinguished chairman of the Armed Services Committee, at this juncture the appropriate thing for the Senate to do would be to vote for both of these amendments. It has been made perfectly clear, by statements by the National Security Adviser of the new Iraqi Government, that it is not the policy of the Iraqi Government to grant amnesty to those who killed American soldiers.

I hope we can move past this reaction to some lower level Iraqi official, since fired from the Iraqi Government, over his ill-advised and basically untrue suggestions about what the policy of the Iraqi Government would be toward those who may have killed American soldiers.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Florida.

Mr. NELSON of Florida. Mr. President, to answer your question—parliamentary inquiry: Under the previous order, I understand 15 minutes were allocated to the majority and 15 minutes to the minority. So under the previous order, is that how the Senator from Florida is being recognized?

The PRESIDING OFFICER. Yes.

Mr. NELSON of Florida. It is true, in the understanding of this Senator, what the distinguished chairman of the Senate Armed Services Committee has said. Over the course of the weekend, as he represented it to this Senator, that he wanted to wait and see what further clarification has happened on this matter since there was such a disturbance about the language put forth on the amendment by this Senator from Florida. Indeed, over the course of the weekend, a number of additional things have occurred that have made it quite clear what very likely is the policy of the Government of Iraq. This Senator quotes from the Los Angeles Times publication over the weekend:

> The Iraqi government has crafted a far-reaching amnesty plan for insurgents.

It goes on to say:

> The amnesty plan, which apparently would include insurgents alleged to have staged attacks against Americans and Iraqis. . . .

That doesn't sound to me like the Government of Iraq is disclaiming this, that this is not their policy. To the contrary. The Senator from Florida is quite appreciative of the majority whip when he says they are going to support the amendment of the Senator from Florida. I would certainly hope so, given the fact of the tragedy that has been revealed today. I quote directly from CNN:

> The bodies of two U.S. soldiers found in Iraq Monday night were mutilated and booby trapped, military sources said Tuesday.

If you turned on the television in the course of the last couple of hours, you have heard described in gruesome terms the condition that the bodies of these two young Americans were found in, which was unrecognizable because of the mutilation.

Is this the kind of stuff that we in any way, in setting forth the sense of the Congress, want in any way, any misunderstanding of what the sense of the Congress is, that the policy of the Iraqi Government should not be to grant amnesty to those who would do harm to Americans, and have done harm, as witnessed by this most recent tragic example of how people treat prisoners of war?

Sadly, I think the facts speak for themselves. Sadly, we could have dispensed with this at the hour of 2 o'clock on Thursday, after this Senator had offered his amendment. Yet we went on for 2 hours on that day and subsequently the next day. It brings us to the following Tuesday, now, with the comments that have been made, saying that the majority will accept this Senator's amendment.

I am grateful to the majority, and I think the majority has come to the right place. I thank you for recognizing this is the statement that should be the policy, as enunciated by the sense of the Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I was one of those last week who spoke to this amendment by the Senator from Florida. I know now the Senator from Kentucky, the distinguished majority whip, has introduced another amendment and has suggested perhaps it would be appropriate to vote for both of them, since what in effect was a misstatement by a low-level Government employee in Iraq has now been clarified, making it crystal clear that it is not the policy of the new Government in Iraq to grant amnesty to those who have killed Americans.

But I have to scratch my head a little bit and wonder why it is we are having this debate. We are on the Defense authorization bill, an enormously important bill that is being shepherded on the Senate floor by the distinguished chairman, for the last time as chairman—at least this will be the last time he will serve as chairman because of term limits on that committee. But we are essentially having a debate over a nonissue, and we are being asked now to send a message to the new Iraqi Government that you are going to be admonished, in effect, because of some of the missteps of a low-level Government employee.

I am really confused about the message our friends on the other side of the aisle are trying to send our allies in Iraq. On the one hand, we have amendments that are offered suggesting that we leave them in 6 months' time and bring all of our troops home, and whatever happens as a result of that, well, it is not our problem anymore; it is their problem. On the other hand, amendments like these suggest that anytime a low-level government employee misstates the facts and has to be then corrected, and that person is then disciplined through dismissal, do we in essence want to pick a fight where there is no fight and where it is clear what the policy of the new Iraqi Government is?

I think we should give this new Iraqi Government at least the benefit of the

doubt that some would give to Saddam Hussein. There are some who come to the Senate floor and say, no, it was a terrible mistake for us to ever go into Iraq notwithstanding the fact that we know that Saddam Hussein was a mass murderer. I, along with other of my colleagues, have stood on the edge of mass gravesites where at least 400,000 Iraqis lie dead by the hands of this mass murderer Saddam Hussein.

We know the record is clear that al-Qaida in the form of Zarqawi, who was killed just last week, was in Iraq more than 2 years before the United States and our coalition partners took out Saddam Hussein. There are those who said no, no, no. Iraq has no less linkage whatsoever to international terrorism, and now we know the facts are that the worst al-Qaida operative of all, the head of al-Qaida in Iraq, was in fact in Baghdad and was in Iraq more than a year before Saddam Hussein was deposed.

So I guess I am confused by those who would say, no, let's leave the Iraqis on their own, wish them luck, but so much for the loss of lives and lost treasure invested in trying to help the Iraqi people free themselves from this terrible tyrant and get on their own feet and create a stable democracy in Iraq. But then, on the other hand, when this new democracy that has done miraculous things over the last few years has ratified their new constitution and created a unity government and have now finally gotten their permanent government in place, that when a low-level figure makes an unauthorized, incorrect statement, for which he has been disciplined, we want to come to the Senate floor and offer amendments admonishing our friends, the Iraqi Government. They are our allies in what has now become the central front in the global war on terror.

If we don't finish the job and support our Iraqi allies in any way we can as they continue this fight against al-Qaida, against other foreign fighters, against insurgents who want to destabilize the government and put Saddam Hussein back in power, if we don't do everything we can to support them militarily and rhetorically provide them any assistance we can, then we are going to be in a less safe condition because we know that any power vacuum that would be created in Iraq would easily be filled as it was in Afghanistan by the likes of Osama bin Laden and others.

I appreciate the fact that there are those who say, Well, we ought to just vote for both of these amendments. But I really think we are heading down a bad road here by slapping the Iraqi Government on the wrists for what clearly was a misstatement of a low-level government employee for which he has been disciplined and which has now been very much clarified that it is not the policy of the Iraqi Government to provide amnesty for those who have killed Americans in that country.

I yield the floor.

Mr. WARNER. President, first, the distinguished Senator from Florida referred to a Los Angeles Times article. I think that article should be placed in the RECORD following the colloquy between myself and the distinguished Senator from Florida and the Senator from Texas.

Also, I am not sure that we should make decisions here based on one report of one newspaper. I am not impugning the Times; it is an outstanding newspaper. But we just do not have any corroboration of some of the statements.

I point out they refer to the amnesty plan which currently would include insurgents alleged to have staged attacks against Americans and Iraqis.

The second sentence down is the reconciliation plan which is expected to be formally announced soon. So that plan is in the making. There is still some formulation of policy going on.

It is for that reason that I believe a strong vote on both of these amendments sends a subtle message about our concern. Let us assume for the moment that that plan has not been made formal.

I inquired of the Department of State as to whether or not anything had transpired over the weekend. There was one meeting between Prime Minister Maliki and the charges d'affaires of the American Embassy. The charges d'affaires reported back to the Department of State.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WARNER. Has the 15 minutes allocated to the Senator from Virginia expired?

I ask unanimous consent that both sides be extended 5 minutes in this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. It was stated that there was a meeting between the charges d'affaires at the U.S. Embassy and Prime Minister Maliki on 17 June. Prime Minister Maliki affirmed that any future amnesty would not differentiate between those who killed Iraqis and those who killed coalition forces. None of these people would be pardoned.

Second, Prime Minister Maliki confirmed that there should not be a concern that his reconciliation plan would prohibit Multinational Forces-Iraqi—MNFI—operations or impose a timeline for future Iraqi support of the MNFI, the point being that they are looking at this situation.

I think that these two amendments will send not a message that invades or impairs their exercise of the right of sovereignty but expresses the concern on behalf of all.

The distinguished Senator mentioned the tragic loss of our two servicepersons. It has not, to the best of my knowledge, been confirmed officially, but nevertheless earlier media reports the tragic killing and mutilation of these two brave American soldiers, which is just an example of the ferocity of this conflict that we are experiencing over there and the enormous risks being taken by the men and women of our Armed Forces.

So I think the message sent by both of these amendments is a timely one.

I urge Senators to vote for both.

I yield the floor.

Mr. NELSON of Florida. Mr. President, will the distinguished Senator yield for a clarification?

Mr. WARNER. If I might on the Senator's time because ours is down to about 1 minute.

Mr. NELSON of Florida. Mr. President, I commend the Senator for his concern. He knows my affection for him as chairman of the committee.

Indeed, CNN is reporting that it is even worse than we had described out here on the destruction of the two soldiers. CNN sources said the two men had suffered ''severe trauma.''

My question to the distinguished chairman of the Armed Services Committee is, in evaluating the McConnell amendment, I am confused by the language under the sense of Congress, paragraph 1, the last sentence in the paragraph. I quote: ''We''—meaning the United States—''must respect the exercise of the sovereignty''—meaning of Iraq—''in accordance with their own wisdom.''

The Senator from Florida asks the chairman of the committee: Would we respect their sovereignty if their wisdom said it was their policy to have amnesty against those who would kill Americans?

Mr. WARNER. Mr. President, I think we should visit that issue only if in fact at some point in time that position is made official. The purpose of that language—and I accept full responsibility for that language—is I feel fervently that the ability for us to conclude our operation with our coalition partners in Iraq and to bring our troops home is predicated on the strength of the sovereignty exercised by this government.

The Senator knows full well as do others in this Chamber that there is a high disrespect, unfortunately, among many Iraqis for the United States and its government. If there are any of our fingerprints that we are trying to dictate to that sovereign nation how they must make decisions, I fear it could impede the progress to bring our forces home. That is why that is in there.

Mr. NELSON of Florida. I respect that. This Senator respects the goals that the Senator from Virginia is stating but I am looking at the four corners of the McConnell amendment to wonder if this is something that the Senate wants to vote for when, in fact, in the sense of Congress that is expressed in the McConnell amendment starting on page 2 at line 15 and ending on page 3 at line 9, there is not any statement in the sense of Congress with regard to the policy of not supporting the Iraqi Government if it gives amnesty to people who kill Americans.

Mr. WARNER. Mr. President, I may call the Senator's attention to page 1 of the McConnell-Warner amendment. It says:

Sense of the Congress commending the government of Iraq for affirming its position of no amnesty for terrorists who attack United States Armed Forces.

Could that be any clearer?

Mr. NELSON of Florida. That is in the findings as set forth on page 1 but not in the sense of Congress. Is it the Senator's feeling that the McConnell amendment clarifies the language that says with respect to the exercise of sovereignty we must respect the exercise of sovereignty in accordance with their own wisdom? Does that clarify it?

Mr. WARNER. Mr. President, I am certain that working on the predicate that they are a sovereign nation, they can make decisions. There will be decisions which are inconsistent with the views that we hold in this country. How do we enforce our views without interfering with their sovereignty?

First, let them speak with absolute clarity to this. The McConnell amendment—and the Senator keeps saying within the four corners. Look at corner No. 1. The introductory has very clear and expressed language against the policy.

Will there be times that we disagree with their exercise of sovereignty and their own wisdom? Yes. But if we are to obtain what we hope is our goal of giving that nation its sovereign right, we cannot be dictating to them how they reach their final decision.

Mr. LEVIN. Mr. President, will the Senator yield for a question?

Is it not true that the Senator from Florida would fully agree that we want them to have sovereignty and we don't want to dictate to them what to do, but that his point is, is it not, that we still should strongly urge them not to exercise their sovereignty in a way which provides amnesty in advance since we are in the middle of a war with people who kill American troops? Is that not true? We can urge them without violating their sovereignty. Would the Senator not agree?

Mr. NELSON of Florida. The Senator is exactly correct. The amendment by this Senator, for which the majority has already said that they are urging a vote, will further give specific action; that is, that the President of the United States should immediately notify the Government of Iraq that the Government of the United States opposes granting amnesty to persons who have attacked members of the Armed Forces of the United States? So we clearly set it out in the amendment offered by this Senator.

We want to have time for Senator MENENDEZ to speak. How many minutes does this Senator have remaining?

The PRESIDING OFFICER. There is 7½ minutes remaining.

Mr. NELSON of Florida. I yield 5 minutes to the Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I thank my colleague from Florida for both yielding time and for the amendment he has offered which I am proud to cosponsor with him.

I am astonished at some of the debate in the Senate. We are twisting and turning not to take a simple position on behalf of the men and women who serve in the uniform of the United States in Iraq and to send a message elsewhere in the world. What is that simple position? It is the sense of Congress that the Government of Iraq should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States. What is so difficult, what is so wrong about sending that message?

I heard some of our colleagues say that this is a nonexistent problem. If it wasn't for Senator NELSON's amendment, we would not have had the clarifications that have been forthcoming. I would like to see the Prime Minister of Iraq say that formally, in public, as the position of the Government of Iraq.

Then I hear some of our colleagues saying that we have to respect the Iraqis and their sovereignty. This administration has been telling the Iraqis from day one what they want them to do in a variety of ways. They have been telling them how they have to form their government, how inclusive that government has to be. They have had a whole checklist of things they have been telling the Iraqis they want them to do. And now, when it comes time to defend the men and women of the United States in the Armed Forces by simply sending a sense of the Senate that we want to urge the Government of Iraq not to include in any amnesty plan those who have committed murders of U.S. soldiers or who have injured them, we cannot actually pass a sense of the Senate that says that? This is a nonexistent problem?

Let me state how nonexistent it is and how important it is to send this message. We woke up to the very sad story of two missing soldiers who were found dead, PFC Kristian Menchaca and PFC Thomas L. Tucker. Let me tell the Senate what Private First Class Menchaca's uncle said:

Don't think that it's just two more soldiers. Don't negotiate anything. They [the killers] didn't. They didn't negotiate it with my nephew. They didn't negotiate it with Tucker.

And we are concerned about Iraqi sovereignty when we have been telling the Iraqis what we want them to do, but we are so concerned about Iraqi sovereignty that we won't send a sense of the Senate to make it clear for this and any other future Iraqi Government that it is the Senate position that they should not consider amnesty for those ultimately who have committed the crime of killing American troops? That is beyond my comprehension.

It seems to me the reality is we need to make a very clear statement today, a clear and unequivocal statement of what the position of the United States is as it relates to the protection of our soldiers and our view that no amnesty program should exist now or in the future that puts the lives of American soldiers in a position to be bargained for, negotiated for, and given amnesty for. The only way to send that very clear, unequivocal message is to support Senator NELSON's amendment.

To suggest we are so concerned about their sovereignty and their wisdom to the extent we would send a message that you can leave American soldiers in harm's way—and yes, we will respect your sovereignty. To the extent we won't do anything about you, ultimately, considering an amnesty plan that would allow the lives of U.S. soldiers to be the subject of forgiveness, that is not what I believe the American people want to see. That is certainly not honoring the lives of those who gave their lives on behalf of their country or honoring their families. Only Senator NELSON's amendment does that.

It should be strong. It should be bipartisan. It should be unanimous.

I yield back the remainder of my time to Senator NELSON.

Mr. NELSON of Florida. Mr. President, how many minutes remain for the majority and minority?

The PRESIDING OFFICER. There is 2½ minutes remaining, and the Senator from Virginia has 1½ minutes remaining.

Mr. NELSON of Florida. Mr. President, we are bringing this in for landing. I ask the distinguished chairman of the committee, had there been discussions on the floor during this debate about the clarification of the McConnell amendment by the words ''in accordance with their own wisdom''?

Mr. WARNER. Mr. President, I say to my friend at this point in time that we believe the amendment speaks for itself. The first section of the amendment cites a sense of the Congress commending the Government of Iraq for affirming its position of no amnesty for terrorists who attack U.S. Armed Forces. What could be clearer than that? That sets the tone and the thrust for the entire amendment.

I have said to my colleagues, it seems to me, in the spirit of comity, we have had a good debate, we have seen some further clarification of this issue in the time that has evolved since Thursday and today; secondly, assuming time is a measure of accuracy, this policy is undergoing evaluation in Iraq right now.

These two amendments, side by side, receiving a strong vote of the Senate, should suffice in the mission the Senator from Florida set out on and on which I join him.

Mr. NELSON of Florida. Mr. President, in light of the fact that this Senator only had 2 minutes to close, I ask unanimous consent that each side have 1 additional minute.

Mr. THOMAS. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. NELSON of Florida. An objection is heard to a closing in which I just

granted part of my time to the Senator from Virginia, the chairman of the Senate Committee on Armed Services?

Mr. THOMAS. Some of us have other things to do.

Mr. NELSON of Florida. I am quite surprised. Sadly, on a day in which two more Americans have been mutilated, sadly, on a day in which the CNN story is quoting a claim posted on a Web site that our soldiers were slaughtered ''in accordance to God's will,'' and given the fact that it is pretty clear the amendment of this Senator sets forth the policy that it is the sense of the Congress that the Government of Iraq should not grant amnesty to persons who kill Americans, I think it is self-evident.

I thank the Senator for sharing these thoughts.

Mr. WARNER. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COLEMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the question is on agreeing to the McConnell amendment.

Mr. COCHRAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Alabama (Mr. SHELBY).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 34, as follows:

[Rollcall Vote No. 177 Leg.]

YEAS—64

Alexander	DeMint	Lugar
Allard	DeWine	Martinez
Allen	Dodd	McCain
Baucus	Dole	McConnell
Bennett	Domenici	Murkowski
Bingaman	Ensign	Pryor
Bond	Enzi	Roberts
Brownback	Frist	Santorum
Bunning	Graham	Sessions
Burns	Grassley	Smith
Burr	Gregg	Snowe
Cantwell	Hagel	Specter
Chafee	Harkin	Stevens
Chambliss	Hatch	Sununu
Coburn	Hutchison	Talent
Cochran	Inhofe	Thomas
Coleman	Isakson	Thune
Collins	Jeffords	Vitter
Conrad	Kerry	Voinovich
Cornyn	Kyl	Warner
Craig	Landrieu	
Crapo	Lott	

NAYS—34

Akaka	Byrd	Dorgan
Bayh	Carper	Durbin
Biden	Clinton	Feingold
Boxer	Dayton	Feinstein
Inouye	Lincoln	Reid
Johnson	Menendez	Salazar
Kennedy	Mikulski	Sarbanes
Kohl	Murray	Schumer
Lautenberg	Nelson (FL)	Stabenow
Leahy	Nelson (NE)	Wyden
Levin	Obama	
Lieberman	Reed	

NOT VOTING—2

Rockefeller	Shelby

The amendment (No. 4272), as modified, was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4265

Mr. WARNER. Are the yeas and nays ordered on the Nelson amendment?

The PRESIDING OFFICER. No.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Mr. President, parliamentary inquiry: Are we now voting on the Nelson-Menendez amendment?

The PRESIDING OFFICER. Yes.

Mr. LEVIN. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Alabama (Mr. SHELBY).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 19, as follows:

[Rollcall Vote No. 178 Leg.]

YEAS—79

Akaka	Dorgan	Menendez
Alexander	Durbin	Mikulski
Allen	Ensign	Murkowski
Baucus	Feingold	Murray
Bayh	Feinstein	Nelson (FL)
Bennett	Frist	Nelson (NE)
Biden	Grassley	Obama
Bingaman	Gregg	Pryor
Boxer	Harkin	Reed
Brownback	Hatch	Reid
Burr	Hutchison	Roberts
Byrd	Inouye	Salazar
Cantwell	Isakson	Santorum
Carper	Jeffords	Sarbanes
Chafee	Johnson	Schumer
Chambliss	Kennedy	Smith
Clinton	Kerry	Snowe
Coleman	Kohl	Specter
Collins	Landrieu	Stabenow
Conrad	Lautenberg	Sununu
Craig	Leahy	Talent
Crapo	Levin	Thune
Dayton	Lieberman	Vitter
DeWine	Lincoln	Voinovich
Dodd	Lugar	Wyden
Dole	Martinez	
Domenici	McConnell	

NAYS—19

Allard	Bunning	Coburn
Bond	Burns	Cochran
Cornyn	Inhofe	Stevens
DeMint	Kyl	Thomas
Enzi	Lott	Warner
Graham	McCain	
Hagel	Sessions	

NOT VOTING—2

Rockefeller	Shelby

The amendment (No. 4265) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 4308, 4299, 4349, 4271, 4226, 4350, 4351, 4352, 4353, 4354, 4213, 4210, 4300, 4209, 4215 AS MODIFIED, 4355, 4356, 4217 AS MODIFIED, 4357, 4358, 4359, AND 4360, EN BLOC

Mr. WARNER. Mr. President, the two managers have been working with Members. We have reconciled a series of amendments, and I believe at this point in time I will make the following statement: I have sent a series of amendments to the desk which have been cleared by myself and the ranking member. I ask, therefore, unanimous consent that the Senate consider these amendments en bloc, the amendments be agreed to, and motions to reconsider be laid on the table. Finally, I ask that any statements relating to any of these individual amendments be printed at this point in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, reserving the right to object, and I will not object because the amendments have been cleared on our side, I would suggest that if we have a moment here, after the UC is accepted, we read the list of the amendments so people will know their amendments are in here. But if the leaders are ready to send us forward on our next mission, then I would withdraw that suggestion.

Mr. WARNER. Mr. President, we first ask that you act on the unanimous consent request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 4308

(Purpose: To provide for expansion of the Junior Reserve Officers' Training Corps program)

At the end of subtitle B of title III, add the following:

SEC. ___. EXPANSION OF JUNIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.

(a) IN GENERAL.—The Secretaries of the military departments shall take appropriate actions to increase the number of secondary educational institutions at which a unit of the Junior Reserve Officers' Training Corps is organized under chapter 102 of title 10, United States Code.

(b) EXPANSION TARGETS.—In increasing under subsection (a) the number of secondary educational institutions at which a unit of the Junior Reserve Officers' Training Corps is organized, the Secretaries of the military departments shall seek to organize units at an additional number of institutions as follows:

(1) In the case of Army units, 15 institutions.

(2) In the case of Navy units, 10 institutions.

(3) In the case of Marine Corps units, 15 institutions.

(4) In the case of Air Force units, 10 institutions.

AMENDMENT NO. 4299

(Purpose: To require a report on the feasibility of establishing a scholarship or fellowship program to educate future nuclear engineers at the postsecondary and postgraduate levels)

At the end of subtitle B of title XXXI, add the following:

SEC. 3121. EDUCATION OF FUTURE NUCLEAR ENGINEERS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense and the United States depend on the specialized expertise of nuclear engineers who support the development and sustainment of technologies including naval reactors, strategic weapons, and nuclear power plants.

(2) Experts estimate that over 25 percent of the approximately 58,000 workers in the nuclear power industry in the United States will be eligible to retire within 5 years, representing both a huge loss of institutional memory and a potential national security crisis.

(3) This shortfall of workers is exacerbated by reductions to the University Reactor Infrastructure and Education Assistance program, which trains civilian nuclear scientists and engineers. The defense and civilian nuclear industries are interdependent on a limited number of educational institutions to produce their workforce. A reduction in nuclear scientists and engineers trained in the civilian sector may result in a further loss of qualified personnel for defense-related research and engineering.

(4) The Department of Defense's successful Science, Math and Research for Transformation (SMART) scholarship-for-service program serves as a good model for a targeted scholarship or fellowship program designed to educate future scientists at the postsecondary and postgraduate levels.

(b) REPORT ON EDUCATION OF FUTURE NUCLEAR ENGINEERS.—

(1) STUDY.—The Secretary of Energy shall study the feasibility and merit of establishing a targeted scholarship or fellowship program to educate future nuclear engineers at the postsecondary and postgraduate levels.

(2) REPORT REQUIRED.—The President shall submit to the congressional defense committees, together with the budget request submitted for fiscal year 2008, a report on the study conducted by the Secretary of Energy under paragraph (1).

AMENDMENT NO. 4349

(Purpose: To require a National Academy of Sciences study on human exposure to contaminated drinking water at Camp Lejeune, North Carolina)

At the end of subtitle D of title III, add the following:

SEC. 352. NATIONAL ACADEMY OF SCIENCES STUDY ON HUMAN EXPOSURE TO CONTAMINATED DRINKING WATER AT CAMP LEJEUNE, NORTH CAROLINA.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Navy shall enter into an agreement with the National Academy of Sciences to conduct a comprehensive review and evaluation of the available scientific and medical evidence regarding associations between pre-natal, child, and adult exposure to drinking water contaminated with trichloroethylene (TCE) and tetrachloroethylene (PCE) at Camp Lejeune, North Carolina, as well as other pre-natal, child, and adult exposures to levels of trichloroethylene and tetrachloroethylene similar to those experienced at Camp Lejeune, and birth defects or diseases and any other adverse health effects.

(2) ELEMENTS.—In conducting the review and evaluation, the Academy shall review and summarize the scientific and medical evidence and assess the strength of that evidence in establishing a link or association between exposure to trichloroethylene and tetrachloroethylene and each birth defect or disease suspected to be associated with such exposure. For each birth defect or disease reviewed, the Academy shall determine, to the extent practicable with available scientific and medical data, whether—

(A) a statistical association with such contaminant exposures exists; and

(B) there exist plausible biological mechanisms or other evidence of a causal relationship between contaminant exposures and the birth defect or disease.

(3) SCOPE OF REVIEW.—In conducting the review and evaluation, the Academy shall include a review and evaluation of—

(A) the toxicologic and epidemiologic literature on adverse health effects of trichloroethylene and tetrachloroethylene, including epidemiologic and risk assessment reports from government agencies;

(B) recent literature reviews by the National Research Council, Institute of Medicine, and other groups;

(C) the completed and on-going Agency for Toxic Substances Disease Registry (ATSDR) studies on potential trichloroethylene and tetrachloroethylene exposure at Camp Lejeune; and

(D) published meta-analyses.

(4) PEER REVIEW.—The Academy shall obtain the peer review of the report prepared as a result of the review and evaluation under applicable Academy procedures.

(5) SUBMITTAL.—The Academy shall submit the report prepared as a result of the review and evaluation to the Secretary and Congress not later than 18 months after entering into the agreement for the review and evaluation under paragraph (1).

(b) NOTICE ON EXPOSURE.—

(1) NOTICE REQUIRED.—Upon completion of the current epidemiological study by the Agency for Toxic Substances Disease Registry, known as the Exposure to Volatile Organic Compounds in Drinking Water and Specific Birth Defects and Childhood Cancers, United States Marine Corps Base Camp Lejeune, North Carolina, the Commandant of the Marine Corps shall take appropriate actions, including the use of national media such as newspapers, television, and the Internet, to notify former Camp Lejeune residents and employees who may have been exposed to drinking water impacted by trichloroethylene and tetrachloroethylene of the results of the study.

(2) ELEMENTS.—The information provided by the Commandant of the Marine Corps under paragraph (1) shall be prepared in conjunction with the Agency for Toxic Substances Disease Registry and shall include a description of sources of additional information relating to such exposure, including, but not be limited to, the following:

(A) A description of the events resulting in exposure to contaminated drinking water at Camp Lejeune.

(B) A description of the duration and extent of the contamination of drinking water at Camp Lejeune.

(C) The known and suspected health effects of exposure to the drinking water impacted by trichloroethylene and tetrachloroethylene at Camp Lejeune.

AMENDMENT NO. 4271

(Purpose: To enhance the authorities and responsibilities of the National Guard Bureau)

At the end of title IX, add the following:

Subtitle D—National Guard Bureau Matters

SEC. 931. SHORT TITLE.

This title may be cited as the ''National Defense Enhancement and National Guard Empowerment Act of 2006''.

SEC. 9322. EXPANDED AUTHORITY OF CHIEF OF THE NATIONAL GUARD BUREAU AND EXPANDED FUNCTIONS OF THE NATIONAL GUARD BUREAU.

(a) EXPANDED AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 10501 of title 10, United States Code, is amended by striking ''joint bureau of the Department of the Army and the Department of the Air Force'' and inserting ''joint activity of the Department of Defense''.

(2) PURPOSE.—Subsection (b) of such section is amended by striking ''between'' and all that follows and inserting ''between—

''(1)(A) the Secretary of Defense, the Joint Chiefs of Staff, and the commanders of the combatant commands for the United States, and (B) the Department of the Army and the Department of the Air Force; and

''(2) the several States.''.

(b) ENHANCEMENTS OF POSITION OF CHIEF OF THE NATIONAL GUARD BUREAU.—

(1) ADVISORY FUNCTION ON NATIONAL GUARD MATTERS.—Subsection (c) of section 10502 of title 10, United States Code, is amended by inserting ''to the Secretary of Defense, to the Chairman of the Joint Chiefs of Staff,'' after ''principal advisor''.

(2) GRADE.—Subsection (e) of such section, as redesignated by paragraph (2)(A)(i) of this subsection, is further amended by striking ''lieutenant general'' and inserting ''general''.

(3) ANNUAL REPORT TO CONGRESS ON VALIDATED REQUIREMENTS.—Section 10504 of such title is amended by adding at the end the following new subsection:

''(c) ANNUAL REPORT ON VALIDATED REQUIREMENTS.—Not later than December 31 each year, the Chief of the National Guard Bureau shall submit to Congress a report on the requirements validated under section 10503a(b)(1) of this title during the preceding fiscal year.''.

(c) ENHANCEMENT OF FUNCTIONS OF NATIONAL GUARD BUREAU.—

(1) DEVELOPMENT OF CHARTER.—Section 10503 of title 10, United States Code, is amended—

(A) in the matter preceding paragraph (1), by striking ''The Secretary of the Army and the Secretary of the Air Force shall jointly develop'' and inserting ''The Secretary of Defense, in consultation with the Secretary of the Army and the Secretary of the Air Force, shall develop''; and

(B) in paragraph (12), by striking ''the Secretaries'' and inserting ''the Secretary of Defense''.

(2) ADDITIONAL GENERAL FUNCTIONS.—Such section is further amended—

(A) by redesignating paragraph (12), as amended by paragraph (1)(B) of this subsection, as paragraph (13); and

(B) by inserting after paragraph (11) the following new paragraph (12):

''(12) Facilitating and coordinating with other Federal agencies, and with the several States, the use of National Guard personnel and resources for and in contingency operations, military operations other than war, natural disasters, support of civil authorities, and other circumstances.''.

(3) MILITARY ASSISTANCE FOR CIVIL AUTHORITIES.—Chapter 1011 of such title is further amended by inserting after section 10503 the following new section:

"§ 10503a. Functions of National Guard Bureau: military assistance to civil authorities

''(a) IDENTIFICATION OF ADDITIONAL NECESSARY ASSISTANCE.—The Chief of the National Guard Bureau shall—

''(1) identify gaps between Federal and State capabilities to prepare for and respond to emergencies; and

''(2) make recommendations to the Secretary of Defense on programs and activities of the National Guard for military assistance to civil authorities to address such gaps.

''(b) SCOPE OF RESPONSIBILITIES.—In meeting the requirements of subsection (a), the Chief of the National Guard Bureau shall, in coordination with the Adjutant Generals of the States, have responsibilities as follows:

''(1) To validate the requirements of the several States and Territories with respect to military assistance to civil authorities.

''(2) To develop doctrine and training requirements relating to the provision of military assistance to civil authorities.

''(3) To administer amounts provided the National Guard for the provision of military assistance to civil authorities.

''(4) To carry out any other responsibility relating to the provision of military assistance to civil authorities as the Secretary of Defense shall specify.

''(c) ASSISTANCE.—The Chairman of the Joint Chiefs of Staff shall assist the Chief of the National Guard Bureau in carrying out activities under this section.

''(d) CONSULTATION.—The Chief of the National Guard Bureau shall carry out activities under this section in consultation with the Secretary of the Army and the Secretary of the Air Force.''.

(4) LIMITATION ON INCREASE IN PERSONNEL OF NATIONAL GUARD BUREAU.—The Secretary of Defense shall, to the extent practicable, ensure that no additional personnel are assigned to the National Guard Bureau in order to address administrative or other requirements arising out of the amendments made by this subsection.

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of section 10503 of such title is amended to read as follows:

"§ 10503. Functions of National Guard Bureau: charter".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1011 of such title is amended by striking the item relating to section 10503 and inserting the following new items:

''10503. Functions of National Guard Bureau: charter.
''10503a. Functions of National Guard Bureau: military assistance to civil authorities.''.

SEC. 933. REQUIREMENT THAT POSITION OF DEPUTY COMMANDER OF THE UNITED STATES NORTHERN COMMAND BE FILLED BY A QUALIFIED NATIONAL GUARD OFFICER.

(a) IN GENERAL.—The position of Deputy Commander of the United States Northern Command shall be filled by a qualified officer of the National Guard who is eligible for promotion to the grade of lieutenant general.

(b) PURPOSE.—The purpose of the requirement in subsection (a) is to ensure that information received from the National Guard Bureau regarding the operation of the National Guard of the several States is integrated into the plans and operations of the United States Northern Command.

AMENDMENT NO. 4226

(Purpose: To clarify the applicability of the Uniform Code of Military Justice during a time of war)

At the end of subtitle C of title V, add the following:

SEC. 552. CLARIFICATION OF APPLICATION OF UNIFORM CODE OF MILITARY JUSTICE DURING A TIME OF WAR.

Paragraph (10) of section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), is amended by striking ''war'' and inserting ''declared war or a contingency operation''.

AMENDMENT NO. 4350

(Purpose: To modify authorities relating to the composition and appointment of members of the United States Marine Band and the United States Marine Drum and Bugle Corps)

At the end of subtitle A of title IX, add the following:

SEC. 903. UNITED STATES MARINE BAND AND UNITED STATES MARINE DRUM AND BUGLE CORPS.

(a) IN GENERAL.—Section 6222 of title 10, United States Code, is amended to read as follows:

"§ 6222. United States Marine Band; United States Marine Drum and Bugle Corps: composition; appointment and promotion of members

''(a) UNITED STATES MARINE BAND.—The band of the Marine Corps shall be composed of one director, two assistant directors, and other personnel in such numbers and grades as the Secretary of the Navy determines to be necessary.

''(b) UNITED STATES MARINE DRUM AND BUGLE CORPS.—The drum and bugle corps of the Marine Corps shall be composed of one commanding officer and other personnel in such numbers and grades as the Secretary of the Navy determines to be necessary.

''(c) APPOINTMENT AND PROMOTION.—(1) The Secretary of the Navy shall prescribe regulations for the appointment and promotion of members of the Marine Band and members of the Marine Drum and Bugle Corps.

''(2) The President may from time to time appoint members of the Marine Band and members of the Marine Drum and Bugle Corps to grades not above the grade of captain. The authority of the President to make appointments under this paragraph may be delegated only to the Secretary of Defense.

''(3) The President, by and with the advice and consent of the Senate, may from time to time appoint any member of the Marine Band or of the Marine Drum and Bugle Corps to a grade above the grade of captain.

''(d) RETIREMENT.—Unless otherwise entitled to higher retired grade and retired pay, a member of the Marine Band or Marine Drum and Bugle Corps who holds, or has held, an appointment under this section is entitled, when retired, to be retired in, and with retired pay based on, the highest grade held under this section in which the Secretary of the Navy determines that such member served satisfactorily.

''(e) REVOCATION OF APPOINTMENT.—The Secretary of the Navy may revoke any appointment of a member of the Marine Band or Marine Drum and Bugle Corps. When a member's appointment to a commissioned grade terminates under this subsection, such member is entitled, at the option of such member—

''(1) to be discharged from the Marine Corps; or

''(2) to revert to the grade and status such member held at the time of appointment under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 565 of such title is amended by striking the item relating to section 6222 and inserting the following new item:

''6222. United States Marine Band; United States Marine Drum and Bugle Corps: composition; appointment and promotion of members.''.

AMENDMENT NO. 4351

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

AMENDMENT NO. 4352

(Purpose: To authorize the temporary use of the National Guard to provide support for border security along the southern land border of the United States)

At the end of subtitle E of title X, add the following:

SEC. 1044. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—(1) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to annual training duty under section 502(a) of title 32, United States Code, to carry out in any State along the Southern land border of the United States the activities authorized in subsection (b) for the purpose of securing such border. Such duty shall not exceed 21 days in any year.

(2) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform duty under section 502(f) of title 32, United States Code, to provide command, control, and continuity of support for units and personnel performing annual training duty under paragraph (1).

(b) AUTHORIZED ACTIVITIES.—The activities authorized by this subsection are the following:

(1) Ground surveillance activities.

(2) Airborne surveillance activities.

(3) Logistical support.

(4) Provision of translation services and training.

(5) Provision of administrative support services.

(6) Provision of technical training services.

(7) Provision of emergency medical assistance and services.

(8) Provision of communications services.

(9) Rescue of aliens in peril.

(10) Construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States.

(11) Ground and air transportation.

(c) COOPERATIVE AGREEMENTS.—Units and personnel of the National Guard of a State may perform activities in another State under subsection (a) only pursuant to the terms of an emergency management assistance compact or other cooperative arrangement entered into between the Governors of such States for purposes of this section, and only with the approval of the Secretary of Defense.

(d) COORDINATION OF ASSISTANCE.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the performance of activities under this section by units and personnel of the National Guard.

(e) ANNUAL TRAINING.—Annual training duty performed by members of the National Guard under this section shall be appropriate for the units and individual members concerned, taking into account the types of units and military occupational specialties of individual members performing such duty.

(f) PROHIBITION ON DIRECT PARTICIPATION IN LAW ENFORCEMENT.—Activities carried out under this section shall not include the direct participation of a member of the National Guard in a search, seizure, arrest, or similar activity.

(g) DURATION OF AUTHORITY.—The authority of this section shall expire on January 1, 2009.

(h) DEFINITIONS.—In this section:

(1) The term ''Governor of a State'' means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

(2) The term ''State'' means each of the several States and the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(3) The term ''State along the southern land border of the United States'' means each of the following:

(A) The State of Arizona.

(B) The State of California.

(C) The State of New Mexico.

(D) The State of Texas.

AMENDMENT NO. 4353

(Purpose: To ensure government performance of critical acquisition functions)

At the end of subtitle A of title VIII, add the following:

SEC. 812. GOVERNMENT PERFORMANCE OF CRITICAL ACQUISITION FUNCTIONS.

(a) GOVERNMENT PERFORMANCE OF FUNCTIONS.—

(1) IN GENERAL.—Section 2383 of title 10, United States Code is amended—

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

(B) by inserting after subsection (a) the following new subsection (b):

''(b) GOVERNMENT PERFORMANCE OF CRITICAL ACQUISITION FUNCTIONS.—The head of an agency shall ensure that, at a minimum, for each major defense acquisition program and each major automated information system program, each of the following positions is performed by a properly qualified full-time Federal military or civilian employee:

''(1) Program manager.

''(2) Deputy program manager.

''(3) Chief engineer.

''(4) Systems engineer.

''(5) Cost estimator.

(2) DEFINITIONAL MATTERS.—Subsection (c) of such section, as redesignated by paragraph (1)(A) of this subsection, is further amended by adding at the end the following new paragraphs:

''(5) The term 'major defense acquisition program' has the meaning given such term in section 2430(a) of this title.

''(6) The term 'major automated information system program' has the meaning given such term in section 2445a(a) of this title.''.

(b) EFFECTIVE DATE AND PHASE-IN.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is one year after the date of enactment of this Act.

(2) TEMPORARY WAVER.—During the two years period beginning on the effective date specified in paragraph (1), the head of an agency may waive the requirement in subsection (b) of section 2383 of title 10, United States Code, as amended by subsection (a) of this section, with regard to a specific function on a particular program upon a written determination by the head of the agency that a properly qualified full-time Federal military or civilian employee cannot reasonably be made available to perform such function.

AMENDMENT NO. 4354

(Purpose: To require a report on technologies designed to neutralize or defeat the threat to military rotary wing aircraft posed by portable air defense systems and rocket propelled grenades)

At the end of subtitle G of title X, add the following:

SEC. 1066. REPORT ON TECHNOLOGIES FOR NEUTRALIZING OR DEFEATING THREATS TO MILITARY ROTARY WING AIRCRAFT FROM PORTABLE AIR DEFENSE SYSTEMS AND ROCKET PROPELLED GRENADES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on technologies for neutralizing or defeating threats to military rotary wing aircraft posed by portable air defense systems and rocket propelled grenades that are being researched, developed, employed, or considered by the United States Government or the North Atlantic Treaty Organization.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) an assessment of the expected value and utility of the technologies, particularly with respect to—

(A) the saving of lives;

(B) the ability to reduce the vulnerability of aircraft; and

(C) the enhancement of the ability of aircraft and their crews to accomplish assigned missions;

(2) an assessment of the potential costs of developing and deploying such technologies;

(3) a description of efforts undertaken to develop such technologies, including—

(A) non-lethal counter measures;

(B) lasers and other systems designed to dazzle, impede, or obscure threatening weapon or their users;

(C) direct fire response systems;

(D) directed energy weapons; and

(E) passive and active systems; and

(4) a description of any impediments to the development of such technologies, such as legal restrictions under the law of war, treaty restrictions under the Protocol on Blinding Lasers, and political obstacles such as the reluctance of other allied countries to pursue such technologies.

AMENDMENT NO. 4213

(Purpose: To provide for a review of the legal status of the Junior Reserve Officers' Training Corps program)

At the end of subtitle D of title V, add the following:

SEC. 569. REVIEW OF LEGAL STATUS OF JUNIOR ROTC PROGRAM.

(a) REVIEW.—The Secretary of Defense shall conduct a review of the 1976 legal opinion issued by the General Counsel of the Department of Defense regarding instruction of non-host unit students participating in Junior Reserve Officers' Training Corps programs. The review shall consider whether changes to law after the issuance of that opinion allow in certain circumstances for the arrangement for assignment of instructors that provides for the travel of an instructor from one educational institution to another once during the regular school day for the purposes of the Junior Reserve Officers' Training Corps program as an authorized arrangement that enhances administrative efficiency in the management of the program. If the Secretary, as a result of the review, determines that such authority is not available, the Secretary should also consider whether such authority should be available and whether there should be authority to waive the restrictions under certain circumstances.

(b) REPORT.—The Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the review not later than 180 days after the date of the enactment of this Act.

(c) INTERIM AUTHORITY.—A current institution that has more than 70 students and is providing support to another educational institutional with more than 70 students and has been providing for the assignment of instructors from one school to the other may continue to provide such support until 180 days following receipt of the report under subsection (b).

AMENDMENT NO. 4210

(Purpose: Expressing the sense of the Senate on notice to Congress of the recognition of members of the Armed Forces for extraordinary acts of heroism, bravery, and achievement)

At the end of subtitle F of title V, add the following:

SEC. 587. SENSE OF SENATE ON NOTICE TO CONGRESS OF RECOGNITION OF MEMBERS OF THE ARMED FORCES FOR EXTRAORDINARY ACTS OF BRAVERY, HEROISM, AND ACHIEVEMENT.

It is the sense of the Senate that the Secretary of Defense or the Secretary of the military department concerned should, upon awarding a medal to a member of the Armed Forces or otherwise commending or recognizing a member of the Armed Forces for an act of extraordinary heroism, bravery, achievement, or other distinction, notify the Committee on Armed Services of the Senate and House of Representatives, the Senators from the State in which such member resides, and the Member of the House of Representatives from the district in which such member resides of such extraordinary award, commendation, or recognition.

AMENDMENT NO. 4300

(Purpose: Relating to multi-spectral imaging capabilities)

At the end of subtitle D of title I, add the following:

SEC. 147. MULTI-SPECTRAL IMAGING CAPABILITIES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The budget of the President for fiscal year 2007, as submitted to Congress under section 1105(a) of title 31, United States Code, and the current Future-Years Defense Program adopts an Air Force plan to retire the remaining fleet of U–2 aircraft by 2011.

(2) This retirement would eliminate the multi-spectral capability provided by the electro-optical/infrared (EO/IR) Senior Year Electro-optical Reconnaissance System (SYERS-2) high-altitude imaging system.

(3) The system referred to in paragraph (2) provides high-resolution, long-range, day-and-night image intelligence.

(4) The infrared capabilities of the system referred to in paragraph (2) can defeat enemy efforts to use camouflage or concealment, as well as provide images through poor visibility and smoke.

(5) Although the Air Force has previously recognized the military value of Senior Year Electro-optical Reconnaissance System sensors, the Air Force has no plans to migrate this capability to any platform remaining in the fleet.

(6) The Air Force could integrate such capabilities onto the Global Hawk platform to retain this capability for combatant commanders.

(7) The Nation risks a loss of an important intelligence gathering capability if this capability is not transferred to another platform.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Air Force should investigate ways to retain the multi-spectral imaging capabilities provided by the Senior Year Electro-optical Reconnaissance System high-altitude imaging system after the retirement of the U–2 aircraft fleet.

(c) REPORT REQUIREMENT.—The Secretary of the Air Force shall submit to the congressional defense committees, at the same time the budget of the President for fiscal year 2008 is submitted to Congress under section 1105(a) of title 31, United States Code, a plan for migrating the capabilities provided by the Senior Year Electro-optical Reconnaissance System high-altitude imaging system from the U–2 aircraft to the Global Hawk

platform before the retirement of the U–2 aircraft fleet in 2011.

AMENDMENT NO. 4209

(Purpose: To commend the men and women of the Armed Forces of the United States in Iraq for their on-going service to the United States)

At the the end of subtitle I of title X, insert the following:

SEC. 1084. SENSE OF CONGRESS REGARDING THE MEN AND WOMEN OF THE ARMED FORCES OF THE UNITED STATES IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) In 2003, members of the Armed Forces of the United States successfully liberated the people of Iraq from the tyrannical regime of Saddam Hussein.

(2) Members of the Armed Forces of the United States have bravely risked their lives everyday over the last 3 years to protect the people of Iraq from terror attacks by Al Qaeda and other extremist organizations.

(3) Members of the Armed Forces of the United States have conducted dozens of operations with coalition forces to track, apprehend, and eliminate terrorists in Iraq.

(4) Members of the Armed Forces of the United States have helped sustain political progress in Iraq by assisting the people of Iraq as they exercised their right to choose their leaders and draft their own constitution.

(5) Members of the Armed Forces of the United States have taught over 150,000 soldiers of Iraq to respect civilian authority, conduct counter-insurgency operations, provide meaningful security, and protect the people of Iraq from terror attacks.

(6) Members of the Armed Forces of the United States have built new schools, hospitals, and public works throughout Iraq.

(7) Members of the Armed Forces of the United States have helped rebuild Iraq's dilapidated energy sector.

(8) Members of the Armed Forces of the United States have restored electrical power and sewage waste treatment for the people of Iraq.

(9) Members of the Armed Forces of the United States have established lasting and productive relationships with local leaders in Iraq and secured the support of a majority of the populace of Iraq.

(10) Members of the Armed Forces of the United States have courageously endured sophisticated terror tactics, including deadly car-bombs, sniper attacks, and improvised explosive devices.

(11) Members of the Armed Forces of the United States have paid a high cost in order to defeat the terrorists, defend innocent civilians, and protect democracy from those who desire the return of oppression and extremism to Iraq.

(12) Members of the Armed Forces of the United States have performed their duty in Iraq with an unflagging commitment to the highest ideals and traditions of the United States and the Armed Forces.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the men and women in uniform of the Armed Forces of the United States in Iraq should be commended for their on-going service to the United States, their commitment to the ideals of the United States, and their determination to win the Global War on Terrorism;

(2) gratitude should be expressed to the families of the Armed Forces of the United States, especially those families who have lost loved ones in Operational Iraqi Freedom; and

(3) the people of the United States should honor those who have paid the ultimate sacrifice and assist those families who have loved ones in the Armed Forces of the United States deployed overseas.

AMENDMENT NO. 4215

(Purpose: To provide for 2 programs to authorize the use of leave by cargivers for family members of certain individuals performing military service, and for other purposes)

At the appropriate place, insert the following:

SEC. ___ PROGRAMS FOR USE OF LEAVE BY CAREGIVERS FOR FAMILY MEMBERS OF INDIVIDUALS PERFORMING CERTAIN MILITARY SERVICE.

(a) FEDERAL EMPLOYEES PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term ''caregiver'' means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term ''covered period of service'' means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (3) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term ''employee'' has the meaning given under section 6331 of title 5, United States Code.

(D) FAMILY MEMBER.—The term ''family member'' includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 19 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term ''qualified member of the Armed Forces'' means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—The Office of Personnel Management shall establish a program to authorize a caregiver to—

(A) use any sick leave of that caregiver during a covered period of service in the same manner and to the same extent as annual leave is used; and

(B) use any leave available to that caregiver under subchapter III or IV of chapter 63 of title 5, United States Code, during a covered period of service as though that covered period of service is a medical emergency.

(3) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to the employing agency and the Office of Personnel Management.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(4) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the designation of an employee as a caregiver.

(5) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out this subsection.

(6) TERMINATION.—The program under this subsection shall terminate on December 31, 2007.

(b) VOLUNTARY PRIVATE SECTOR LEAVE PROGRAM.—

(1) DEFINITIONS.—

(A) CAREGIVER.—The term ''caregiver'' means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term ''covered period of service'' means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (4) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term ''employee'' means an employee of a business entity participating in the program under this subsection.

(D) FAMILY MEMBER.—The term ''family member'' includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 19 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term ''qualified member of the Armed Forces'' means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—

(A) IN GENERAL.—The Secretary of Labor may establish a program to authorize employees of business entities described under paragraph (3) to use sick leave, or any other leave available to an employee, during a covered period of service in the same manner and to the same extent as annual leave (or its equivalent) is used.

(B) EXCEPTION.—Subparagraph (A) shall not apply to leave made available under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(3) VOLUNTARY BUSINESS PARTICIPATION.—The Secretary of Labor may solicit business entities to voluntarily participate in the program under this subsection.

(4) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to the employing business entity.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated

as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(5) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the designation of an employee as a caregiver.

(6) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor may prescribe regulations to carry out this subsection.

(7) TERMINATION.—The program under this subsection shall terminate on December 31, 2007.

(c) GAO REPORT.—Not later than June 30, 2007, the Government Accountability Office shall submit a report to Congress on the programs under subsections (a) and (b) that includes—

(1) an evaluation of the success of each program; and

(2) recommendations for the continuance or termination of each program.

AMENDMENT NO. 4355

(Purpose: To modify the increase in the fiscal year 2006 general transfer authority)

On page 380, line 18, strike ''$3,750,000,000'' and insert ''$5,000,000,000''.

AMENDMENT NO. 4356

(Purpose: To authorize additional emergency supplemental appropriations for fiscal year 2006)

Strike section 1002 and insert the following:

SEC. 1002. AUTHORIZATION OF ADDITIONAL EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2006.

(a) IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON TERROR.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title I of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

(b) HURRICANE DISASTER RELIEF AND RECOVERY.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.

(c) BORDER SECURITY.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title V of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.

AMENDMENT NO. 4217

(Purpose: To require a report on the future aerial training airspace requirements of the Department of Defense)

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON AERIAL TRAINING AIRSPACE REQUIREMENTS OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Access to and use of available and unfettered aerial training airspace is critical for preserving aircrew warfighting proficiency and the ability to test, evaluate, and improve capabilities of both personnel and equipment within the most realistic training environments possible.

(2) The growth of civilian and commercial aviation traffic and the rapid expansion of commercial and general air traffic lanes across the continental Unites States has left few remaining areas of the country available for realistic air combat training or expansion of existing training areas.

(3) Many Military Operating Areas (MOAs) originally established in what was once open and uncongested airspace are now encroached upon by a heavy volume of commercial and general air traffic, making training more difficult and potentially hazardous.

(4) Some aerial training areas in the upper great plains, western States, and Gulf coast remain largely free from encroachment and available for increased use, expansion, and preservation for the future.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should—

(1) establish a policy to identify military aerial training areas that are projected to remain viable and free from encroachment well into the 21st century;

(2) determine aerial training airspace requirements to meet future training and airspace requirements of current and next generation military aircraft; and

(3) undertake all necessary actions in a timely manner, including coordination with the Federal Aviation Administration, to preserve, and if necessary, expand those areas of airspace to meet present and future training requirements.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a proposed plan to preserve and, if necessary, expand available aerial training airspace to meet the projected needs of the Department of Defense for such airspace through 2025.

AMENDMENT NO. 4357

(Purpose: To establish a goal of the Department of Defense relating to the use of renewable energy to meet electricity needs)

At the end of subtitle B of title XXVIII, add the following:

SEC. 2828. USE OF RENEWABLE ENERGY TO MEET ELECTRICITY NEEDS.

It shall be the goal of the Department of Defense to ensure that the Department—

(1) produces or procures not less than 25 percent of the total quantity of electric energy it consumes within its facilities and in its activities during fiscal year 2025 and each fiscal year thereafter from renewable energy sources (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)); and

(2) produces or procures such renewable energy when it is life-cycle cost effective to do so (as defined in section 708 of Executive Order 13123 (42 U.S.C. 8251 note; relating to greening the Government through efficient energy management)).

AMENDMENT NO. 4358

(Purpose: To modify the limitation on availability of funds for Department of Defense participation in multinational military centers of excellence)

On page 463, beginning on line 8, strike ''paragraph (1) in fiscal year 2007 for the expenses and costs'' and insert ''paragraph (1)(A) in fiscal year 2007 for the expenses''.

AMENDMENT NO. 4359

(Purpose: To require a report on actions to reduce the consumption of petroleum-based fuel by the Department of Defense)

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON ACTIONS TO REDUCE DEPARTMENT OF DEFENSE CONSUMPTION OF PETROLEUM-BASED FUEL.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the actions taken, and to be taken, by the Department of Defense to reduce the consumption by the Department of petroleum-based fuel.

(b) ELEMENTS.—The report shall include the status of implementation by the Department of the requirements of the following:

(1) The Energy Policy Act of 2005 (Public Law 109–58).

(2) The Energy Policy Act of 1992. (Public Law 102–486)

(3) Executive Order 13123.

(4) Executive Order 13149.

(5) Any other law, regulation, or directive relating to the consumption by the Department of petroleum-based fuel.

AMENDMENT NO. 4360

(Purpose: To require a report assessing the desirability and feasibility of conducting joint officer promotion selection boards)

At the end of part II of subtitle A of title V, add the following:

SEC. 521. REPORT ON JOINT OFFICER PROMOTION BOARDS.

(a) REPORT REQUIRED.—Not later than June 1, 2007, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and House of Representatives a report on the desirability and feasibility of conducting joint officer promotion selection boards.

(b) ELEMENTS.—The report under subsection (a) shall include—

(1) a discussion of the limitations in existing officer career paths and promotion procedures that might warrant the conduct of joint officer promotion selection boards;

(2) an identification of the requirements for officers for which joint officer promotion selection boards would be advantageous;

(3) recommendations on methods to demonstrate how joint officer promotion selection boards might be structured, and an evaluation of the feasibility of such methods; and

(4) any proposals for legislative action that the Secretary considers appropriate.

Mr. JEFFORDS. Mr. President, I am pleased that my amendment to support military families was accepted today by the Senate by unanimous consent to S. 2766, the National Defense Authorization Act of fiscal year 2007. Let me begin by thanking my good friend, the Senator from Wisconsin, Mr. FEINGOLD, who joined me last year in introducing the legislation upon which this amendment is based, S. 1888, the Military Family Support Act. His advocacy for this issue and for the families of our men and women in uniform is greatly appreciated. I would also like to recognize Senator DAYTON, Senator LAUTENBERG, and Senator MURRAY for their support for this amendment. Of course, the Senate and our Nation benefit greatly from the leadership on national defense issues of the Senator from Virginia, Mr. WARNER, chairman of the

Senate Armed Services Committee, and the Senator from Michigan, Mr. LEVIN. I thank them both and their staff for their assistance with this amendment.

I would also like to acknowledge the cooperation of Senate Homeland Security and Government Affairs Committee Chairwoman COLLINS and Ranking Member LIEBERMAN and the expertise of their staff. They were very helpful in the process that has led to this amendment, and I appreciate their assistance.

At about this time last year, I was contacted by a group of Vermonters who were trying to help their coworkers with family members serving in Iraq as part of the Vermont National Guard. I was impressed by the generosity of Vermonters who wanted to do all they could to help ease the strains of military deployments felt by their friends and neighbors. I was also reminded of how a family's day-to-day life is disrupted by a deployment of a loved one overseas.

This amendment calls for two pilot programs to help with family disruptions due to an overseas deployment. The first pilot program, administered by the Office of Personnel Management, OPM, would authorize Federal employees who have been designated by a member of the Armed Forces as ''caregivers'', as defined by the Department of Defense, DOD, to use their leave in a more flexible manner. No new leave would be given to any employees. This amendment simply makes leave already available more useful during stressful times for military families. The second pilot program allows the Department of Labor, DOL, to solicit businesses to voluntarily take part in a program to offer more accommodating leave to their employees. This amendment does not include in its scope the Family Medical Leave Act, FMLA, and it does not require any private sector entity to participate.

Mr. President, in closing, this amendment aims to make life a little easier for those who are already giving so much to our country and to their communities.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent that the pending amendment be set aside and this amendment be sent to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, reserving the right to object, I am wondering whether we have an order here where we are alternating and, if so, what the situation is.

Mr. WARNER. Mr. President, I would respond that we have concluded all the work at the moment. I believe our leaders are working out a procedure by which the minimum wage amendments are being addressed.

Mr. LEVIN. I wonder, as the alternative now comes to us, whether we could let Senator HARKIN first go before Senator ENZI. On the other hand, if it is your turn in rotation, then we would have no objection.

Mr. WARNER. Mr. President, at this moment I think there has been a request to go off of our bill. Is that the request of the Senator from Wyoming?

Mr. ENZI. No, Mr. President. Senator KENNEDY filed an amendment that dealt with the minimum wage. I actually won't send mine to the desk right now, but I would like to comment on that right now.

Mr. WARNER. The Senator is quite correct, quite correct. We will remain on the bill for the purpose of debate on such amendments relative to minimum wage that may be brought forward, correct. Senator KENNEDY's is at the desk and you wish to speak to it?

Mr. ENZI. That is correct. Of course, I am going to ask that he withdraw that amendment and I do not propose my amendment because they don't have to do with the Department of Defense authorization.

The PRESIDING OFFICER. Does the Senator request to set aside the pending amendment?

Mr. ENZI. The Senator withdraws his request to do that but requests the floor.

The PRESIDING OFFICER. The Senator has the floor.

Mr. ENZI. Mr. President, I know that some people who are following this debate might be wondering how the minimum wage relates to legislation that authorizes national security programs in the Department of Defense and the Department of Energy for the next year, and that is certainly a valid question. The answer is: It doesn't.

The underlying legislation the Senate has been considering for over a week is of tremendous importance to our national security. The bill is bipartisan and was reported out of committee unanimously. As those of us who chair committees know, it isn't easy to obtain unanimous bipartisan support for legislation. Chairman WARNER and Ranking Member LEVIN worked hard to achieve this feat because the subject of the bill is so critically important. Now I believe we owe it to them, as well as to our constituents and every American, to give this national security legislation swift consideration so that it can become law.

The amendment offered by Senator KENNEDY has the opposite effect. It will slow this bill down because it is an entirely different subject than the underlying bill. It will take up valuable debate time that should be spent on the bill's national security provisions. Should it be adopted, the Kennedy amendment would become a thorny issue for the conference committee, and that will further slow down the bill's enactment.

Even more frustrating, the issue Senator KENNEDY is raising has been considered and voted on by the Senate four times already in this Congress. We voted on the majority and minority plans to raise the minimum wage twice. We voted on the two of them in March, and we voted on them in November. Now, both times, no proposal succeeded.

Amendments offered by the Senate must comply with certain budget rules which, as a member of the Budget Committee, I fully support. Amendments that constitute an unfunded mandate are subject to a point of order which can only be waived with a vote of 60 Senators. Not 1 of the 4 minimum wage amendments has received 60 votes in the Senate this Congress. Yet here we are again, facing the same situation, using up time on the Defense bill. The outcome is likely to be the same as it was the last four times we voted. Knowing this, I find it difficult to understand why those on the other side of the aisle want to bring it up again on this critically important national security bill.

Let us not misuse the time we should be spending debating our national security priorities for the next year by repeating votes that already occurred four times in this Congress. Instead, let's focus on how we should prepare for the many threats we face as a nation. The good men and women who work for the Department of Defense and the Department of Energy need our authorization and our guidance to move forward with their activities that keep us safe. We have always done it before we do the appropriations on those budgets. We should not let them down. We should not let the American people down.

I urge my colleagues on the other side of the aisle not to divert this debate on to an entirely unrelated matter, the outcome of which is clearly determinable. So I urge my colleague, Senator KENNEDY, to withdraw his amendment. I would add that if he does not, I am plenty willing to have the debate again. We want to have the American public making as much money as possible.

I would rise in opposition to the amendment offered by Senator KENNEDY that would increase the Federal minimum wage to $7.25 over 26 months, which amounts to a 41-percent increase. My amendment would raise the minimum wage by $1.10 in two 55-cent steps over 18 months. But, more important than the numbers, only my amendment recognizes the enormous burdens a mandate such as this would place on the backs of America's small businesses.

The Senator from Massachusetts has previously referred to the economic effect of the minimum wage proposal as a drop in the bucket in the national payroll. Comments such as this are

precisely why small business owners across the Nation believe that Washington, DC, politicians do not understand their needs. We must always bear in mind that these are the people who create jobs that provide an increasing percentage of employment for all workers, including those entering the workforce for the first time and those who most need to acquire job skills. Those businesses train people with no skills. We are not talking minimum wage; we are talking minimum skills. And a lot of the small businesses that employ people at a minimum wage hire them at a minimum wage with no skills. As they get skills, which in many of those businesses occur in the first month they are hired, they go above the minimum wage to other levels, and as quickly as they learn other skills, they get paid more money or they go elsewhere, which is another option.

It is particularly offensive to those employers doing that training to suggest that a 41-percent increase in their labor costs amounts to a drop in the bucket. A 41-percent increase in labor costs forces a small businessperson to face difficult choices such as whether to increase prices, which they usually can't do or face a potential loss of customers because they raise the price, or whether to reduce spending on health insurance coverage or other benefits for their employees or, the worst of all possibilities, to terminate employees. These choices are far more significant than a drop in the bucket.

Apart from its failure to mitigate the cost of this mandate for small businesses, Senator KENNEDY's amendment also fails to address the root of the problem for our lowest paid workers. Congress, by simply imposing an artificial wage increase, will not meaningfully address the real issue of the lowest paid workers. Regardless of the size of any wage increase Congress might impose, the reality is that yesterday's lowest paid worker, assuming he or she still has any job, will continue to be tomorrow's lowest paid worker as well. There is a spiral effect to these increases when we do them because everybody all up the chain has to have an increase to stay ahead of those with no skills. There are even union agreements that are tied to raises in the minimum wage, which is probably a bigger reason we debate the minimum wage on such a frequent basis around here.

But if everybody gets a raise, something has to happen to cover the cost of that raise. As I mentioned, you either eliminate employees so that you are increasing productivity to handle the same thing or you are raising the price. If you raise the price, you create inflation. If you create inflation, what they were able to buy for minimum wage today they can't afford for tomorrow's minimum wage because the price went up. So a false economy of just demanding by Congress that everybody do this really doesn't affect the economy the way we think it will. The way that you do that is advancement on the job and earned wage growth. Earned wage growth cannot be legislated. We do a disservice to all concerned, most especially the chronic low-wage worker, to suggest that a Federal wage mandate is the answer.

What we need to focus on is not an artificially imposed number but the acquisition and improvement of job and job-related skills. In this context we should recognize that only 68 percent of the students entering the ninth grade 4 years ago—68 percent of the students entering the ninth grade 4 years ago are expected to graduate this year. Do you know what kind of a job you get if you don't graduate from high school? Well, 68 percent of the kids who entered 4 years ago—not all of them—are going to graduate. For minority students this number hovers around 50 percent. In addition, we continue to experience a dropout rate of 11 percent a year. These noncompletion and dropout rates and the poor earning capacity that comes with them cannot be fixed by a Federal minimum wage policy.

I was in a retail store the other day. I noticed some of the skills have deteriorated to the point where the person at the cash register can't figure out the dollars themselves. I remember when cash registers in stores didn't tell you how much change you had to give the person. You had to figure it out, and kids and adults did that. But there are errors with that, so modern machines took up the disadvantage that was caused by that and we now have cash registers that figure the change for you.

But watch out if you ever change the way you give them the money after they figured it on the computer cash register.

Have you ever had a bill for $10.81 and you gave the clerk $11 and then you gave them a penny? That is no skills, if they can't figure out they owe you the 20 cents. No skills. That is what the retailers out there are training people on—basic, rudimentary things for having a job. We don't fix those by legislating.

If we are going to meaningfully address the issue of low-wage workers we have to acknowledge that you do not do that by simply passing a wage law. If that were the case, we could pass a law that made the minimum wage $20 or $50 or $100 an hour. It is just not that simple. In my own State of Wyoming, Governor Freudenthal, a Democrat, this year, in speaking about legislation to raise the minimum wage from the current $5.15, noted that the real question is how do you enable a worker to become more qualified and thereby able to earn a higher wage? He noted:

> How do you make the individual more valuable in the marketplace and demand a higher wage? It's not simply how do you pass a law.

As I mentioned, the Governor of Wyoming is a Democrat, one who understands the reality of this issue in the workplace and the job market. Low wages may be the effect; low job skills are the cause. Raising the minimum wage does absolutely nothing to enhance job skills for low-wage workers. In fact, to the extent it makes entry into the workforce more difficult, and increases low-skilled unemployment, as a minimum wage hike without economic relief for small business will unquestionably do, it will have precisely the opposite effect.

If we are able to approach this debate in a candid and constructive way, we need to acknowledge certain basic principles of economics. First of all, wages do not cause sales. Sales are needed to produce revenue. And wages don't cause revenue. Revenue drives wages.

Wages can cause productivity, but the productivity has to come first to be able to afford the wages. Wages have to be paid for.

Skills, however, operate differently than wages do. Skills do create sales. Sales do produce revenue. Skills do create productivity. And here is the most important part—skills get compensated with higher wages or else the employee goes somewhere else to get true higher wages to compensate for their increased skills. There is a relationship between skill and how much you make. Dropouts will not make as much as college graduates. Dropouts will not make as much as someone who has been to a technical school. Dropouts will have minimum skills.

Some people who finish school have minimum skills. I know my dad, once, when he was interviewing a person, said the person told him he had 5 years' experience. My dad, after questioning him, said: Unfortunately, he had 1 month of experience 60 times.

Wage increases without increased sales or higher productivity, which are a result of more skills, have to be paid for with higher prices. Higher prices wipe out wage increases. Better skills, not artificial wage increases, produce true net gains in income.

We also need to focus on the goal that the minimum wage should be for all workers and what it is for most, which is a starting point in an individual's lifelong working career if they are not skilled.

Let me say that again. We need to focus on the goal that minimum wage should be for workers who need a starting point in an individual's lifelong working career because they are not skilled. If viewed as a starting point, it is clear the focus needs to be far less on where an individual begins in his or her work career and far more on how an individual can progress—get jobs that have the potential for increase, get jobs that teach skills. They are available.

I always have to mention this. Right now in Wyoming, which is the least populated State in the Nation, we have a huge shortage of workers. There is a huge shortage of workers. Are these good jobs? Yes, they are good jobs.

They are in the coal mines. We ship a third of the Nation's coal out of my county. It is clean coal and it is open-pit mining. We use huge trucks. You could only fit two trucks in this whole room and that would be a pretty tight squeeze. The top of it would probably touch the top of the roof. They are big trucks. We are having trouble getting drivers for the trucks.

The only requirement for being a driver on one of these trucks is to be able to drive and have a clean drug record—be able to pass a drug test. When you drive one of these trucks, once you get up to elevation and get in the driver's chair, there are antivibration seats, power steering, air-conditioned cabs. That great big vehicle is easy to drive.

What do you get paid for driving it? The starting salary is about $60,000, and they train you, provided you have this clean drug record—$60,000 a year. We are having trouble getting people to come to Wyoming to work for $60,000 a year. So it isn't always minimum wage that drives these things. Skills are important, but you can even get the skills if you look for the jobs that pay well.

They may be nontraditional jobs. We have a lot of women who are driving coal haul trucks. They can do it very capably and probably with fewer accidents than the men.

The truth is, real wage growth happens every day. It is not the function of Government to mandate it. It is the direct result of an individual becoming more skilled and therefore more valuable to his or her employer. As a former small business owner, I know these entry-level jobs are a gateway to the workforce and an opportunity for workers to begin to acquire the skills and experience they need. These entry-level jobs can open the door for better jobs and better lives for low-skilled workers—if we give them the tools they need to succeed.

We have a great example in Cheyenne, WY. Workers entering the job market were given the tools and the opportunity to reach the American dream. We have a man there named Mr. Jack Preiss, and he is the owner of eight McDonald's in Wyoming. We often talk about McDonald's and minimum wage.

I want to tell you he has had three employees who started working at McDonald's at minimum wage who now own a total of 20 McDonald's restaurants. They own them. This type of wage progression and success should be the norm for workers across the country. However, there are a small percentage of workers who have not acquired the necessary work-based skills and for whom stagnation at the lower tier wage is a longer term proposition. The answer for these workers, however, is not to simply raise the lower wage rung. Rather, these individuals have to acquire the training, experience, and skills that will lead to meaningful and lasting wage growth. Our policies ought to be directed at that end.

We have to equip our workers with the skills they need to compete in a technology-driven global economy. It is estimated that 60 percent of tomorrow's jobs will require skills that only 20 percent of today's workers possess.

It is also estimated that graduating students will likely change careers 14 times in their lives. You didn't hear me say change jobs 14 times in their lives. That is easy. I said change careers 14 times in their lives.

Here is the important part of that statistic. The world is changing so fast that 10 of those jobs don't even exist today. They are going to have 14 career changes, 10 of which are for jobs that don't even exist today. We have to do a better job of educating and training our youth to be able to take the kind of jobs we are going to have.

We need a system in place that can support a lifetime of education, training, and retraining of our workers. The end result will be the attainment of skills that will provide meaningful wage growth. As legislators, our efforts are better focused on ensuring that the tools and opportunities for training and enhancing skills over a worker's lifetime are available and fully utilized—more available and fully utilized than we are in imposing an artificial wage increase that fails to address the real issues and in the process does more harm than good. Skills and experience, not an artificial wage hike, will lead to lasting wage security for American workers.

As chairman of the Health, Education, Labor and Pensions Committee, one of my priorities is reauthorizing and improving the Nation's job training system that was created by the Workforce Investment Act. This law would help provide American workers with the skills they will need, new skills to compete in a global economy. Those are ones that will lead to real, not artificial wage increases.

Last Congress—this is 3 years ago—I was denied the appointment of a conference committee to resolve the differences with the House on this important bill by some of the very people who are proposing this minimum wage increase. This Congress, this important bill has faced the same obstruction. In November of last year we reported this legislation out of the HELP Committee by unanimous voice vote. Yet it continues to languish, unavailable for debate on the floor of this Congress, with no progress being made and little hope for action in this Congress if such obstruction continues. This bill would train an estimated 900,000 people a year to higher skilled jobs—900,000 people a year could be on a better career path, could have more skills. That would be a real improvement for chronic low-wage workers.

It makes little sense to me that some of the same people who denied the opportunity in the last Congress to enact real improvement now think a redetermination of the lowest wage will magically change everyone's life. If we truly want to change and improve the lives of our lowest paid workers, we must pass the Workforce Investment Act.

Let's be clear about what a minimum wage hike will and will not do. First, we must realize that large increases in the minimum wage will hurt low-income, low-skilled individuals. Mandated hikes in the minimum wage do not cure poverty, and they clearly do not create jobs. The Congressional Budget Office has said:

> Most economists would agree that an increase in the minimum wage rate would cause firms to employ fewer low-wage workers or employ them for fewer hours.

That is a CBO estimate from October 18, 1999.

What every student who has ever taken an economics course knows is that if you increase the cost of something—in this case a minimum wage job—you decrease the demand for those jobs. Misleading political rhetoric cannot change the basic principle of supply and demand. The majority of economists continue to affirm the job-killing nature of the mandated wage increases. A recent poll concluded that 77 percent or nearly 17,000 economists believe that a minimum wage hike causes job loss.

It is kind of a spiral that we get into.

We simply cannot assume that a business that employs 50 minimum wage workers before the wage increase is enacted will still employ 50 minimum wage workers, whether the business is in Washington, Wyoming, or Massachusetts. Employers can't absorb an increase in their cost without a corresponding decrease in the number of jobs or benefits they can provide workers. We know there are losers when we raise the minimum wage. But who are the individuals who will benefit?

Minimum wage earners who support a family solely based on the wage are actually pretty few and far between. Fully 85 percent of the minimum wage earners live with their parents, have a working spouse, or are living alone without children.

Of the minimum wage earners, 41 percent live with a parent or relative, 23 percent are single or the sole breadwinner of the household with no children, and 21 percent live with another wage earner.

All are low-skilled workers or brandnew employees. In a shoe store you might have the lowest-skilled people unpacking the shoes. By the time they can check inventory and correctly put it on the shelf so they can find the size when the customers come in, they get a raise. If they can actually wait on a customer—that is kind of the goal in most businesses, to be able to wait on a customer—that is another level of wage increase. The better they do waiting on customers—which is the important part in the business—the more they get paid.

Research shows that the poor targeting and other unintended consequences of the minimum wage make

it a terribly ineffective approach to reducing poverty in America—the intended purpose of the policy. In fact, two Stanford University economists concluded that a minimum wage increase is paid for by higher prices that hurt poor families the most.

A 2001 study conducted by Stanford University economists found that only one in four of the poorest 20 percent of families would benefit from an increase in the minimum wage. The way to truly improve the wages and salaries of these American workers is through education and training—not an artificial wage increase.

With these realities in mind, I will offer an amendment, unless Senator KENNEDY wishes to withdraw his amendment. We can go on with the Defense debate. There must be serious discussion on that possibility. So I will allow that to go on and make a few more comments.

But I am considering offering an amendment that recognizes the true cost of the minimum wage increase on American workers and businesses, and particularly small businesses.

My amendment includes a minimum wage increase of $1.10, and it also addresses other needs for reform and the needs of small businesses that create the most jobs in this country. Therefore, my amendment is protective of economic growth and job creation.

Let me turn to a brief review of the provisions that would be contained in my amendment. In doing so, we must bear in mind that small businesses continue to be the engine that drives our economy and the greatest single source of job creation. Any wage increase imposed on small businesses poses difficulties for that business owner and, more importantly, for his or her employees.

My amendment recognizes this reality and provides a necessary measure of relief for these small business employers.

My amendment would make the following changes that are critical, particularly for small business. The first one is updating the small business exemption.

Having owned a small business in Wyoming, I can speak from personal experience about how difficult any minimum wage increase is for small businesses at the low end of the scale level and job growth.

Small businesses generate 70 percent of new jobs. Since the negative impact of a minimum wage increase will affect small businesses most directly, we have proposed addressing the small business threshold which is set under current law at $.5 million. If the original small business threshold enacted in the 1960s—that is when we came up with this arbitrary number, in the 1960s—if it were to be adjusted for inflation, it would amount to over $.5 million.

The small business threshold was last adjusted 15 years ago. In those ensuing years since the national minimum wage rate has been hiked, the economy has undergone a dramatic change, and the way work is done in this country has changed forever.

The pending amendment raises that threshold for small business determination to $1 million to reflect these changes.

My amendment also incorporates bipartisan technical corrections that were originally proposed in 1990 by then Small Business Committee Chairman Dale Bumpers, Democrat from Arkansas, and cosponsored over the years by Senator REID, now the Democratic leader, Senator HARKIN, Senator PRYOR, Senator MIKULSKI, Senator BAUCUS, Senator KOHL, and others. Those Senators can attest to the Department of Labor's disregard of the will of Congress and interpreted the existing small business threshold to have little or no meaning. The Labor Department would make a Federal case out of the most trivial paperwork infraction by the smallest small business because of what it interpreted as a loophole in the law.

Some would say that the 1989 bill to hike the minimum wage and the small business threshold was inartfully drafted and permitted this result. Others say the Department is misreading the clear language of the statute.

Regardless, the fact is that a threshold enacted by Congress is not providing the balance and fairness that was intended. This amendment corrects the problem by stating clearly that the wage and overtime provisions of the Fair Labor Standards Act apply to employees working for enterprises engaged in commerce or engaged in the production of goods for commerce. My amendment also applies those wage and hour worker safeguards to homework situations.

Second, ensuring procedural fairness for small business: This next provision is just common sense and good government legislation.

Surely, we can all agree that small business owners—the individuals who do the most to drive our economy forward—deserve a break the first time they make an honest paperwork mistake when no one is hurt and the mistake was corrected.

Let me say that again.

Surely, we can all agree that small business owners— the individuals who do the most to drive our economy forward—deserve a break the first time they make an honest paperwork mistake where no one is hurt and the mistake is corrected.

Small business owners told me over and over again how hard they try to comply with all the rules and regulations imposed on them, mostly by the Federal Government. As a former owner of small business myself, I know what they mean. Yes, for all that work, a government inspector can fine a small business owner for paperwork violations alone, even if the business has a completely spotless record and the employer immediately corrects the unintentional mistake. Even the best intentioned employer can get caught in the myriad of burdensome paperwork requirements imposed on them by the Federal Government. And I will even go so far as to say a lot of times the paperwork isn't clear, because I have filled out a lot of those documents.

To comply with the Paperwork Reduction Act, sometimes we use something for insurance that deals with health, and the questions can't be the same.

So there are a lot of possibilities unless you follow the manual very closely. And small businesses don't have time to do that because they are trying to make a living for themselves and their employees.

There are a lot of opportunities out there which the Federal Government gives them to make paperwork mistakes that really don't affect anybody. But if we have enough people working in the Federal bureaucracy to check and see if all the t's are crossed and all the i's are dotted, we can find some mistakes, particularly if that person only has to concentrate on one document. The small business owner has dozens that he has to comply with.

The owners of small businesses are not asking to be excused from any obligations or regulations, but they feel they deserve a break if they previously complied perfectly with the law. Small business men and women who are first-time violators of paperwork reduction deserve some protection.

The third part of the bill would provide regulatory relief for small businesses.

As any increase in the minimum wage places burdens on small employers, it is only fair to simultaneously address the ongoing problem of agencies not fully complying with the congressional directive contained in the Small Business Regulatory Enforcement Act.

That is a mouthful.

Under the law, agencies are required to publish small entity compliance guidelines for those rules that require a regulatory flexibility analysis. Unfortunately, agencies have either ignored this requirement or when they tried to comply have not done so fully or carefully.

My amendment does this by including specific provisions that the Government Accountability Office has suggested to improve the clarity of the requirement.

The fourth thing it would do is remove the barriers to flexible time arrangements.

My amendment includes legislation that could have a monumental impact on the lives of thousands of working men and women and families in America.

This legislation would give employees greater flexibility in meeting and balancing the demands of their work and family.

We came up with an idea like this, and it is real important to pay attention to it. We stole it from the Federal

Government. The Federal Government imposes this on agencies. The Federal Government says you are going to give the employees flexibility.

The first time I ever heard of this was in Wyoming. Some people in Wyoming are married to people that work for the government, probably not nearly as strange as out here. Out here, I think a lot of people who work in government are married to people who work in government. But out there, a lot of people who are working in government are married to people who aren't working in government.

We give this benefit to government employees—being able to have a little flex in their time. But we prohibit it in the private sector. We say you cannot do this even though we let the government folks do this. There, it would be a bad idea for your employees. We don't want you to have any flexibility. We know both the Federal employee and the private employee would like to watch their kids play soccer. The private employee better have his soccer schedule done so he doesn't need any flextime. But the government worker ought to be able to take it whenever they feel like it and trade it around.

We give the Federal Government the kind of flex I am talking about in this bill. Particularly in a family where the private employee is married to a government employee, they do not understand why they cannot have the same right as the government employee. They can bank a few hours and have a little longer weekend the next weekend, all in the same pay period. Their spouse can do it. They can have a little longer weekend. They can go use the boat over the longer weekend, but for the one that works for private industry it would be illegal. You cannot do that.

Just try and explain that to a family. That is how I first found out about this problem. I had a mother who wanted to be able to do the same thing as her husband. Her husband worked for the State government. He could do it. He could bank hours. But if it is a private sector, no, that would be stealing overtime from people. Why would it be stealing overtime in the private sector when it is not stealing overtime in the government sector? I don't understand that.

You will hear more, if we debate these things, and if we decide we are going to impose it on the Department of Defense and the Department of Energy authorization. If we decide we are going to impose that, comments will be on this flextime provision. Most of it will be on this because it is kind of a red herring that you can throw up and say, We do not trust business. Yes, we trust government but we don't trust business. You will hear that as the main part of this debate.

That is why I have spent a little time concentrating on it here.

This legislation would give employees in the private sector flexibility like in the government sector in meeting and balancing the demands of work and family.

Whatever we do, remember that part—only asking for private business what we give to government employees. Let me give some of the latest statistics: 70 percent of employees do not think there is a healthy balance between their work and their personal life; 70 percent of employees say family is their most important priority.

The family time provision in my amendment addresses these concerns head on. It gives employees the option of flexing their schedule over a 2-week period. In other words, employees would have 10 flexible hours they can work in 1 week in order to have 10 hours off in the next week.

Flexible work arrangements have been available in the Federal Government for over two decades. Have we had any arguments about them? No, they have been a great idea. They have been accepted and desired and used. But don't let the private sector have that. Because it works in one place doesn't mean it might work in another place. Let's continue to discriminate against private business. That is what we are saying when we do not allow the flextime.

This program has been so successful that in 1994 President Clinton issued an Executive order extending it to parts of the Federal Government that had not yet benefited from the program. President Clinton said:

> [The] broad use of flexible arrangements to enable Federal employees to better balance their work and family responsibilities can increase employee effectiveness and job satisfaction while decreasing turnover rates and absenteeism.

It would allow the Federal employees to better balance their work and family responsibilities—that sounds good to me—and it can increase employee effectiveness and job satisfaction while decreasing turnover rates and absenteeism. That sounds pretty good, too.

Let's see now. We tried it for over two decades and decided to extend it to all Federal Government, so it has to be a good idea. Would we pass on a bad idea to the Federal Government? Would they stand for it if we did? No. So why can't we give it to the private sector? Why do we say: Private sector, you are just not as good as Government employees. You do not deserve the same breaks we give Government employees.

As I mentioned, this will be the bulk of the debate on this particular issue, the flextime part. It could have been a lot more inclusive. Actually, the Federal Government gets to do more than what I have stated, but we are definitely not going to allow that. We are putting this down to a very small minimum to see if we can get any movement on it at all.

As I said, we have voted on this before, and the answer is, Heck, no, we will not give the private sector that kind of a privilege. We don't care what the Federal Government gets to do, you can't treat the private sector decently. No, they didn't say that, I said that.

I could not agree more with what President Clinton said when he did his Executive order. I am saying now we need to extend this same privilege to the private sector workers. It would allow employees to better balance their work and family responsibilities, it can increase employee effectiveness and job satisfaction, while decreasing turnover rates and absenteeism. That was President Clinton talking about this kind of provision for the public sector. I am saying, if it is that great, we ought to do it for the private sector, too.

We know this legislation is not a total solution. We know there are many other provisions under the 65-year-old Fair Labor Standards Act that need our attention, but the flexible time provision is an important part of the solution. It gives employees a choice, the same choice Federal workers have.

The fifth part of this would extend the restaurant employee tip credit. A major employer of entry-level workers is the fast food service industry. Another part of it is the regular food service industry. The regular food service industry relies on what is known as the tip credit, which allows an employer to apply a portion of an employee's tip income against the employer's obligation to pay the minimum wage.

Currently, Federal law requires a cash wage of at least $2.13 an hour for tipped employees and allows an employer to take a tip credit of up to $3.02 of the current minimum wage. To protect tipped employees, current law provides that a tip credit cannot reduce an employee's wages below the required minimum wage. Employees report tips to their employers, ensuring an adequate amount of tips are earned.

Seven states—Alaska, California, Minnesota, Montana, Nevada, Oregon, and Washington—do not allow a tip credit; however, requiring raises for all hourly employees when States increase the minimum wage. The lack of a tip credit requires these employers to give raises to their most highly compensated employees, the tipped staff. If you are working in a nice restaurant, the tips will be more than the salary. Nontipped employees in these businesses are negatively impacted by the mandated flow of scarce labor dollars to the tipped position. In addition, employers are put at a competitive disadvantage with the colleagues in the rest of the country who can allocate employee compensation in a more equitable manner.

My amendment expands the tip credit to nontip credit States, consistent with the initial establishment of the credit under the Fair Labor Standards Act, anticipating the increase in minimum wage.

The sixth provision is small business tax relief. If we are going to impose greater burdens on small business, we should give them some tax relief at the same time. My amendment extends small business expensing by 1 year.

Simplify cash accounting methods. I am the only accountant in the Senate, so I probably ought to explain what cash accounting is. That could be a huge debate all by itself. It means that the business can actually use the dollars coming in as part of the accounting as opposed to anticipated dollars that would be coming in. It works off the actual cash flow rather than some of the accrual methods that we use. I will not go into that. Accounting is important, but it often puts people to sleep. It would simplify cash accounting methods and provide restaurant depreciation relief.

All of these tax provisions are fully offset in the bill. That means they are paid for. That means there is some way of covering the cost of them so that it isn't the general budget.

In total, the additional provisions in my amendment are intended to mitigate the small business impact of a $1.10 increase in the minimum wage so people can keep their jobs. I share the view of many of my colleagues that if we are going to impose such a mandate on the Federal level, we must do our best to soften the blow. This may be the best we can do today, but I entreat all of my colleagues to look at the true root of the problem for minimum wage workers. That is the acquisition of job-based skills: more skills, more money.

We all share the same goals, which is to help American workers find and keep good-paying jobs and to keep the best paying jobs in this country. Real job skills, not artificial wage levels, should be our focus. Education, training, and job experience are the solution for low-wage workers. We have to pass the Workforce Investment Act that will train those 900,000 people a year to higher skill jobs.

In terms of education and training, we need to move forward on that kind of meaningful legislation that will lead to increased wages and better jobs that we all want for our Nation's workers.

In terms of job experience, we must always remember that businesses, particularly small businesses, create the jobs and provide the gateway to the working world for the vast majority of low-wage workers.

If we do not balance a minimum wage increase with economic relief for the small businesses, we will stifle job creation and shut the employment door on the very individuals we are trying to help.

I urge my colleagues to oppose the amendment offered by Senator KENNEDY and, if we continue to have the debate and I submit my amendment, to support my amendment. Both raise the minimum wage. One covers the cost of the minimum wage so that it would not drive down the number of people employed in this country.

We have been trying to increase employment. We want those people starting with minimum skills to work their way up the ladder to owning the business. That can happen in America. That can happen if we give them an incentive to learn to improve their skills and we don't impose false security of mandated higher wages that drive a spiral upward and eliminate jobs. Elimination of jobs is not the answer. Training people to higher skills so they can demand more money or go to work somewhere else is the answer.

If we are going to have this debate on the Department of Defense bill, I would be happy to submit my amendment to have it voted on, along with Senator KENNEDY's amendment. We have done that before. We know what the results will be, I suspect. Both of them will be subject to a point of order. We usually agree not to go for the point of order but just order the vote and have the 60-vote threshold we have always had. We would be willing to do that, but a more appropriate time to debate this would be another time on another bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the issue we are talking about, my good friend and the chairman of the Committee on Human Resources is talking about, and that I have talked about earlier, is whether we were going to have an opportunity in the Senate to take a few minutes to consider an increase in the minimum wage for the lowest paid workers in America. I had offered that as an amendment on the Defense authorization bill.

One might ask: Why are we doing this on the Defense authorization bill? The answer to that is we would not have another opportunity to do it on any other bill until the recessing of the Senate.

In my opening remarks when I offered that amendment, I indicated to the chairman of the Committee on Armed Services that we would be glad to work out a time for consideration that would not interfere with the general debate and discussion of the issues on the Defense authorization bill, but we have been unable to get that at this particular time. Therefore, we are talking about this issue at this time.

The Senator from Wyoming asked why is this relevant to the Defense authorization. I think the answer is rather compelling. That is, when we think of why the service men and women are fighting in Iraq and Afghanistan, and around the world, they are fighting for American values, American principles. Part of American values and principles is economic fairness, not the exploitation of poor workers in the United States of America. That is why it is relevant.

We are talking about the ideals and the values of the United States of America. We are talking about family values. We are talking about what people at the lowest rung of the economic ladder are going to get paid.

I bet some of these individuals who will be affected by the minimum wage are over in Iraq now fighting. They are wondering, why in the world are we taking up time when we have not increased the minimum wage in the last 9 years and we have taken the time to see six pay increases for the Senate? They are saying: Why aren't you providing that increase for the minimum wage for these workers? That is what we are talking about.

Can anyone imagine that? We are going to get another pay COLA increase next week. We have increased our own salaries $30,000 over the period of the last 9 years. And how much have we given to an increase in the minimum wage? Zero.

We have, I daresay, men and women who are serving in Iraq whose parents are probably earning the minimum wage. We are talking about getting an increase to $7.25 an hour.

This issue never used to be a partisan issue. I regret it has turned out to be a partisan issue. We have been unable to get our Republican friends to give us an opportunity to vote on an increase in the minimum wage. We are caught in this situation because we cannot get an up-or-down vote on the increase in the minimum wage.

Since the time of the initiation of the minimum wage, going back to Franklin Roosevelt, Harry Truman, Dwight Eisenhower, Republican, all had an increase in the minimum wage. Richard Nixon, an increase in the minimum wage. George Bush, an increase in the minimum wage. But we do not have anything after Bill Clinton and the increase in the minimum wage. Nine years is the longest period in history for no increase of the minimum wage. If the Senator would let us have an up-or-down vote, we will take a very short time period. We are interested in taking a short time. We only received the Republican alternative about an hour and a half ago. We still don't know what the scoring is on it. The initial statement we have heard is that it is pretty much the same as it was a year ago, and that basically cuts overtime pay. It also undermines the States' opportunities to deal with problems on the tip credit. It also eliminates worker protections under the Fair Labor Standards Act. That is a fine option that is going to be out. That is what we have gotten in the last hour or so.

If I had the attention of my friend from Wyoming, the managers of the bill are here, I would ask unanimous consent that upon completion of the Defense bill, the Senate turn to the minimum wage bill, the text of which is my amendment, that the Enzi amendment be in order, that there be 4 hours of debate equally divided, and then we would go to a vote.

Mr. WARNER. Mr. President, I would have to object.

Mr. KENNEDY. I have heard the objection. We have had complaints about my offering the minimum wage amendment on this legislation. Then what do we do? We say: OK, let's let this go through. But just give us an opportunity to consider an increase in the minimum wage on the floor of the Senate with a very short time limitation.

And we can't get agreement on that. There you go. That is what this is all about.

I must say the idea that this isn't appropriate, if we could have gotten an option to go ahead and have the individual bill for an increase in the minimum wage, have an opportunity to vote on both the Senator's amendment and our amendment, let's have that and let's go back to the good old days where a majority would carry. That is fine with me. That would be fine with me. I will just take a half an hour on our side. Surely, the Senate can find time to give a half an hour to the issue of increasing the minimum wage for workers. One half hour, let's see where the Senate goes, whoever gets more than 50 votes. That used to be the way around here. But not now. We hear complaining about bringing up the minimum wage on this bill, and they still are going to have to get 60 votes on it because there will be a point of order raised against this on the budget.

We have heard a great deal before, at the time when my good friend was talking about his health care bill about wanting to have a debate on his health care bill. Remember that? It wasn't all that long ago. Let's have a good up-or-down debate. Let's have a vote. What is it, denying the opportunity for people to have this debate?

Well, we would be more than glad to have this legislation. You can have on your side a half an hour. We will take a half an hour. Let the chips fall where they may. If the leader wants to come out and make that, we have offered similar to that. There has been objection to it, but it is a reflection of our good faith.

From an early reading of the amendment of the Senator from Wyoming, they would raise the minimum wage by $1.10. Would the Senator tell me what the cost of the Enzi amendment is? What is the cost? Do we have a budget point of order?

Could I address the Senator from Wyoming? If he could tell me what the budget cost of his amendment would be? While he is doing so, I will mention a couple of other points.

His amendment would raise the minimum wage by $1.10 instead of by $2.10, which our bill does. It cuts overtime, and it also reduces benefits so only 1.8 million workers would be covered. That is 4.8 million fewer than my amendment. Theirs is $1.10 an hour instead of $2.10, and there are 4.8 million fewer than my amendment. Then it also cuts overtime pay. It ends Federal labor standards coverage for over 10 million workers. By raising the gross income of the companies that will be covered, they will eliminate 10 million workers. They will be eliminated from any kind of minimum wage or fair labor standards protections.

Then it basically overturns State actions that are dealing with what they call the wage tip credit which States vary about how they do it. But the Enzi amendment puts a cap on that. The States now, for example, can have a higher minimum wage than we have. We haven't preempted the States because it has always been a flooring. Some States believe that those who depend on tips ought to be given a somewhat additional break. We are talking about people who make $5.15 an hour, maybe make $6 or $7 in tips, and you are trying to nickel-and-dime them on that with the Enzi amendment, preempt the States.

I hope my colleagues have a chance to read through this overnight because we are preempting the States that have reached a different conclusion with regard to tip credit. The Enzi amendment says that is going to be out.

That is quite a mouthful. People understand those issues pretty well. They are very important. I don't know whether we have an answer. I will be glad to hear it later on. Could the Senator give me what the budget cost for his amendment would be?

Mr. ENZI. I would like to be able to do that. I don't have the numbers that I need to have. I appreciate the question, but I can't give you an answer yet.

Mr. KENNEDY. Well, I imagine we will get them later in the afternoon or get them on tomorrow. Could the Senator indicate when we might anticipate those? The reason this is important is because we are talking about 50 pages of tax issues in the Enzi amendment. Therefore, there is a cost to it. It does seem to me that prior to the time that we have a vote, we ought to know what those particular costs are. We have on the one hand the issues that are directly related to the minimum wage, and then we have the costs in terms of an addition to the deficit.

I don't know whether the Senator could tell us that we are going to get it later this evening. If you can give us the assurance, if you think we will have it this evening, that is fine; otherwise, whatever help the Senator could provide, I would be grateful.

Mr. ENZI. In answer to the question, Mr. President, I can't tell how long it will take for the Joint Tax Committee to have the new numbers. But I can tell you, I didn't know that the Senator was going to offer his amendment until yesterday. The estimated revenue effects that we have are from the one that we did and voted on last year which shows over a 10-year period that all costs are covered with a slight surplus.

Mr. KENNEDY. I am not sure that I completely understood the Senator's response in terms of the cost. What is the cost of the first, second, third, fourth, or fifth year? We will try and get that, if we could.

I point out to my colleagues, the amendment I offer is 2½ pages. The Enzi amendment is 71½ pages, 50 of which are tax provisions. It does seem to me if we were debating, look, ours is $2.10, yours is $1.10, let's go at it. Let the Senate make a judgment. But it isn't that. We have 50 pages in here of tax provisions that are going to evidently be called incentives on the one hand but to others they are going to increase the deficit on the other hand. I am not exactly sure what those are. Then we are not only being questioned about that, but we also know that we have in that proposal a cut of overtime pay and the ending of Federal Labor Standards Act coverage for 10 million workers and basically a preemption of States that want to treat the tip credit in the way that they want, which is quite a proposal. I would hope that we would have a chance, which I expect we will, to at least examine it over the evening.

This chart says the $1.10 increase leaves 4.8 million workers behind, the difference between the Enzi proposal and the way ours is drafted.

I wanted to address a couple of the issues the Senator has pointed out with regard to small business. This chart shows results of a Gallup Poll of May 2006: 86 percent of small business owners say the minimum wage does not affect their business. The question was: How does the minimum wage affect your business? Eighty-six percent said no effect; 8 percent, negative effect; positive effect, 5 percent; no opinion, the rest.

So it is kind of interesting, we have sort of gone beyond this point in terms of where the small business community is. They have a pretty good understanding of what happens. What we have found out with the increase, for example, on the living wage, you take the most dramatic example is the neighboring city of Baltimore. When they increased it to a living wage, what happened? First of all, they had less turnover. It was less costly on the city in terms of training new workers.

Secondly, they increased their productivity. They got less individuals who stayed home on sick leave because people began to take a greater pride in their work. Why? Because they were being treated with greater respect. And finally, the overall cost of the program, even though they increased it to about $11.50—I am not sure, I think it is even above that; they were one of the first with a living wage—they found out that the workers were working harder, took greater pride in their work, and there was greater productivity, a greater increase in morale, and their overall costs have actually gone down.

States with higher minimum wages create more small businesses. I was listening to the Senator talk about the burden on small businesses. I just showed a recent Gallup Poll of small businesses which was in May of this year. Here are the 10 States plus DC with minimum wages higher than $5.15, and overall growth of small business is 5.4 percent. Forty States have a minimum wage of $5.15, and there is 4.2 percent growth. The States with the higher increase in the minimum wage saw an increase in the total numbers.

Study after study finds raising the minimum wage does not cause job loss.

This is by David Card and Alan Krueger, from Princeton's reanalysis of the effect of the New Jersey minimum wage increase on the fast food industry and representative payroll data, 1998. The increase in the minimum wage probably had no effect on total employment and possibly had a small positive effect. Four different tests of the two increases on employment impact fail to find any systematic, significant job loss associated with the 1996–1997 increases, Economic Policy Institute. Detailed studies of California's last two decades, the State-increased minimum wage legislation, consistently no employment for workers.

This chart shows the increases in 1996. It is too bad we have to go back so far, but we haven't had an increase in the minimum wage. Here is the increase in the minimum wage to $4.75. I think it was $3.45 prior to that time. We went to $4.75. This is total job growth after we had the increase in the minimum wage. Then we increased to it $5.15. This is a chart that shows the total job growth in the United States during that period. This idea about the impact on jobs is interesting, but it has been refuted time and time again.

This chart shows that the last minimum wage increase did not increase unemployment. These are the figures on unemployment.

The last increase to $5.15 actually shows the unemployment going down over the period of the years, from 1997 until 2000. It doesn't have the most recent figures. But it is a pretty good indication of what was happening during that time. So we find that the States which have a higher increase in the minimum wage are expanding in small business. Eighty-six percent of small business, according to the Gallup poll, said it doesn't have any effect, in terms of employment. The national review about what has happened the last two times we raised the minimum wage was that it had virtually no impact in terms of the employment issue.

Finally, inflation. That issue is always another canard that is pointed out. They say if you raise the minimum wage, we are going to cause inflation. Look at what we are doing, Mr. President. Increasing the minimum wage to $7.25 is vital to these workers, but it is a drop in the bucket to the national payroll. All Americans combined earned $5.4 trillion a year. A minimum wage increase to $7.25 would be less than one-fifth of 1 percent of the national payroll. There it is. No inflation, no adverse impact on unemployment. Small business feels that it doesn't impact or affect them. The studies show that small businesses have grown in States where they have had an increase in the minimum wage.

These are the economic arguments, but most of all, as we have said day in and day out, this is a fairness issue. These are men and women who work hard and play by the rules and take a sense of pride in their work. They work as teachers aides, in nursing homes, cleaning up the great buildings of American commerce, and they work hard and try to do a decent job. More often than not they have two and sometimes three other jobs. Primarily, they are women. As I have pointed out, it is a women's issue. Primarily, those women have children. It is a children and a women's issue. It is a family issue. It is a family value issue and a civil rights issue because so many of the workers are men and women of color. And fairness, fairness. You don't have an economic argument against increasing it to $7.25, and you don't have an argument that is relevant to decency and fairness in opposing this kind of increase.

Americans understand fairness, they understand decency, and they understand the importance of hard-working Americans who are playing by the rules. A job in America should get you out of poverty, not keep you in it. And the alternative to our increase in the minimum wage will keep you in poverty. We can do better as a country, and we will.

I see my friend from New Jersey who desires to address the Senate on the minimum wage. I hope he will have an opportunity to do that for as long as he likes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I am proud to join Senator KENNEDY in his call to increase the minimum wage to $7.25 and to cosponsor this amendment. In my mind, this amendment is not just about wages, it is not just about fairness; it is about dignity. Certainly, there could not be any finer advocate for our Nation's workers than my colleague from Massachusetts, who has pushed relentlessly to get this body to act and provide that opportunity for dignity and to provide a long, overdue increase in the Federal minimum wage.

Yet despite his efforts, despite coming to this floor time and time again to call for a simple yet critical wage increase, this body has not heeded his calls. Despite the fact that some 7 million American workers are struggling to keep their heads above water, this body has chosen inaction.

That is a disgrace.

I think it is shameful that Members of this body have walked away time and again when given the chance to provide hard-working Americans with what is at the core of the work ethic we hold as a Nation—fair pay for a hard day's work.

We are not talking about a giveaway or a free ride; we are simply talking about a fair and decent wage that ensures those working their hardest make enough to get by. To be honest, workers making the Federal minimum wage today don't make enough to get by. The average worker earning the minimum wage and working 40 hours a week, 52 weeks a year, to support a family of three will only earn $10,700 on the current minimum wage. That is $6,000 below the Federal poverty line for a family of three.

No family can afford to live on those wages, especially not a family in a high-cost State such as New Jersey. In New Jersey, which has the highest median income in the Nation and one of the highest average rent costs in the country, $5.15 an hour is simply not enough to get by. People in New Jersey know that. Leaders in New Jersey know that, and that is why our State acted to increase the minimum wage to $6.15 last October. Raising the minimum wage to $7.25, as this bill would do, would benefit an estimated nearly 200,000 New Jerseyans.

I am proud that New Jersey has been a leader for increasing the minimum wage. I heard Senator KENNEDY's reference to some studies about it. In fact, we are lifting people up in the process. New Jersey's move to be a leader, rather than wait for the Federal Government to lead the way, is providing a better standard of living for New Jerseyans.

We need leadership now in Washington. While Congress refuses to act, millions of workers across the country are being left behind. Nine years is far too long for those workers to wait. Nine years is too long for those who work around the clock, hoping to save a little extra for groceries, so they can buy school supplies or clothes for their children or for those who are saving so one day they can live in a place that they are proud to call home.

Mr. President, that is what this amendment is about. It is about more than just wages. It is about providing a decent and fair standard of living for those who share in the dream of America, as every other worker in this country. It is for those who work their hearts out every day so that they may provide a better life for their families. It is so that children in this country never have to know what it feels like never to have enough.

Increasing the minimum wage would give more than 7 million children of minimum wage earners a chance for a better life.

As the son of poor immigrants, hard-working parents who worked day in and day out as a carpenter and a seamstress in a factory, I knew what it was not to have enough. My parents didn't have time to fight for better wages. They were working hard to achieve the American dream. Similar to so many before them, my parents saw hard work as a path to a better life for themselves and their children. That continues to be the story for so many hard-working Americans.

But unless wages rise to keep up with the rising costs, to meet the realities facing working families, that dream will be out of reach for millions of minimum wage earners, who earn a wage that is worth less than it was nearly 30 years ago.

Now, I ask how the Members of Congress, who get a cost-of-living adjustment, can at the same time say to those people in this country working at the minimum wage—even after you

work 40 hours a week, 52 weeks a year, which puts you at the poverty level—Members of Congress get an increase in the cost of living, but they cannot vote after 9 years to give those hard-working minimum wage workers the first increase in 9 years.

Every day that we stand idle, the minimum wage continues to lose value, our Nation's workers fall further and further behind. We have to give working families the chance to work their way out of poverty. We want Americans to be self-sufficient. Yet when we have individuals who get up every day and do some of the hardest work that our country has to offer—and it is honest work and decent work, but it is hard work—every day they get up and go to work—and they cannot afford to be ill because most of them don't get health care. If they don't go to work that day, they don't have the resources to take home for their families. Can we not say as a Nation that we want to honor their work, that we want to reward their work, so that work becomes the vehicle by which there is self-sufficiency? That is what we say when we are unwilling to increase the minimum wage.

The increase we are proposing would put more than $4,000 in the pockets of these hard-working Americans. This is enough to help a low-income family afford 2 years of child care, a year and a half in utility bills or a year of tuition at a public college.

This may be a simple increase for some, but an extra $2.10 an hour will mean a lot more for the 15 million workers who have been waiting and waiting and waiting for 9 years for a better wage, a better standard of living, for hope and opportunity, and for a message that their work is rewarded.

Mr. President, these workers have waited long enough. They are waiting for leadership. They are waiting for a Congress that accepts cost-of-living adjustments to ultimately recognize that they, too, need an adjustment in their salary. Let's get our priorities straight and stand up for our Nation's families. Let's show true leadership and provide these workers across the country what they deserve. Let them work their way out of poverty. Let's pass this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I want to talk about the amendment of the Senator from Massachusetts. I want to specifically commend the Senator for his passion and enthusiasm. But it reminds me of a line in an old country song: ''You only hurt the ones you love.''

The graphs that we were shown were macro graphs about all economies and all unemployment in the country. The people on minimum wage, which this is designed to help, are those at the lowest end of the skill level and the beginning level of employment.

When the distinguished Senator from New Jersey referred to the 15 million Americans who were on the minimum wage 15 years ago as if they were still on it today, it was deceiving and misleading. Those are not the same 15 million people. They are 15 million new people who are getting a foothold in the joy that is America by beginning on the ladder of employment.

Former Federal Reserve Chairman Alan Greenspan has repeatedly cautioned the Congress on this very subject and against raising the minimum wage for that reason. The Chairman pointed out that such a move ''increases unemployment and, indeed, prevents people who are at the early stages of their careers from getting a foothold in the ladder of promotions.''

The Federal Government can dictate what anybody pays anybody, but we cannot dictate who is hired. If we raise the component cost of employment—as the bill of the Senator from Massachusetts would—29 percent, it stands to reason that you put at risk 29 percent of those who are employed at the lowest level. What happens is that people seek a more efficient worker at the detriment of the least skilled and the least qualified.

One year after the first minimum wage was established, Franklin Roosevelt's own Department of Labor made the following observation:

> In a number of instances, there have been reports that workers who had been receiving less than [the new minimum wage] had been laid off, and replaced by more efficient workers.

The marketplace will drive employment, and when we in Government infuse ourselves into an issue and make an arbitrary adjustment, then the marketplace will make the adjustment for the business community and the more efficient worker will be employed.

When the distinguished Senator from Massachusetts referred to the tremendous job growth and creation between the next-to-the-last increase in the minimum wage and the last increase in the minimum wage, again it was a macro graph. The fact is that while employment skyrocketed during the dot-com era, those were high-technology, high-end jobs. The reality was that, as a result of the Congressionally-mandated increase in the minimum wage, technology replaced a lot of those minimum wage, low-skilled jobs, and actually unemployment increased at the lowest end. It is only right to compare apples to apples and oranges to oranges.

It is interesting that researchers at the University of Wisconsin did a study not too long ago to determine what the minimum wage did to welfare mothers, that I give you, Mr. President, as an example. The study revealed that welfare mothers in States that raised their respective minimum wages remained on public assistance 44 percent longer than those in States where the minimum wage was not raised, making the point I made earlier; that is, getting a foothold on the ladder of success in America means getting in the employment chain. And the more we put pressure on how much it costs to bring someone into that chain, the more it punishes or penalizes someone who is not in it.

There is another deception which goes on in this argument, and that is that everybody who is on the low end of the chain and a minimum wage earner is at the bottom of the scale in life.

President Clinton's first Labor Secretary, Robert Reich, once observed ''most minimum wage workers aren't poor.'' He is right. Today, according to data from the U.S. Census Bureau, the average family income of a minimum wage worker is above $43,000 a year—well above the national average. There are reasons for that.

Accordingly, minimum wage increases are inefficiently targeted to help poor workers since fully 85 percent of minimum wage earners live with their parents, have a working spouse, or are living alone without children. In fact, when Congress last raised the minimum wage in 1997, only 17 percent of the benefits of that increase went to families living below the poverty level. For comparison, over 33 percent of the benefits went to the richest two-fifths of all families, which is another secret to raising the minimum wage.

It is not just at the lowest end of employment or the beginning level, but there are contracts in America that are indexed to the minimum wage. If the United States of America and this Congress force an increase in the minimum wage, then it very well could trigger, in a labor contract, in a labor organization with a company, an automatic increase in the pay scale for people far and above the minimum wage. Once again, it has an arbitrary effect on the marketplace that the marketplace will adjust, and when it adjusts, someone will lose a job or find it harder to get a job.

The University of Georgia in my home State recently did a study. The economist who did that study was Joseph J. Sabia, a Ph.D. graduate in economics from none less than Cornell University. He used Government data from January of 1979 until December of 2004. This is a 25-year longitudinal study, and in sum, Dr. Sabia found that a 10-percent increase in the minimum wages causes a nine-tenths of 1 percent to a 1.1 percent decrease in retail employment, and an eight-tenths of 1 percent to a 1.2 percent decrease in small business employment. Dr. Sabia's research confirmed yet again that low-skilled workers is the group that is most likely to be most negatively impacted by the minimum wage hike.

The study also reiterated minimum wage hikes are not an effective means of reducing poverty among working poor because most minimum wage workers are second or third earners in a family—teens or dependents—and most workers in poor households earn more than the minimum wage.

But the best study I refer to most often is the study I conducted during 33

years in the private sector employing hundreds of individuals in a real estate company. I knew what competitive marketplace factors were, and I knew how, when we brought people in—and I had some jobs in my company that were at the lower end, minimum wage to start. They may have been in maintenance, may have been in building upkeep, may have been operators on the night desk. But I always found myself being pressured by the market, not the Government, to raise the wage of the good worker because the good workers, as they improved and gained their self-confidence, shopped around.

In most of the years I worked, we were in the type of economy we are today. We were in full employment where you are competing for the best and the brightest. Those who are motivated, those who enter the system, those who are at minimum wage to start with will quickly rise as they gain skills, confidence, and self-esteem.

If we think an arbitrary, mandatory 29-percent increase in somebody's wages is going to solve poverty, improve their self-esteem or, in fact, solve the problem the Senator from Massachusetts intends it to solve, we are wrong. Instead, it is probably going to deny about 29 percent of those starting at that level an opportunity early on. It probably, as President Roosevelt's Administration found in 1939, is going to cause some people to actually lose their jobs. And worst of all, it is a feel-good amendment whose intention ends up having the absolute opposite result.

I care deeply for everybody in my State, everybody in this country, and for everybody entering the workplace. I believe the minimum wage is appropriate, but I believe to take a time of full employment, a time of a vibrant economy, a time when study after study indicates the exact opposite of what the distinguished Senator said, would be sending the absolute worst signal.

I believe in the empowerment of our workers, not in the slavery of our workers. I don't believe Government should arbitrarily try to fix something that, in fact, the marketplace fixes day in and day out 365 days a year.

I urge my colleagues in the Senate to not try to fix something that is not broken. I will oppose the Kennedy amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, our friend and colleague, the Senator from Connecticut, Mr. DODD, is looking forward to addressing the Senate in just a minute or two.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I wish to review for the Senate what has been happening to many families in this country over recent years regarding the important growth of poverty and its relationship to the minimum wage. It has a very direct relationship. The figures are rather startling. It is appropriate, when we are talking about an increase in the minimum wage, that we have some fuller understanding about the growth of poverty in our Nation over recent years.

Mr. President, 5.4 million more Americans are in poverty. We had 31.6 million in 2000, and now there are 37 million. There is a 5.4-million greater number of Americans living in poverty in the United States. Of those 5.4 million, 2.5 million are children.

It is interesting, when we talk about an increase in the minimum wage, if we look at the countries of Western Europe—take Great Britain, for example, which has the second most powerful economy in Western Europe. In October, they will increase the minimum wage, and it will go to $9.80 an hour. Listen to Gordon Brown, the Chancellor of the Exchequer, and the pride that he takes as a public servant, Chancellor of the Exchequer—effectively our Secretary of Treasury and the head of OMB combined—in having lifted 2 million children out of poverty over the last 6 years. We have put 2.5 million children into poverty in the last 5 years.

There are 5 million more Americans who are on the verge of hunger. These figures are from Food Security in the United States, USDA. These are not figures from those of us who are supporting an increase in the minimum wage. These are the figures. We have 5 million more Americans who are feeling the pangs of hunger, and the great percentage of those are children, again.

What is consistent in the last 5 years? No increase in the minimum wage, the growth of the number of people in poverty, the growth of the problems of hunger. We have Americans struggling to survive in this current economy, the Bush economy. Too many Americans are living in poverty: 1 in every 10 families; nearly 1 out of every 5 children in this country; 1 out of every 5 Hispanic Americans, and 1 out of every 4 African Americans.

This is interesting. It shows the extraordinary growth of poverty, particularly child poverty, in the failure to increase the minimum wage. So one says: What does that really have to do with the minimum wage no longer lifting a family out of poverty?

In 1965, 1970, 1975, for a period of some 20 years, we had a minimum wage that was above or at the poverty level. Republicans and Democrats did this for 20 years, and now we are seeing an absolute collapse. There was a little blip with the increase in the minimum wage, and now we are down to an all-time low, some $5,888 or less. We know that in the last 9 years, the increase to $5.15 is buying about 15 to 20 percent less. It is not only $5.15 an hour, the purchasing of that $5.15 per hour is less.

The United States has the highest child poverty rate of the industrialized world. Here it is. Of all the industrial nations of the world, we have the highest poverty rate. That obviously has something to do with what their parents are being paid. Not completely; there are other programs in these countries that are directed toward children.

The Presiding Officer, a former Secretary of Education, is familiar with what a number of these countries do in terms of trying to assist and providing special allowances for children in a number of ways. Nonetheless, what comes out of it is the fact that we have the highest child poverty rate of any industrial nation in the world. The fact that we have not had an increase in the minimum wage is directly related to that.

Again, if you look over at this chart here, the States with the highest child poverty have the lowest minimum wages, with the exception of Pennsylvania, and that is a State with 20 percent greater child poverty than the national average but has a higher minimum wage. But the rest are basically States with lower minimum wages, a direct tie-in with the minimum wage and poverty and child poverty.

We have a chance to do something about child poverty and about poverty in this country, and we can do it in a way that is not going to endanger inflation or provide increasing unemployment or threaten the small business community.

As we have gone through this, we have seen those arguments which have been raised and which were raised again this afternoon by my good friends from Wyoming and Georgia. They are arguments I have listened to for the last number of years I have been in the Senate. The fact is that when we have had an increase in the minimum wage, no one has ever said: Let's go back, let's go back, although we are going to be faced with an alternative tomorrow to my increase in the minimum wage that will take us back, will eliminate the coverage, eliminate overtime for a number of workers, and that is unfortunate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, earlier today we went through a good deal of the history of the minimum wage, and we also went into the growth of poverty, particularly for children and

for those who receive the minimum wage. I wish to read a couple of real-life stories because I think it is always useful to understand that besides the graphs we have been able to show and the statistics we have been able to show on these charts, we also show in real terms what is happening to a lot of our fellow citizens, our fellow Americans.

This is a story from the Sacramento Bee, and I ask unanimous consent that it be printed in the RECORD in its entirety. This is June 18, 2006, last Sunday:

Monique Garcia earned minimum wage for most of a decade before becoming homeless. She washed dishes, swept floors, collected parking tickets, worked cash registers, staffed drive-through windows, and flipped burgers. Despite that, two months ago, the 26-year-old single mom found herself with too little money for rent and no place to go.

She moved with her 7-year-old daughter and 5-year-old son into St. John's, a family shelter tucked into an industrial corner of Sacramento. They share a room with another minimum-wage worker and her two young children. Garcia and her roommate trade off, one watching the kids while the other works.

It's hard, you've got a family to support and minimum wage isn't it, Garcia said last week.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Sacramento Bee, June 18, 2006]

LIFE ON $6.75 AN HOUR: WHEN ENDS DON'T MEET

(By Jocelyn Wiener)

Monique Garcia, a single mother living on minimum wage, ended up homeless.

As the gulf between what they earn and what they owe continues to grow, many of the region's minimum-wage workers have turned to food banks for sustenance. Some, like Garcia, have moved into homeless shelters or cars for housing.

These workers welcome Gov. Arnold Schwarzenegger's proposal to hike the minimum wage by a dollar, to $7.75 an hour. They cheer a separate plan proposed by state legislators—and supported by many labor groups—that would ensure the minimum wage increases each year to keep pace with inflation. About 1.4 million of the state's lowest-paid workers would be affected.

California's minimum wage is lower than that of more than half a dozen states, but is higher than the federal minimum of $5.15 an hour. Washington state has the highest minimum at $7.63 an hour, and it is indexed to inflation.

California's Industrial Welfare Commission is scheduled to consider the proposals early next month. Many business groups oppose a minimum wage increase because it could force increases for higher-paid employees, as well, and might cause some small businesses to close.

According to a report published earlier this year by the California Budget Project, a nonprofit group that conducts economic and policy analysis to benefit the poor, the purchasing power of the minimum wage has dropped $0.88 since 2002, a decline of 11.5 percent.

Advocates for the working poor say earnings have slipped so far out of sync with the cost of living that the proposals are unlikely to remedy families' deep financial distress. Barring a drastic policy change, they say workers like Garcia will continue to struggle mightily under the ballooning costs of health care, transportation, child care and housing.

''I hope I am wrong,'' said Ralph Gonzalez, a social worker with the Sacramento County Department of Human Assistance. ''I hope with the increase of the minimum wage we can get it. But with all my years of experience, I really doubt it. I really do.''

Another California Budget Project report, this one released in September 2005, estimated that a single adult in the Sacramento region needed to earn about $11.61 an hour, or $24,151 a year, to cover housing, utilities, transportation, food, health care, taxes and miscellaneous expenses. They calculated that a single parent raising two children, such as Garcia, would need to earn $24.17 an hour, or $50,272 annually, to cover basic expenses.

Minimum-wage earners patch together strategies to make ends meet: some cram into one bedroom apartments shared by multiple families. Many work two or three jobs. They run up debt to pay medical bills, buy clothing at rummage sales and visit food banks when there's nothing left to eat. Many teeter on the edge of homelessness until, like Garcia, they fall off.

Garcia has round brown eyes, a long ponytail and the names of her children, Yesenia and Joshua, tattooed over her heart. Until last week, she worked about 15 hours a week at Round Table Pizza. Now she's applying at Del Taco and Wal-Mart and a discount store. She's worked full-time in the past and would like more hours, but recently hasn't been able to get them. She's afraid to take a second job because her absence already is hard on her children. For the same reason, she finds it difficult to complete the coursework she needs for a GED, virtually a requisite for most better-paying jobs.

That leaves her with about $190 every two weeks, after taxes, she said. Even with a $300 monthly check from Temporary Assistance for Needy Families for her 7-year-old daughter, and a monthly $300 in food stamps, she doesn't have enough to rent an apartment.

To even consider an application, most landlords want her to earn at least double the rent. The cheapest one-bedroom she's seen is in North Highlands, for $400.

John Foley, executive director of Sacramento Self Help Housing, said most landlords in Sacramento actually require tenants to make 2.7 times the rent. Most refuse to rent to people with any history of evictions or bad credit.

''It's legal to have those criteria,'' he said. ''But, of course, they really crunch the poor.''

He said it is especially disconcerting that workers in Sacramento cannot afford rent, because the region is relatively affordable compared with much of the rest of the state.

''We ought to be able to fix it here,'' he said. ''That's what's so shameful.''

Health care costs, which increase more than 7 percent each year across the country, also pinch the working poor. Some workers, like Garcia, receive Medi-Cal. But, for a whole host of reasons, many others are ineligible for government programs.

Marina Aguilar, an uninsured Der Wienerschnitzel worker, knows intimately the burden of medical bills. She says her husband, an asthmatic, was admitted to a local hospital overnight after a severe attack two years ago. He was uninsured, and the bill for his short stay came to $5,000. For two years, Aguilar says, she and her husband—who lays tile for a living—have paid $100 every month on that bill. So far, they've paid more than $2,000, but they still owe about $4,000 because of interest.

Aguilar, a 37-year-old mother of three, earns minimum wage working 30 to 35 hours a week. Her husband is now insured, but she is not covered by his plan. Last month, her doctor told her there was something in her breast that needed to be biopsied. The biopsy alone would cost $5,000. Her mother, grandmother, great-grandmother and sister all had cancer; the risk is clear.

''I'm worried, because if I have cancer, cancer spreads very quickly,'' she said in Spanish as she sat in her sister-in-law's lace-curtained home across the street from the Sacramento Food Bank.

Aguilar would like to use the money she earns to buy things for her 10-, 15- and 19–year-old daughters and 3–year-old grandson. She'd like to take the younger ones to Chuck E. Cheese's, maybe even on a vacation someday. She's never been on a vacation.

Low-wage work can seem, to many workers, to be a whirlpool from which they can never escape. Gonzalez, of the Sacramento County Department of Human Assistance, has another name for it: Catch–22.

Homeless people don't have alarm clocks or easily accessible showers, he said. So those workers who are sleeping in their cars, or under a bridge, often lose their jobs because they can't be presentable for work. Those who are not homeless may need to ride a bus several hours to get to work on time. They may not be able to afford the high cost of child care. Few services exist to help them, Gonzalez said.

At nearly age 60, Epitacio Leon has spent 43 years watering and tilling and picking the state's agricultural fields. His face is baked dark from decades in the sun, his fingernails are caked with earth, his bottom teeth are missing. His most recent raise, from $6.75 to $7 an hour, represents the highest wage he's ever earned.

Leon rises at 4 every morning in the tiny trailer where he lives alone. He eats breakfast, then catches a ride to the fields with another worker. By 6 a.m. he is working, irrigating tomato and sunflower fields near Woodland. He works for 12 hours, then comes home exhausted. He drinks a few beers and goes to bed.

''I'm old already,'' he said in Spanish as he sat in his niece's Woodland home last week. ''I'm tired of working already.''

If he retires now, he said, he wouldn't get enough money from the government to pay his bills.

The sounds and smells of his great-niece's high school graduation barbecue floated into the living room. Always working, never saving, Leon didn't have a family of his own. But he visits his niece's family on evenings and weekends and special occasions, and finds pleasure in playing the role of great-uncle.

On the evening of the graduation party, his 10-year-old great-nephew walked into the living room. Leon teased him a little, then asked him to bring him a beer. Then he stopped him.

''Let me see whether I have a peso,'' he said, fishing in his pocket. He pulled out a $1 and a $10 bill. He deliberated a moment before handing the boy the $10.

The boy beamed. Leon smiled a little.

It would be nice to retire some day, he said. But it won't be next year, and probably not the year after that.

The Cost of Living:

$5.15 federal minimum hourly wage.

$6.75 California's minimum hourly wage.

$7.63 Washington state's minimum hourly wage, the highest in the nation and indexed for inflation.

$11.61 hourly wage a single adult in the Sacramento region needs to cover basic living expenses.

$24.17 hourly wage a single parent raising two children in this region needs to cover basic living expenses.

Mr. KENNEDY. The stories continue along. This is happening out in Sacramento.

Here is a story about, for all intents and purposes, Christie:

Christie did a job that this labor-hungry economy could not do without. Every morning she drove her battered '86 Volkswagen from her apartment in public housing to the YWCA's child care center in Akron, OH, where she spent the day watching over little children so their parents could go to work. Without her and thousands like her across the country, there would have been fewer people able to fill the jobs that fueled America's prosperity. Without her patience and warmth, children could have been harmed as well, for she was more than a babysitter. She gave the youngsters an emotionally safe place, taught and mothered them, and sometimes even rescued them from abuse at home.

For those valuable services, she received a check for about $330 every two weeks. She could not afford to put her own two children in the day care center where she worked.

She is looking out for children, and she is unable to provide the childcare for herself.

Carolyn Payne did everything right but still can't find a job with decent wages.

She had earned a college diploma, albeit a two-year associate's degree. And she had gone from a homeless shelter into her own house, although it was mostly owned by a bank. The third objective, ''a good-paying job,'' as she put it, still eluded her. Back in the mid-1970s, she earned $6 an hour in a Vermont factory that made plastic cigarette lighters and cases for Gillette razors. In 2000, she earned $6.80 an hour stocking shelves and working cash registers at a vast Wal-Mart superstore in New Hampshire.

''And that's sad,'' she said.

She just can't make it and is in a homeless shelter. These people, our brothers and sisters of America who want to work, want to provide for their families, will do hard and difficult work. Carolyn Payne should have a greater sense of hope in the richest and the most powerful country in the world. We will give them that if we increase the minimum wage.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I am going to describe what I understand is in the amendment which is being offered by Senator ENZI. I think it is important that we have a chance over the evening—because it looks less likely that we are going to be completing this debate tonight. We have others who are on their way over here. But I am going to review this and try to get through it, and then if I have misstated it, I hope I will be corrected.

In the last 9 years, while costs have been rising, the minimum wage has been stuck at $5.15 an hour; that is, $10,712 a year, $6,000 below the poverty line for a family of three. Since 1997, the minimum wage has lost 20 percent of its value. The Enzi proposal is a $1.10 increase—far short of making up for this lost value. It won't even make up for the lost value of the purchasing power of the existing minimum wage. It leaves behind 4.8 million workers who would be covered by the Democratic proposal because it only raises the wages of 1.8 million workers.

The raise to $5.15 was historically low, lower than any but for one increase in the 1960s. In fact, before the 1997 increase, the minimum wage had fallen to its lowest level since 1960. So we can't allow such a low increase for hard-working minimum wage workers.

Eighty percent of the 14.9 million Americans who would be affected by the minimum wage are adults, and more than a third are the sole breadwinners in their families. Minimum wage workers have waited 9 years. They deserve one that is fair.

On the issue about the 10 million Americans who will lose the minimum wage in overtime protection, first, the Bush administration and Republican leadership in Congress stripped away overtime protection from 6 million Americans. That has already taken place. That has already taken place. They have done that through rules and regulations. Now they want to deny over 10 million more workers, minimum wage workers, overtime pay by eliminating the fair labor standards coverage entirely. Do you see what I mean? If you eliminate the coverage of the Fair Labor Standards Act, you eliminate the protections for overtime pay.

Currently, all employees who work for employers who are engaged in interstate commerce, have gross annual sales of at least $500,000, are guaranteed the minimum wage and overtime pay. But even in businesses that have less than $500,000 in annual sales, employees still have individual minimum wage and overtime coverage if they are engaged in interstate commerce. The Enzi amendment would raise the $500,000 annual sales to $1 million and eliminate the fair labor standards coverage for workers who are engaged in interstate commerce. No more overtime for those individuals—10 million.

Raising the annual business threshold to $1 million and eliminating the individual coverage would force greater numbers of hard-working Americans, retail workers, security guards, garment workers, waitresses, and their families into poverty. Raising the annual threshold and eliminating individual coverage would allow businesses to pay their workers less than the Federal minimum wage and require them to work longer hours without overtime pay.

So, on the one hand, you get the $1.10 increase for 1.8 million, which will not even cover the lost value of the $5.15 since the last 9 years. Then you eliminate the overtime protections for these workers as well. Because the Fair Labor Standards Act guarantees overtime and equal pay for women and men, this exemption jeopardizes these rights for over 10 million workers.

The gross annual sales threshold was created as a way to determine that employers were engaged in interstate commerce, not as a way to exempt workers from minimum wage and overtime protection. Doubling the annual sales threshold and eliminating individual coverage would take away those protections for over 10 million workers, contradicting the long-term intent of the Congress to expand the Fair Labor Standards Act.

For over 60 years Congress has repeatedly amended the Fair Labor Standards Act to provide more protection, more minimum wage and more overtime protection—not less. This will be the first time we will see the significant reduction rather than an expansion.

Instead of trying to exclude over 10 million workers from the guarantee of a minimum wage, we should be trying to raise it. It has been more than 9 years. Americans have waited long enough.

This chart indicates raising the business exemption reverses a tradition of extending worker rights.

Congress amended the business exemption in 1961, 1967, 1969 and 1989, each time to afford more employees minimum wage and overtime protections. The current $500,000 exemption was established deliberately to cover more employees. By raising the exemption, the Republican proposal would reduce the protection for the first time.

That is very important.

I want to cover the last two points. I see the Senator from Connecticut here.

Under the Republican proposal, workers opt into the flextime system, but once they do, they do not control their own schedules. They work a 50-hour workweek when their employer tells them to, not when they choose to.

Under the current system, workers would get overtime for those extra 10 hours a week. Under the Republican proposal, they would not.

The Republicans claim the proposal would give the parent time to see a child's soccer game or attend a child's school play. They, in reality, don't get that freedom. They just get paid less for working a longer workweek.

Public sector workers also have greater protection from being coerced to agree to flextime if they don't want it. Pubic employees generally have the protection of a union contract as well as the constitutional due process protections afforded them in the Civil Service, although this administration is trying to undermine those due process rights as well. Public employees can challenge abuses of flextime within the context of those protections, whereas most public employees cannot.

As then-Governor Ashcroft explained in 1985, when the Senate was considering whether to permit flextime in the public sector:

State and local governments are qualitatively different in structure and function from private business. Public employees serve under exceptional circumstance, the most significant characteristic of which is the protection public servants enjoy because they work in government.

I am also going to add to the statement an analysis on the tip credit that would show how this effectively preempts the State from being able to make a judgment on this. This is a one-size-fits-all. It is ''the Federal Government knows best.''

If we pass it here, we preempt what Massachusetts can do, what Connecticut can do, what Georgia can do. It doesn't seem to me to be the wise course of action. We permit States to make their own judgment to increase the minimum wage because that is what it is, a minimum. It is a bottom. But this proposal is going to interfere with the States' wage policy in other ways.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Connecticut.

Mr. DODD. Mr. President, let me begin, if I may, by once again commending our colleague from Massachusetts for his leadership on this issue. Over the years, no one has been a stronger champion, a louder voice, a stronger voice on behalf of the most disadvantaged in our society than the senior Senator from Massachusetts. Once again he is proving that point with this amendment he has offered. Frankly, as I recall in years past, increases in the minimum wage were the ones that were endorsed by both parties. I am old enough to remember when an increase in the minimum wage would have occurred in far less time than 9 or 10 years.

Nearly a decade has elapsed since the last increase. I am sure my colleague from Massachusetts can tell me on the average, it was probably every 2 or 3 or 4 years that the increase would occur. When it did, when the proposal was offered and it was worked out between the two parties, it went through almost unanimously if not unanimously. But here we are. This is an indication of what has happened in our beloved country over the last number of years.

Nearly 37 million of our fellow citizens, including 13 million children are currently living at or below the poverty level in the United States. Yet we somehow cannot find ways among ourselves here to reach a consensus to increase the minimum wage to $7.25 over the next 2 years—a $2.10 increase.

I find that rather shocking. I suppose it is an indication of what has happened to the body politic in this country, that you cannot find common ground to make a difference in the lives of almost 40 million of our fellow citizens.

These Americans are struggling out there every single day and as I mentioned earlier, 13 million of them are totally defenseless—our children. Certainly, while Members of Congress may find it odd, the average citizen out there, even those who are making way beyond the minimum wage, were they here tonight in this Chamber, would tell you how difficult it is to meet the rising cost of living—food, housing, clothing—not to mention soaring energy costs. Yet in the midst of all of that, we find it impossible to provide an increase, after nearly a decade, of $2.10 per hour for these families in our country.

Mr. KENNEDY. Will the Senator yield for a moment?

Mr. DODD. I am happy to yield to my colleague from Massachusetts.

Mr. KENNEDY. As all of us know, the Senator has been the chairman of the Children's Caucus here in the Senate. He is the author of the Family and Medical Leave legislation. He worked 5 years to get that legislation passed. It has been a great success. There were extensive hearings in our committee over the course of the years on children and children's needs, children's education.

Does he agree with me that we have seen this remarkable growth of child poverty in the last 5 years? The Senator has just mentioned this. I just want to underline it. In the strongest economy of the world, we are seeing a significant growth in child poverty and child hunger in this Nation, and we have seen, as the Senator pointed out, the virtual lack of increase in the minimum wage and the reduction of purchasing power.

Does the Senator join with me in recognizing what we have seen? The U.K., which is the second strongest economy in Europe, will be going to $9.80 an hour in December. Gordon Brown takes pride in the fact that they have raised 1.8 million children out of poverty in the U.K. over the period of the last 5 years. In Ireland it is $9.60, and they have raised hundreds of thousands of children out of poverty.

Does the Senator agree with me that the fact of the failure of increasing the minimum wage has had an extremely negative impact on the well-being of children in our country, resulting in the fact that there are hundreds of thousands, even millions more children who are living in poverty because we have failed to do that?

Mr. DODD. Mr. President, I say to my colleague, if he will yield back, I couldn't agree with him more. This is one of the great myths about the minimum wage increase. You will hear over and over again; in fact, we have heard it here already today: If you increase the minimum wage, this hurts business. This makes it more difficult to hire people, to employ people.

I found it rather interesting that in surveys done among the business community, particularly the small business community, 86 percent of small business owners do not think the minimum wage affects their business.

The Senator from Massachusetts is absolutely correct that raising children out of poverty is directly related to the ability of their parents to provide for them.

Again, it should not take lecturing here to my colleagues in this great body to make the case, in the 21st century, that we are going to have to have the best prepared, best educated, healthiest generation we can produce if we are going to remain competitive in a global economy. When you have 13 million of your children growing up in poverty, how are these children going to effectively compete? How are they going to be well educated? How are they going to be healthy enough not only to be good parents themselves, but good workers, and good citizens?

It seems axiomatic. It should be understood on its face. If we continue on the road we are traveling, with the number of children in our country growing up in poverty increasing, it is going to make it more difficult for our country to compete in the 21st century.

There is a graph here which I know the Senator has seen, but it makes the case of what is happening. The United States has the highest child poverty rate in the industrialized world: Denmark, Sweden, France, the Netherlands, Germany, Spain, Japan, Canada, U.K., Italy. All of these countries, major competitors in the world, do a far better job seeing to it that their children are better prepared to meet those challenges.

Our future is lagging behind when a substantial number of children are growing up, in our great country, in poverty. This is through no fault of their own. It is through the accident of birth, being born into a family where their parents are struggling to earn a decent wage and make ends meet. These are working families, by the way. These are not families collecting subsistence or some kind of charity. They are out there working, earning an income that does not allow them to meet the basic necessities of life.

Mr. KENNEDY. Will the Senator yield?

Mr. DODD. I am glad to yield to my colleague.

Mr. KENNEDY. The Senator has given just an excellent statement about what happens to children when they live in poverty. I was wondering if the Senator would comment about the growth of hunger over the last 5 years. There are 5 million more of these people now, according to the USDA, and more than 20 percent of these are children. Five million more Americans are hungry or on the verge of hunger.

I wonder, I ask someone who chaired the Children's Caucus, I ask about the fact that children are increasingly pressured in terms of the issue of hunger, what does this do to a child in terms of a child's development?

Let me add one addendum. I believe the Senator may remember what happened, I think it was in Philadelphia, where they expanded the school lunch program to include a school breakfast program. They found out that the grades of the children all went up noticeably—I think it was somewhat

close to 10 percent. In any event, it was clearly noticed, as they found out, when children have decent nutrition, their performance—in terms of educationally, culturally, socially, and from a discipline point of view—is very importantly impacted. I wonder if the Senator would tell us from his own experience what he knows about this.

Mr. DODD. I thank my colleague for bringing up this chart to emphasize the point. I think these numbers are from the Department of Agriculture.

Again, the Senator is making an excellent point. If you have a hard time understanding what the Senator from Massachusetts is saying or the Senator from Connecticut, ask any teacher. Ask any teacher in this country, particularly at the elementary school level, what sort of academic performance, what sort of attention spans you have with a child who has received adequate nutrition, a decent meal, compared to those who have not. You will hear anecdote after anecdote of what happens with children who do not have proper nutrition—not to mention the growing health care problems that can emerge.

This is just good, sound investment policy. If you really care about the future of your country, if you really care about whether or not our Nation's children are going to be able to perform adequately in this century, then clearly making sure that they have the basic essentials is, again, so obvious that it should not require a debate on the floor of the Senate to make the point.

Mr. KENNEDY. Will the Senator yield for one more question?

Mr. DODD. Yes.

Mr. KENNEDY. Now we find out there is increasing hunger, and now we know it affects more than one million children.

Can the Senator tell us what he knows about Americans and their degree of support to relieve the hunger of children? It is truly overwhelming, is it not?

Mr. DODD. It is not surprising but it is worthy of being repeated.

Ninety-four percent of our fellow citizens across this country, regardless of geography and economic circumstance, of gender, ethnicity, whatever the differences may be, agree with the following quotation: People who work should be able to feed their families. Ninety-four percent subscribe to that notion.

The Senator from Massachusetts is talking about working families. Our fellow citizens believe that if you are a working family, you should be able to make enough money to feed your family.

This is the United States of America. This is not some Third or Fourth World country we are talking about. Yet with 37 million of our fellow citizens, adults and children, unable to meet the requirements of basic food and nutrition, it ought to stun everyone in our country.

What we are trying to do is make it possible for these people who are working hard to be able to provide for their families. That is all we are talking about.

I point out to colleagues who have offered an alternative to this proposal, that a $1.10 per hour increase to $6.25 per hour over the next 2 years, means that millions of children would be left behind.

What the Senator from Massachusetts is offering—with a bipartisan group of support, we hope—is a $2.10 per hour increase to provide for the needs of working families. What the Senator from Massachusetts has laid out I couldn't agree more with him. If you are truly interested in making a difference in this country, that extra $1 per hour could make a huge difference in the ability of these families to make ends meet.

Among full-time, year-round workers, poverty has increased by 50 percent since the 1970s. Minimum wage employees working 40 hours a week, 52 weeks a year are earning $10,700 a year. That is almost $6,000 below the Federal poverty guidelines of $16,600 for a family of three—$6,000 less than you ought to be able to have if you are going to meet the poverty guidelines.

Here we are in the 21st century, and the minimum wage is losing its value as well. Since the minimum wage was last raised nearly 10 years ago, its real value has eroded by 20 percent. Minimum wage workers have already lost all of the gains from the 1996–1997 increase.

Today, the real value of the minimum wage is more than $4 below what it was in 1968. To have the purchasing power it had in 1968, the minimum wage would have to be more than $9.25 per hour—not the $5.15 we are currently at.

I want to make a point as well about what the impact of this minimum wage increase would have on the lives of working families.

Nearly 15 million Americans would benefit from the minimum wage increase to $7.25 per hour. That is 6.6 million people directly affected in a positive way and another 8.3 million affected indirectly. Almost 60 percent of these workers are women, and 40 percent are people of color. Eighty percent of those who would benefit are adult workers, not teenagers seeking pocket change, as some have said, and more than a third of these are adults are the sole providers for their families.

Again, we are talking about an increase to $7.25 per hour, which is still hardly enough to make ends meet when you consider the cost of food, clothing, housing, not to mention the skyrocketing cost of energy that has hit everybody in this country. We all know how hard it is to provide for our families.

If you raise the minimum wage to $7.25 per hour, it would mean an additional $4,400 a year. That additional money would be enough for a low-income family of three to buy 15 months of groceries which they couldn't otherwise get, 19 months of utilities which they would not otherwise be able to afford, 8 months of rent, over 2 years of health care, 20 months of child care, 30 months of college tuition at a public 2-year college. Consider those numbers—20 months of child care that these working families need if they are going to keep their jobs and keep their children safe, not to mention 30 months of college tuition. It may not seem like much, but it is important.

In 10 years, the person earning minimum wage has received no pay increases, unless they have been lucky enough to live in a State that increased the minimum wage.

But for most of our fellow citizens, that has not been the case. And we now have nearly 40 million of our fellow citizens living at or below the poverty level.

I repeat this because I know my colleagues care so much about it. To have 13 million of our children in this country who, except by accident of birth, have found themselves living under these circumstances and having to survive at that level is unacceptable.

This is the United States of America. We ought to be doing far better.

To find out, as we recently pointed out on the chart, that almost every other industrialized country in Western Europe is doing far better by their children, far better by their minimum wage workers, ought to be a source of collective embarrassment for this great country of ours.

I don't think I have to make this case too often. We know how difficult it is going to be to compete in the 21st century. If we don't have a generation coming along that is well educated and well prepared to meet the challenges of the 21st century, it is going to be hard for Americans to remain strong and competitive.

You just have to read about what is happening in our major competitive countries. We take great pride in 60,000 high school students in this country who competed last year in the science fair, a great number. Compare that with 6 million who competed in the same science fair in the People's Republic of China last year.

That is the challenge of the 21st century.

With 13 million kids in this country going without getting a decent meal every day, we are going to have a real problem on our hands if you do not begin to address that.

I feel strongly about this and I wish we could reach agreement quickly. I remember the days when the minimum wage increase was done by a voice vote. We worked out the differences and sat down and negotiated, and it was passed unanimously on a record vote or a voice vote. How sad it is that we have come to this, where nearly a decade later we are sitting here arguing with each other about whether 15 million of our fellow citizens could get a bump of $2.10 per hour up to $7.25 an hour.

This ought to be something we can all agree on and not engage in this kind of acrimonious debate.

I want to point out, as well, that there are other provisions that will be offered by the majority that are very troublesome to me, including a fundamental change in the overtime pay schedule that I think is very unfair to people. This goes beyond the minimum wage worker. Here we have always provided that if you work more than a 40-hour week in that week, then you get time and a half. That has been Federal law. We are now saying we are going to apply a 2-week standard. An employer could have you work 50 hours in 1 week and 30 hours in the next. That is 80 hours, but for the 10 hours more in the first week, you don't get the additional pay.

That is unfair to a lot of people in this country. If you work an additional 10 hours in a week, that can be hard labor, and you ought to get time and a half. The law requires it. That would be a $3,000 per year pay cut for a median income worker and an $800 pay cut for minimum wage workers. That additional 10 hours of overtime pay could make a big difference.

I don't know why the majority decided to add that provision. It seems to me that is unduly harsh to an awful lot of people.

We talked about the poverty level working with the minimum wage. I am talking about people who are above the poverty level but are struggling and don't have to be making $16,000 or $10,000 to be struggling in this country. You could be making $40,000, $50,000 or $60,000 a year. If you are a family of four, you may very well be struggling, considering the cost-of-living increases that have gone on. For that man or woman who works an additional 10 hours a week, 10 hours away from their families after putting in 8 hours a day, 5 days a week, that additional 10 hours can be hard. And to say I am not going to give time and a half for those 10 hours I think is unfair to those people.

If that ends up being adopted, I think it is a great step back as well.

I hope we will adopt the proposal that the Senator from Massachusetts has offered. I commend him, once again, for making a strong case.

Again, on behalf of 13 million children in this country, and million of people who are out there struggling tonight to take care of their families, to raise good families, I urge adoption of the amendment being proposed by our colleague from Massachusetts. I hope it will be adopted by our colleagues when voted on tomorrow. It is an important contribution. Nine years is too long to wait for an increase in the minimum wage.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. 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. WARNER. Mr. President, on behalf of the leadership, I make this unanimous consent request.

I ask unanimous consent that the first amendment, No. 4323, be withdrawn; provided further that Senator ENZI be recognized in order to offer a first-degree amendment relating to the minimum wage; provided further that the Senate then resume debate at 9:30 a.m. on Wednesday and that there be 1½ hours of debate equally divided between the chairman and ranking member of the HELP Committee or their designees. I further ask unanimous consent that at the use or yielding back of time, the Senate proceed to a vote on Kennedy amendment No. 4322, to be followed by a vote on the Enzi amendment, with no amendments to the amendments in order; provided further, if either amendment does not get 60 votes in the affirmative, then that amendment would be automatically withdrawn.

I further ask unanimous consent that following those votes, Senator LEVIN be recognized in order to offer amendment number No. 4320 related to Iraq. There will be 5 hours equally divided in relation to that amendment, and following that debate, the amendment be set aside and Senator KERRY be recognized to offer his amendment related to Iraq.

Mr. DODD. Reserving the right to object, I express my appreciation to the Senator from Virginia and the Senator from Michigan. I have an amendment I am considering offering dealing with Guantanamo Bay.

I inquire as to whether there is an opportunity to work that out?

Mr. WARNER. I simply say, I understood the Senator has that amendment. I have asked colleagues on this side to be here. They are now present.

The Senator indicated you would lay it down now for the purpose of introducing the amendment, having a colloquy on the amendment, and the time for the voting would be established by the leadership at some point in the future.

Mr. DODD. I thank the chairman.

Mr. WARNER. The Senator is now ready to proceed.

Mr. DODD. I wanted to make sure in the discussion there was a space for that.

Mr. HARKIN. Reserving the right to object, I am here to speak on the minimum wage amendment.

Are we going off of that?

Mr. REID. We will vote on it in the morning.

Mr. HARKIN. OK.

Mr. LEVIN. Reserving the right to object, is it my understanding that there would be no amendments allowed to my amendment?

Mr. REID. If the Senator will yield, we just got a call that some Senator objects to this.

Mr. WARNER. I didn't hear what the distinguished Democratic leader said.

Mr. REID. A Senator just called objecting to this request.

The PRESIDING OFFICER. Is there an objection to the unanimous consent proposed by the Senator from Virginia?

Mr. LEVIN. There is an objection, apparently, which we just received in the cloakroom.

Although I support it, we have to object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Iowa.

Mr. HARKIN. Mr. President, last March in the bankruptcy reform bill, the Senate debated the minimum wage with Senator KENNEDY offering an amendment to increase the minimum wage over a 2-year period to $7.25. That amendment failed on a largely party-line vote, 46 to 49. Again, last October, another Kennedy amendment to increase the minimum wage over a 2-year period, to $6.25, again failed on a largely party-line vote, 47 to 48.

Both votes ignored the fact that 37 million Americans, many holding down full-time jobs, are living in poverty.

Here we are again. This week we again debate an amendment offered by Senator KENNEDY, me, and many others, to increase the minimum wage. I hope this time the outcome will be different. Indeed, with 37 million Americans living in poverty, almost 13 percent of our population, we have to have a different outcome. We have to raise the minimum wage.

Poverty is increasing sharply among the working poor. The new Census Bureau numbers show over the last year alone, the number of Americans who work but live in poverty increased by 563,000. The number of Americans who work but live in poverty increased by half a million.

A job ought to lift people out of poverty not keep them in poverty. But that is what we have today—more and more Americans working, yet more and more Americans falling into poverty who are working. A job ought to lift you out of poverty. It offends our basic sense of fairness to know there are many Americans who work full time, play by the rules, and still live in poverty.

Millions of Americans find themselves doing this, including 13 million children. That is why it is absurd, beyond reason, hard to explain to the average person why the minimum wage has been stuck at $5.15 an hour for the last 9 years.

How would any Senator like to have the same salary that he or she got 9 years ago? Seven times in the last 9 years we have raised our salaries. We have adjusted upward to account for the increased cost of living. Yes, over the same time, we have callously allowed the income of workers earning the minimum wage to languish, lose value every year, as inflation has gone up and they stay the same. It is incredible we would raise our salaries seven

times in 9 years and never raise the minimum wage.

The amendment offered by Senator KENNEDY and me and others to raise the minimum wage to $7.25 is, as I said, long overdue. Prior to last March, it had been 5 years since we last had a vote on the minimum wage. It has now been 9 years since we last raised the minimum wage.

To have the same purchasing power, for example, if we took the year 1968, the minimum wage today would have to be more than $9.26 an hour. Minimum wage workers earn a paltry $10,712 a year total, almost $16,600 below the Federal poverty guidelines for a family of three.

This chart shows the salary of a full-time minimum wage worker to be $10,712. The average family health care premium in 2005 was $10,880. Right now, 35 percent of minimum wage workers in America are the sole support of their families. These are not just teenagers. Some may be teenagers; more often than not it is a single, working mother. They can work hard all year at the minimum wage—and they do work hard, if you have ever seen anyone do that kind of work—and they cannot even buy a health care premium.

As I said, the salary for full-time minimum wage workers is $10,712; the average cost of a health care premium, $10,880. They could not even afford to buy health care, let alone pay rent, buy food, pay for heating, buy gas for the car to get back and forth to work.

As I said, there is a lot of misperception about who gets the minimum wage. We hear it is teenagers, part-time workers flipping hamburgers. Here are the facts: 35 percent earning the minimum wage are the sole breadwinners of their families; 61 percent are women; almost a third of those women are raising children; 76 percent of the women who would directly benefit from an increase are over the age of 20. Among families with children, and a low-wage worker who would be affected by an increase, the affected worker contributes half of the family's earnings. Those are the facts.

A decent minimum wage is critical to moving people from welfare to work. I thought that is what we wanted to do. Since the Clinton Welfare-to-Work Program in 1996, we reduced the number of welfare cases by half. But so many of the people who moved off of welfare did not move out of poverty. Why? Because at the current minimum wage, it is not a living wage, it is a poverty wage.

An increase to $7.25 would make a dramatic difference. It would add $4,370 in income. That is real value to a family living in poverty. Nearly 7.5 million workers would benefit from a minimum wage increase. In my home State of Iowa, 87,500 workers would benefit from the increase, more than 6 percent of our workforce.

In urging the passage of the first minimum wage legislation, President Franklin Roosevelt once said:

> No business which depends for existence on paying less than living wages to its workers has any right to continue in this country.

Imagine that. He went on to say:

> By living wages, I mean more than bare subsistence levels. I mean the wages of a decent living.

He had it right. We can do it better. Gas prices are up 70 percent, health insurance is up 33 percent, college tuition is up 35 percent, housing is up 36 percent, and wages are up 1 percent. Minimum wage is up nothing, not even 1 percent.

During the same period, private sector executive salaries have risen dramatically. Right now, the average CEO in America makes $11.8 million a year—the average worker is earning $27,460 a year—431 times what the average worker makes. Imagine being a minimum wage worker making $10,000.

Mr. REID. Would the Senator yield for a unanimous consent request?

Mr. HARKIN. As long as I get the floor back.

Mr. REID. I ask that the Senator, when we finish, be permitted to resume the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I would like to ask the unanimous consent request made by the Senator from Virginia a few minutes ago be agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, I presume that the request is as read and that there have been no changes, and we will then have the sequence of recognition of Senators Levin and Kerry; and I add to it that thereafter the Senator from Virginia would be recognized for the purpose of submitting whatever amendment.

I ask for recognition for the purpose of offering the amendment from our side on whatever subject that comes up at that time at the conclusion of these two.

Mr. LEVIN. Reserving the right to object, I assume there would be adequate time that we would be allowed to consider an amendment of the Senator from Virginia? As I understand, the Senator was talking about a possible amendment on Iraq.

Mr. WARNER. I said it could be on anything.

Mr. LEVIN. Could be on Iraq.

Mr. WARNER. We have been going back and forth.

Mr. LEVIN. Is the Senator offering the amendment he is referring to postcloture?

Mr. KERRY. Mr. President, if I could inquire, I agree with the minority manager of the bill, there is a question about what the amendment might be about. If it comes precloture or postcloture, postcloture it makes no difference. If it is precloture and it is about Iraq, I think the Senator from Michigan and others would then have an interest in being able to respond to whatever that amendment is.

I say to the distinguished manager, the Senator from Virginia—and it is his right, and we are very happy to have him acknowledge that right to put that amendment in—we would want to have time, obviously, to debate it and respond to it, conceivably.

The question is whether it is precloture or postcloture. I ask the Presiding Officer if the Senator from Virginia intends to offer whatever amendment he does immediately after cloture or precloture?

Mr. WARNER. Mr. President, I withdraw that and ask unanimous consent that we approve the request as read earlier.

Mr. LEVIN. Reserving the right to object, when we were discussing this last, I asked whether or not the manager, the chairman, would make it clear that my amendment is not subject to amendment.

Mr. WARNER. Mr. President, we are perfectly willing to make that eminently clear.

Mr. LEVIN. And also if the Senator would agree that the Kerry amendment—

Mr. WARNER. We have not seen his amendment.

Mr. LEVIN. Then the request is that the unanimous consent request be amended so that my amendment which is on file will not be subject to amendment.

The PRESIDING OFFICER. Is there objection to the modification of the unanimous consent request of the Senator from Virginia that the Levin amendment not be amendable? Without objection, the request is so modified.

Mr. WARNER. Has the Chair ruled on the underlying UC request?

The PRESIDING OFFICER. Is there objection to the request as modified?

Mr. DODD. Reserving the right to object, I know we have had a discussion with the distinguished chairman of the committee. Senator BINGAMAN and I are interested in offering amendments at the appropriate time precloture on the Guantanamo situation. I am wondering if we could allocate an hour before the cloture motion is filed to raise that amendment and then have a vote on it, either one or two of those amendments.

Mr. WARNER. Mr. President, I have been trying to get the minimum wage put aside so that you could move. And you are going to argue tonight your amendment; is that correct?

Mr. DODD. I say to my colleague—

Mr. WARNER. And Senator BINGAMAN likewise. I think he has an amendment pending at the desk.

Mr. LEVIN. It has not been filed.

Mr. WARNER. But he has spoken to it.

Mr. LEVIN. That is correct.

Mr. WARNER. What is the desire? I have to ask my colleagues, we are trying as best we can to accommodate all interested parties. The amendments are coming from this side. It is really incumbent on you all to try and reconcile how you wish to proceed. We are about to lock up the two significant amendments of the Senator from

Michigan and the Senator from Massachusetts. I recognize you have had that amendment. You asked to bring it up tonight. I have assembled a group of my colleagues to debate the amendment. What is the pleasure?

Mr. REID. Mr. President, if the Senator from Virginia would yield—

Mr. WARNER. Yes.

Mr. REID.—the problem we have is, the Senator from Connecticut wants to have his amendment heard prior to cloture. The problem is, there has not been a motion for cloture filed yet. If the cloture motion is filed tonight, then under the rules, an hour after we come in on Thursday, cloture would be voted on. That being the case, under the proposed unanimous consent agreement we have here, there is going to be a lot of hours used up prior to Thursday morning at 9 or 10, whenever we come in here. I think there are a lot of people who want to offer amendments, but unless they are germane amendments, there would be no guarantee that there would be a vote on them, other than the two here. We have had assurances that the Levin and the Kerry amendment, even though there would be a problem with cloture, they would allow a vote on that. I think realistically, it would be hard for anyone to guarantee a vote prior to cloture to the Senator from Connecticut.

Mr. WARNER. Mr. President, we had understood that the debate would be held tonight. We were willing to have a vote on Gitmo tomorrow right after the minimum wage. There it is.

Mr. REID. That would certainly be long before cloture and the debate would be finished tonight, and we could slow up Senators LEVIN and KERRY by more than 20 minutes.

Mr. DODD. If we could agree to a vote on one or two amendments on the Gitmo situation and allow us the opportunity to debate this evening or possibly an hour tomorrow morning before the vote, that would accommodate us completely. If we could accommodate that request, then we can go forward. That is the request we would like to make.

Mr. REID. I respectfully request, I have spent nearly all of the day trying to work something out on these two amendments. Senator LEVIN and Senator KERRY can speak for themselves. I am not sure they want another hour. We can finish the debate on yours tonight and vote on it in the morning with 15 or 20 minutes evenly divided. Maybe something like that could be worked out, but I don't think there is an hour left. If these two men debate tomorrow night, we aren't going to finish this thing until some time late tomorrow night at best.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia?

Mr. REID. I would simply say this—and I appreciate very much the Senator from Iowa being so courteous—everyone is in agreement that we are going to try to work something out so that you and Senator BINGAMAN can get a vote on your amendment tomorrow morning. It is just a question of how we do it timewise.

Mr. DODD. Is that the understanding, that that would be the case?

Mr. WARNER. We will try and do our very best.

The PRESIDING OFFICER. Is there objection to the request, as modified?

Without objection, it is so ordered.

The Senator from Iowa has the floor.

Mr. WARNER. If the Senator would yield just for a moment, I would like to ask my two colleagues, for the knowledge of my two colleagues on this side, how soon may we start the debate on the Guantanamo amendments?

Mr. DODD. Why don't we say around 7 o'clock. Say at 7 o'clock.

Mr. WARNER. We will certainly accommodate the Senator from Iowa. I have two colleagues who withdrew from their schedules to come over here tonight because we were told that we would start this debate.

Mr. DODD. I would say at 7 p.m.

Mr. WARNER. All right, 7 p.m.

Mr. HARKIN. Mr. President, the average CEO in America today makes $11.8 million a year. The average salaried worker makes $27,460 a year. That is 431 times what the average worker makes. That is the average worker. Take a minimum wage worker at $10,600 a year. The average CEO makes a thousand times more a year, a thousand times more than a minimum wage worker. So you can see the disparity has gotten out of hand.

In the wake of Katrina, in a speech in New Orleans, President Bush proclaimed:

> We should confront poverty with bold action.

We are just trying to raise the minimum wage for the first time in 9 years, and we can't even do that. We can have tax reductions for the wealthy on and on and on; they seem to be sacrosanct, untouchable; but we can't raise the minimum wage. The working poor have to do with $5.15 an hour. This is unconscionable. We have to do something about it.

Have Members of the Senate all joined the Neiman Marcus crowd? Have we become so totally insulated from the realities of real life for the people who work and shop at Wal-Mart and K-Mart, Dollar stores, who pinch their pennies, who go to the grocery store and spend the time looking for the best bargains, have we become so insulated from them that we can't see the need to raise the minimum wage from $5.15 an hour?

Poverty has doubled since the late 1970s among full-time, year-round workers from about 1.3 million to more than 2.6 million. Every day the minimum wage is not increased, it continues to lose value and workers fall further and further behind.

Here is what is happening today. That is why I say there is a misery index out there, a working class misery index. This shows it. Productivity keeps going up. People are working longer, working harder. They are producing more. Productivity is up 166 percent since 1960. Look what has happened to the real minimum wage. It is down 23 percent.

This is what the average person feels: My gas prices have gone up. My rent has gone up. I can never afford to send my kid to college. College tuition has gone up. Health care premiums are skyrocketing. I am working harder, longer. I am producing more, and I am getting less. That is what I call a working class misery index in America. And what have we done? We raised our salaries 7 times in the last 9 years. We have tax break after tax break after tax break for the privileged few in America.

Just a couple weeks ago there was an attempt on the floor to completely wipe out the estate tax, estate taxes paid by only 3 families out of every 1,000 in America. Three out of every 1,000 families pay any estate taxes. They are the wealthiest in our country. We had an amendment to the bill by the other side to completely eliminate it. Thankfully, we didn't do that.

But now when we want to raise the minimum wage just a paltry two dollars and something cents an hour, we can't do that? Where is the fairness? Where is the fairness for the American worker? No wonder the average American's esteem of Congress has gone down—along, I might add, with the President's, because the President is not up here asking for a minimum wage increase either.

No wonder people don't think we are doing anything. We raise our salaries 7 times in 9 years. We have tax breaks for the wealthy. We have tax breaks for big business. We want to do away with estate taxes for the wealthiest few. But we won't raise the minimum wage.

It all leads us to conclude that when it comes to the issues of poverty and the working poor, the American public should watch what we do, not what we say.

I will bet every Senator here can give wonderful talks about work, the value of work and more jobs and creating jobs and the economy is up and isn't everything wonderful. Yes, if you are a CEO, it is wonderful. If you are a CEO, it is pretty darn nice. If you are making $150,000, $160,000 a year, $170,000, as we are here, things are pretty nice. But if you are a minimum wage worker, things aren't very pretty. Things aren't pretty at all. You are not saving anything. You are barely able to scrape by. Your kids are probably not getting the best food and nutrition. They are probably not going to be able to manage to go to college. You don't have health care so you go to the emergency room when you get sick so you don't have any preventative care. Your kids are probably not getting the vaccinations and the checkups they need. They are probably not getting the dental care they need.

I am not talking about ''poor people living in poverty who aren't working.''

I am talking about poor people who go to work every single day. You see them. We all see them. We all see them. You go into stores and see the people working behind the counters. Check on the people who are working in day-care centers, people in Head Start centers, people cleaning houses, cleaning our office buildings. Yes, and a lot of people are working, flipping burgers and stuff like that, making the minimum wage. But they are the sole breadwinner of their family.

We see them every day and yet we pass by, we just pass on by. Let's not pass on by here. Let's stop and think, act accordingly, and reach down and say to those people who are working hard every day that it is time to give you a raise, too—not just corporate CEOs or Members of Congress, but let's give at least a $2.10 increase to the people who make the minimum wage. It will be good for American workers and for our economy. It is long overdue, and it is the right thing to do.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

AMENDMENT NO. 4376

Mr. ENZI. Mr. President, I send my amendment to the desk for the debate to be done in the morning.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk:

The Senator from Wyoming [Mr. ENZI] proposes an amendment numbered 4376.

Mr. ENZI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, my understanding is that we will have two amendments introduced by the other side with regard to Guantanamo. They will be debated tonight. We are going to work toward making certain they get a vote on those amendments. I ask my ranking member.

Mr. LEVIN. Mr. President, I thank the Senator from Virginia. We thank the Senator for his unvaried hospitality and good nature on these kinds of difficulties. We appreciate his determination to try to find the opportunity for a Guantanamo amendment or amendments. They are trying now, I believe, to figure out—I think it is going to be offered at 7 p.m. I guess they will be here to offer that amendment at 7 o'clock.

Mr. WARNER. Mr. President, in the interim, seeing no Senator desiring to address the Senate, 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. GRAHAM. 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. GRAHAM. Mr. President, I want to speak, if I may, regarding a proposal by Senator BINGAMAN concerning Guantanamo Bay and the disposition of detainees. I understand he introduced an amendment yesterday. I have the summary of it. If I mischaracterize it or if it is changed in any way, I apologize. I will try to give an overview based on what I know, with the understanding that if it changed, I stand corrected.

Senator BINGAMAN, from what I understand, has an amendment that would require the United States to either charge, repatriate or release individuals held at Guantanamo Bay within 180 days of the enactment of the Defense authorization bill, and if for some reason the Government fails to comply within that timeframe, the Department of Defense would have to report back to Congress to tell us why. It provides further that charges could be filed in U.S. District Court, a military tribunal court or military commission or an international tribunal against detainees.

If I may, I will express my concerns about this amendment. No. 1, the detainees at Guantanamo Bay are being held as enemy combatants. That is a concept that has been part of our law for quite a while. The Supreme Court has several enemy combatant case holdings. That is someone who is involved in hostilities but not in the normal course of combat. They don't wear uniforms. They are not supported by a particular State. They are fighting, in this case, for a terrorism cause that doesn't have a country of origin. They are irregular combatants.

For many years in the military law, a regular combatant or enemy combatant has been considered a person outside of the protection of the Geneva Convention because that is an international treaty designed to protect lawful combatants and have procedures that every signatory country will abide by. A lawful combatant is someone who represents a State, wears a uniform, and operates within the rules of international military law.

Al-Qaida, by their very definition, because they don't wear uniforms and represent a particular country, are irregular enemy combatants. The people at Guantanamo Bay have been captured in various parts of the world by the U.S. military or were turned over to them as being suspected of being involved in the war on terror. There are 500-something people down there now; over 200 have been released. Senator BINGAMAN's amendment would require the Government to release them all or charge them.

The reason I believe that is not good public policy is because enemy combatants—you don't have to choose between trying them and letting them go. A prisoner of war is not required to be released until the hostilities are over. We have had Members of the Congress who were enemy prisoners during Vietnam and were incarcerated 5, 6 or 7 years, until the Vietnam war came to an end.

This amendment, in an odd way, would allow enemy combatants to be released before hostilities are over, which is something not afforded to a prisoner of war. But a traditional prisoner of war is not subject to being tried as a war criminal for the mere status of being involved with the opposing force.

I believe strongly that it is not advisable for this country to say as a matter of policy that every enemy combatant or unlawful combatant per se is a war criminal. Military trials or commissions should be conducted for people who are part of the enemy force who have violated the law of armed conflict. There are about 20-something people, I believe, facing military commission charges at Guantanamo Bay and haven't been tried yet because of Federal court proceedings affecting the outcome of the military commission status. This amendment would require the United States to make a choice that no other country has ever had to make: try them or let them go.

The truth is that some of them deserve to be tried as war criminals. Some of them deserve to be taken off the battlefield until they are no longer a threat to our country and our coalition forces. And to have to let them go or try them is a choice the country should not have to make.

Who is at Guantanamo Bay? There have been some high-profile stories about individuals who were sent there who may not have been involved in enemy combatant activities. Unfortunately, those things happen. You can get someone in your custody based on some bad information and, over time, find out you made a mistake. And 200-something people have been released under the current procedure. What is that procedure? The Geneva Convention says if there is a question as to whether a person is a POW, a prisoner of war, or an unlawful enemy combatant, the host country, the country in custody of that individual, must have a competent tribunal to make that decision.

As far as I know—and correct me if I am wrong—the decision as to whether a person is an enemy combatant is a military decision. We don't have civilian trials. The Geneva Convention doesn't require a civilian judicial determination to be made. The determination of whether you are a POW who is entitled to the Geneva Convention protection, an enemy combatant or an innocent individual, is left up to the military. I argue that that is the way it should be, with due process rights.

The problem with this war is that we don't know when it is going to be over because there will be no surrender ceremony. I am sensitive to that. I understand the Senator's concerns, and that is legitimate. The process at Guantanamo Bay now, as I understand it, is

when somebody is sent there, a combat status review tribunal will review their case, a military intelligence officer, and a military lawyer will look at the case and determine if the individual before them is an enemy combatant or meets the definition of an unlawful irregular enemy combatant. The host country where the person comes from can intervene on their behalf. Evidence is collected. They don't have a lawyer, but they have a representative. Every year, that person's status is reviewed. An annual review looks at whether the person still has intelligence value, whether they are a threat to the United States or has anything changed about their initial status determination.

Under an amendment passed that was authored by Senator LEVIN and myself, every Guantanamo Bay detainee now will have a chance to appeal their case to the Court of Appeals for the District of Columbia, and a Federal court of appeals at the District of Columbia will review the combat status review tribunal's action in that case to see if it was proper. So now we have civilian courts looking over the initial military determination. When it comes to military commissions and people being tried as war criminals, we have the presumption of innocence and the right to a lawyer, which is a very similar tribunal to international tribunals, very similar to the UCMJ but different in some regards.

So the idea that we need to let the prisoners go or try them all, I think it would be a very bad policy decision to make because some of them can be dangerous, can be a threat to our country if released or they could have intelligence value but don't fall within the definition of war criminal. To say that every enemy combatant is going to be tried as a war criminal is not good policy because you are beginning to change the way the rules have worked for a very long time.

We have had 200-something people released. About a dozen of them have gone back to the fight, unfortunately. So there have been mistakes at Guantanamo Bay by putting people in prison that were not properly classified. There have been mistakes about releasing people that we thought were not dangerous but turned out to be so.

I have a summary of statements made by individuals who have been released from Guantanamo Bay but went back to the fight. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SELECTED STATEMENTS FROM DETAINEES

Statements made by detainees provide valuable insights into the mindset of these terrorists and the continuing threat they pose to the United States and the rest of the world.

A detainee who has assaulted GTMO guards on numerous occasions and crafted a weapon in his cell, stated that he can either go back home and kill as many Americans as he possibly can, or he can leave here in a box; either way it's the same to him.

A detainee with ties to UBL, the Taliban, and Chechen mujahideen leadership figures told another detainee, ''Their day is coming. One day I will enjoy sucking their blood, although their blood is bitter, undrinkable . . .''

During an interview with U.S. military interrogators this same detainee then stated that he would lead his tribe in exacting revenge against the Saudi Arabian and U.S. governments. ''I will arrange for the kidnapping and execution of U.S. citizens living in Saudi Arabia. Small groups of four or five U.S. citizens will be kidnapped, held, and executed. They will have their heads cut off.''

After being informed of the Tribunal process, the detainee replied, ''Not only am I thinking about threatening the American public, but the whole world.''

A detainee who has been identified as a UBL bodyguard, stated, ''It would be okay for UBL to kill Jewish persons. There is no need to ask for forgiveness for killing a Jew. The Jewish people kill Muslims in Palestine so it's okay to kill Jews. Israel should not exist and be removed from Palestine.''

A detainee who has been identified as UBL's ''spiritual advisor'' and a relative of a fighter who attacked U.S. Marines on Failaka Island, Kuwait on October 8, 2002, stated, ''I pray everyday against the United States.'' This detainee repeatedly stated, ''The United States government is criminals.''

A detainee and self-confessed al Qaida member who produced an al Qaida recruitment video stated, ''. . . the people who died on 9/11/2001 were not innocent because they paid taxes and participated in the government that fosters repression of Palestinians.'' He also stated, ''. . . his group will shake up the U.S. and countries who follow the U.S.'' and that, ''it is not the quantity of power, but the quality of power, that will win in the end.''

A detainee who has assaulted GTMO guards on over 30 occasions, has made gestures of killing a guard and threatened to break a guard's arm.

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Mr. GRAHAM. Mr. President, one of them is Mullah Shazada who was released from Guantanamo Bay on May 8, 2003. He assumed control of Taliban operations in southern Afghanistan. His activities reported including the organization and execution of a jail break in Kandahar.

Abdullah Mahsud was released in 2004. He became the militant leader of the Mahsud tribe in southern Waziristan. We learned he had been associated with the Taliban since his teens and has been described as an al-Qaida facilitator. In mid-October 2004, he directed the kidnapping of two Chinese engineers in Pakistan. During a Pakistani rescue attempt, the kidnappers shot one of the hostages.

Mohammed Ismail was one of two juveniles held at Guantanamo Bay. He was released in 2004. During a press interview after his release, he thanked the United States for providing him education opportunities in Guantanamo Bay and stated he would look for work after visiting his relatives. He was recaptured 4 months later in May 2004 participating in an attack on U.S. forces near Kandahar. At the time of his recapture, Ismail carried a letter confirming his status as a Taliban member in good standing.

Abdul Rahman Noor, after being released in July 2003, has participated in hostile actions against U.S. forces near Kandahar. He was later identified as the person in a 2001 al-Jazerra interview described a mujhadeen defensive position claiming to have downed an airplane.

The reason I mention these individuals is that mistakes have been made in letting people go. Once the military tribunal reviewed these individual cases, they made a determination the person was no longer a danger to the United States and possessed no additional intelligence value. They were wrong.

These people and several others went back to the fight, and at least one of the people involved killed an American medic.

The process we have at Guantanamo Bay is reform in a manner that I think is consistent with American values. This body, in an overwhelming vote, indicated to the Department of Defense that their interrogation techniques needed to be standardized and put in the Army Field Manual. That is a work in process.

This body, in an overwhelming vote, gave every detainee at Guantanamo Bay a right to petition their status to Federal court for Federal court review.

We have due process rights in place for detainees at Guantanamo Bay that I think are unprecedented in the rules of armed conflict and are based on the fact that this is a war without a definable end.

But the amendment before us by my good friend from New Mexico would require this country to release the detainees en masse or repatriate them or charge them. The problem with repatriation is that one of the problems with closing Guantanamo Bay is, where do we put these people?

We have had case after case where the detainee was eligible to be released but did not want to go back to their host country for fear of reprisal. The idea that we can take the 460 prisoners and open the gates of the prison and say, Go back, is going to be a problem because a lot of them have no place to go or won't be taken back.

Another problem is that if we release these people en masse, some of them will become our worst nightmare. Information about statements made by detainees—I have another document here, where they openly avow a desire to get back into the fight and to kill Americans and to continue the war on terrorism.

Simply stated, the people at Guantanamo Bay, in my opinion, are people who need to be looked at every year in terms of their status and whether they have intelligence value and whether they present a danger. And that decision can be reviewed by civilian authorities.

They are not people for whom we should open the door and say, Leave or be charged, because the truth of the matter is that there are people down

there who are enemy combatants who have not engaged in conduct that would fit a traditional definition of a war crime.

I just don't think we need to make that choice. We need to make sure that every detainee has adequately been processed, that our country is accountable for their treatment, that our country is accountable for their legal status, and that we have a way to prove to the world and to our own public that the detainees are being confined within the rules of armed conflict and treated properly.

This amendment would set in motion, I believe, forces that would come back to haunt us. Mr. President, I say to my good friend from New Mexico, I understand his concerns about Guantanamo Bay and the image problems that it has created, but I would argue that the reforms in which we have engaged have been real. We are not getting much credit for those reforms, but we are just going to have to understand as a nation that every critic of this country's policy doesn't have to make the decisions we do.

The criticism coming from abroad about Guantanamo Bay is part of democracies being able to speak openly, but they are not coming to South Carolina. If we let them go, they are not coming to South Carolina. I will do everything I can to keep these people from coming into my home State. And I doubt we want them to go to Mexico, and I doubt they are going to go to Connecticut.

I do not want to intermingle them with our military prison population because these people represent the hardest of the hard.

I hope we can reform Guantanamo Bay and that one day it will be closed because the needs of the war on terrorism have been met. And I do hope that those who are war criminals in the truest fashion will be tried at Guantanamo Bay by military commission and those who are not war criminals will be held until they are no longer a danger. I do not believe it is advisable for this country to make a choice as a nation that no other nation has ever had to make before, and that is turning loose someone who is caught on a battlefield engaged in hostilities against our own people or try them all as war criminals. That has never happened before, and it shouldn't happen here.

I yield the floor.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, we now have an agreement for a couple of votes in the morning relative to the minimum wage amendments which have been discussed this afternoon. Tomorrow we will also proceed to debate the Iraq-related amendments offered by Senator LEVIN and Senator KERRY.

Mr. President, at this point, on behalf of the leader, I am prepared to send a cloture motion to the desk, but I do want to make the following point before sending the cloture motion to the desk. This does not—I repeat, does not—preclude us from working toward further agreement to set up votes on these amendments prior to cloture. In fact, we anticipate having votes on both of those amendments prior to cloture. We are looking forward to the debate on both amendments.

Almost everyone on this side is interested in speaking to the appropriateness of adopting those amendments, and, as I said, we do not intend for cloture to shut out in any way votes on the Kerry and Levin amendments.

CLOTURE MOTION

Having said that, Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 2766, the National Defense Authorization Act for Fiscal Year 2007.

Bill Frist, John Warner, John E. Sununu, Jim Bunning, George Allen, Lamar Alexander, Craig Thomas, Kay Bailey Hutchison, Chuck Hagel, Ted Stevens, Judd Gregg, Robert F. Bennett, Thad Cochran, Pat Roberts, Pete Domenici, Jim Inhofe, Jeff Sessions.

Mr. MCCONNELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I wish to speak briefly in response to the comments of my colleague and friend from South Carolina, Senator GRAHAM, about the amendment which I intend to offer at an appropriate time on the Defense authorization bill.

I say, in all respect to the Senator from South Carolina, he has totally misread the amendment. He has totally mischaracterized it. This amendment does not, as he said, require the Government to either release everyone at Guantanamo or charge those individuals.

It is very clear in the amendment. It starts out by saying, ''Except as provided in subsection (b),'' and then it goes on to say:

Not later than 180 days after the date of enactment of the law, an alien who is detained by the Secretary of Defense shall, consistent with applicable law, be charged or repatriated or released.

But then obviously the exception is what we start out with there. It says the exception under paragraph (b) is that with respect to an alien described in the first section, subsection (a), who is not charged or repatriated or released within this 180 days, the Secretary of Defense shall submit to the appropriate committees of the Congress a detailed report as to each such alien that includes, and then it specifies the information that needs to be included.

Essentially, it says the Department of Defense shall go ahead and charge these individuals with criminal activity or it shall repatriate them to their home country, an appropriate country, or it shall release them, or it shall give us a report and explain what its plans are with regard to these individuals and why it is not taking one of the previous actions. That is not the characterization or the description that the Senator from South Carolina just went through.

This amendment does not require that any enemy combatant be released. It is clear in its language that it does not require that. It does not require the release of people ''en masse,'' which was the language the Senator from South Carolina used. It does not require us to release people who are then believed to have the motivation of getting, as the Senator from South Carolina said, back into the fight.

This does not in any way restrict what the Department of Defense does. It just says the Department of Defense has various options, but we are going to begin to understand what action the Department of Defense is taking with these individuals.

It can charge them with a crime, it can repatriate them to their home country, it can release them, or it can tell us, the Congress, the appropriate committees of the Congress, what it intends to do and what action and what factors cause it to not want to take one of those previous actions. That is a very straightforward amendment.

I think anyone who is opposed to that amendment basically says we, the Congress, have no responsibility for oversight, the appropriate committees of the Congress have no responsibility to concern themselves with what is being done with these prisoners at Guantanamo, and I think that is a very unfortunate message for us to send.

The amendment goes on to provide that in the report to the appropriate committees of the Congress, if the Department of Defense wishes to submit part or all of that in classified form, it can do so. To the extent it is not required to be in classified form, it would, of course, be a public report.

This is a very modest amendment. In fact, the criticism I have heard from people who have generally been aware that I might offer this amendment is: Why does this amendment give the Department of Defense an out? It says with regard to each of these individuals, either charge them with a crime, repatriate them, release them, or tell us what your other plan is, if you have some other plan that you believe is required under the circumstance. That is the very least that this Congress should be doing with regard to these individuals.

I, frankly, do not want to ask this Congress to resolve the question of the legality of what is going on at Guantanamo. Some of that is being determined in the courts, as it should be determined in the courts. But, clearly,

this Congress has some oversight responsibility. This Congress should be insisting that the Department of Defense specify what action it intends to take, go ahead with whatever action it intends to take in the next 180 days, and at the end of that time report to the Congress as to any detainee for whom it does not intend to go ahead or for whom it has not gone ahead and brought charges against or decided to repatriate or decided to release.

So let me just stop with that. I am glad to discuss the amendment further, but I know that my colleague from Connecticut who has a separate amendment dealing with Guantanamo wishes to speak and describe his amendment, and I also see that my colleague from Alabama is on the Senate floor and wishes to speak perhaps on the same issue as well.

So, Mr. President, at this point I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I have been to Guantanamo twice, and I have seen the work of our military personnel, the good morale they have under difficult conditions, their determination to provide every decent and right request and treatment to the prisoners who are there. I have seen areas where they are detained, the religious freedom that they give them, including a Koran and prayer rugs and things that they have requested, the exercise that they obtain. It is, I believe, in all respects a very fine prison that treats people in a decent way.

But as the Senator from South Carolina noted, these individuals are prisoners of war, and prisoners of war are not given trials. In the history of the United States of America, we do not give prisoners of war trials. They are detained until the conflict is over.

What about those who have gone beyond just being a combatant against the United States but have become an unlawful combatant, violating all the rules of warfare and are therefore apprehended and detained? Should they be given more rights than a properly uniformed and properly lawful combatant is given who is detained by an enemy? I think not. I would suggest these are matters that are within the parameters of the U.S. military to handle. They have no desire to maintain a single prisoner any longer than they have to. They have released several hundred already, and 15 of those have been rearrested on the battlefield where they are presumably attempting to fight the United States of America and our soldiers and our allies around the world.

So I would say to my colleagues, these are not academic questions. They are matters of real life and death and must be carefully thought through. Under the circumstances we are now dealing with regarding prisoners in Guantanamo, we don't need to micromanage the military. I would agree with Senator BINGAMAN that his amendment at first glance says that they must be charged with a crime, filed in an appropriate Federal district court of the United States or a military tribunal or an international criminal tribunal or repatriated to the country of origin or some other country. That is a mandate. The amendment goes on to say: But with respect to those who are not so charged, the Department of Defense must submit a report saying why they haven't been charged and when they will be handled in this matter. So I think in conflict, as Senator GRAHAM has detailed, it goes to the historic manner by which any nation, and in particular the United States, handles prisoners of war.

Again, I have seen the conduct at Guantanamo. I think it is an appropriate facility considering the danger that these individuals pose. It is an appropriate location. It makes it very difficult for them to break free and kill other people. The Department of Defense actually is continuing to improve it. They give the prisoners first-rate meals, first-rate medical care. Until the three suicides we saw recently, not a single prisoner had died in Guantanamo of any kind of causes, natural or otherwise.

So I believe this amendment is not necessary. I think it would have the effect of restricting the power of the executive branch to carry out this war on terrorism and manage the military's treatment of prisoners. The Department of Defense wants to get rid of them. They have tried to repatriate numbers of them. But some of them are just dangerous and must be detained.

I would ask, how would a prosecutor prove a case? Some would say we will just give them a trial. What if they were captured in the mountains of Afghanistan and maybe the soldier who captured them was later killed, or maybe he was reassigned to Korea or some other place? It is not so easy to have trials of prisoners of war, and that is why it has never been done and why I think the amendment, which is carefully drafted and attempts to avoid some of the worst criticisms that might be made of it, is, nevertheless, a step too far, and I believe we should reject it.

I just want to point out a number of things that are important about how careful our military is, unlike what happens when American military prisoners are captured, apparently, as we saw today, the horror of being captured, tortured and killed by the al-Qaida forces in Iraq, who are just brutal in their treatment of American prisoners. We give the prisoners at Guantanamo a combatant status review tribunal—a tribunal consisting of three people, the Department of Defense Combatant Status Review Tribunal process pursuant to a Supreme Court plurality opinion in Hamdi. Hamdi dealt with due process for American citizens. The process created was applied to all foreign nationals detained at Guantanamo and went beyond the process referred to by the Supreme Court of the United States. It went beyond that.

The Combatant Status Review Tribunal provides a venue for detainees to personally challenge their status as enemy combatants. They were given that opportunity. As of January 22, 2005, the Department of Defense had completed 558 CSRTs. Of the 558 hearings that were conducted, the enemy combatant status of 520 detainees was confirmed, and 38 detainees were found to be no longer meeting the criteria to be designated as enemy combatants.

The Administrative Review Board is another process the Department of Defense has implemented. This administrative review process makes an annual assessment of whether there is continued reason to believe that the enemy combatant poses a threat to the United States or its allies, or whether there are factors bearing upon the need or the continued detention, including the enemy combatant's intelligence value, in the global war on terror. That is what this board does every year for every prisoner.

Based on this assessment, the Administrative Review Board can recommend that individuals should be released or should be transferred with conditions or should continue to be detained. Allowing detained enemy fighters to be heard and potentially released or transferred while hostilities are ongoing, as they are this very minute in Iraq and Afghanistan, is a historic and unprecedented step. We have never done that before in war.

The first year, the Administrative Review Board resulted in 330 continue-to-detain decisions, 119 transfer decisions, and 14 release decisions. So these are not rubber stamps. The Department of Defense is attempting to move people out, to transfer them, or release the people they can justify releasing. But remember, 15 of those former prisoners at Guantanamo, who have been released, have later been detained and captured on the battlefield seeking to fight America.

The second year of the Administrative Review Board process, in this annual process, resulted thus far in 12 continue-to-detain decisions, 6 transfer decisions, and no release decisions. That is as of June 20 of this year.

So the Department of Defense has created a system that goes beyond what this Nation has ever utilized in time of war to deal with an attempt to release persons who have been captured as prisoners of war fighting the United States of America. They didn't do that for German prisoners. They didn't do it for Japanese prisoners. They didn't do it for North Korean prisoners. They didn't do it for Vietnamese prisoners. These are unprecedented steps. I think it is more than is required, but it is a generous step for the United States to take, and I certainly support that.

Mr. President, as of May of 2006, 287 detainees have departed Guantanamo,

192 have been released, 95 have been transferred to other governments, including Albania, Afghanistan, Australia, Bahrain, Belgium, Denmark, France, Great Britain, Kuwait, Morocco, Pakistan, Russia, Saudi Arabia, Spain, Sweden, and Uganda. We would like to release them all, if we could.

But the President of the United States took an oath to protect the people of the United States from attack by enemies. If he releases prisoners who we believe will have any reasonable basis to continue to attempt to kill American citizens or American soldiers, he is derelict in his duty. This is not some game he is playing. This is not some academic process that the generals who are supervising this are involved in or the Administrative Review Board members or the Combatant Status Review Tribunals are dealing with. They can't make a mistake. If they make a mistake, somebody could die.

I know the operations at Guantanamo have raised complaints from some of our allies, specifically a complaint from one British official. I am so proud of the support the British government and population has shown to the United States, but I have to tell you, I don't know what the man expected us to do. Did he want us to release all 500 of them? Is that what he would want? Is that what the other people on our editorial boards like to write about? We should just release them? Well, maybe Great Britain would like to take them. Maybe the United Kingdom would like to take them and house them in their jails. Would they really? Would they release them? Would they want to release them on their subways or on their buses or on their trains in London?

Three prisoners just committed suicide last week at Guantanamo, and amazingly, we had newspapers in this great Nation that purport to be wise and thoughtful pandering to those seeking to close Guantanamo by suggesting that they are somehow killing themselves because they are depressed.

One of these was an active member of the Taliban forces who fought against the United States. One was a recognized leader in al-Qaida—they are from Yemen and Saudi Arabia and other places. I believe two were from Saudi Arabia and one was from Yemen. Do we want to release prisoners like these?

They hanged themselves. I suggest, with all sincerity, that these three prisoners did not commit suicide together, the same day, because they got depressed over mistreatment. Most of them have gained weight and have been well treated, well fed, and given superb medical care. That is not why they committed suicide. They committed suicide as a continuation of their commitment to jihad and to prepare to commit suicide to further jihad.

If they had a bomb with which they could have blown themselves up and others, Americans or other people, they would have done that. They absolutely would have done that. But because they were in our custody and couldn't get hold of a bomb and wrap it around their body and kill men, women and children on buses or trains or something like that. The only thing they could do was kill themselves in hopes they would have editorials around the world, editorials in New York City and Washington, DC, have Senators and Congressmen on the floor of the House and the Senate saying how badly we are treating these prisoners of war, these unlawful combatants, and suggesting they all ought to be turned loose and how this is America's fault.

The fact that these three prisoners, clearly terrorists, committed suicide the same day is absolute proof that they were threats to innocent people and to the United States of America. It is proof that they had that threat capability. If they had been released, do you think they would have just gone nicely back home to work a job in Yemen or work on a pipeline in Saudi Arabia? No, they are committed jihadists. They are terrorists. That is why they were in Guantanamo. I am glad they hadn't been released like some of the others and I am glad that those like them are still being detained there. They are not entitled to trial.

I don't know what we will do with Guantanamo. The President said he would like to close it. I guess it would make some people happy around the world. Maybe they would get off his back. But somebody has to do something with them. I will tell you one thing, we can't release them all. Do we release them any better if they are brought back to the United States? Do we release them any better if we take them over to London or Madrid? I submit not. We have them in a safe place. They are being well taken care of. We have invested a lot of the taxpayers' money in making that facility at Guantanamo a good facility, a safe facility. I don't know why we would want to move them, other than just to make people feel better and stop fussing.

But we are going to continue to apprehend people. When we went out after the bombing of Zarqawi and did these raids in 17 different spots and they arrested quite a number of people, what are they going to do with them? Turn them loose?

When I was in Iraq recently, I heard about two brothers who were known bomb makers. Can you imagine someone a greater target of the United States military than a skilled bomb maker who is making bombs that kill American soldiers on a regular basis? They caught them and they thought they had enough proof. But the military decided they didn't. Or the court or somebody did, and they turned them loose.

I am telling you, those military personnel and the civilians that worked with them to help build that case and to identify these bombers were really heartbroken. It was very painful for them to have to release somebody whom they believed had been responsible for killing innocent civilians in Iraq and American soldiers. But we didn't have enough proof, apparently, and we let them go.

We don't need to keep pushing the military, pushing that you have to have proof beyond a reasonable doubt like you have to before you can lock up an American citizen—let's not put that kind of burden on our military.

I think this Guantanamo matter is greatly overblown. We fail to realize just how dangerous some of the prisoners are. Hopefully, we can sift through them and find some more who are not dangerous and they can be released. Hopefully, we can send them back to foreign countries. But you know, when you send them back to a foreign country, things don't always work out right. You turn around and 6 months later, 2 years later, they are released. Or sometimes we have Members of the Senate who have made speeches and complained because, if we send them back to their home countries, the home countries realize they are terrorists, maybe even applied those tactics against their country, and they mistreat them. Now we are blamed for some treatment by a foreign government where we sent these prisoners.

We were aggressive in interviewing prisoners at the outset of opening Guantanamo. We had a very good briefing last time I was there where the people said they really reduced the intensity of interrogations. In the weeks and days following September 11 when we thought and had every reason to believe that there were cells probably operating all over this country, the military and our intelligence people were aggressive in asking questions of them and pursuing interrogations. They did not torture them. I do not believe there has been a single allegation that has been substantiated of any torture at Guantanamo. But people took it farther and said the military was too harsh with these prisoners. So for a whole lot of reasons we don't pursue those tactics as strongly today.

The standards are very lax in that regard—or strong in the sense that prisoners are not stressed and not abused in any way as they are being interrogated. In fact, just the opposite is the case. Occasionally, it is odd, after time goes by, somebody begins to talk. Some people never talk.

I appreciate the interest of my colleagues in wanting to run the cleanest prison system we possibly can, to comply with the highest ideals of the United States. I believe if they went there and examined what was going on they would conclude, with me, that the prisoners are being treated well, that they are being given every help and dietary and religious values that they need. We should continue to do that.

Sometime in the future we will have to wrestle with how we are going to handle them and maybe we can continue to repatriate them to the countries of origin. Maybe some actually

ought to be tried and executed. Others simply need to be detained until the war is over. That is just the way it is, and that is the way it has always been.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I appreciate the comments of others about Guantanamo Bay and the individuals who are being held here. I listened to the discussion earlier between the Senator from South Carolina, Mr. GRAHAM, and my colleague from New Mexico, Senator BINGAMAN, and Senator SESSIONS from Alabama, who discussed the issue of those who are being detained in Guantanamo and the very facility itself.

I had thought about offering an amendment on this matter, but it is getting confusing, with the number of amendments being offered tomorrow and the length of debate. Senator BINGAMAN is offering an amendment which I think is worthy of consideration. I may withhold the amendment I intended to offer until a later time, on another matter, when there is more of an opportunity to have debate. There is at best only a limited amount of time we may get tomorrow for discussion. I have been told I might have only a few minutes.

I regret that. I wish we had more time to offer this amendment. But I think in the interests of my colleagues here, given the seriousness of the issue, it probably deserves more time. So, I will reserve offering that amendment until another time when we have more of an opportunity to discuss it.

Let me, if I can, discuss some issues that have been raised here this evening that I think are important. I have listened to my colleagues talk about, first of all, the individuals being held in Guantanamo. We talk about people here, some of whom clearly have the very worst intentions for the United States. Some of these individuals have attacked our soldiers, attacked innocent citizens, and pose serious threats. There is no debate about that. We are not arguing about whether or not that is true for many of these people.

There may, obviously, be some exceptions that fall out of that category—individuals who have been improperly retained or restrained and sent to Guantanamo or elsewhere. That certainly may be the case. But there is no question that many of these individuals are people to worry about. That is not the issue.

The issue is: We are a nation of laws. We say this all the time. It is something about which we take great pride. We have celebrated it over and over again. It is one of the distinguishing features of this great country of ours. We proved that we are a nation of laws categorically 60 years ago this very year when, in a different set of circumstances, the United States, along with our allies, some of whom reluctantly joined us in this effort, held a series of trials in a place called Nuremberg. We made the decision at Nuremberg that the defendants in those trials—these thugs, these people who had murdered 11 million innocents, 6 million Jews because of their religion, not to mention the millions more who lost their lives as a result of the Nazi war effort—would be afforded a trial instead of just being summarily executed. Winston Churchill advocated summary execution, and many others did as well. Why would you possibly give these defendants, it was asked—these thugs that I have mentioned, who carried out the orders of Adolph Hitler—why would you give them a trial? Why would they get a lawyer? Why would they be allowed to present evidence in a court of law?

It was the conclusion of the United States, under the leadership of people like Justice Robert Jackson, that the rule of law should be paramount. Justice Jackson and others argued very strongly that it was going to be critically important that the United States and others join in showing the world that there is a difference between these fascists—who had summarily executed people merely because of their ethnicity or religion—and this great country of ours.

In fact, Nuremberg was an interesting choice for the venue of those trials. In a sense, the Nazis chose Nuremberg. The Nuremberg Laws created a legal justification for every atrocity they committed, and so having a trial at Nuremberg, trying the very people who perpetrated these crimes, was somehow a fitting coincidence.

I speak about this because as a child growing up I heard night after night my father, who was the Executive Trial Counsel under Robert Jackson at Nuremberg, speak of these days. I was 1 year old in the summer of 1945 when my father left for a few short weeks merely to be an interrogator of these defendants at Nuremberg. He ended up replacing Judge Story as Executive Trial Counsel under Robert Jackson, and spent a year and a half trying a number of defendants at Nuremberg. He wrote my mother every single day 15 to 20-page letters describing in great detail his views and thoughts about the defendants and our allies in that effort, the Russians, the British, the French. He had some choice thoughts about a number of those people who were at Nuremberg. And he talked to his children growing up over the years about what happened at Nuremberg.

There was a great debate. In fact, half of the Supreme Court argued against Robert Jackson even going. There were colleagues here who argued that it was ex post facto juris prudence—that we had no right to go back and create a body of law to try the defendants at Nuremberg.

My father and others argued strenuously that the natural law should require that individuals who had committed such crimes—who had committed summary executions based on religion or ethnicity—that these people should be taken to task for what they had done, but also, critically, be afforded rights—the right to a fair trial, the right to have legal representation.

Imagine—people like Goering and von Ribbentrop and Keitel and Speer and others—actually be given a lawyer to represent them in a trial, so that they could stand up and make a case for themselves, as Goering did for days on end at Nuremberg.

Obviously, the facts are different here. At Nuremberg, the war was over. There was a different set of circumstances. I would be the first to acknowledge it.

That is not the comparison I am trying to draw. The comparison I am trying to draw here is about the rule of law.

We can characterize these individuals at Guantanamo in words that none of us are going to terribly argue about. But I come back to the point that those who were at Nuremberg, who made the case for the trial such as I described, need to be heard again today, 60 years later.

We are a nation of laws. We are different. We are not like these people who are being held at Guantanamo. The rule of law is something we cherish in this country, even to the point where we are willing to stand up and defend the rights of people who do things we find abhorrent.

Whenever I talk to students about the Bill of Rights and the first amendment, I tell them that it doesn't just protect their rights when they say something I agree with. It is important also to protect those individuals who stand up and say something I totally disagree with or find obnoxious, to put it mildly.

That is the rule of law. That is what makes us different. That is what distinguishes us.

What has happened already is that there is confusion. Are these prisoners of war? If they are, obviously the Geneva Conventions prevail. If they are not prisoners of war but enemy combatants, the Supreme Court has ruled already that they have certain rights, that they have a right to appeal that status. Yet, we find that a substantial number of these people are being held without any definition of who they are, what their status is legally, whether or not they are POWs, enemy combatants, or something else.

When Senator BINGAMAN offers his language here to get some clarity, why is that important? I think it is important because we are, again, a nation of laws. We determine that people ought to be given one status or another. We need some clarity as to who these individuals are and how they are going to be dealt with.

Why do I say that? First, because we ought to care, particularly in this a

body, the U.S. Senate, that the rule of law is defended. But second, and not unimportant, is the question of how we are being perceived in the fight against terrorism—something that requires international cooperation. It is critically important that the United States not only lead on this issue but that other nations around the world and their citizenry following us, join us, if you will, in this effort.

Today, as I speak about this issue—unfortunate symbols are important. Guantanamo has become a symbol of things that have gone wrong without clarity, without definition, and that lack of clarity is hurting our cause.

As we try to build a coalition, it is crucial that we win support for what we are trying to achieve. Without allies in this effort, we will never ever win this war on terrorism. It is a transnational problem that insists upon a transnational response.

It is critically important that we understand the necessity of building the kind of relationships that are going to be absolutely critical if we are going to succeed in this effort, as I believe we must. We have no choice but to succeed in this effort.

But to disregard the feelings or sentiments of others on whom we must support and depend in the future, if we are going to succeed in this effort, is something that ought not to be lost on the membership of this institution.

I am deeply concerned about the direction we are heading here, one that is lacking clarity, any clarity at all, in dealing with these individuals that are being held. What is their status? Is it one thing or do we need a determination of that.

The administration I think bears the responsibility to come forward and say what the status is. Just saying we are going to hold people without some clarity is not good enough. If you want to hold them, fine. Decide what they are. Are they prisoners of war? If they are, then that is one set of circumstances. If they are not prisoners of war but enemy combatants, that is a different set of criteria that applies. But the rule of law must apply.

The criticism we are receiving here is that again we just do not have any definition. This ought not be an issue that divides us and people trying to inflame the passions of others: Who cares more about terrorism or who is willing to stand up and fight against terrorism more than anyone else. That is not the issue. The issue is the rule of law which joins people of different political persuasions but of like mind about insisting that the rule of law be applied. That has never divided us. When we move that important criteria, that important definition of who we are as Americans—the rule of law—and engage in this sort of demagogic debate about who cares more about terrorism, or you don't care about terrorism at all, if you are only willing to talk about the rule of law, that somehow makes you weak on this issue, that you lack the kind of conviction and spine when it comes to dealing with terrorists because you start talking about the rule of law, how strong an American are you, if you only get up and talk about the rule of law?

We have all learned painfully when you begin to disregard the rule of law because you don't like the individuals that you want to apply it to, it comes back to hurt all of us.

Those who made the case more than 50 years ago at another place in another set of circumstances but facing the same criticism—the emotional response was certainly warranted. The Nazis brutalized people, incinerated millions, and certainly lit passions that said, Why would you ever give that kind of individual a lawyer and a right to present a case? And you can understand the emotions that people felt at the time—to give them the right to present a case? Did they ever give any of their victims a right to present a case in the incinerators of Buchenwald or Dachau? They never did. Why should we do it now?

Because people stood up and said we are different than they are. That is why we insist upon the rule of law.

Today, we need to remind ourselves—conservative, liberals, centrists—who we are. The rule of law unites us. It ought not divide us when we have these debates and discussions.

Guantanamo has unfortunately become a symbol of things that need to change.

The President himself, to his credit, a week or so ago in a press conference on June 14, acknowledged that fact. He said:

> No question, Guantanamo sends . . . a signal to some of our friends . . . provides an excuse, for example, to say, ''The United States is not upholding the values that they're trying to encourage other countries to adhere to.'' He also stated clearly that he ''would like to close Guantanamo.''

That was the President of the United States. I am not making a case on my own. He recognizes what is happening with the symbol of Guantanamo, and how difficult it is to build the kind of relationships that are critical if we are going to succeed as we must in this war against terrorism.

I am not going to be offering an amendment. I think there is not adequate time to debate and discuss these things at this late hour in the evening. But I will find an opportunity at the appropriate time to raise the issue.

I hope we can build a broad, bipartisan consensus on these points. We ought not have division over the rule of law; to get clarification about how we talk about POWs, enemy combatants, and what the status of these people is because different sets of rules apply. Having no status at all and not fitting into one category or another is something that ought to be unacceptable to all of us.

I think having a facility that has become the symbol of something which none of us believe we stand for—we know we stand for the rule of law, we know we believe in that, and we embrace it—is raising serious reservations and concerns among people who ought to be joining us in this effort. If that is the case, as General McCaffrey said in talking about Guantanamo, close it down. He said he would like to close it down, and others believe as well that we ought to find other venues to deal with these issues as well as, of course, determining the legal status of these individuals so we can move on and again build the kind of coalitions necessary to have a successful coalition to fight the war on terrorism.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I appreciate the eloquent remarks of my colleague and his sharing of insight into Nuremberg and a number of thoughts that he shared with us about the rule of law, which I think is very important.

I note that at Nuremberg they tried and executed quite a number of people who conducted their war unfairly, in an unlawful way and went beyond being prisoners of war. They were, in fact, tried for crimes that they had committed.

I also say to my colleague with great sincerity that we are respecting the rule of law. These individuals that are caught and held at Guantanamo, some may qualify as a prisoner of war, many do not. They are what I have called—others used enemy combatants—unlawful combatants because they were carrying out combat in an unlawful way. They did not carry arms openly. They did not wear a uniform. They moved surreptitiously. They killed randomly women, children—actions that deny them the status of a lawful combatant and a prisoner of war. They are then held, if nothing else, certainly with legal protection because the Geneva Conventions cover people who are lawful combatants, who wage war for legitimate nations in a legitimate way.

Mr. DODD. Mr. President, if the Senator will yield, it is an interesting point. Going back, there was a body of law that had emerged prior to Nuremberg that, in fact, those who advocated that there should be a trial at Nuremberg relied on a point. But one of the great crimes that was argued against was crimes against humanity at Nuremberg. Many argued that this was sort of making it out of whole cloth. I don't think it was. But that was debated at the time.

The people who my colleague described as committing crimes against humanity, it clearly seems that those who were not enemy combatants in the

traditional definition of that word but engaged in the kind of brutality against humanity, today there is a codified body of laws that would certainly make those people subject to international law let alone our own kind of crimes.

The point I am trying to make is, it just gives it some clarity. What are they? What is the legal status in that category? If you are a POW, there is one set of laws that apply. If you are an enemy combatant, there is a set of laws and regulations that apply. If you are a non-enemy combatant and have engaged in the very activities my colleague described, what is the law that applies to those individuals under those circumstances? There is no status at all being attributed to these people. They are in limbo. That is what I am concerned about.

Mr. SESSIONS. Mr. President, I certainly respect the Senator's thoughts about that. I must follow up a little bit.

First, what happened at Nuremberg happened after the war was over.

Mr. DODD. I agree.

Mr. SESSIONS. We held German prisoners in the northern campus of the University of Alabama where I lived when I was in law school. They had German prisoners there during World War II.

But what I want to try to reassure my colleague about is that we do have a proper procedure that is ongoing. For example, we have defined these as combatants. We give them a combatant status review tribunal when they come in. They are reviewed in that fashion. They have a three-judge panel. They actually go beyond the requirements that the U.S. Supreme Court said in the Hamdi case.

In addition to that, they created an Administrative Review Board that, on an annual basis, must make an assessment of whether there is continued reason to believe that the enemy combatant poses a threat to the United States or its allies, or whether there are other factors bearing upon the need for the kind of detention, including its enemy combatant intelligence value in the gulf war on terrorism.

For example, in the first year of those Administrative Review Board hearings, there were 330 decisions to continue to detain the prisoners, 119 decisions to transfer them to other jurisdictions, other countries perhaps, or possibly other countries, and 14 release decisions. This second year, to date, the review board had 12 findings of continued to detain, 6 transfers, and no release decisions.

At least there is a procedure. In response to criticisms in the Congress, around the word, in response to the Supreme Court decision, they have taken it carefully because the military is proud of its standards. The military wants to do this right. But they have a responsibility not to release those who should not be released as they continue to pose a threat to the security of our Nation.

Mr. DODD. If my friend will yield further, I am sure he is a good lawyer. In the Rasul v. Bush case in 2004, of course, the Supreme Court ruled ''a state of war is not a blank check for the President,'' and ''enemy combatants have the right to challenge their detention before a judge or other neutral decisionmaker.''

That took a court case basically going to the highest Court of our land—I don't know what the ruling was, 5 to 4 or 6 to 3—and they ruled in that case enemy that combatants have a judicial right to challenge their status.

All I am saying, I am not trying to determine the outcome, just what is the status for the people to be detained or moved other places.

Our highest Court has said it is not a blank check, that they have a right to make a case. I don't want to be seen as perceiving—because I am saying they have a right to make a case, do I like these people? Am I trying to befriend them? I am saying the rule of law has to apply.

We are different. That is what makes us different from these people. These people would never give their victims a right to a judicial system proceeding as they engage in the kind of activity my colleague from Alabama properly described.

What makes my colleague from Alabama, and I hope myself and our colleagues, different is this very point the Supreme Court made. Even these enemy combatants have the right to make a case before a judge or other ''neutral decisionmaker,'' that the state of war is not a blank check for the President. That is the point I am trying to make. I am not trying to characterize the people in any other way than what my colleague has described.

The point the Senator and I need to come together on is the rule of law. That is all I am trying to suggest. I don't have an amendment to offer, but we have to find this common ground on this issue because it is who we are. It is what we want the world to know and appreciate what the United States is. That is really what did so much for us in the wake of World War II where we became this symbol of nations that rise above their passions and their emotions.

He is absolutely right on Nuremberg. Several people got limited sentences, some got off, and many got executed, as they should have, but it went through a legal process. To read those transcripts, where people went on and talked as Goering—I am tempted to draw the comparison of Goering to Saddam Hussein, who talks endlessly. Goering did almost the same, and there was concern by some that he might have gotten away had it not been for a very aggressive prosecution.

It was the rule of law, and how proud these people were that showed the world—and the United States led—we were different.

The fact situations are very different between the end of a conflict and an ongoing conflict and how you deal with it, but the rule of law does deserve stronger support than I am afraid we are giving. That is my concern.

Mr. SESSIONS. I thank the Senator.

I believe care has been taken to comply with the Supreme Court cases. The Department of Defense has gotten the system in a way that has a combatant status review tribunal and an administrative review board, and there have been multiple hearings. The Department is giving these prisoners—whether they are prisoners of war, lawful or unlawful combatants who are being detained—the rights to which they are entitled. I really do believe they have.

That is the only concern I have about the perception that might be out there, even around the world, that we are acting outside the rule of law. I do not believe that is so.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CELEBRATE WEST VIRGINIA

Mr. BYRD. Mr. President, on June 20, 1863, a new State was added to the Union. Today, 143 years later, we celebrate the birthday of West Virginia. I am always happy to have an excuse to share my love for West Virginia with the rest of the Nation.

The story of West Virginia is unique and fascinating, a one-of-a-kind juxtaposition of geography, history, and politics. It is a story as interesting as the State is beautiful.

The steeply folded mountain ridges that define the southern edge of the State, and her rich mineral and natural treasures that more than made up for her paucity of flat agricultural terrain, defined her early years and set her apart socially and economically from the rest of Virginia. West Virginia's natural attributes attracted a hardy, can-do breed of opportunistic settlers determined to scratch a living for their families from her rocky hillsides. They mined salt and coal, hunted and trapped, and cut small family farms out of the hillsides. These mountaineers had little in common with the gentrified, land-owning and slave-owning plantation masters of eastern Virginia's tidewater and piedmont regions. Thus, even as the issue of slavery began to strain the relations between the Nation's industrial North and her agricultural South, the contrasts within Virginia were sharp.

A child of conflict, West Virginia's birth was surprisingly peaceful. Before the Civil War, the Commonwealth of Virginia was a large State, fraught with its own internal divisions, based

largely on geography and economics. The eastern coastal plains and piedmont regions, with their large plantation economies, had much in common with the secessionist Southern States, while the mountainous Blue Ridge and Appalachian western portions of the State were populated by small farmers and woodsmen who had little use for the practice of slavery. Thus, when the convention was held in Richmond, VA, on April 17, 1861, to decide on Union or secession, the farmers and businessmen of western Virginia held with the North on the slavery question and the eastern half of the State held with the South. The matter was put to a statewide vote. Led by Clarksburg's John S. Carlile, Western delegates marched out of the Secession Convention and vowed to form a State government loyal to the Union.

From May 13–15, 1861, another convention was held, this one in Wheeling. Delegates from western Virginia decided to wait for the results of the statewide vote, which approved Virginia's secession from the Union on May 23. After the statewide vote, it was proposed that delegates from the western counties be elected to a convention to decide the matter for themselves. The convention, conducted in Wheeling from June 11–25, 1861, established a Restored, or Reorganized Government of Virginia. Francis H. Pierpont was elected Governor. President Lincoln recognized the Restored Government as the legitimate government of Virginia, and senators and representatives were chosen to represent the pro-Union Virginia.

In October 1861, residents of 39 counties in western Virginia approved the formation of a new Unionist State. A Constitutional Convention met in Wheeling from November 1861 to February 1862. At the convention, delegates selected counties to be included in the new State. In all, 50 counties were selected. Five additional West Virginia counties—Mineral, Grant, Lincoln, Summers, and Mingo—were formed after statehood to bring the total number of counties in West Virginia to its current 55.

Some eastern and southern counties did not support statehood but were included in the new State for political, military, or economic reasons. The mountain range west of the Blue Ridge became the eastern border of the new State, to provide a natural barrier to a Confederate invasion which many feared. The secessionist Eastern Panhandle counties were included in order to control the important Baltimore and Ohio railroad line. The inclusion of secessionist counties in the new State made for a certain amount of tension and any number of fascinating war stories.

Perhaps the most interesting war story involves the proclamation of West Virginia as a State. The U.S. Constitution requires that a new State gain approval for its establishment from the original State, which did not happen in the case of West Virginia. Virginia had seceded from the Union and was not, in any case, receptive to the idea of losing any part of its territory to the Union. Since President Lincoln had recognized the Restored Government of Virginia as the legal government of Virginia, it granted permission to itself on May 13, 1862, to form the State of West Virginia.

The U.S. Congress approved the West Virginia statehood bill after amending it to assure that another slave State was not created. The Senate passed the West Virginia Statehood Act on July 14, 1862, and on December 10, 1862, the House of Representatives followed suit. President Lincoln signed the bill into law on December 31, 1862. On March 26, 1863, the citizens of the 50 counties approved the statehood bill, and on June 20, West Virginia was officially established. The Restored Government of Virginia, with Pierpont continuing as Governor, moved to Alexandria, VA, from Wheeling, now that Wheeling was no longer in Virginia but in West Virginia.

The naming of West Virginia was also up for debate. Several possibilities were debated, including Kanawha, New Virginia, Western Virginia, Alleghany, Columbia, and Augusta, before the name of West Virginia was adopted by a majority of 30 votes. The runner up was Kanawha, which garnered just nine votes, including that of Mister James Henry Brown of Kanawha.

Mr. President, these few facts are but a drop of water in the lake of West Virginia's history. I invite the Nation to come and discover more in person. Our history runs deep, from the fossils hidden in the coal seams and rocks to the misnamed New River, which is, ironically, among the oldest rivers on the continent. There are historic sites across the State from frontier forts to Revolutionary War and Civil War battlegrounds.

West Virginia boasts an extensive park system that preserves the natural beauty of the State for all to enjoy. Fairs and festivals celebrate food from apple butter, blackberries, ramps, grapes, molasses and maple syrup. Sternwheelers, dulcimers, and even George Washington's bathtub merit their own festivals. People are not ignored, either, as festivals celebrate pioneers and indians, Black history and Celtic culture, as well as the heritage of counties and countries from Ireland to Italy, Greece to Lebanon. Music, from Appalachian string bands to bluegrass to gospel, comes in for its share of the fun. And the great natural treasures of West Virginia are not forgotten. There are festivals and jubilees for trees, rivers, birds, mountains, marble, coal, oil and gas, and even monarch butterflies. One can hardly mention West Virginia without thinking of the State's great craftsmen and women, renowned for stunning handmade products that are featured in many fairs and festivals as well as being available throughout the State in galleries and studios. Quilts, carvings, paintings, pottery and glass are but a few of the selections.

Larger commercial firms are also famous for their fine artistry. In honor of West Virginia's birthday, each year the Blenko Glass Company of Milton, WV, produces a limited number of special edition pieces—the number equaling the number of years the State is celebrating. The 2006 edition consists of 143 glass vases, each 11 inches high in a blending jungle green base that fades to a topaz gold mouth, rimmed in cobalt. The beautiful commemorative vase this year was designed by Hank Murta Adams. What a lovely way to mark a special day.

West Virginia is a special place. It may seem a little out of the way, but it is surprisingly close to many of the population centers on the east coast. It is full of quiet, peaceful spots—small towns with friendly people and breathtaking vistas of scenic beauty. It has churches and music, small farms and mills, rushing whitewater and still ponds. West Virginia is a place for family exploration, a place where it is easy to pull off the road and reenter the past, to stop and meet a craftsman at work, or just to eat a sandwich under a shady tree beside a cool stream. The more adventurous families might enjoy some of the whitewater rafting that West Virginia is famous for, or rock climbing, or paddling a canoe down a river canyon while watching for eagles overhead. You do not need to go on a crowded, canned cruise or to a hot, line-filled amusement park to find enjoyment. Just come to West Virginia and you will learn to love it as I do.

Roy Lee Harmon wrote a poem about West Virginia that I would like to close with. Roy Lee Harmon was from Boone County and lived in Beckley for many years. He held the post of State Poet Laureate from 1937 until 1978, some 41 years, becoming the Poet Laureate Emeritus in 1979. He wrote six books of poetry before he died in 1981. In his last book, published in 1978, he noted that after suffering from a long illness, when he died, ''I shall thank God of all creation who has allowed me to live so long in my beloved hills of West Virginia and write my poems.'' I wish the State and all of her inhabitants, my beloved Mountaineers, best wishes for another year of happiness in their mountain fastness. Happy Birthday, West Virginia, and may God continue to bless you for another 143 years.

WEST VIRGINIA

This was no land for lily-fingered men
Who bowed and danced a neat quadrille,
In towns and cities far beyond the ken
Of mountaineers—who loved each rock and rill.

It was a place for lean, tall men with love
For freedom flowing strongly in their veins,
For those attuned to vagrant stars above,
To rugged peaks, deep snows, and June-time rains.

And so our State was whelped in time of strife
And cut its teeth upon a cannon ball;

Its heritage was cleaner, better life,
Within the richest storehouse of them all.
With timber, oil and gas and salt and coal,
It bargained in the world's huge marketplace.
The mountain empire reached a mighty goal;
It never ran a pauper's sordid race.
And best of all, it sire a hardy flock
Whose fame will grow with centuries to be,
Tough as a white-oak stump or limestone rock,
The mountaineers who always shall be free.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. ROCKEFELLER. Mr. President, today, I am honored to celebrate the great State of West Virginia. June 20, 2006, commemorates; the 143rd birthday of the ''Wild and Wonderful'' State of West Virginia marking a milestone in both national and state history.

The historical importance of West Virginia should not be underestimated. Born in 1863 out of the turmoil of the Civil War, it has become synonymous with dedication, hard work, and integrity. West Virginia emerged as a staunch supporter of individuality, freedom, and tolerance. The common experience of the Civil War forged a unique bond of fraternity and camaraderie between its citizens. The commendable citizens of our great State exemplify all of the aforementioned attributes through their unending commitments to their jobs, communities, and families.

People, however, are not the sole attraction to the State. The West Virginia experience is transforming and mesmerizing. Visitors from around the world enjoy the vibrantly lush forests, clearly flowing streams, and majestic snow-capped mountains, which provide excellent outlets for recreational activity. Hiking, mountain biking, hunting, fishing, whitewater rafting, skiing, and golfing are just a few of the amenities provided in the treasure that is West Virginia.

The culture of West Virginia rivals nature in beauty and intensity. Music, history, pottery, glass, and storytelling make up a patchwork quilt of extraordinary experiences. Each individual, young or old, visitor or native, is wrapped warmly into West Virginia's comforting blanket of culture and identity.

The West Virginia motto, ''Mountaineers are always free,'' rings throughout the State with resounding force. Jerry West, Pearl Buck, Chuck Yeager, and Senator ROBERT C. BYRD are just a few of the influential people of our time from West Virginia. As of June 12, 2006, Senator BYRD has had the distinction of being the longest serving Senator in U.S. history. Clearly, West Virginia has provided and continues to provide successful and inspiring individuals to the world.

Sadly, West Virginia has seen great tragedy in the last year: In four separate mining accidents, 19 miners have lost their lives. Coal production is woven into the fabric of our State. While we always knew of the risks, losing loved ones is always devastating. Following those accidents, the Nation finally focused on what West Virginia has long known—we must improve mine safety. Currently, 40,000 direct jobs are supplied by the coal industry's influence in the State. This month, the MINER Act was signed into law by President Bush. This momentous step in mine safety legislation will bring greater safety to the brave men and women who work in the mines. The important role coal plays in the culture, economy, and history of West Virginia cannot be understated. The jobs provided through the coal industry contribute to the well-being of thousands of West Virginians, they increase State development, and they enhance the economic vitality of the State. It is our responsibility to make sure that miners are safe, secure, and protected.

In addition to some of the hardships our State has faced since its 142nd birthday, we also have a lot to celebrate: The Toyota Motor Manufacturing Plant located in Buffalo, WV, recently celebrated its 10th anniversary. Since its inception in 1996, the plant has expanded five times and has been the single most productive engine and transmission facility in all of North America for 4 consecutive years. In 1996, 350 jobs were provided by the Toyota plant. By 2007, it is estimated that 1,150 workers will be employed by the organization.

Additionally, the West Virginia University football team won the right to participate in the 2006 Sugar Bowl in Atlanta, GA. In a stunning victory, the West Virginia University Mountaineers upset the University of Georgia Bulldogs 38 to 35. The Mountaineers finished the season ranked fifth overall in the Associated Press poll tying the highest ranking in school history.

I am proud to represent West Virginia. I am proud to live in West Virginia, and I am proud to be called a West Virginian. Today, it is my great honor to celebrate and commemorate the 143rd birthday of the ''Wild and Wonderful'' State of West Virginia.•

VOTE EXPLANATION

Mr. JOHNSON. Mr. President, I would like the RECORD to reflect that I was necessarily absent on Monday June 19, 2006, for rollcall vote No. 175, the confirmation of the nomination of Sandra Segal Ikuta, of California, to be U.S. circuit court judge. Unfortunately, my flight from South Dakota to Washington, DC, was delayed due to bad weather. Had I been present for this vote, I would have voted in favor of the nomination.

HONORING OUR ARMED FORCES

LIEUTENANT COLONEL CHARLES E. MUNIER

Mr. THOMAS. Mr. President, I wish today to express our Nation's deepest thanks and gratitude to a special man and his family. I recently received word of the untimely death of LTC Charles Munier of Wheatland, WY, while serving his country in the war on terrorism. Lieutenant Colonel Munier passed away on Monday, June 12, 2006, at Walter Reed Hospital following a stroke suffered while serving in Afghanistan where he was helping to train the Afghan army.

Lieutenant Colonel Munier served in Wyoming National Guard as facilities manager for Camp Guernsey, Wyoming's training center for both Guard and Active-Duty military. He is remembered by his brother soldiers as a pivotal member of the Camp Guernsey staff and an outstanding officer who took his duties as a citizen soldier very seriously. In his civilian life, Lieutenant Colonel Munier worked for the Platte County Sheriff's Office as the jail administrator.

Lieutenant Colonel Munier epitomized the ethos of the citizen soldier. He did not hesitate to put down the plowshare and pick up the rifle when his country needed him. It is because of people like Charles Munier that we continue to live safe and free. America's men and women who answer the call of service and wear our Nation's uniform deserve respect and recognition for the enormous burden that they willingly bear. They put everything on the line every day, and because of these folks, our Nation remains free and strong in the face of danger.

Lieutenant Colonel Munier is survived by his wife Nancy, his daughter Victoria Rice, and her husband Tim, and his brothers and sisters in arms of the Wyoming National Guard. Today we say goodbye to a husband, a father, and an American soldier. Our Nation pays its deepest respect to LTC Charles E. Munier for his courage, his love of country, and his sacrifice, so that we may remain free. He was a hero in life, and he remains a hero in death. All of Wyoming and, indeed, the entire Nation are proud of him.

INSTABILITY IN SOMALIA

Mr. FEINGOLD. Mr. President, given the continuing instability in Somalia, the growing tensions between the Transitional Federal Government and the Islamic Courts Union, ICU, and the worsening humanitarian conditions throughout the country, it is more essential than ever that the U.S. Government and the international community engage fully in efforts to bring about a peaceful solution to the conflict that has plagued Somalia for more than 15 years.

Most immediately, it is essential that the ICU recognize the legitimacy of the TFG and that it engage in good-faith efforts to support the TFG's role and authority as Somalia's legitimate Government. The ICU must take immediate actions to begin assisting the TFG to extend its authority to Mogadishu, and it must do so in a transparent and expeditious manner.

The international community must also play a productive—and more aggressive—role. The United Nations must address this issue immediately and must make the necessary decisions and actions to allow for every option and tool for establishing stability in Somalia to be pursued. It is clear that both regional and international efforts must be strengthened and coordinated more effectively, and we must heed the calls of international humanitarian organizations on the ground for additional humanitarian assistance to increasingly vulnerable populations there.

Somalia's neighbors must be cautious and patient as conditions within Somalia continue to change. Somalia's neighbors must play a supportive role to the efforts of the TFG, the United Nations, and the African Union to secure peace. Hasty, aggressive, or meddling actions could undermine or further complicate efforts to find a political solution to the stand-off between the TFG and Islamic Courts Union. All international actions relating to Somalia must be coordinated, and activities that may undermine current efforts there must not be tolerated.

Finally, the U.S. Government must take instability in Somalia seriously. Just last week, Ambassador Hank Crumpton, the State Department's coordinator for counterterrorism, testified in front of the Senate Foreign Relations Committee and said that the State Department has only one full-time Foreign Service officer, based in Nairobi, working on Somalia-related issues. The administration has failed to create a strategy for Somalia and is only now, after years and years of instability and chaos throughout the country, engaging in international efforts to address some of the problems Somalia faces. The administration must create one sound policy framework to support stabilizing and rebuilding Somalia within which all U.S. Government activities can be coordinated. It must also appoint a senior-level coordinator to manage the multifaceted challenges that conditions in Somalia pose to both the United. States and the international community.

Past efforts have been insufficient. It is past time to take the deteriorating conditions within Somalia seriously, and we must do so immediately. Recent developments in Somalia threaten to destabilize the entire region and plunge Somalia further in to despair. We can help prevent this if we act now.

RELIGIOUS FREEDOM

Mr. SHELBY. Mr. President, I rise today to discuss the issue of religious freedom. The freedom to believe and worship how one chooses is essential. However, as we strive for greater religious freedom and tolerance throughout the world, we have witnessed activist judges chip away at our own religious freedoms. These activist judges have worked diligently to restrict our rights to express our religious beliefs under the guise of separation of church and state.

Many of the court decisions that have broadened Americans' first amendment right to free speech, overreach. In an effort to promote tolerance, religious expression is in fact, being censored.

Our Founding Fathers proclaimed liberty to be an unalienable right bestowed by our Creator—''We hold these Truths to be self-evident, that all men are . . . endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the Pursuit of Happiness . . .'' Yet unelected, activist judges are rewriting history. They have decided that, in fact, the Founding Fathers did not intend for there to be freedom of religious expression but, rather, freedom from religious expression.

Thirty years of public opinion polls have shown that more than 75 percent of Americans support a constitutional amendment to protect voluntary school prayer. However, the Supreme Court has said such an act violates the constitutional separation of church and state—again, another act that forces freedom from religious expression rather than freedom of religious expression.

It is not simply this decision but a growing and disturbing trend in our Federal courts to deny the rights of our States and our citizens to acknowledge God openly and freely. In fact, reciting the words ''one Nation under God'' in the Pledge of Allegiance has been ruled unconstitutional as has displaying the Ten Commandments in a State building in my home State of Alabama. These tortured legal decisions distort our Constitution, our Nation's history and its tradition in an effort to secularize our system of government and divest morality from our rule of law.

We simply cannot divest God from our country. Our country has no foundation without a basic recognition that God invests us at birth with basic individual rights that we all enjoy as Americans. In fact, our Government and our laws are based on Judeo-Christian values and a recognition of God as our Creator.

Our motto is ''In God We Trust.'' It is enshrined on our currency.

Our national anthem recognizes our motto as ''In God is Our Trust.''

As Federal officials, each of us has taken an oath of office. The President takes a similar one. State and local officials and our military personnel all swear a similar oath. Jurors and witnesses in our State and Federal courts take an oath as do witnesses before Congress. We all swear to uphold the Constitution or tell the truth, ''so help me God.''

Our courts, including the Supreme Court, recognize God in their official proceedings, both the House and Senate acknowledge God through an opening prayer every morning. Our public buildings and monuments honor this heritage through various depictions of the basic moral foundations of our laws and system of government.

My point is that you simply cannot divest God from our country. Despite the actions of these activist judges, our country has no foundation without a basic recognition that God invests us at birth with basic individual rights—such as the blessings of liberty—that we all enjoy as Americans.

Again, I believe that the courts have exceeded their power. They have overreached. To that end, I have introduced the Constitution Restoration Act. This legislation recognizes the rights of the States and the people as embodied in the Declaration of Independence and the Constitution—9th and 10th amendments—to acknowledge God.

The Constitution Restoration Act goes to the very foundation of our country and the legitimacy of our system of government. Thomas Jefferson in his first inaugural address said that ''The wisdom of our sages and the blood of our heros have been devoted to [the] attainment'' of our liberty and form of government.

If we are to maintain our form of government, we must ensure that activist judges are not permitted to take away our religious liberties. The very foundation of our government cannot and should not be expunged from public view—an unelected Federal judiciary should not be allowed to outlaw all public acknowledgments of God. We must protect our very basic freedom of religious expression.

Mr. President, I encourage my colleagues to work with me to protect this basic freedom by supporting the Constitution Restoration Act.

DRY EYE AWARENESS MONTH

Mr. DAYTON. Mr. President, today I rise to call attention to an important but often overlooked chronic illness: dry eyes. The Sjögren's Syndrome Foundation and National Women's Health Resource Center have declared July Dry Eye Awareness Month.

Every year, chronic dry eye syndrome affects nearly 10 million Americans of all ages; many sufferers will go undiagnosed. Without tears, good vision is impossible. Dry eye syndrome can cause devastating symptoms, including constant pain, an inability to focus, and, in severe cases, serious visual impairment. It can significantly affect a person's quality of life, increasing the risk of problems with reading, professional work, computer use, and night driving.

Americans suffering with dry eye syndrome either do not produce enough tears, or have poor quality tears and/or excessive tear evaporation. Either problem causes their eyes to sting and burn, feel scratchy, become irritated, or excessively tear. Most people with

dry eye find the condition to be an uncomfortable nuisance, with many characteristics of a ''chronic pain'' type of syndrome.

One study showed that dry eye patients experienced an average of 184 days of reduced productivity in a year. Although dry eye syndrome cannot be cured, there are a variety of available treatments. However many people with dry eye continue to suffer needlessly because they are unaware of their options. Both dry eye and Sjögren's seriously endanger women's health.

Sjögren's syndrome is a painful and debilitating autoimmune disease which causes the immune system to attack its own lubricating glands, such as tear and salivary glands. Sjögren's is one of the most prevalent autoimmune disorders, and although it affects people of all ages, 9 out of 10 patients are women, and the average age of onset is late forties. The hallmark symptoms are dry eyes and dry mouth, but Sjögren's may also cause dryness of other organs, affecting the kidneys, GI tract, blood vessels, lungs, liver, pancreas, and the central nervous system. Patients with Sjögren's syndrome are also 40 times more likely to develop lymphoma.

Marking July as Dry Eye Awareness Month will bring more attention to this widespread and potentially debilitating condition. I thank the Minnesota members of the Sjögren's Syndrome Foundation and the National Women's Health Resource Center for bringing this issue to my attention and thank them for their efforts to educate the public about this serious health concern.

THE BOYS AND GIRLS CLUBS OF BURLINGTON, VERMONT

Mr. LEAHY. Mr. President, as the Burlington, VT, Boys and Girls Club prepares to begin an ambitious capital fundraising campaign this summer, I am proud to give my strong support to this important organization. As a longtime supporter of this organization in Vermont and across the country, I wish them the best of success in their efforts, and I commend them for striving to continually improve their organization and Vermont's communities.

Through this campaign, the Burlington Boys and Girls Club plans to strengthen its resources with the addition of high-speed Internet access at the club, as well as a multimedia center where members can become proficient in current technology. This is a critical component of success for young people in our increasingly technological society. The club will also reinforce its dedication to creativity through the addition of a visual and performing arts space where members will be able to pursue their artistic expression. These are just a few of the admirable goals set out for this campaign, and I am confident they will be achieved.

The Boys and Girls Clubs around the country are a leading example of how the support and care of our young people benefits American society, one boy and one girl at a time. The Boys and Girls Clubs have proven that when we show our young people that we care about them and that we care about their futures, they respond with positive and constructive actions in their communities.

We also know the Boys and Girls Clubs provide a healthy alternative for many young people and oftentimes prevent them from being drawn into gangs, drug abuse, and other crime. The clubs instill leadership qualities, respect, and thoughtfulness in participants through programs that include art, athletics, help with schoolwork, technology, life skills, training in resistance to drugs and alcohol, and community service. In providing these valuable programs during critical development periods when young people are most vulnerable, the Boys and Girls Clubs fill a void and reduce the opportunity to succumb to negative influences. The Boys and Girls Clubs represent the best of what communities can do to improve the lives of their young people.

I know firsthand how well Boys and Girls Clubs work and what topnotch organizations they are. When I was a prosecutor in Vermont, I was convinced of the great need for Boys and Girls Clubs because we rarely encountered children from these kinds of programs. In fact, after I became a U.S. Senator, a police chief was such a big fan that he asked me to help fund a Boys and Girls Club in his district rather than helping him pay for a couple more police officers.

Over the years, I have worked with other members of the Senate to make sure the Boys and Girls Clubs around the country have the funding necessary to carry out their mission. Since 1998, we have worked to steadily increase Federal funding for the Boys and Girls clubs each year. This year, as the chairman and ranking member of the Judiciary Committee, Senator SPECTER and I have recommended $80 million in funding to help keep this organization a strong and vital part of their communities, from coast to coast. As a senior member of the Appropriations Committee, I look forward to seeing that these funds are appropriated for this important work.

Represented in all 50 States, the 3,700 branches of the Boys and Girls Club reach more than 4.4 million young people. The Boys and Girls Club of Burlington alone serves more than 1,400 young people each year. Through continued funding, Boys and Girls Clubs around the country will serve 6 million young people by January of 2007. The growth of these clubs across our country has been a true success story, and I am proud to work to ensure the Federal Government's continued support.

As the Burlington Boys and Girls Club kicks off its capital campaign, I commend all of Vermont's Boys and Girls Clubs, along with all of the other clubs across our Nation, for the important work they do to help our young citizens become exceptional adults.

ADDITIONAL STATEMENTS

100TH ANNIVERSARY OF BENEDICT, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I wish to recognize a community in North Dakota that will be celebrating its 100th anniversary. On July 3, the residents of Benedict will gather to celebrate their community's history and founding.

Benedict was founded in 1906 as a stop on the Soo Line Railroad. The name of the town was derived from the Order of St. Benedict, the order to which most of the Catholic priests in the area belonged.

Today, Benedict remains a small, pleasant agricultural town. The farmers in the area farm mostly wheat, canola, and sunflowers, and the town contains the prosperous McLean Elevator, which draws customers from the surrounding area. The Concordia Lutheran Church continues to be the center of town life.

To celebrate their centennial, the people of Benedict have planned a number of events, including a lawnmower pull, children's games, and a parade.

Mr. President, I ask the Senate to join me in congratulating Benedict, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Benedict and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Benedict that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Benedict has a proud past and a bright future.●

100TH ANNIVERSARY OF TOLNA, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I wish to recognize a community in North Dakota that will be celebrating its 100th anniversary. On July 6 to 8, the residents of Tolna will gather to celebrate their community's history and founding.

Tolna's history began in May 1906, when D.B. Tallman founded the town as a stopping point for trains on the Great Northern Railroad. Tallman's daughter could not pronounce the name ''Tallman,'' so they named the town ''Tolna'' after the way she pronounced it. The town grew quickly and was settled mostly by German and Norwegian immigrants, many of whose descendants live in Tolna today.

Tolna remains an active and involved community. The Tolna Summer Rec Program sponsors a large number of sports teams for area youth and sports events involving the entire town. The

Senior Citizens Center organizes a variety of events, including a series of bingo games. The Tolna Alumni Association is also an active organization for all residents of Tolna, past and present.

The community has organized a wide variety of events to celebrate the centennial, including a parade, fireworks, a bull riding event, and children's activities. Tolna expects over 4,000 visitors for its centennial, which is quite an accomplishment for a town of 200.

Mr. President, I ask the Senate to join me in congratulating Tolna, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Tolna and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Tolna that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Tolna has a proud past and a bright future.●

100TH ANNIVERSARY OF ALMONT, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I wish to recognize a community in North Dakota that will be celebrating its 100th anniversary. On July 1 to 4, and again on Labor Day, the residents of Almont will gather to celebrate their community's history and founding.

Almont is a vibrant community in south-central North Dakota. The town was founded in 1883 when the Northern Pacific Railroad established a station in the town. Major real estate settlement began in the area with the help of Eber W. Hyde, a settler from South Dakota who was seeking to establish a lumber yard in the area. The name of the town, Almont, came from a nearby landmark, Altamont Moraine, which translated from French as moraine, high hill.

In order to preserve the history of the city, Almont has a historical society and a museum. Along with holding the rich history of Almont, the museum is the location for the town's yearly celebration that takes place during the weekend of Labor Day. The town also hosts an annual ''Lutefisk a Lefsa'' dinner that many claim to be the best around.

The citizens of Almont are proud of all of their accomplishments over the past 100 years and have planned a celebration that will include street dances, city and school tours, water slides, local entertainment, children's activities, a paint ball war, a car show, and a parade.

Mr. President, I ask the Senate to join me in congratulating Almont, ND and its residents on the first 100 years and in wishing them well through the next century. By honoring Almont and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Almont that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Almont has a proud past and a bright future.●

DR. JAMES CAMERON

● Mr. KOHL. Mr. President, Dr. James Cameron was man of great strength, spirituality, and conviction.

Dr. Cameron was born in LaCrosse, WI, in 1914 and moved to Indiana as a teenager. In Indiana, he accompanied two friends involved in an armed robbery that turned to rape and murder. Though Dr. Cameron ran away well before the crime was committed, all three young men were taken to jail. The Ku Klux Klan stormed that jail on August 7, 1930, hung his two friends, and beat him severely. Dr. Cameron survived but spent another 6 years in jail for crimes he did not commit.

Dr. Cameron never let us forget the injustice done to the many victims of lynching and racial violence. After moving back to his home State of Wisconsin, he founded the Black Holocaust Museum in Milwaukee. This unique museum lays bare our Nation's violent past of racism and slavery. His work opened the eyes of thousands to the suffering of African Americans, not only in the age of slavery but also in the decades that followed.

Dr. Cameron joined us last year to witness the passage of Resolution No. 39, a resolution apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact antilynching legislation. His mere presence assured us that we were doing the right thing, albeit many years too late.

Dr. Cameron is survived by his dear wife Virginia and their wonderful family. His legacy will remain a source of hope and pride for many.●

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 which was referred to the Committee on Foreign Relations.

To the Senate of the United States.

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith: the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (the ''Geneva Protocol III''), adopted at Geneva on December 8, 2005, and signed by the United States on that date; the Amendment to Article 1 of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (the ''CCW Amendment''); and the CCW Protocol on Explosive Remnants of War (the ''CCW Protocol V''). I transmit, for the information of the Senate, the report of the Department of State concerning these treaties.

Geneva Protocol III. Geneva Protocol III creates a new distinctive emblem, a Red Crystal, in addition to and for the same purposes as the Red Cross and the Red Crescent emblems. The Red Crystal is a neutral emblem that can be employed by governments and national societies that face challenges using the existing emblems. In addition, Geneva Protocol III will pave the way for Magen David Adorn, Israel's national society, to achieve membership in the International Red Cross and Red Crescent Movement. Legislation implementing Geneva Protocol III will be submitted to the Congress separately.

CCW amendment. The amendment to Article 1 of the CCW, which was adopted at Geneva on December 21, 2001, eliminates the distinction between international and non-international armed conflict for the purposes of the rules governing the prohibitions and restrictions on the use of certain conventional weapons. It does not change the legal status of rebel or insurgent groups into that of protected or privileged belligerents.

CCW Protocol V. CCW Protocol V, which was adopted at Geneva on November 28, 2003, addresses the post-conflict threat generated by conventional munitions such as mortar shells, grenades, artillery rounds, and bombs that do not explode as intended or that are abandoned. COW Protocol V provides for the marking, clearance, removal, and destruction of such remnants by the party in control of the territory in which the munitions are located.

Conclusion. I urge the Senate to give prompt and favorable consideration to each of these instruments and to give its advice and consent to their ratification. These treaties are in the interest of the United States, and their ratification would advance the longstanding and historic leadership of the United States in the law of armed conflict.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 19, 2006*.

MESSAGE FROM THE HOUSE

At 12:16 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. 5104. An act to designate the facility of the United States Postal Service located at 1750 16th Street South in St. Petersburg, Florida, as the ''Morris W. Milton Post Office''.

H.R. 5504. An act to designate the facility of the United States Postal Service located at 6029 Broadmoor Street in Mission, Kansas, as the ''Larry Winn, Jr. Post Office Building''.

H.R. 5540. An act 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''.

The message also announced that pursuant to section 214(a) of the Help America Vote Act of 2002 (42 U.S.C. 15344), and the order of the House of December 18, 2005, the Speaker reappoints the following member on the part of the House of Representatives to the Election Assistance Commission Board of Advisors for a term of 2 years: Mr. Thomas A. Fuentes of Lake Forest, California.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5104. An act to designate the facility of the United States Postal Service located at 1750 16th Street South in St. Petersburg, Florida, as the ''Morris W. Milton Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5504. An act to designate the facility of the United States Postal Service located at 6029 Broadmoor Street in Mission, Kansas, as the ''Larry Winn, Jr. Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5540. An act 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 Homeland Security and Governmental Affairs.

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–7204. A communication from the Secretary of Agriculture, transmitting, the report of a draft bill entitled ''Commodity Credit Corporation (CCC) Budget Proposals''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7205. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fenarimol; Pesticide Tolerance'' (FRL No. 8061–4) received on June 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7206. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pendimethalin; Pesticide Tolerance'' (FRL No. 8070–2) received on June 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7207. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Methoxyfenozide; Pesticide Tolerance'' (FRL No. 8069–5) received on June 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7208. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Potassium Silicate; Exemption from the Requirement of a Tolerance'' (FRL No. 8069–6) received on June 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7209. A communication from the Deputy Chief for National Forest System, Forest Service, Department of Agriculture, transmitting, pursuant to law, the 2005 Report for the Granite Watershed Enhancement and Protection Stewardship Project; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7210. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''National Organic Program—Revisions to Livestock Standards Based on Court Order (Harvey v. Johanns) and 2005 Amendment to the Organic Foods Production Act of 1990'' ((RIN0581–AC60)(TM–06–06–FR)) received on June 7, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7211. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Food Stamp Program: Civil Rights Data Collection'' (RIN0584–AC75) received on June 7, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7212. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Fruits and Vegetables; Untreated Citrus from Mexico'' (Docket No. 03–048–3) received on June 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7213. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Citrus Canker; Compensation for Certified Citrus Nursery Stock'' ((RIN0579–AC05)(Docket No. APHIS–2006–0033)) received on June 8, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7214. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Emergency Conservation Program'' (RIN0560–AH43) received on June 8, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7215. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Conservation Reserve Program—Emergency Forestry Conservation Program'' (RIN0560–AH44) received on June 8, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7216. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Grains and Similarly Handled Commodities-Marketing Assistance Loans and Loan Deficiency Payments for the 2006 Through 2007 Crop Years; Cotton'' (RIN0560–AH38) received on June 8, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7217. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus mycoides isolate J; Temporary Exemption from the Requirement of a Tolerance'' (FRL No. 8072–3) received on June 12, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7218. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Child Care and Development Fund Report to Congress for Fiscal Year 2002 and Fiscal Year 2003''; to the Committee on Finance.

EC–7219. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Trade Act of 1974 to Vietnam; to the Committee on Finance.

EC–7220. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Trade Act of 1974 to Belarus; to the Committee on Finance.

EC–7221. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a waiver of the Jackson-Vanik Amendment for Turkmenistan; to the Committee on Finance.

EC–7222. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Qualified Alternative Fuel Motor Vehicle Credit'' (Notice 2006–54) received on June 6, 2006; to the Committee on Finance.

EC–7223. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Clarification of Notice 2006–26'' (Notice 2006–53) received on June 6, 2006; to the Committee on Finance.

EC–7224. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Deduction for Energy Efficient Commercial Buildings'' (Notice 2006–52) received on June 6, 2006; to the Committee on Finance.

EC–7225. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Communications Excise Tax; Toll Telephone Service'' (Notice 2006–50) received on June 6, 2006; to the Committee on Finance.

EC–7226. A communication from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Closing of the Port of Noyes, Minnesota, and Extension of the Limits of the Port of Pembina, North Dakota'' (CBP Dec. 06–15) received on June 6, 2006; to the Committee on Finance.

EC–7227. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Announcement: 2006 Prevailing State Assumed Interest Rates: Correction'' (Announcement 2006–35) received on June 6, 2006; to the Committee on Finance.

EC–7228. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 911 Waiver Rev. Proc.—2005 Update'' (Rev. Proc . 2006–28) received on June 6, 2006; to the Committee on Finance.

EC–7229. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Ruling: 2006 Prevailing State Assumed Interest Rates'' (Rev. Rul. 2006–25) received on June 6, 2006; to the Committee on Finance.

EC–7230. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Modification of Rev. Rul. 2006–1'' (Rev. Rul. 2006–31) received on June 6, 2006; to the Committee on Finance.

EC–7231. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance under Section 7874 Regarding Expatriated Entities and Their Foreign Parents'' (RIN1545–BF48) received on June 6, 2006; to the Committee on Finance.

EC–7232. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Mixed Service Cost Examinations ('MSC') Industry Directive'' received on June 12, 2006; to the Committee on Finance.

EC–7233. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update'' (Notice 2006–55) received on June 12, 2006; to the Committee on Finance.

EC–7234. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the report of a draft bill entitled ''Lava Beds National Monument Wilderness Boundary Adjustment Act of 2005''; to the Committee on Energy and Natural Resources.

EC–7235. A communication from the Assistant Secretary, Department of the Interior, transmitting the report of a draft bill entitled ''Range Improvement Fund Amendment Act of 2006''; to the Committee on Energy and Natural Resources.

EC–7236. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Record Retention Requirements for Unbundled Sales Service, Persons Holding Blanket Marketing Certificates, and Public Utility Market-Based Rate Authorization Holders'' (Docket No. RM06–14–000) received on June 8, 2006; to the Committee on Energy and Natural Resources.

EC–7237. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Texas Regulatory Program'' (Docket No. TX–054–FOR) received on June 12, 2006; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment:

S.J. Res. 12. A joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

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 Mrs. CLINTON:

S. 3537. A bill to amend the Public Health Service Act to establish a national center for public mental health emergency preparedness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRAHAM:

S. 3538. A bill to suspend temporarily the duty on unbleached printcloth; to the Committee on Finance.

By Mr. GRAHAM:

S. 3539. A bill to suspend temporarily the duty on unbleached sheeting; to the Committee on Finance.

By Mr. GRAHAM:

S. 3540. A bill to suspend temporarily the duty on unbleached cheesecloth; to the Committee on Finance.

By Mr. GRAHAM:

S. 3541. A bill to suspend temporarily the duty on certain unbleached printcloth; to the Committee on Finance.

By Mr. GRAHAM:

S. 3542. A bill to improve maritime and cargo security and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. DURBIN, Mr. CHAFEE, Mr. INOUYE, Ms. CANTWELL, Mr. NELSON of Florida, Mrs. BOXER, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. LIEBERMAN, and Ms. COLLINS):

S. 3543. A bill to improve passenger automobile fuel economy and safety, reduce greenhouse gas emissions, reduce dependence on foreign oil, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CARPER:

S. 3544. A bill to reduce temporarily the duty on Thiamethoxam Technical; to the Committee on Finance.

By Mr. CRAIG (for himself, Mr. AKAKA, Mr. BURR, and Mr. OBAMA):

S. 3545. A bill to amend title 38, United States Code, to improve services for homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. DOLE (for herself and Mr. BURR):

S. Res. 517. A resolution commending the Carolina Hurricanes for winning the 2006 National Hockey League Stanley Cup; considered and agreed to.

By Mr. FEINGOLD (for himself, Mr. KOHL, Mr. ALLEN, Mr. LAUTENBERG, Mr. LEVIN, Mr. OBAMA, and Ms. LANDRIEU):

S. Res. 518. A resolution honoring the life and accomplishments of James Cameron; considered and agreed to.

ADDITIONAL COSPONSORS

S. 418

At the request of Mr. ENZI, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 418, a bill to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products.

S. 774

At the request of Mr. BUNNING, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 774, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

S. 809

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 809, a bill to establish certain duties for pharmacies when pharmacists employed by the pharmacies refuse to fill valid prescriptions for drugs or devices on the basis of personal beliefs, and for other purposes.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1687

At the request of Ms. MIKULSKI, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 1909

At the request of Mr. BURNS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1909, a bill to improve the provision of telehealth services under the Medicare Program, to provide grants for the development of telehealth networks, and for other purposes.

S. 1910

At the request of Mr. SUNUNU, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1910, a bill to amend title XVIII of the

Social Security Act to provide incentives to physicians for writing electronic prescriptions.

S. 2124

At the request of Mr. HARKIN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2124, a bill to address the needs of individuals with disabilities in emergency planning requirements and relief efforts in the event of a major disaster, to increase the accessibility of replacement housing built with Federal funds following Hurricane Katrina and other major disasters, and for other purposes.

S. 2140

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2145

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. 2145, a bill to enhance security and protect against terrorist attacks at chemical facilities.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2393

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 2393, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 2494

At the request of Mr. BURNS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2494, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for the payment of premiums for high deductible health plans, to allow a credit for certain employment taxes paid with respect to premiums for high deductible health plans and contributions to health savings accounts, and for other purposes.

S. 2548

At the request of Mr. STEVENS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2548, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

S. 2585

At the request of Mr. SMITH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2585, a bill to amend the Internal Revenue Code of 1986 to permit military death gratuities to be contributed to certain tax-favored accounts.

S. 2657

At the request of Mr. SANTORUM, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2657, a bill to extend the Iran and Libya Sanctions Act of 1996.

S. 2658

At the request of Mr. LEAHY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2658, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 2720

At the request of Mr. BAUCUS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2720, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 3364

At the request of Mr. NELSON of Nebraska, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3364, a bill to authorize appropriate action against Japan for failing to resume the importation of United States beef in a timely manner, and for other purposes.

S. 3475

At the request of Mr. OBAMA, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3475, a bill to provide housing assistance for very low-income veterans.

S. 3506

At the request of Mr. AKAKA, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3506, a bill to prohibit the unauthorized removal or use of personal information contained in a database owned, operated, or maintained by the Federal government.

S. CON. RES. 94

At the request of Mr. COCHRAN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. Con. Res. 94, a concurrent resolution expressing the sense of Congress that the needs of children and youth affected or displaced by disasters are unique and should be given special consideration in planning, responding, and recovering from such disasters in the United States.

S. RES. 507

At the request of Mr. BIDEN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. Res. 507, a resolution designating the week of November 5 through November 11, 2006, as ''National Veterans Awareness Week'' to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

S. RES. 508

At the request of Mr. BIDEN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. Res. 508, a resolution designating October 20, 2006 as ''National Mammography Day''.

S. RES. 510

At the request of Mr. MARTINEZ, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Massachusetts (Mr. KERRY), the Senator from Virginia (Mr. WARNER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 510, a resolution designating the period beginning on June 28, 2006, and ending on July 5, 2006, as ''National Clean Beaches Week'', supporting the goals and ideals of that week, and recognizing the considerable value and role of beaches in the culture of the United States.

AMENDMENT NO. 4194

At the request of Mr. CARPER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 4194 intended to be proposed to H.R. 8, a bill to make the repeal of the estate tax permanent.

AMENDMENT NO. 4216

At the request of Mr. THUNE, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of amendment No. 4216 intended to be proposed to S. 2766, an original bill 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.

AMENDMENT NO. 4224

At the request of Mr. OBAMA, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of amendment No. 4224 intended to be proposed to S. 2766, an original bill 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.

AMENDMENT NO. 4231

At the request of Mr. DEWINE, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of amendment No. 4231 intended to be proposed to S. 2766, an original bill 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.

AMENDMENT NO. 4236

At the request of Mr. LUGAR, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Rhode Island (Mr. CHAFEE), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Maryland (Mr. SARBANES), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Illinois (Mr. OBAMA) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 4236 intended to be proposed to S. 2766, an original bill 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.

AMENDMENT NO. 4261

At the request of Mr. CHAMBLISS, the names of the Senator from Florida (Mr. NELSON), the Senator from California (Mrs. FEINSTEIN) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 4261 intended to be proposed to S. 2766, an original bill 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.

AMENDMENT NO. 4264

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 4264 intended to be proposed to S. 2766, an original bill 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.

AMENDMENT NO. 4266

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of amendment No. 4266 intended to be proposed to S. 2766, an original bill 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.

AMENDMENT NO. 4271

At the request of Mr. LEAHY, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Dakota (Mr. JOHNSON), the Senator from West Virginia (Mr. BYRD), the Senator from Delaware (Mr. BIDEN), the Senator from Missouri (Mr. TALENT), the Senator from Vermont (Mr. JEFFORDS), the Senator from Oregon (Mr. WYDEN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from California (Mrs. BOXER), the Senator from Nevada (Mr. REID), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 4271 proposed to S. 2766, an original bill 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.

AMENDMENT NO. 4272

At the request of Mr. WARNER, his name was added as a cosponsor of amendment No. 4272 proposed to S. 2766, an original bill 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.

AMENDMENT NO. 4292

At the request of Mr. DORGAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 4292 proposed to S. 2766, an original bill 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.

AMENDMENT NO. 4301

At the request of Mrs. DOLE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 4301 intended to be proposed to S. 2766, an original bill 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.

AMENDMENT NO. 4302

At the request of Mrs. DOLE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 4302 intended to be proposed to S. 2766, an original bill 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.

AMENDMENT NO. 4304

At the request of Mr. THUNE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 4304 intended to be proposed to S. 2766, an original bill 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.

AMENDMENT NO. 4309

At the request of Mr. SCHUMER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 4309 intended to be proposed to S. 2766, an original bill 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.

AMENDMENT NO. 4320

At the request of Mr. LEVIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of amendment No. 4320 intended to be proposed to S. 2766, an original bill 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.

At the request of Mr. OBAMA, his name was added as a cosponsor of amendment No. 4320 intended to be proposed to S. 2766, supra.

AMENDMENT NO. 4322

At the request of Mr. KENNEDY, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from New Mexico (Mr. BINGAMAN), the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from California (Mrs. FEINSTEIN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Oregon (Mr. WYDEN), the Senator from Minnesota (Mr. DAYTON), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of amendment No. 4322 proposed to S. 2766, an original bill 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.

At the request of Mr. BIDEN, his name was added as a cosponsor of amendment No. 4322 proposed to S. 2766, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON:

S. 3537. A bill to amend the Public Health Service Act to establish a national center for public mental health emergency preparedness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise today to introduce the Public Mental Health Emergency Preparedness Act of 2006. This bill would take several important steps toward preparing our nation to effectively address mental health issues in the wake of public health emergencies, including potential bioterrorist attacks.

Hurricanes Katrina and Rita, the events of September 11, other recent natural and man-made catastrophes have sadly taught us that our current resources are not sufficient or coordinated enough to meet the mental health needs of those devastated by emergency events. We need a network of trained mental health professionals—including first responders, local and state leaders, a well-developed infrastructure, and a mechanism—through which to mobilize and deploy mental health resources in a rapid and sustained manner in times of public health emergency.

It is clear that the consequences of emergency events like hurricanes or terrorist attacks result in increased emotional and psychological suffering among survivors and responders, yet we must do more to assist all who are affected. That is why I have introduced the Public Mental Health Emergency Preparedness Act of 2006.

This bill would require the Secretary of Health and Human Services to establish the National Center for Public Mental Health Emergency Preparedness—the National Center—to coordinate the development and delivery of mental health services in collaboration with existing Federal, State and local entities when our Nation is confronted with public health catastrophes. This legislation would charge the National Center with four functions to benefit affected Americans in our local communities, particularly vulnerable populations like children, older Americans, and persons with disabilities.

First, the Public Mental Health Emergency Preparedness Act would make sure we have evidence-based curricula available to meet the diverse training needs of a wide range of emergency health professionals, including mental health professionals, public health and healthcare professionals, emergency services personnel, county emergency managers, school personnel, spiritual care professionals, and State and local government officials responsible for emergency preparedness. By using these curricula, the National Center would build a network of trained emergency health professionals at the State and local levels.

Second, this legislation would establish and maintain a clearinghouse of educational materials, guidelines, and research on public mental health emergency preparedness and service delivery that would be evaluated and updated to ensure the information is accurate and current. Technical assistance would be provided to help users access those resources most effective for their communities.

Third, this bill would create an annual national forum for emergency health professionals, researchers, other experts and Federal, State and local government officials to identify and address gaps in science, practice, policy and education related to public mental health emergency preparedness and service delivery.

Finally, the Public Mental Health Preparedness Act would require annual evaluations of both the National Center's efforts and those across the Federal Government in building our Nation's public mental health emergency preparedness and service delivery capacity. Based on these evaluations, recommendations would be made to improve such activities.

We must not wait until another disaster strikes before we take action to improve the way we respond to the psychological needs of affected Americans. I look forward to working with all of my colleagues to ensure passage of this bill that would take critical steps toward preparing our Nation to successfully deal with the mental health consequences of public health emergencies.

I would ask unanimous consent to insert the text of this legislation in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3537

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 ''Public Mental Health Emergency Preparedness Act of 2006''.

SEC. 2. NATIONAL CENTER FOR PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS.

Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.) is amended by adding at the end the following:

''Subtitle C—National Center for Public Mental Health Emergency Preparedness

''SEC. 2821. NATIONAL CENTER FOR PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS.

''(a) IN GENERAL.—

''(1) DEFINITION.—For purposes of this subtitle, the term 'emergency health professionals' means—

''(A) mental health professionals, including psychiatrists, psychologists, social workers, counselors, psychiatric nurses, psychiatric aides and case managers, and group home staff;

''(B) public health and healthcare professionals, including skilled nursing and assisted living professionals;

''(C) emergency services personnel such as police, fire, and emergency medical services personnel;

''(D) county emergency managers;

''(E) school personnel such as teachers, counselors, and other personnel;

''(F) spiritual care professionals;

''(G) other disaster relief personnel; and

''(H) State and local government officials that are responsible for emergency preparedness.

''(2) ESTABLISHMENT.—The Secretary, in consultation with the Director of the Centers for Disease Control and Prevention, shall establish the National Center for Public Mental Health Emergency Preparedness (referred to in this subtitle as the 'NCPMHEP') to address mental health concerns and coordinate and implement the development and delivery of mental health services in conjunction with the entities described in subsection (b)(2), in the event of bioterrorism or other public health emergency.

''(3) LOCATION; DIRECTOR.—

''(A) IN GENERAL.—The Secretary shall offer to enter into a contract with an eligible institution to provide the location of the NCPMHEP.

''(B) ELIGIBLE INSTITUTION.—To be an eligible institution under subparagraph (A), an institution shall—

''(i) be an academic medical center or similar institution that has prior experience conducting statewide trainings, and has a demonstrated record of leadership in national and international forums, in public mental health emergency preparedness, which may include disaster mental health preparedness; and

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

''(C) DIRECTOR.—The NCPMHEP shall be headed by a Director, who shall be appointed by the Secretary (referred to in this subtitle as the 'Director') from the eligible institution with which the Secretary contracts under subparagraph (A).

''(b) DUTIES.—The NCPMHEP shall—

''(1) prepare the Nation's emergency health professionals to provide mental health services in the aftermath of catastrophic events, such as bioterrorism or other public health emergencies, that present psychological consequences for communities and individuals, particularly vulnerable populations such as older Americans, children, and persons with disabilities; and

''(2) coordinate with existing mental health preparedness and service delivery efforts of—

''(A) Federal agencies (such as the National Disaster Medical System, the Medical Reserve Corps, the Substance Abuse and Mental Health Services Administration, the Department of Defense, the Department of Veterans Affairs, and tribal nations);

''(B) State agencies (such as the State mental health authority, office of substance abuse services, public health authority, department of aging, and the office of mental retardation and developmental disabilities);

''(C) local agencies (such as county offices of mental health and substance abuse services, public health, child and family services, law enforcement, fire, emergency medical services, school districts, and county emergency management); and

''(D) other governmental and nongovernmental disaster relief organizations.

''(c) PANEL OF EXPERTS.—

''(1) IN GENERAL.—The Director, in consultation with State and local mental health and public health authorities, shall develop a mechanism to appoint a panel of experts for the NCPMHEP.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The panel of experts appointed under paragraph (1) shall be—

''(i) composed of individuals who are experts in their respective fields with extensive

experience in public mental health emergency preparedness or service delivery, such as mental health professionals, researchers, spiritual care professionals, school counselors, and educators; and

''(ii) recommended by their respective national professional organizational or university to such a position.

''(B) TERMS.—The members of the panel of experts appointed under paragraph (1)—

''(i) shall be appointed for a term of 3 years; and

''(ii) may be reappointed for an unlimited number of terms.

''(C) BALANCE OF COMPOSITION.—The Director shall ensure that the membership composition of the panel of experts fairly represents a balance of the type and number of experts described under subparagraph (A).

''(D) VACANCIES.—

''(i) IN GENERAL.—A vacancy on the panel of experts shall be filled in the manner in which the original appointment was made and shall be subject to conditions which applied with respect to the original appointment.

''(ii) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

''(iii) EXPIRATION OF TERMS.—The term of any member shall not expire before the date on which the member's successor takes office.

''SEC. 2822. TRAINING CURRICULA FOR EMERGENCY HEALTH PROFESSIONALS.

''(a) IN GENERAL.—The Director shall convene a Training Curricula Working Group from the panel of experts described in section 2821(c) to—

''(1) identify and review existing training curricula for emergency health professionals;

''(2) approve any such training curricula that satisfy practice and service delivery standards determined by the Training Curricula Working Group and that are evidence-based; and

''(3) make recommendations for, and participate in, the development of any additional training curricula, as determined necessary by the Training Curricula Working Group.

''(b) PURPOSE OF TRAINING CURRICULA.—The Training Curricula Working Group shall ensure that the training curricula approved by the NCPMHEP—

''(1) provide the knowledge and skills necessary to respond effectively to the psychological needs of affected individuals, relief personnel, and communities in the event of bioterrorism or other public health emergency; and

''(2) is used to build a trained network of emergency health professionals at the State and local levels.

''(c) CONTENT OF TRAINING CURRICULA.—

''(1) IN GENERAL.—The Training Curricula Working Group shall ensure that the training curricula approved by the NCPMHEP—

''(A) prepare emergency health professionals, in the event of bioterrorism or other public health emergency, for identifying symptoms of mental health distress, supplying immediate relief to keep affected persons safe, recognizing when to refer affected persons for further mental healthcare, understanding how and where to refer for such care, and other components as determined by the Director in consultation with the Training Curricula Working Group;

''(B) include training or informational material designed to educate and prepare State and local government officials, in the event of bioterrorism or other public health emergency, in coordinating and deploying mental health resources and services and in addressing other mental health needs, as determined by the Director in consultation with the Training Curricula Working Group; and

''(C) meet the diverse training needs of the range of emergency health professionals.

''(2) REVIEW OF CURRICULA.—The Training Curricula Working Group shall routinely review existing training curricula and participate in the revision of the training curricula described under this section as necessary, taking into consideration recommendations made by the participants of the annual national forum under section 2825 and the Assessment Working Group described under section 2826.

''(d) TRAINING INDIVIDUALS.—

''(1) FIELD TRAINERS.—The Director, in consultation with the Training Curricula Working Group, shall develop a mechanism through which qualified individuals trained through the curricula approved by the NCPMHEP return to their communities to recruit and train others in their respective fields to serve on local emergency response teams.

''(2) FIELD LEADERS.—The Director, in consultation with the Training Curricula Working Group, shall develop a mechanism through which qualified individuals trained in curricula approved by the NCPMHEP return to their communities to provide expertise to State and local government agencies to mobilize the mental health infrastructure of such State or local agencies, including ensuring that mental health is a component of emergency preparedness and service delivery of such agencies.

''(3) QUALIFICATIONS.—The individuals selected under paragraph (1) or (2) shall—

''(A) pass a designated evaluation, as developed by the Director in consultation with the Training Curricula Working Group; and

''(B) meet other qualifications as determined by the Director in consultation with the Training Curricula Working Group.

''SEC. 2823. USE OF REGISTRIES TO TRACK TRAINED EMERGENCY HEALTH PROFESSIONALS.

''(a) IN GENERAL.—The Director, in consultation with the mental and public health authorities of each State, shall coordinate the use of existing emergency registries established to track medical and mental health volunteers across all fields and specifically to track the individuals in the State who have been trained using the curricula approved by the NCPMHEP under section 2822. The Director shall ensure that the data available through such registries and used to track such trained individuals will be recoverable and available in the event that such registries become inoperable.

''(b) USE OF REGISTRY.—The tracking procedure under subsection (a) shall be used by the Secretary, the Secretary of Homeland Security, and the Governor of each State, for the recruitment and deployment of trained emergency health professionals in the event of bioterrorism or other public health emergency.

''SEC. 2824. CLEARINGHOUSE FOR PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS AND SERVICE DELIVERY.

''(a) IN GENERAL.—The Director shall establish and maintain a central clearinghouse of educational materials, guidelines, information, strategies, resources, and research on public mental health emergency preparedness and service delivery.

''(b) DUTIES.—The Director shall ensure that the clearinghouse—

''(1) enables emergency health professionals and other members of the public to increase their awareness and knowledge of public mental health emergency preparedness and service delivery; and

''(2) provides such users with access to a range of public mental health emergency resources and strategies to address their community's unique circumstances and to improve their skills and capacities for addressing mental health problems in the event of bioterrorism or other public health emergency.

''(c) AVAILABILITY.—The Director shall ensure that the clearinghouse—

''(1) is available on the Internet;

''(2) includes an interactive forum through which users' questions are addressed;

''(3) provides links to additional Government-sponsored or other relevant websites that supply information on public mental health emergency preparedness and service delivery; and

''(4) includes the training curricula approved by the NCPMHEP under section 2822.

''(d) CLEARINGHOUSE WORKING GROUP.—

''(1) IN GENERAL.—The Director shall convene a Clearinghouse Working Group from the panel of experts described under section 2821(c) to—

''(A) evaluate the educational materials, guidelines, information, strategies, resources and research maintained in the clearinghouse to ensure empirical validity; and

''(B) offer technical assistance to users of the clearinghouse with respect to finding and selecting the information and resources available through the clearinghouse that would most effectively serve their community's needs in preparing for, and delivering mental health services during, bioterrorism or other public health emergencies.

''(2) TECHNICAL ASSISTANCE.—The technical assistance described under paragraph (1) shall include the use of information from the clearinghouse to provide consultation, direction, and guidance to State and local governments and public and private agencies on the development of public mental health emergency plans for activities involving preparedness, mitigation, response, recovery, and evaluation.

''SEC. 2825. ANNUAL NATIONAL FORUM FOR PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS AND SERVICE DELIVERY.

''(a) IN GENERAL.—The Director shall organize an annual national forum to address public mental health emergency preparedness and service delivery for emergency health professionals, researchers, scientists, and experts in public mental health emergency preparedness and service delivery, as well as personnel from relevant Federal, State, and local agencies and other governmental and nongovernmental organizations.

''(b) PURPOSE OF FORUM.—The national forum shall provide the framework for bringing such individuals together to, based on evidence-based research and practice, identify and address gaps in science, practice, policy, and education, make recommendations for the revision of training curricula and for the enhancement of mental health interventions, as appropriate, and make other recommendations as necessary.

''SEC. 2826. EVALUATION OF THE EFFECTIVENESS OF PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS AND SERVICE DELIVERY EFFORTS.

''(a) IN GENERAL.—The Director shall convene an Assessment Working Group from the panel of experts described in section 2821(c) to evaluate the effectiveness of the NCPMHEP's efforts and those across the Federal Government in building the Nation's public mental health emergency preparedness and service delivery capacity.

''(b) DUTIES OF THE ASSESSMENT WORKING GROUP.—The Assessment Working Group shall—

''(1) evaluate—

''(A) the effectiveness of each component of the NCPMHEP, including the identification and development of training curricula,

the clearinghouse, and the annual national forum;

''(B) the effects of the training curricula on the skills, knowledge, and attitudes of emergency health professionals and on their delivery of mental health services in the event of bioterrorism or other public health emergency;

''(C) the effects of the NCPMHEP on the capacities of State and local government agencies to coordinate, mobilize, and deploy resources and to deliver mental health services in the event of bioterrorism or other public health emergency; and

''(D) other issues as determined by the Secretary, in consultation with the Assessment Working Group; and

''(2) submit the annual report required under subsection (c).

''(c) ANNUAL REPORT.—On an annual basis, the Assessment Working Group shall—

''(1) report to the Secretary and appropriate committees of Congress the results of the evaluation by the Assessment Working Group under this section; and

''(2) publish and disseminate the results of such evaluation on as wide a basis as is practicable, including through the NCPMHEP clearinghouse website under section 2824.

''(d) RECOMMENDATIONS.—

''(1) IN GENERAL.—Based on the annual report, the Director, in consultation with the Assessment Working Group, shall make recommendations to the Secretary—

''(A) for improving—

''(i) the training curricula identified and approved by the NCPMHEP;

''(ii) the NCPMHEP clearinghouse; and

''(iii) the annual forum of the NCPMHEP; and

''(B) regarding any other matter related to improving mental health preparedness and service delivery in the event of bioterrorism or other public health emergency in the United States through the NCPMHEP.

''(2) ACTION BY SECRETARY.—Based on the recommendations provided under paragraph (1), the Secretary shall submit recommendations to Congress for any legislative changes necessary to implement such recommendations.

''SEC. 2827. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subtitle—

''(1) $15,000,000 for fiscal year 2007; and

''(2) such sums as may be necessary for fiscal years 2008 through 2011.''.

By Mr. GRAHAM:

S. 3542. A bill to improve maritime and cargo security and for other purpose; to the Committee on Commerce, Science, and Transportation.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the text of the Project Seahawk Implementation Act 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. 3542

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 ''Project SeaHawk Implementation Act of 2006''.

SEC. 2. ESTABLISHMENT OF ADDITIONAL INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall establish or designate a center as an interagency operational centers for maritime and port security in each geographic region designated as a Coast Guard sector by the Commandant.

(b) PURPOSES.—The purposes of each center established or designated under subsection (a) are to facilitate day-to-day operational coordination, interagency cooperation, unity of command, and the sharing of intelligence information in a common mission to provide greater protection for port and intermodal transportation systems against acts of terrorism.

(c) LOCATION.—Each center established or designated under subsection (a) shall be colocated with the command center for each geographic region designated as a Coast Guard sector.

(d) CONNECTIVITY.—If a port is associated with a command center that is not located at such port, the Secretary shall utilize appropriate electronic communications, including virtual connectivity, to maintain awareness of activities of that port and to provide for participation by the entities set out is subsection (f).

(e) REQUIREMENTS.—Each center established or designated under subsection (a) shall—

(1) be modeled on the Charleston Harbor Operations Center (popularly known as Project SeaHawk) administered by the United States Attorney's Office for the District of South Carolina for the Port of Charleston located in Charleston, South Carolina; and

(2) be adapted to meet the security needs, requirements, and resources of the individual port area at which each is operating.

(f) PARTICIPATION.—The representatives of the following entities shall participate in each center established or designated under subsection (a):

(1) The United States Coast Guard.

(2) The United States Attorney's Office in the district in which the center is located.

(3) The Bureau of Customs and Border Protection of the Department of Homeland Security.

(4) The Bureau of Immigration and Customs Enforcement of the Department of Homeland Security.

(5) The Department of Defense, if the Secretary of Homeland Security and the Secretary of Defense determine appropriate.

(6) The Federal Bureau of Investigation.

(7) Other Federal agencies with a presence at the port, as appropriate, or as otherwise determined appropriate by the Secretary.

(8) State and local law enforcement and first responder agencies responsible for the port, as appropriate, or as otherwise determined appropriate by the Secretary.

(9) Port authority representatives, maritime exchanges, private sector stakeholders, and other entities subject to an Area Maritime Security Plan prepared pursuant to part 103 of title 33, Code of Federal Regulations, if determined appropriate by the Secretary.

(g) RESPONSIBILITIES.—The head of each center established or designated under subsection (a) shall—

(1) assist, as appropriate, in the implementation of maritime transportation security plans developed under section 70103 of title 46, United States Code;

(2) implement the transportation security incident response plans required under section 70104 of such title;

(3) be incorporated into the implementation of maritime intelligence activities under section 70113 of such title;

(4) conduct short- and long-range vessel tracking under sections 70114 and 70115 of such title;

(5) be incorporated into the implementation of section 70116 of such title;

(6) carry out information sharing activities consistent with such activities required by section 1016 of the National Security Intelligence Reform Act of 2004 (6 U.S.C. 485) or the Homeland Security Information Sharing Act (6 U.S.C. 481 et seq.);

(7) be incorporated into the screening and high-risk cargo inspection programs carried out by the Bureau of Customs and Border Protection; and

(8) carry out such other responsibilities that the Secretary of Homeland Security determines are appropriate.

SEC. 3. REPORT.

(a) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and Committee on Commerce, Science, and Transportation of the Senate and the Committee on Appropriations, the Committee on Homeland Security, and the Committee on Energy and Commerce of the House of Representatives a plan for the implementation of this Act.

(b) CONTENTS.—The report submitted under subsection (a) shall describe, for each center that will be established under section 2(a)—

(1) the location of such center;

(2) the entities who will participate in the center;

(3) the cost to establish and operate the center; and

(4) the resources necessary to operate and maintain, including the cost-sharing requirements for other agencies and participants.

SEC. 4. RELATIONSHIP TO OTHER REQUIREMENTS.

The Commandant of the Coast Guard shall utilize information developed for the report required by section 807 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1082) to carry out the requirements of this Act. The Commandant shall utilize the information developed for the report required by that section in carrying out the requirements of this Act.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for each Coast Guard sector for fiscal years 2007 through 2012 to carry out this Act.

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. DURBIN, Mr. CHAFEE, Mr. INOUYE, Ms. CANTWELL, Mr. NELSON of Florida, Mrs. BOXER, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. LIEBERMAN, and Ms. COLLINS):

S. 3543. A bill to improve passenger automobile fuel economy and safety, reduce greenhouse gas emissions, reduce dependence on foreign oil, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I rise today with Senators SNOWE, DURBIN, CHAFEE, INOUYE, COLLINS, CANTWELL, BILL NELSON, BOXER, LAUTENBERG, MENENDEZ, and LIEBERMAN to introduce a bill to increase CAFE standards by 10 miles in 10 years.

This is a commonsense, bipartisan approach to reduce our dependence on foreign oil, decrease our greenhouse gas emissions, and save consumers at the pump.

We have the technology available today to increase the fuel economy of our vehicles. We just need the political will—which is why we are here today.

Specifically, our bill would raise the average fuel economy of all cars and SUVs to 35 miles per gallon by model year 2017.

This would save 2.5 million barrels of oil per day by 2025. That is the same amount of oil we currently import from the Persian Gulf.

This bill would also save consumers dollars at the pump. At $3 per gallon, Americans driving 15,000 miles per year are, on average, using 600 gallons of gasoline and spending $1,800 per year on gas.

By raising CAFE standards to 35 miles per gallon, consumers would only use 429 gallons of gas per year, costing $1,287 per year for gas. That is a savings of $513 per year at the pump.

Assuming the consumer keeps the vehicle for at least 5 years, that is a savings of more than $2,500—more than enough to recoup the cost of more efficient vehicles.

Raising CAFE standards is also good for the environment. The two largest culprits of climate change are coal-fired powerplants and automobiles. Coal powerplants are the largest U.S. source of carbon dioxide—producing 2.5 billion tons every year. But the automobile isn't very far behind—producing nearly 1.5 billion tons of carbon dioxide every year. In fact, every gallon of gasoline burned emits 20 pounds of harmful CO_2 into the atmosphere. That means that each car is responsible for about 12,000 pounds of greenhouse gas emissions every year. This legislation would take a good first step at reducing our greenhouse gas emissions.

By 2025, an average fuel economy standard of 35mpg would eliminate 420 million metric tons of carbon dioxide emissions—the equivalent of taking 90 million cars—or 75 million cars and light trucks—off the road in 1 year.

Our daily driving habits are costing consumers at the pump, threatening our national security, and potentially causing irrevocable harm to our environment. We have the technology available today to make significant increases in fuel economy standards. In fact, David Greene of Oak Ridge National Laboratory, a leading expert on fuel economy, says that a 35 mpg standard by model year 2017 is cost effective and can be achieved without reducing the size, weight, or horsepower of vehicles. And 78 percent of U.S. drivers have said they are willing to pay for better fuel economy.

The longer we delay, the harder it will be to kick our addiction to oil. We must act today.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3543

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 ''Ten-in-Ten Fuel Economy Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Average fuel economy standards for passenger automobiles and light trucks.
Sec. 4. Passenger car program reform.
Sec. 5. Definition of work truck.
Sec. 6. Definition of light truck.
Sec. 7. Ensuring safety of passenger automobiles and light trucks.
Sec. 8. Truth in fuel economy testing.
Sec. 9. Onboard fuel economy indicators and devices.
Sec. 10. Secretary of Transportation to certify benefits.
Sec. 11. Credit trading program.
Sec. 12. Report to Congress.
Sec. 13. Labels for fuel economy and greenhouse gas emissions.

SEC. 3. AVERAGE FUEL ECONOMY STANDARDS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) by striking ''NON-PASSENGER AUTOMOBILES.—'' in subsection (a) and inserting ''PRESCRIPTION OF STANDARDS BY REGULATION.—''; and

(2) by striking ''(except passenger automobiles)''in subsection (a) and inserting ''(except passenger automobiles and light trucks)'';

(3) by striking subsection (b) and inserting the following:

''(b) STANDARDS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.—

''(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for passenger automobiles and light trucks manufactured by a manufacturer in each model year beginning with model year 2009 in order to achieve a combined average fuel economy standard for passenger automobiles and light trucks for model year 2017 of at least 35 miles per gallon.

''(2) ELIMINATION OF SUV LOOPHOLE.—Beginning no later than with model year 2011, the regulations prescribed under this section may not make any distinction between passenger automobiles and light trucks.

''(3) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under paragraph (1), the Secretary shall prescribe appropriate annual fuel economy standard increases for passenger automobiles and light trucks that—

''(A) increase the applicable average fuel economy standard ratably beginning with model year 2009 and ending with model year 2017;

''(B) require that each manufacturer achieve—

''(i) a fuel economy standard for passenger automobiles manufactured by that manufacturer of at least 31.1 miles per gallon no later than model year 2009; and

''(ii) a fuel economy standard for light trucks manufactured by that manufacturer of at least 23.6 miles per gallon no later than model year 2009.

''(4) FUEL ECONOMY BASELINE FOR PASSENGER AUTOMOBILES.—Notwithstanding the maximum feasible average fuel economy level established by regulations prescribed under subsection (c), the minimum fleetwide average fuel economy standard for passenger automobiles manufactured by a manufacturer in a model year for that manufacturer's domestic fleet and foreign fleet, as calculated under section 32904 of this chapter as in effect before the date of enactment of the Ten-in-Ten Fuel Economy Act, shall be the greater of—

''(i) 27.5 miles per gallon; or

''(ii) 92 percent of the average fuel economy projected by the Secretary for the combined domestic and foreign fleets manufactured by all manufacturers in that model year.

''(5) DEADLINE FOR REGULATIONS.—The Secretary shall promulgate the regulations required by paragraphs (1) and (2) in final form no later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act.''.

SEC. 4. PASSENGER CAR PROGRAM REFORM.

Section 32902 of title 49, United States Code, is amended—

(1) by striking ''gallon.'' in subsection (b)(1), as amended by section 3, and inserting ''gallon or such other number (or numbers) of miles per gallon as the Secretary may prescribe under subsection (c).'';

2) by striking ''the standard'' in the first sentence of subsection (c)(1) and inserting ''a standard'';

(3) by striking ''the standard.'' in the second sentence of subsection (c)(1) and inserting ''any standard prescribed under subsection (b).'';

(4) by inserting ''The Secretary may prescribe separate standards for different classes of passenger automobiles.'' after ''presentation.'' in subsection (c)(1);

(5) by striking ''(1) Subject to paragraph (2) of this subsection, the'' in subsection (c)(1) and inserting ''At least 18 months before the beginning of each model year, the''; and

(6) by striking paragraph (2) of subsection (c).

SEC. 5. DEFINITION OF WORK TRUCK.

(a) DEFINITION OF WORK TRUCK.—Section 32901(a) of title 49 is amended by inserting after paragraph 11 the following:

''(11A) 'work truck' means an automobile that the Secretary determines by regulation—

''(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

''(B) is not a medium duty passenger vehicle as defined in 40 C.F.R. 86.1803–01.''.

(b) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendment made by subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) shall issue final regulations implementing the amendment not later than 18 months after the date of enactment of this Act.

(c) FUEL ECONOMY STANDARDS FOR WORK TRUCKS.—The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall prescribe standards to achieve the maximum feasible fuel economy for work trucks (as defined in section 32901(a)(11A) of title 49, United States Code) manufactured by a manufacturer in each model year beginning in model year 2011.

SEC. 6. DEFINITION OF LIGHT TRUCK.

(a) DEFINITION OF LIGHT TRUCK.—

(1) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended by inserting after paragraph (11) the following:

''(11B) 'light truck' means an automobile that the Secretary determines by regulation—

''(A) is manufactured primarily for transporting not more than 10 individuals;

''(B) is rated at not more than 10,000 pounds gross vehicle weight;

''(C) is not a passenger automobile; and

''(D) is not a work truck.''.

(2) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(A) shall issue proposed regulations implementing the amendment made by paragraph

(1) not later than 1 year after the date of the enactment of this Act; and

(B) shall issue final regulations implementing the amendment not later than 18 months after the date of the enactment of this Act.

(3) EFFECTIVE DATE.—Regulations prescribed under paragraph (1) shall apply beginning with model year 2009.

(b) APPLICABILITY OF EXISTING STANDARDS.—This section does not affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2009.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation to carry out the provisions of chapter 329 of title 49, United States Code, $25,000,000 for each of fiscal years 2007 through 2019.

SEC. 7. ENSURING SAFETY OF PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) IN GENERAL.—The Secretary of Transportation shall exercise such authority under Federal law as the Secretary may have to ensure that—

(1) passenger automobiles and light trucks (as those terms are defined in section 32901 of title 49, United States Code) are safe;

(2) progress is made in improving the overall safety of passenger automobiles and light trucks; and

(3) progress is made in maximizing United States employment.

(b) VEHICLE SAFETY.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

''§ 30129. Vehicle compatibility and aggressivity reduction standard

''(a) STANDARDS.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce vehicle incompatibility and aggressivity between passenger vehicles and non-passenger vehicles. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of vehicles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

''(b) CONSUMER INFORMATION.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.''.

(c) RULEMAKING DEADLINES.—

(1) RULEMAKING.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2008; and

(B) a final rule under that section not later than December 31, 2009.

(2) EFFECTIVE DATE OF REQUIREMENTS.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective no later than September 1, 2012.

(d) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

''30129. Vehicle compatibility and aggressivity reduction standard''.

SEC. 8. TRUTH IN FUEL ECONOMY TESTING.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall, as appropriate, use existing emission test cycles and updated adjustment factors to update and revise the process used to determine fuel economy values for labeling purposes as described in sections 600.209-85 and 600.209-95 of title 40, Code of Federal Regulations, (or successor regulations) to take into consideration current factors, such as—

(1) speed limits;

(2) acceleration rates;

(3) braking;

(4) variations in weather and temperature;

(5) vehicle load;

(6) use of air conditioning;

(7) driving patterns; and

(8) the use of other fuel-consuming features.

(b) LABELS FOR FUEL ECONOMY MODE DEVICES.—The Administrator of the Environmental Protection Agency shall include fuel economy label information for all fuel economy modes provided by devices described in section 9(a)(3) of this Act.

(c) DEADLINE.—In carrying out subsection (a), the Administrator shall—

(1) issue a notice of proposed rulemaking, or amend the notice of proposed rulemaking for Docket Id. No. OAR–2003–0214, not later than 90 days after the date of enactment of this Act; and

(2) promulgate a final rule not later than 180 days after the date on which the notice under paragraph (1) is issued.

(d) USE OF COMMON MEASUREMENTS FOR LABELLING AND COMPLIANCE TESTING.—Section 32904(c) of title 49, United States Code, is amended to read as follows:

''(c) TESTING AND CALCULATION PROCEDURES.—The Administrator shall measure fuel economy for each model and calculate average fuel economy for a manufacturer using the same procedures and factors used by the Administrator for labeling purposes under section 32908 by model year 2015.''.

(e) REEVALUATION AND REPORT.—Not later than 3 years after the date of promulgation of the final rule under subsection (b)(2), and triennially thereafter, the Administrator shall—

(1) reevaluate the fuel economy labeling procedures described in subsections (a) and (c) to determine whether changes in the factors used to establish the labeling procedures warrant a revision of that process; and

(2) submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that describes the results of the reevaluation process.

SEC. 9. ONBOARD FUEL ECONOMY INDICATORS AND DEVICES.

(a) IN GENERAL.—Chapter 329 of title 49, United States Code, as amended by section 8, is further amended by adding at the end the following:

''§ 32921. Fuel economy indicators and devices

''(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall prescribe a fuel economy standard for passenger automobiles and light trucks manufactured by a manufacturer in each model year beginning with model year 2013 that requires each such automobile and light truck to be equipped with—

''(1) an onboard electronic instrument that provides real-time and cumulative fuel economy data;

''(2) an onboard electronic instrument that signals a driver when inadequate tire pressure may be affecting fuel economy; and

''(3) a device that will allow drivers to place the automobile or light truck in a mode that will automatically produce greater fuel economy.

''(b) EXCEPTION.—Subsection (a) does not apply to any vehicle that is not subject to an average fuel economy standard under section 32902(b).

''(c) ENFORCEMENT.—Subchapter IV of chapter 301 of this title shall apply to a fuel economy standard prescribed under subsection (a) to the same extent and in the same manner as if that standard were a motor vehicle safety standard under chapter 301.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 329 of title 49, United States Code, as amended by section 8, is further amended by inserting after the item relating to section 32920 the following:

''32921. Fuel economy indicators and devices''.

SEC. 10. SECRETARY OF TRANSPORTATION TO CERTIFY BENEFITS.

Beginning with model year 2009, the Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall determine and certify annually to the Congress—

(1) the annual reduction in United States consumption of gasoline or petroleum distillates used for vehicle fuel, and

(2) the annual reduction in greenhouse gas emissions,

properly attributable to the implementation of the average fuel economy standards imposed under section 32902 of title 49, United States Code, as a result of the amendments made by this Act.

SEC. 11. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking ''passenger'' each place it appears;

(2) by striking ''section 32902(b)–(d) of this title'' each place it appears and inserting ''subsection (a), (c), or (d) of section 32902'';

(3) by striking ''clause (1) of this subsection'' in subsection (a)(2) and inserting ''paragraph (1)''; and

(4) by striking subsection (e) and inserting the following:

''(e) CREDIT TRADING AMONG MANUFACTURERS.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards.''.

SEC. 12. REPORT TO CONGRESS.

Not later than December 31, 2012, the Secretary of Transportation shall submit to Congress a report on the progress made by the automobile manufacturing industry towards meeting the 35 miles per gallon average fuel economy standard required under section 32902(b)(4) of title 49, United States Code.

SEC. 13. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49,United States Code, is amended—

(1) by striking ''title.'' in subsection (a)(1) and inserting ''title, and a light truck (as defined in section 32901(a)(11A)) manufactured by a manufacturer in a model year after model year 2009; and'';

(2) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H), and inserting after subparagraph (E) the following:

''(F) a label (or a logo imprinted on a label required by this paragraph) that—

''(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

''(ii) permits consumers to compare performance results under clause (i) among all passenger automobiles and light duty trucks (as defined in section 32901); and

''(ii) is designed to encourage the manufacture and sale of passenger automobiles and light trucks that meet or exceed applicable fuel economy standards under section 32902.

''(G) a fuelstar under paragraph (5).''; and

(3) by adding at the end of subsection (b) the following:

''(4) GREEN LABEL PROGRAM.—

''(A) MARKETING ANALYSIS.—Within 2 years after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall complete a study of social marketing strategies with the goal of maximizing consumer understanding of point-of-sale labels or logos described in paragraph (1)(F).

''(B) ELIGIBILITY.—Within 3 years after that date, the Administrator shall issue requirements for the label or logo required by paragraph (1)(F) to ensure that a passenger automobile or light truck is not eligible for the label or logo unless it—

''(i) meets or exceeds the applicable fuel economy standard; or

''(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle class to which it belongs in that model year.

''(C) CRITERIA.—In developing criteria for the label or logo, the Administrator shall also consider, among others as appropriate, the following factors:

''(i) The recyclability of the automobile.

''(ii) Any other pollutants or harmful byproducts related to the automobile, which may include those generated during manufacture of the automobile, those issued during use of the automobile, or those generated after the automobile ceases to be operated.

''(5) FUELSTAR PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a program, to be known as the 'fuelstar' program, under which stars shall be imprinted on or attached to the label required by paragraph (1).

''(B) GREEN STARS.—Under the program a manufacturer may place green stars on the label maintained on an automobile under paragraph (1) as follows:

''(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902.

''(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds that standard.

''(C) GOLD STARS.—Under the program a manufacturer may place a gold star on the label maintained on an automobile under paragraph (1) if—

''(i) in the case of a passenger automobile, it obtains a fuel economy of 50 miles per gallon or more; and

''(ii) in the case of a light truck, it obtains a fuel economy of 37 miles per gallon or more.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 517—COMMENDING THE CAROLINA HURRICANES FOR WINNING THE 2006 NATIONAL HOCKEY LEAGUE STANLEY CUP

Mrs. DOLE (for herself and Mr. BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 517

Whereas on June 19, 2006, the Carolina Hurricanes toppled the Edmonton Oilers in one of the most exciting National Hockey League (NHL) Finals in history by a score of 3–1 in the seventh and final game;

Whereas this is the first Stanley Cup for the Carolina Hurricanes;

Whereas the Hurricanes are the first professional sports team in North Carolina history to win a major sports championship;

Whereas the Hurricanes finished at the top of the Southeast Division of the Eastern Conference during the regular season with a record of 52–22–8;

Whereas the Hurricanes rallied from a 2-game deficit, winning 4 consecutive games to defeat the Montreal Canadians in the first round of the playoffs;

Whereas the Hurricanes rolled over the New Jersey Devils in the second round of the playoffs, winning the series in only 5 games;

Whereas the Hurricanes showed their desire to win a championship by defeating the Buffalo Sabres in the seventh game of the Eastern Conference Finals to advance to the Stanley Cup Finals;

Whereas in Game 1 of the Stanley Cup Finals the Hurricanes became only the sixth team in NHL Finals history to overcome a 3-goal deficit to win;

Whereas Cam Ward became the first rookie goaltender to win a Stanley Cup in 20 years, and with 22 saves in Game 7, was named the MVP of the playoffs, becoming the fourth rookie and second-youngest player to be awarded the Conn Smythe Trophy;

Whereas Hurricanes head coach Peter Laviolette won his first Stanley Cup in his first full season at the helm of the team;

Whereas defensemen Aaron Ward and Frantisek Kaberle scored goals during the first period in Game 7 to put the Hurricanes up 2–0;

Whereas with the team only 1 goal ahead, Justin Williams sealed the 3–1 victory with an empty net goal in the final minute of the game;

Whereas a sold-out crowd of 18,978 at the RBC Center in Raleigh, North Carolina celebrated as the final horn sounded, announcing the Hurricanes' championship;

Whereas the Hurricanes veteran captain Rod Brind'Amour, who demonstrated great leadership throughout the entire season, won his first Stanley Cup and was the first to accept the Cup from NHL commissioner Gary Bettman by hoisting the historic trophy over his head in victory;

Whereas assistant captain Glen Wesley, who has played in more playoff games than any other active NHL player, won his first Stanley Cup at age 37;

Whereas 21-year-old Eric Staal became the youngest player to lead the playoffs in scoring since Gordie Howe in 1949;

Whereas hockey now joins college basketball and NASCAR as the favorite pastimes of North Carolina;

Whereas each player from the Hurricanes championship team will have his name forever etched on the Stanley Cup; and

Whereas North Carolina will be home to the Stanley Cup for at least the next year: Now, therefore, be it

Resolved, That the Senate—

(1) applauds the Carolina Hurricanes for winning the 2006 Stanley Cup;

(2) recognizes the achievements of the players, head coach Peter Laviolette, the assistant coaches, and the support staff who all played critical roles in leading the Hurricanes to the championship; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to Hurricanes owner Peter Karmanos, Jr. and head coach Peter Laviolette for appropriate display.

SENATE RESOLUTION 518—HONORING THE LIFE AND ACCOMPLISHMENTS OF JAMES CAMERON

Mr. FEINGOLD (for himself, Mr. KOHL, Mr. ALLEN, Mr. LAUTENBERG, Mr. LEVIN, Mr. OBAMA, and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

S. RES. 518

Whereas James Cameron founded America's Black Holocaust Museum (the Museum) in Milwaukee, Wisconsin, a compelling memorial in the United States to victims of lynching and racial violence;

Whereas Mr. Cameron was the last living survivor of a lynching until his death on June 11, 2006, at age 92;

Whereas a Senate resolution recognized Mr. Cameron as the Nation's oldest living lynching victim in June 2005 and formally apologized for its failure to outlaw lynching, which killed more than 4,700 people from 1882 to 1968, three-fourths of whom were black;

Whereas seven United States Presidents called for lynching to be outlawed, and the House of Representatives passed bans three times in the early twentieth century, only to have the Senate filibuster each of them, one filibuster lasting six weeks;

Whereas in Marion, Indiana in 1930, when he was 16 years old, Mr. Cameron and two friends, Abe Smith (age 19) and Tommy Shipp (age 18), were falsely accused of killing a Caucasian man and raping his girlfriend;

Whereas after the arrest of the three men, a mob broke into the jail where they were being held and tried to lynch them;

Whereas the mob lynched Mr. Smith and Mr. Shipp but spared Mr. Cameron's life;

Whereas Mr. Cameron was beaten into signing a false confession, convicted in 1931, and paroled in 1935;

Whereas the governor of Indiana pardoned Mr. Cameron in 1993 and apologized to him;

Whereas Mr. Cameron promoted civil and social justice issues and founded three NAACP chapters in Indiana during the 1940s;

Whereas James Cameron served as the Indiana State Director of Civil Liberties from 1942 to 1950, and he investigated over 25 cases involving civil rights violations;

Whereas Mr. Cameron relocated to Wisconsin after receiving many death threats, but he continued civil rights work and played a role in protests to end segregated housing in Milwaukee;

Whereas in 1983, Mr. Cameron published *A Time of Terror*, his autobiographical account of the events surrounding his arrest in 1930;

Whereas Mr. Cameron founded America's Black Holocaust Museum in 1988 in order to preserve the history of lynching in the United States and to recognize the struggle of African-American people for equality;

Whereas the Museum contains the Nation's foremost collection of lynching images, both photographs and postcards, documenting the heinous practice of lynching in the United States;

Whereas the Museum performs a critical role by exposing this painful, dark, and ugly practice in the Nation's history, so that knowledge can be used to promote understanding and to counter racism, fear, and violence;

Whereas the Museum also documents the history of the African-American experience from slavery to the civil rights movement to the present day; and

Whereas the Museum exists to educate the public about injustices suffered by people of African-American heritage, and to provide visitors with an opportunity to rethink assumptions about race and racism: Now, therefore, be it

Resolved, That the Senate honors and celebrates the life and accomplishments of James Cameron and expresses condolences at his passing.

AMENDMENTS SUBMITTED & PROPOSED

SA 4332. Mr. BURNS (for himself and Mr. SANTORUM) 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 4333. Mr. NELSON, of Florida (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4334. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4335. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4336. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4337. Mr. REID (for himself, Mr. DURBIN, Mr. BIDEN, Mr. LEVIN, Mr. MENENDEZ, Mr. LAUTENBERG, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4338. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4339. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4340. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4341. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4342. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4343. Mr. BINGAMAN (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4344. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4345. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4346. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4347. Mr. LOTT (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4348. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4349. Mr. WARNER (for Mrs. DOLE (for herself and Mr. JEFFORDS)) proposed an amendment to the bill S. 2766, supra.

SA 4350. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4351. Mr. LEVIN (for Mr. AKAKA (for himself, Ms. COLLINS, Mr. GRASSLEY, Mr. DURBIN, Mr. LEVIN, and Mr. LIEBERMAN)) proposed an amendment to the bill S. 2766, supra.

SA 4352. Mr. WARNER (for Mr. ENSIGN) proposed an amendment to the bill S. 2766, supra.

SA 4353. Mr. LEVIN (for Mr. AKAKA) proposed an amendment to the bill S. 2766, supra.

SA 4354. Mr. WARNER (for Mr. ENSIGN) proposed an amendment to the bill S. 2766, supra.

SA 4355. Mr. WARNER (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 2766, supra.

SA 4356. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, supra.

SA 4357. Mr. LEVIN (for Mr. MENENDEZ (for himself and Mr. BINGAMAN)) proposed an amendment to the bill S. 2766, supra.

SA 4358. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, supra.

SA 4359. Mr. LEVIN (for Mr. BINGAMAN (for himself and Mr. MENENDEZ)) proposed an amendment to the bill S. 2766, supra.

SA 4360. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4361. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4362. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4363. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4364. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4365. Mr. CHAMBLISS (for himself, Mr. GRAHAM, Mrs. CLINTON, and Mr. BURNS) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4366. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2677, supra; which was ordered to lie on the table.

SA 4367. Mr. OBAMA (for himself and Mr. BOND) 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 4368. Mr. NELSON, of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4369. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4370. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4371. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4372. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4373. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 4374. Ms. CANTWELL (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her 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 4375. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4376. Mr. ENZI proposed an amendment to the bill S. 2766, supra.

SA 4377. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4378. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4379. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4380. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4332. Mr. BURNS (for himself and Mr. SANTORUM) 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 F of title V, add the following:

SEC. 587. FUNERAL CEREMONIES FOR VETERANS.

(a) SUPPORT FOR CEREMONIES BY DETAILS CONSISTING SOLELY OF MEMBERS OF VETERANS AND OTHER ORGANIZATIONS.—

(1) SUPPORT OF CEREMONIES.—Section 1491 of title 10, United States Code, is amended—

(A) by redesignating subsections (e), (f), (g), and (h) as subsections (f), (g), (h), and (i), respectively; and

(B) by inserting after subsection (d) the following new subsection (e):

''(e) FUNERAL CEREMONIES FOR VETERANS PROVIDED BY DETAILS OTHER THAN FUNERAL HONOR DETAILS.—In the case of funeral honors at the funeral of a veteran that are provided by a detail that consists solely of members of veterans organizations or other organizations referred to in subsection (b)(2), the Secretary of the military department of

which the veteran was a member shall support the provision of such funeral honors through provision to each of not more than three persons who participates in the detail the daily stipend prescribed under subsection (d)(2).''.

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (d)(2), by inserting ''and subsection (e)'' after ''paragraph (1)(A)''; and

(B) in paragraph (1) of section (f), as redesignated by subsection (a)(1) of this section, by inserting ''(other than a requirement in subsection (e)'' after ''pursuant to this section''.

(b) USE OF EXCESS M–1 FOR CEREMONIAL AND OTHER PURPOSES.—Section 4683 of such title is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

''(3) Rifles loaned or donated under paragraph (1) may be used by an eligible designee for funeral ceremonies of a member or former member of the armed forces and for other ceremonial purposes.'';

(2) in subsection (c), by inserting after ''accountability'' the following: '', provided that such conditions do not unduly hamper eligible designees from participating in funeral ceremonies of a member or former member of the armed forces or other ceremonies'';

(3) in subsection (d)—

(A) in paragraph (2), by striking ''; or'' and inserting ''or fire department;'';

(B) in paragraph (3), by striking the period at the end and inserting ''; or''; and

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

''(4) any other member in good standing of an organization described in paragraphs (1), (2), or (3).''; and

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

''(e) ELIGIBLE DESIGNEE DEFINED.—In this section, the term 'eligible designee' means a designee of an eligible organization who—

''(1) is a spouse, son, daughter, nephew, niece, or other family relation of a member or former member of the armed forces;

''(2) is at least 18 years of age; and

''(3) has successfully completed a formal firearm training program or a hunting safety program.''.

SA 4333. Mr. NELSON of Florida (for himself and Mr. KENNEDY) 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 E of title VI, add the following:

SEC. 662. PILOT PROJECT ON PROVISION OF GOLF CARTS ACCESSIBLE FOR DISABLED PERSONS AT MILITARY GOLF COURSES.

(a) PILOT PROJECT REQUIRED.—The Secretary of Defense shall conduct a pilot project for the purpose of—

(1) assessing the feasibility of making available, as soon as practicable at all military golf courses in the United States, an adequate supply of golf carts that are accessible for disabled persons authorized to use such courses; and

(2) developing a Department of Defense-wide campaign to increase the awareness among such disabled persons of the availability of accessible golf carts and to promote the use of military golf courses by such disabled persons.

(b) SELECTION OF MILITARY GOLF COURSES.—

(1) NUMBER OF GOLF COURSES.—The Secretary shall conduct the pilot project at five military golf courses selected by the Secretary for purposes of the pilot project, including a military golf course located in the National Capital Region.

(2) CONSIDERATIONS.—The military golf courses so selected shall—

(A) be geographically dispersed; and

(B) be selected after consideration of the relative higher density of disabled members of the Armed Forces and military retirees in the vicinity of their installations.

(3) LIMITATION.—The Secretary may not select a military golf course to participate in the pilot project if that military golf course already has golf carts that are accessible for disabled persons.

(c) REQUIRED NUMBER OF ACCESSIBLE GOLF CARTS.—The Secretary shall provide at least two golf carts accessible to disabled persons at each pilot project location.

(d) ACCEPTANCE OF GOLF CARTS FROM PRIVATE SOURCES.—Notwithstanding any other provision of law, the Secretary may accept and utilize for purposes of the pilot project golf carts accessible to disabled persons that are donated to the Department for purposes of the pilot project.

(e) DEPARTMENT OF DEFENSE HEALTH CARE AWARENESS.—Military medical treatment facilities shall provide information to patients about the pilot project and the availability of golf carts accessible to disabled persons at military golf courses participating in the pilot project and at other military golf courses that already provide such golf carts.

(f) DURATION.—The Secretary shall conduct the pilot project for two years.

(f) REPORT REQUIRED.—Not later than December 31, 2007, the Secretary, acting through the Under Secretary of Defense for Personnel and Readiness, shall submit to the congressional defense committees a report containing—

(1) the results of the pilot project; and

(2) recommendations on the feasibility and advisability of expanding the pilot project to other military golf courses.

SA 4334. Mr. BIDEN 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 following:

SEC. 1084. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds authorized to be appropriated by this Act, or any other Act, may be obligated or expended for a purpose as follows:

(1) To establish a permanent United States military installation or base in Iraq.

(2) To exercise United States control over the oil resources of Iraq.

SA 4335. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities for 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 C of title IX, add the following:

SEC. 924. INCLUSION OF HOMELAND DEFENSE AND CIVIL SUPPORT MISSIONS OF THE NATIONAL GUARD AND RESERVES IN THE QUADRENNIAL DEFENSE REVIEW.

Section 118(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (15) as paragraph (16); and

(2) by inserting after paragraph (14) the following new paragraph (15):

''(15) The homeland defense mission and the civil support mission of the reserve components of the armed forces, including the organization and capabilities required for the reserve components to discharge each such mission.''.

SA 4336. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities for 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 F of title V, add the following:

SEC. 587. REPORT ON OMISSION OF SOCIAL SECURITY NUMBERS ON MILITARY IDENTIFICATION CARDS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the assessment of the Secretary of the feasibility of utilizing military identification cards that do not contain, display or exhibit the Social Security Number of the individual identified by such military identification card.

(b) MILITARY IDENTIFICATION CARD DEFINED.—In this section, the term ''military identification card'' has the meaning given the term ''military ID card'' in section 1060b(b)(1) of title 10, United States Code.

SA 4337. Mr. REID (for himself, Mr. DURBIN, Mr. BIDEN, Mr. LEVIN, Mr. MENENDEZ, Mr. LAUTENBERG, and Mr. ROCKEFELLER) 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 A of title XII, add the following:

SEC. 1209. INTELLIGENCE ON IRAN.

(a) SUBMITTAL TO CONGRESS OF UPDATED NATIONAL INTELLIGENCE ESTIMATE ON IRAN.—

(1) SUBMITTAL REQUIRED.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress an updated National Intelligence Estimate on Iran.

(2) NOTICE REGARDING SUBMITTAL.—If the Director determines that the National Intelligence Estimate required by paragraph (1) cannot be submitted by the date specified in that paragraph, the Director shall submit to Congress a report setting forth—

(A) the reasons why the National Intelligence Estimate cannot be submitted by such date; and

(B) an estimated date for the submittal of the National Intelligence Estimate.

(3) FORM.—The National Intelligence Estimate under paragraph (1) shall be submitted in classified form. Consistent with the protection of intelligence sources and methods, an unclassified summary of the key judgments of the National Intelligence Estimate should be submitted.

(4) ELEMENTS.—The National Intelligence Estimate submitted under paragraph (1) shall address the following:

(A) The foreign policy and regime objectives of Iran.

(B) The current status of the nuclear programs of Iran, including—

(i) an assessment of the current and projected capabilities of Iran to design a nuclear weapon, to produce plutonium, enriched uranium, and other weapons materials, to build a nuclear weapon, and to deploy a nuclear weapon; and

(ii) an assessment of the intentions of Iran regarding possible development of nuclear weapons, the motivations underlying such intentions, and the factors that might influence changes in such intentions.

(C) The military and defense capabilities of Iran, including any non-nuclear weapons of mass destruction programs and related delivery systems.

(D) The relationship of Iran with terrorist organizations, the use by Iran of terrorist organizations in furtherance of its foreign policy objectives, and the factors that might cause Iran to reduce or end such relationships.

(E) The prospects for support from the international community for various potential courses of action with respect to Iran, including diplomacy, sanctions, and military action.

(F) The anticipated reaction of Iran to the courses of action set forth under subparagraph (E), including an identification of the course or courses of action most likely to successfully influence Iran in terminating or moderating its policies of concern.

(G) The level of popular and elite support within Iran for the Iran regime, and for its civil nuclear program, nuclear weapons ambitions, and other policies, and the prospects for reform and political change within Iran.

(H) The views among the populace and elites of Iran with respect to the United States, including views on direct discussions with or normalization of relations with the United States.

(I) The views among the populace and elites of Iran with respect to other key countries involved in nuclear diplomacy with Iran.

(J) The likely effects and consequences of any military action against the nuclear programs or other regime interests of Iran.

(K) The confidence level of key judgments in the National Intelligence Estimate, the quality of the sources of intelligence on Iran, the nature and scope of any gaps in intelligence on Iran, and any significant alternative views on the matters contained in the National Intelligence Estimate.

(b) PRESIDENTIAL REPORT ON POLICY OBJECTIVES AND UNITED STATES STRATEGY REGARDING IRAN.—

(1) REPORT REQUIRED.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report on the following:

(A) The objectives of United States policy on Iran.

(B) The strategy for achieving such objectives.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form with a classified annex, as appropriate.

(3) ELEMENTS.—The report submitted under paragraph (1) shall—

(A) address the role of diplomacy, incentives, sanctions, other punitive measures and incentives, and other programs and activities relating to Iran for which funds are provided by Congress; and

(B) summarize United States contingency planning regarding the range of possible United States military actions in support of United States policy objectives with respect to Iran.

(c) DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON PROCESS FOR VETTING AND CLEARING ADMINISTRATION OFFICIALS' STATEMENTS DRAWN FROM INTELLIGENCE.—

(1) REPORT REQUIRED.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the process for vetting and clearing statements of Administration officials that are drawn from or rely upon intelligence.

(2) ELEMENTS.—The report shall—

(A) describe current policies and practices of the Office of the Director of National Intelligence and the intelligence community for—

(i) vetting and clearing statements of senior Administration officials that are drawn from or rely upon intelligence; and

(ii) how significant misstatements of intelligence that may occur in public statements of senior public officials are identified, brought to the attention of any such officials, and corrected;

(B) assess the sufficiency and adequacy of such policies and practices; and

(C) include any recommendations that the Director considers appropriate to improve such policies and practices.

SA 4338. Mr. CONRAD 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:

On page 151, line 13, strike ''or the Secretary of Defense'' and insert '', the Secretary of Defense, or the Secretary of the military department concerned''.

On page 152, line 21, strike ''or the Secretary of Defense'' and insert '', the Secretary of Defense, or the Secretary of the military department concerned''.

SA 4339. Ms. LANDRIEU submitted an amendment intended to be proposed by her 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:

On page 549, between lines 2 and 3, insert the following:

SEC. 2834. ESTABLISHMENT OF DEFENSE BASE CLOSURE AND REALIGNMENT REVIEW BOARD.

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) is amended by adding at the end the following new section:

''SEC. 2915. DEFENSE BASE CLOSURE AND REALIGNMENT REVIEW BOARD.

''(a) ESTABLISHMENT.—There is established an independent board to be known as the Defense Base Closure and Realignment Review Board (hereafter in this section referred to as the 'Board').

''(b) MEMBERSHIP.—

''(1) COMPOSITION.—The Board shall be composed of 11 members appointed by the President, of whom—

''(A) 7 shall be voting members, appointed by and with the consent of the Senate, who have broad-based private sector experience in the areas of real estate management, banking, investments, auditing, and national security, of whom—

''(i) 4 shall be nominated by the President based on the respective recommendations of the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives; and

''(ii) one shall be designated by the President to serve as Chairman of the Board;

''(B) 4 shall be non-voting members, serving at the pleasure of the President, of whom—

''(i) one shall be an official of the Department of Defense;

''(ii) one shall be an official of the Environmental Protection Agency; and

''(iii) 2 shall be Federal Government officials (other than the officials described in clauses (i) and (ii)) designated by the President after consultation with the Comptroller General of the United States.

''(2) DATE.—The appointments of the members of the Board shall be made not later than 120 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2007.

''(c) PERIOD OF APPOINTMENT; VACANCIES.—

''(1) PERIOD OF APPOINTMENT.—Members shall be appointed for a term of not more than 6 years, and may be reappointed by the President. The terms of not more than 4 members may expire during any one year.

''(2) VACANCIES.—Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner as the original appointment and subject to any conditions that applied with respect to the original appointment. An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

''(d) DUTIES.—The Board shall carry out the following duties:

''(1) Ensuring compliance by the Department of Defense and the military departments with the recommendations of the Commission that were approved in the report submitted by the President to Congress under section 2903 as part of the 2005 round of defense base closure and realignment.

''(2) Reviewing and analyzing the property conveyance policies of the Office of the Secretary of Defense and the military departments.

''(3) Assessing the effectiveness of such property conveyance policies.

''(4) Assessing the adequacy of funding related to the implementation of the approved recommendations of the Commission, including funding for environmental remediation.

''(e) REPORTS.—

''(1) ANNUAL REPORT.—

''(A) IN GENERAL.—Not later than October 31, 2007, and annually thereafter for the next

4 years, the Board shall submit to Congress and the President a report on the implementation of the recommendations of the Commission that were approved in the report submitted by the President to Congress under section 2903 as part of the 2005 round of defense base closure and realignment.

''(B) CONTENT.—Each report submitted under subparagraph (A) shall—

''(i) track and monitor the use of the Department of Defense Base Closure Account 2005 established by section 2906A;

''(ii) describe the implementation by each military department of the approved recommendations of the Commission, including any related annual net savings;

''(iii) describe the implementation of privatization plans;

''(iv) describe any environmental remediation undertaken by the Department of Defense, and the related costs; and

''(v) describe the effect, if any, of the closure or realignment of military installations under the 2005 round of defense base closure and realignment on the international treaty obligations of the United States.

''(C) COOPERATION OF DEPARTMENT OF DEFENSE.—The Secretary of Defense and the Secretaries of the military departments shall cooperate with and provide such support to the Board as may be needed for the purpose of preparing reports under this paragraph.

''(2) SPECIAL REPORT ON ALTERNATIVE PROCESSES FOR CLOSED AND REALIGNED MILITARY INSTALLATIONS.—

''(A) IN GENERAL.—Not later than January 30, 2008, the Board shall submit to Congress and the President a report on the status of military installations scheduled for closure and realignment under the 2005 round of defense base closure and realignment.

''(B) CONTENT.—The report submitted under subparagraph (A) shall—

''(i) include the results and detailed analysis of a study of the implementation of the recommendations made by the Commission that were approved in the report submitted by the President to Congress under section 2903 as part of the 2005 round of defense base closure and realignment;

''(ii) examine the feasibility of categorizing military installations scheduled for closure and realignment as—

''(I) properties that are the subject of negotiations with local redevelopment authorities or other parties for re-use or rezoning, and which may require special financing arrangements such as loans, loan guarantees, investments, environmental bonds and insurance, or other arrangements in order to transfer title and use to municipal, State, or private sector entities; and

''(II) properties that are sites on the National Priorities List developed by the President in accordance with section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)) or that have significant environmental remediation problems requiring long-term management and oversight; and

''(iii) include a detailed examination of the feasibility of—

''(I) using one or more corporate models, including a public-private corporate model such as a foundation with a dedicated endowment, for transferring, managing, and preparing military installations closed or realigned since 1988 as part of the defense base closure and realignment process; and

''(II) using a public-private corporation to handle properties designated pursuant to clause (ii)(I) and a foundation to handle properties designated pursuant to clause (ii)(II).

''(C) CONSULTATION WITH OTHER AGENCIES.—In completing the study required under this paragraph, the Board shall consult with the Secretary of Defense, the Secretaries of the military departments, the Comptroller General of the United States, the Administrator of the Environmental Protection Agency, the Administrator of the Federal Aviation Administration, the Secretary of Housing and Urban Development, and the Secretary of the Interior.

''(3) FINAL REPORT.—Not later than December 31, 2011, the Board shall submit to Congress and the President a final report on the implementation of the recommendations of the Commission that were approved in the report submitted by the President to Congress under section 2903 as part of the 2005 round of defense base closure and realignment. The report shall include a review of the defense base closure and realignment process and any recommendations of the Board for changes in such process.

''(f) MEETINGS.—

''(1) IN GENERAL.—Each meeting of the Board, other than meetings in which classified information is to be discussed, shall be open to the public.

''(2) ACCESS TO PROCEEDINGS, INFORMATION, AND DELIBERATIONS.—All the proceedings, information, and deliberations of the Board shall be open, upon request, to the following:

''(A) The Chairman and the ranking minority party member of the Subcommittee on Readiness and Management Support of the Committee on Armed Services of the Senate, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

''(B) The Chairman and the ranking minority party member of the Subcommittee on Readiness of the Committee on Armed Services of the House of Representatives, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

''(C) The Chairman and ranking minority party member of the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committees on Appropriations of the Senate or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

''(D) The Chairman and ranking minority party member of the Subcommittee on Military Quality of Life and Veterans' Affairs, and Related Agencies of the Committees on Appropriations of the House of Representatives, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

''(g) BOARD PERSONNEL MATTERS.—

''(1) COMPENSATION OF MEMBERS.—

''(A) IN GENERAL.—Each member of the Board, other than the Chairman, who is not an officer or employee of the Federal Government shall be compensated at a rate equivalent to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board. All members of the Board who are officers or employees of the Federal Government shall serve without compensation in addition to that received for their services as officers or employees of the Federal Government.

''(B) CHAIRMAN.—The Chairman shall be compensated at a rate equivalent to the daily equivalent to the annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

''(2) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

''(3) DIRECTOR.—The Chairman of the Board may, without regard to the civil service laws and regulations, appoint a Director, who shall be paid at the rate of basic pay equivalent to level IV of the Executive Schedule under section 5315 of title 5, United States Code. The employment of the Director shall be subject to confirmation by the Board.

''(4) APPOINTMENT OF STAFF.—The Director may, with the approval of the Board, appoint up to 25 staff members to enable the Board to perform its duties, and fix the compensation of such staff without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and the General Schedule pay rates, except that the rate of pay may not exceed the rate of basic pay equivalent to level IV of the Executive Schedule under section 5315 of such title.

''(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

''(h) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Board such funds as are necessary to carry out its duties under this section. Such funds shall remain available until expended.

''(2) TRANSFER OF FUNDS.—If the Chairman of the Board certifies to the Secretary of Defense that insufficient funds are appropriated to the Board in any fiscal year, the Secretary of Defense shall, not later than 30 days after receiving such certification, transfer to the Board from the Department of Defense Base Closure Account 2005 established by section 2906A the amount requested by the Board in the certification. Such funds shall remain available until expended.

''(i) INAPPLICABILITY OF FACA.—The requirements of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Board.

''(j) TERMINATION.—The Board shall terminate 90 days after the submission of the final report required under subsection (e)(3).''.

SA 4340. Ms. LANDRIEU submitted an amendment intended to be proposed by her 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:

On page 549, between lines 2 and 3, insert the following:

SEC. 2834. ESTABLISHMENT OF DEFENSE BASE CLOSURE AND REALIGNMENT REVIEW BOARD.

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) is amended by adding at the end the following new section:

''SEC. 2915. DEFENSE BASE CLOSURE AND REALIGNMENT REVIEW BOARD.

''(a) ESTABLISHMENT.—There is established an independent board to be known as the Defense Base Closure and Realignment Review Board (hereafter in this section referred to as the 'Board').

''(b) MEMBERSHIP.—

''(1) COMPOSITION.—The Board shall be composed of 11 members appointed by the President, of whom—

''(A) 7 shall be voting members, appointed by and with the consent of the Senate, who

have broad-based private sector experience in the areas of real estate management, banking, investments, auditing, and national security, of whom—

''(i) 4 shall be nominated by the President based on the respective recommendations of the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives; and

''(ii) one shall be designated by the President to serve as Chairman of the Board;

''(B) 4 shall be non-voting members, serving at the pleasure of the President, of whom—

''(i) one shall be an official of the Department of Defense;

''(ii) one shall be an official of the Environmental Protection Agency; and

''(iii) 2 shall be Federal Government officials (other than the officials described in clauses (i) and (ii)) designated by the President after consultation with the Comptroller General of the United States.

''(2) DATE.—The appointments of the members of the Board shall be made not later than 120 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2007.

''(c) PERIOD OF APPOINTMENT; VACANCIES.—

''(1) PERIOD OF APPOINTMENT.—Members shall be appointed for a term of not more than 6 years, and may be reappointed by the President. The terms of not more than 4 members may expire during any one year.

''(2) VACANCIES.—Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner as the original appointment and subject to any conditions that applied with respect to the original appointment. An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

''(d) DUTIES.—The Board shall carry out the following duties:

''(1) Ensuring compliance by the Department of Defense and the military departments with the recommendations of the Commission that were approved in the report submitted by the President to Congress under section 2903 as part of the 2005 round of defense base closure and realignment.

''(2) Reviewing and analyzing the property conveyance policies of the Office of the Secretary of Defense and the military departments.

''(3) Assessing the effectiveness of such property conveyance policies.

''(4) Assessing the adequacy of funding related to the implementation of the approved recommendations of the Commission, including funding for environmental remediation.

''(e) REPORTS.—

''(1) ANNUAL REPORT.—

''(A) IN GENERAL.—Not later than October 31, 2007, and annually thereafter for the next 4 years, the Board shall submit to Congress and the President a report on the implementation of the recommendations of the Commission that were approved in the report submitted by the President to Congress under section 2903 as part of the 2005 round of defense base closure and realignment.

''(B) CONTENT.—Each report submitted under subparagraph (A) shall—

''(i) track and monitor the use of the Department of Defense Base Closure Account 2005 established by section 2906A;

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''(iii) describe the implementation of privatization plans;

''(iv) describe any environmental remediation undertaken by the Department of Defense, and the related costs; and

''(v) describe the effect, if any, of the closure or realignment of military installations under the 2005 round of defense base closure and realignment on the international treaty obligations of the United States.

''(C) COOPERATION OF DEPARTMENT OF DEFENSE.—The Secretary of Defense and the Secretaries of the military departments shall cooperate with and provide such support to the Board as may be needed for the purpose of preparing reports under this paragraph.

''(2) SPECIAL REPORT ON ALTERNATIVE PROCESSES FOR CLOSED AND REALIGNED MILITARY INSTALLATIONS.—

''(A) IN GENERAL.—Not later than January 30, 2008, the Board shall submit to Congress and the President a report on the status of military installations scheduled for closure and realignment under the 2005 round of defense base closure and realignment.

''(B) CONTENT.—The report submitted under subparagraph (A) shall—

''(i) include the results and detailed analysis of a study of the implementation of the recommendations made by the Commission that were approved in the report submitted by the President to Congress under section 2903 as part of the 2005 round of defense base closure and realignment;

''(ii) examine the feasibility of categorizing military installations scheduled for closure and realignment as—

''(I) properties that are the subject of negotiations with local redevelopment authorities or other parties for re-use or rezoning, and which may require special financing arrangements such as loans, loan guarantees, investments, environmental bonds and insurance, or other arrangements in order to transfer title and use to municipal, State, or private sector entities; and

''(II) properties that are sites on the National Priorities List developed by the President in accordance with section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)) or that have significant environmental remediation problems requiring long-term management and oversight; and

''(iii) include a detailed examination of the feasibility of—

''(I) using one or more corporate models, including a public-private corporate model such as a foundation with a dedicated endowment, for transferring, managing, and preparing military installations closed or realigned since 1988 as part of the defense base closure and realignment process; and

''(II) using a public-private corporation to handle properties designated pursuant to clause (ii)(I) and a foundation to handle properties designated pursuant to clause (ii)(II).

''(C) CONSULTATION WITH OTHER AGENCIES.—In completing the study required under this paragraph, the Board shall consult with the Secretary of Defense, the Secretaries of the military departments, the Comptroller General of the United States, the Administrator of the Environmental Protection Agency, the Administrator of the Federal Aviation Administration, the Secretary of Housing and Urban Development, and the Secretary of the Interior.

''(3) FINAL REPORT.—Not later than December 31, 2011, the Board shall submit to Congress and the President a final report on the implementation of the recommendations of the Commission that were approved in the report submitted by the President to Congress under section 2903 as part of the 2005 round of defense base closure and realignment. The report shall include a review of the defense base closure and realignment process and any recommendations of the Board for changes in such process.

''(f) MEETINGS.—

''(1) IN GENERAL.—Each meeting of the Board, other than meetings in which classified information is to be discussed, shall be open to the public.

''(2) ACCESS TO PROCEEDINGS, INFORMATION, AND DELIBERATIONS.—All the proceedings, information, and deliberations of the Board shall be open, upon request, to the following:

''(A) The Chairman and the ranking minority party member of the Subcommittee on Readiness and Management Support of the Committee on Armed Services of the Senate, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

''(B) The Chairman and the ranking minority party member of the Subcommittee on Readiness of the Committee on Armed Services of the House of Representatives, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

''(C) The Chairman and ranking minority party member of the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committees on Appropriations of the Senate or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

''(D) The Chairman and ranking minority party member of the Subcommittee on Military Quality of Life and Veterans' Affairs, and Related Agencies of the Committees on Appropriations of the House of Representatives, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

''(g) BOARD PERSONNEL MATTERS.—

''(1) COMPENSATION OF MEMBERS.—

''(A) IN GENERAL.—Each member of the Board, other than the Chairman, who is not an officer or employee of the Federal Government shall be compensated at a rate equivalent to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board. All members of the Board who are officers or employees of the Federal Government shall serve without compensation in addition to that received for their services as officers or employees of the Federal Government.

''(B) CHAIRMAN.—The Chairman shall be compensated at a rate equivalent to the daily equivalent to the annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

''(2) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

''(3) DIRECTOR.—The Chairman of the Board may, without regard to the civil service laws and regulations, appoint a Director, who shall be paid at the rate of basic pay equivalent to level IV of the Executive Schedule under section 5315 of title 5, United States Code. The employment of the Director shall be subject to confirmation by the Board.

''(4) APPOINTMENT OF STAFF.—The Director may, with the approval of the Board, appoint up to 25 staff members to enable the Board to perform its duties, and fix the compensation of such staff without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and the General Schedule pay rates, except that the rate of pay may not exceed the rate of basic pay equivalent to level IV of the Executive Schedule under section 5315 of such title.

''(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

''(h) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Board such funds as are necessary to carry out its duties under this section. Such funds shall remain available until expended.

''(2) TRANSFER OF FUNDS.—If the Chairman of the Board certifies to the Secretary of Defense that insufficient funds are appropriated to the Board in any fiscal year, the Secretary of Defense shall, not later than 30 days after receiving such certification, transfer to the Board from the Department of Defense Base Closure Account 2005 established by section 2906A the amount requested by the Board in the certification. Such funds shall remain available until expended.

''(i) INAPPLICABILITY OF FACA.—The requirements of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Board.

''(j) TERMINATION.—The Board shall terminate 90 days after the submission of the final report required under subsection (e)(3).''.

SA 4341. Mr. DURBIN 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 A of title XII, add the following:

SEC. 1209. RENDITION.

(a) PROHIBITION ON RENDITION TO TORTURE.—No individual in the custody or under the physical control of the United States, regardless of whether the individual is physically present in territory under the jurisdiction of the United States, may be transferred to a country if there are substantial grounds to believe that the individual would be in danger of being subjected to torture in such country.

(b) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 12 months thereafter, the Secretary of State, in consultation with the Secretary of Defense, the Director of National Intelligence, the Attorney General, and the Secretary of Homeland Security, shall submit to the appropriate committees of Congress a report on the United States compliance with Article 3 of the Convention Against Torture.

(2) CONTENTS.—Each report under paragraph (1) shall include the following:

(A) The name of each country to which any person in the custody or under the physical control of the United States has been transferred—

(i) for the first report required by paragraph (1), during the period beginning on September 11, 2001 and ending on the date of such report; and

(ii) for each subsequent report, the 1-year period beginning on the date of the previous report.

(B) The name of each country described in subparagraph (A) from which the United States has obtained oral or written assurances that a person transferred from the custody or physical control of the United States to such country would not be subject to torture—

(i) for the first report required by paragraph (1), during the period beginning on September 11, 2001 and ending on the date of such report; and

(ii) for each subsequent report, the 1-year period beginning on the date of the previous report.

(C) For each country described in subparagraph (B)—

(i) a certification that the country has complied with its assurances that it would not subject to torture any individual transferred from the custody or physical control of the United States to such country or a statement that such certification cannot be made; and

(ii) a detailed explanation of the basis for each certification under clause (i), including—

(I) a description of the country's assurances to the United States, including whether the assurances are oral or written, and, if the assurances are written, a copy of the assurances;

(II) a description of all efforts to monitor compliance with the assurances, including whether the United States has made periodic visits to all individuals transferred from the custody or physical control of the United States to such country and investigated all credible allegations that such individuals have been subjected to torture, and, if so, the conclusions of the United States regarding the treatment of such individuals;

(III) whether international or local humanitarian or human rights groups have been able to monitor effectively the treatment of individuals transferred from the custody or physical control of the United States to such country, and, if so, the conclusions of such groups regarding the treatment of such individuals; and

(IV) human rights conditions in the country, based on the annual Human Rights Reports published by the Secretary of State, reports from international and local humanitarian and human rights groups, and any other relevant information.

(c) PROHIBITION ON USE OF ASSURANCES.—If the Secretary of State does not submit a certification under subsection (b)(2)(C)(i) with respect to a country described in subsection (b)(2)(B), the United States may not use oral or written assurances that a person transferred from the custody or physical control of the United States to such country will not be subject to torture as the basis for concluding that transferring such person to such country does not violate subsection (a).

(d) SAVINGS CLAUSE.—Nothing in this section shall be construed to eliminate, limit, or constrain in any way the rights that an individual has under the Convention Against Torture or any other applicable law.

(e) DEFINITIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the terms used in this section have the meanings given those terms in the Convention Against Torture, subject to any reservations, understandings, declarations, and provisos contained in the Senate resolution advising and consenting to the ratification of the Convention Against Torture.

(2) TERMS.—In this section—

(A) the term ''transferred'' means to expel, return, extradite, or otherwise relocate a person from the custody or physical control of the United States to another country;

(B) the term ''appropriate committees of Congress'' means the Select Committee on Intelligence, the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on the Judiciary of the Senate and the Permanent Select Committee on Intelligence, the Committee on International Relations, the Committee on Armed Services, and the Committee on the Judiciary of the House of Representatives; and

(C) the term ''Convention Against Torture'' means the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984.

SA 4342. Mrs. LINCOLN submitted an amendment intended to be proposed by her 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 D of title V, add the following:

SEC. 569. MODIFICATION OF TIME LIMIT FOR USE OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.

(a) MODIFICATION.—Section 16164(a) of title 10, United States Code, is amended by striking ''this chapter while serving—'' and all that follows and inserting ''this chapter—

''(1) while the member is serving—

''(A) in the Selected Reserve of the Ready Reserve, in the case of a member called or ordered to active service while serving in the Selected Reserve; or

''(B) in the Ready Reserve, in the case of a member ordered to active duty while serving in the Ready Reserve (other than the Selected Reserve); and

''(2) in the case of a person who separates from the Selected Reserve of the Ready Reserve after completion of a period of active service described in section 16163 of this title and completion of a service contract under other than dishonorable conditions, during the 10-year period beginning on the date on which the person separates from the Selected Reserve.''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 16165(a) of such title is amended to read as follows:

''(2) when the member separates from the Ready Reserve as provided in section 16164(a)(1) of this title, or upon completion of the period provided for in section 16164(a)(2) of this title, as applicable.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 28, 2004, as if included in the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375), to which such amendments relate.

SA 4343. Mr. BINGAMAN (for himself and Mr. MENENDEZ) proposed an amendment 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 D of title III, add the following:

SEC. 352. REPORT ON ACTIONS TO REDUCE DEPARTMENT OF DEFENSE CONSUMPTION OF PETROLEUM-BASED FUEL.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the

Senate and the House of Representatives a report on the actions taken, and to be taken, by the Department of Defense to reduce the consumption by the Department of petroleum-based fuel.

(b) ELEMENTS.—The report shall include the status of implementation by the Department of the requirements of the following:

(1) The Energy Policy Act of 2005 (Public Law 109–58).

(2) The Energy Policy Act of 1992 (Public Law 102–486).

(3) Executive Order 13123.

(4) Executive Order 13149.

(5) Any other law, regulation, or directive relating to the consumption by the Department of petroleum-based fuel.

SA 4344. Mr. VITTER 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 F of title III, add the following:

SEC. 375. PREPOSITIONING OF DEPARTMENT OF DEFENSE ASSETS IN THE UNITED STATES TO IMPROVE RESPONSE TO NATURAL DISASTERS AND NATIONAL EMERGENCIES.

(a) PREPOSITIONING AUTHORIZED.—The Secretary of Defense may provide for the prepositioning of pre-packaged or pre-identified basic response assets, such as medical supplies, food and water, and communication equipment, at various locations in the United States in order to improve the Department of Defense response to natural disasters and national emergencies.

(b) PROCEDURES AND GUIDELINES.—The Secretary shall develop procedures and guidelines for the prepositioning of assets under this section.

SA 4345. Mr. ENSIGN 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 D of title V, add the following new section:

SEC. 569. JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTOR QUALIFICATIONS.

(a) IN GENERAL.—Chapter 102 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2033. Instructor qualifications

''(a) IN GENERAL.—In order for a retired officer or noncommissioned officer to be employed as an instructor in the program, the officer must be certified by the Secretary of the military department concerned as a qualified instructor in leadership, wellness and fitness, civics, and other courses related to the content of the program, according to the qualifications set forth in subsection (b)(2) or (c)(2), as appropriate.

''(b) SENIOR MILITARY INSTRUCTORS.—

''(1) ROLE.—Senior military instructors shall be retired officers of the armed forces and shall serve as instructional leaders who oversee the program.

''(2) QUALIFICATIONS.—A senior military instructor shall have the following qualifications:

''(A) Professional military qualification, as determined by the Secretary of the military department concerned.

''(B) Award of a baccalaureate degree from an institution of higher learning.

''(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

''(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on—

''(i) accumulated points for professional activities, services to the profession, awards, and recognitions;

''(ii) professional development to meet content knowledge and instructional skills; and

''(iii) performance evaluation of competencies and standards within the program through site visits and inspections.

''(c) NON-SENIOR MILITARY INSTRUCTORS.—

''(1) ROLE.—Non-senior military instructors shall be retired noncommissioned officers of the armed forces and shall serve as instructional leaders and teach independently of, but share program responsibilities with, senior military instructors.

''(2) QUALIFICATIONS.—A non-senior military instructor shall demonstrate a depth of experience, proficiency, and expertise in coaching, mentoring, and practical arts in executing the program, and shall have the following qualifications:

''(A) Professional military qualification, as determined by the Secretary of the military department concerned.

''(B) Award of an associates degree from an institution of higher learning within 5 years of employment.

''(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

''(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on—

''(i) accumulated points for professional activities, services to the profession, awards, and recognitions;

''(ii) professional development to meet content knowledge and instructional skills; and

''(iii) performance evaluation of competencies and standards within the program through site visits and inspections.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2033. Instructor qualifications.''.

SA 4346. Mr. LOTT 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 B of title II, add the following:

SEC. 215. UNMANNED AERIAL VEHICLES FOR THE ARMY.

(a) PROCUREMENT OF CLASS IV SYSTEMS IN FISCAL YEAR 2007.—The Secretary of the Army shall provide for the procurement during fiscal year 2007 of eight Class IV Unmanned Aerial Vehicles (UAVs) for the Army as provided for in the budget of the President for fiscal year 2007 (as submitted to Congress for such fiscal year under section 1105(a) of title 31, United States Code).

(b) AVAILABILITY OF FUNDS FOR CERTAIN ACTIVITIES.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, $29,000,000 may be available for experimentation and the refinement of tactics and doctrine relating to the use of the Class IV Unmanned Aerial Vehicles procured under subsection (a) and two ground stations associated with such vehicles.

SA 4347. Mr. LOTT (for himself and Mr. COCHRAN) 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 B of title X, add the following:

SEC. 1013. AGREEMENT BY NAVY AND COAST GUARD ON USE OF CYCLONE CLASS PATROL COASTAL SHIPS.

(a) AGREEMENT REQUIRED.—Not later than March 30, 2007, the Secretary of the Navy shall submit to Congress an agreement between the Secretary and the Commandant of the Coast Guard for the operation of the 179-foot Cyclone class patrol coastal ships through September 2013.

(b) ELEMENTS.—The agreement required under subsection (a) shall—

(1) include provisions for operational control of the 13 ships of the 179-foot Cyclone class patrol coastal ship class;

(2) describe responsibilities for funding for operation and maintenance costs associated with operation of such ships;

(3) ensure the more efficient employment of such ships to eliminate the near-term shortfall of the Coast Guard for Deepwater patrol boat hours while meeting validated riverine and coastal warfare requirements of the Navy; and

(4) ensure that the Coast Guard retains operational control over at least five Cyclone class patrol coastal ships until September 30, 2013.

SA 4348. Mr. GRASSLEY 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 D of title V, add the following:

SEC. ___. NATIONAL GUARD COUNTERDRUG SCHOOLS.

(a) AUTHORITY TO OPERATE.—Under such regulations as the Secretary of Defense may prescribe, the Chief of the National Guard Bureau may establish and operate, or provide financial assistance to the States to establish and operate, not more than five schools (to be known generally as ''National Guard counterdrug schools'').

(b) PURPOSE.—The purpose of the National Guard counterdrug schools shall be the provision by the National Guard of training in

drug interdiction and counterdrug activities and drug demand reduction activities to personnel of the following:

(1) Federal agencies.

(2) State and local law enforcement agencies.

(3) Community-based organizations engaged in such activities.

(4) Other non-Federal governmental and private entities and organizations engaged in such activities.

(c) COUNTERDRUG SCHOOLS SPECIFIED.—The National Guard counterdrug schools operated under the authority in subsection (a) are as follows:

(1) The National Interagency Civil-Military Institute (NICI), San Luis Obispo, California.

(2) The Multi-Jurisdictional Counterdrug Task Force Training (MCTFT), St. Petersburg, Florida.

(3) The Midwest Counterdrug Training Center (MCTC), Johnston, Iowa.

(4) The Regional Counterdrug Training Academy (RCTA), Meridian, Mississippi.

(5) The Northeast Regional Counterdrug Training Center (NCTC), Fort Indiantown Gap, Pennsylvania.

(d) USE OF NATIONAL GUARD PERSONNEL.—

(1) IN GENERAL.—To the extent provided for in the State drug interdiction and counterdrug activities plan of a State in which a National Guard counterdrug school is located, personnel of the National Guard of that State who are ordered to perform full-time National Guard duty authorized under section 112(b) of that title 32, United States Code, may provide training referred to in subsection (b) at that school.

(2) DEFINITION.—In this subsection, the term ''State drug interdiction and counterdrug activities plan'', in the case of a State, means the current plan submitted by the Governor of the State to the Secretary of Defense under section 112 of title 32, United States Code.

(e) TREATMENT UNDER AUTHORITY TO PROVIDE COUNTERDRUG SUPPORT.—The provisions of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 374 note) shall apply to any activities of a National Guard counterdrug school under this section that are for an agency referred to in subsection (a) of such section 1004 and for a purpose set forth in subsection (b) of such section 1004.

(f) ANNUAL REPORTS ON ACTIVITIES.—

(1) IN GENERAL.—Not later than February 1 each year, the Secretary of Defense shall submit to Congress a report on the activities of the National Guard counterdrug schools during the preceding year.

(2) CONTENTS.—Each report under paragraph (1) shall set forth the following:

(A) FUNDING.—The amount made available for each National Guard counterdrug school during the fiscal year ending in the year preceding the year in which such report is submitted.

(B) ACTIVITIES.—A description of the activities of each National Guard counterdrug school during the year preceding the year in which such report is submitted.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is hereby authorized to be appropriated for the Department of Defense for the National Guard for each of fiscal years 2006 through 2010, $30,000,000 for purposes of the National Guard counterdrug schools in such fiscal year.

(2) CONSTRUCTION.—The amount authorized to be appropriated by paragraph (1) for a fiscal year is in addition to any other amount authorized to be appropriated for the Department of Defense for the National Guard for such fiscal year.

SA 4349. Mr. WARNER (for Mrs. DOLE (for herself and Mr. JEFFORDS)) proposed an amendment 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; as follows:

At the end of subtitle D of title III, add the following:

SEC. 352. NATIONAL ACADEMY OF SCIENCES STUDY ON HUMAN EXPOSURE TO CONTAMINATED DRINKING WATER AT CAMP LEJEUNE, NORTH CAROLINA.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Navy shall enter into an agreement with the National Academy of Sciences to conduct a comprehensive review and evaluation of the available scientific and medical evidence regarding associations between pre-natal, child, and adult exposure to drinking water contaminated with trichloroethylene (TCE) and tetrachloroethylene (PCE) at Camp Lejeune, North Carolina, as well as other pre-natal, child, and adult exposures to levels of trichloroethylene and tetrachloroethylene similar to those experienced at Camp Lejeune, and birth defects or diseases and any other adverse health effects.

(2) ELEMENTS.—In conducting the review and evaluation, the Academy shall review and summarize the scientific and medical evidence and assess the strength of that evidence in establishing a link or association between exposure to trichloroethylene and tetrachloroethylene and each birth defect or disease suspected to be associated with such exposure. For each birth defect or disease reviewed, the Academy shall determine, to the extent practicable with available scientific and medical data, whether—

(A) a statistical association with such contaminant exposures exists; and

(B) there exist plausible biological mechanisms or other evidence of a causal relationship between contaminant exposures and the birth defect or disease.

(3) SCOPE OF REVIEW.—In conducting the review and evaluation, the Academy shall include a review and evaluation of—

(A) the toxicologic and epidemiologic literature on adverse health effects of trichloroethylene and tetrachloroethylene, including epidemiologic and risk assessment reports from government agencies;

(B) recent literature reviews by the National Research Council, Institute of Medicine, and other groups;

(C) the completed and on-going Agency for Toxic Substances Disease Registry (ATSDR) studies on potential trichloroethylene and tetrachloroethylene exposure at Camp Lejeune; and

(D) published meta-analyses.

(4) PEER REVIEW.—The Academy shall obtain the peer review of the report prepared as a result of the review and evaluation under applicable Academy procedures.

(5) SUBMITTAL.—The Academy shall submit the report prepared as a result of the review and evaluation to the Secretary and Congress not later than 18 months after entering into the agreement for the review and evaluation under paragraph (1).

(b) NOTICE ON EXPOSURE.—

(1) NOTICE REQUIRED.—Upon completion of the current epidemiological study by the Agency for Toxic Substances Disease Registry, known as the Exposure to Volatile Organic Compounds in Drinking Water and Specific Birth Defects and Childhood Cancers, United States Marine Corps Base Camp Lejeune, North Carolina, the Commandant of the Marine Corps shall take appropriate actions, including the use of national media such as newspapers, television, and the Internet, to notify former Camp Lejeune residents and employees who may have been exposed to drinking water impacted by trichloroethylene and tetrachloroethylene of the results of the study.

(2) ELEMENTS.—The information provided by the Commandant of the Marine Corps under paragraph (1) shall be prepared in conjunction with the Agency for Toxic Substances Disease Registry and shall include a description of sources of additional information relating to such exposure, including, but not be limited to, the following:

(A) A description of the events resulting in exposure to contaminated drinking water at Camp Lejeune.

(B) A description of the duration and extent of the contamination of drinking water at Camp Lejeune.

(C) The known and suspected health effects of exposure to the drinking water impacted by trichloroethylene and tetrachloroethylene at Camp Lejeune.

SA 4350. Mr. WARNER proposed an amendment 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; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 903. UNITED STATES MARINE BAND AND UNITED STATES MARINE DRUM AND BUGLE CORPS.

(a) IN GENERAL.—Section 6222 of title 10, United States Code, is amended to read as follows:

''§ 6222. United States Marine Band; United States Marine Drum and Bugle Corps: composition; appointment and promotion of members

''(a) UNITED STATES MARINE BAND.—The band of the Marine Corps shall be composed of one director, two assistant directors, and other personnel in such numbers and grades as the Secretary of the Navy determines to be necessary.

''(b) UNITED STATES MARINE DRUM AND BUGLE CORPS.—The drum and bugle corps of the Marine Corps shall be composed of one commanding officer and other personnel in such numbers and grades as the Secretary of the Navy determines to be necessary.

''(c) APPOINTMENT AND PROMOTION.—(1) The Secretary of the Navy shall prescribe regulations for the appointment and promotion of members of the Marine Band and members of the Marine Drum and Bugle Corps.

''(2) The President may from time to time appoint members of the Marine Band and members of the Marine Drum and Bugle Corps to grades not above the grade of captain. The authority of the President to make appointments under this paragraph may be delegated only to the Secretary of Defense.

''(3) The President, by and with the advice and consent of the Senate, may from time to time appoint any member of the Marine Band or of the Marine Drum and Bugle Corps to a grade above the grade of captain.

''(d) RETIREMENT.—Unless otherwise entitled to higher retired grade and retired pay, a member of the Marine Band or Marine Drum and Bugle Corps who holds, or has

held, an appointment under this section is entitled, when retired, to be retired in, and with retired pay based on, the highest grade held under this section in which the Secretary of the Navy determines that such member served satisfactorily.

''(e) REVOCATION OF APPOINTMENT.—The Secretary of the Navy may revoke any appointment of a member of the Marine Band or Marine Drum and Bugle Corps. When a member's appointment to a commissioned grade terminates under this subsection, such member is entitled, at the option of such member—

''(1) to be discharged from the Marine Corps; or

''(2) to revert to the grade and status such member held at the time of appointment under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 565 of such title is amended by striking the item relating to section 6222 and inserting the following new item:

''6222. United States Marine Band; United States Marine Drum and Bugle Corps: composition; appointment and promotion of members.''.

SA 4351. Mr. LEVIN (for Mr. AKAKA (for himself, Ms. COLLINS, Mr. GRASSLEY, Mr. DURBIN, Mr. LEVIN, and Mr. LIEBERMAN)) proposed an amendment 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; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Employee Protection of Disclosures Act''.

(b) CLARIFICATION OF DISCLOSURES COVERED.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking ''which the employee or applicant reasonably believes evidences'' and inserting '', without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, that the employee or applicant reasonably believes is evidence of''; and

(B) in clause (i), by striking ''a violation'' and inserting ''any violation'';

(2) in subparagraph (B)—

(A) by striking ''which the employee or applicant reasonably believes evidences'' and inserting '', without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, of information that the employee or applicant reasonably believes is evidence of''; and

(B) in clause (i), by striking ''a violation'' and inserting ''any violation (other than a violation of this section)''; and

(3) by adding at the end the following:

''(C) any disclosure that—

''(i) is made by an employee or applicant of information required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs that the employee or applicant reasonably believes is direct and specific evidence of—

''(I) any violation of any law, rule, or regulation;

''(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

''(III) a false statement to Congress on an issue of material fact; and

''(ii) is made to—

''(I) a member of a committee of Congress having a primary responsibility for oversight of a department, agency, or element of the Federal Government to which the disclosed information relates and who is authorized to receive information of the type disclosed;

''(II) any other Member of Congress who is authorized to receive information of the type disclosed; or

''(III) an employee of Congress who has the appropriate security clearance and is authorized to receive information of the type disclosed.''.

(c) COVERED DISCLOSURES.—Section 2302(a)(2) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking ''and'' at the end;

(2) in subparagraph (C)(iii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) 'disclosure' means a formal or informal communication or transmission, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee providing the disclosure reasonably believes that the disclosure evidences—

''(i) any violation of any law, rule, or regulation; or

''(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.''.

(d) REBUTTABLE PRESUMPTION.—Section 2302(b) of title 5, United States Code, is amended by amending the matter following paragraph (12) to read as follows:

''This subsection shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information to Congress, except that an employee or applicant may be disciplined for the disclosure of information described in paragraph (8)(C)(i) to a Member or employee of Congress who is not authorized to receive such information. For purposes of paragraph (8), any presumption relating to the performance of a duty by an employee who has authority to take, direct others to take, recommend, or approve any personnel action may be rebutted by substantial evidence. For purposes of paragraph (8), a determination as to whether an employee or applicant reasonably believes that they have disclosed information that evidences any violation of law, rule, regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety shall be made by determining whether a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the employee could reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.''.

(e) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS; SECURITY CLEARANCES; AND RETALIATORY INVESTIGATIONS.—

(1) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (x), by striking ''and'' after the semicolon; and

(B) by redesignating clause (xi) as clause (xiv) and inserting after clause (x) the following:

''(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement;

''(xii) a suspension, revocation, or other determination relating to a security clearance or any other access determination by a covered agency;

''(xiii) an investigation, other than any ministerial or nondiscretionary fact finding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section; and''

(2) PROHIBITED PERSONNEL PRACTICE.—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking ''or'' at the end;

(B) in paragraph (12), by striking the period and inserting a semicolon; and

(C) by inserting after paragraph (12) the following:

''(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: 'These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling'; or

''(14) conduct, or cause to be conducted, an investigation, other than any ministerial or nondiscretionary fact finding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section.''.

(3) BOARD AND COURT REVIEW OF ACTIONS RELATING TO SECURITY CLEARANCES.—

(A) IN GENERAL.—Chapter 77 of title 5, United States Code, is amended by inserting after section 7702 the following:

''§ 7702a. Actions relating to security clearances

''(a) In any appeal relating to the suspension, revocation, or other determination relating to a security clearance or access determination, the Merit Systems Protection Board or any reviewing court—

''(1) shall determine whether paragraph (8) or (9) of section 2302(b) was violated;

''(2) may not order the President or the designee of the President to restore a security clearance or otherwise reverse a determination of clearance status or reverse an access determination; and

''(3) subject to paragraph (2), may issue declaratory relief and any other appropriate relief.

''(b)(1) If, in any final judgment, the Board or court declares that any suspension, revocation, or other determination with regard to a security clearance or access determination was made in violation of paragraph (8)

or (9) of section 2302(b), the affected agency shall conduct a review of that suspension, revocation, access determination, or other determination, giving great weight to the Board or court judgment.

''(2) Not later than 30 days after any Board or court judgment declaring that a security clearance suspension, revocation, access determination, or other determination was made in violation of paragraph (8) or (9) of section 2302(b), the affected agency shall issue an unclassified report to the congressional committees of jurisdiction (with a classified annex if necessary), detailing the circumstances of the agency's security clearance suspension, revocation, other determination, or access determination. A report under this paragraph shall include any proposed agency action with regard to the security clearance or access determination.

''(c) An allegation that a security clearance or access determination was revoked or suspended in retaliation for a protected disclosure shall receive expedited review by the Office of Special Counsel, the Merit Systems Protection Board, and any reviewing court.

''(d) For purposes of this section, corrective action may not be ordered if the agency demonstrates by a preponderance of the evidence that it would have taken the same personnel action in the absence of such disclosure.''.

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 77 of title 5, United States Code, is amended by inserting after the item relating to section 7702 the following:

''7702a. Actions relating to security clearances.''.

(f) EXCLUSION OF AGENCIES BY THE PRESIDENT.—Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

''(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Security Agency; and

''(II) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, if the determination (as that determination relates to a personnel action) is made before that personnel action; or''.

(g) ATTORNEY FEES.—Section 1204(m)(1) of title 5, United States Code, is amended by striking ''agency involved'' and inserting ''agency where the prevailing party is employed or has applied for employment''.

(h) DISCIPLINARY ACTION.—Section 1215(a)(3) of title 5, United States Code, is amended to read as follows:

''(3)(A) A final order of the Board may impose—

''(i) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

''(ii) an assessment of a civil penalty not to exceed $1,000; or

''(iii) any combination of disciplinary actions described under clause (i) and an assessment described under clause (ii).

''(B) In any case in which the Board finds that an employee has committed a prohibited personnel practice under paragraph (8) or (9) of section 2302(b), the Board shall impose disciplinary action if the Board finds that the activity protected under paragraph (8) or (9) of section 2302(b) was a significant motivating factor, even if other factors also motivated the decision, for the employee's decision to take, fail to take, or threaten to take or fail to take a personnel action, unless that employee demonstrates, by preponderance of evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.''.

(i) SPECIAL COUNSEL AMICUS CURIAE APPEARANCE.—Section 1212 of title 5, United States Code, is amended by adding at the end the following:

''(h)(1) The Special Counsel is authorized to appear as amicus curiae in any action brought in a court of the United States related to any civil action brought in connection with section 2302(b) (8) or (9), or subchapter III of chapter 73, or as otherwise authorized by law. In any such action, the Special Counsel is authorized to present the views of the Special Counsel with respect to compliance with section 2302(b) (8) or (9) or subchapter III of chapter 73 and the impact court decisions would have on the enforcement of such provisions of law.

''(2) A court of the United States shall grant the application of the Special Counsel to appear in any such action for the purposes described in subsection (a).''.

(j) JUDICIAL REVIEW.—

(1) IN GENERAL.—Section 7703(b)(1) of title 5, United States Code, is amended to read as follows:

''(b)(1)(A) Except as provided in subparagraph (B) and paragraph (2), a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review must be filed within 60 days after the date the petitioner received notice of the final order or decision of the Board.

''(B) During the 5-year period beginning on the effective date of the Federal Employee Protection of Disclosures Act, a petition to review a final order or final decision of the Board in a case alleging a violation of paragraph (8) or (9) of section 2302(b) shall be filed in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2).''.

(2) REVIEW OBTAINED BY OFFICE OF PERSONNEL MANAGEMENT.—Section 7703(d) of title 5, United States Code, is amended to read as follows:

''(d)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

''(2) During the 5-year period beginning on the effective date of the Federal Employee Protection of Disclosures Act, this paragraph shall apply to any review relating to paragraph (8) or (9) of section 2302(b) obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2) if the Director determines, in his discretion, that the Board erred in interpreting paragraph (8) or (9) of section 2302(b). If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.''.

(k) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.—

(1) IN GENERAL.—

(A) REQUIREMENT.—Each agreement in Standard Forms 312 and 4414 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.''.

(B) ENFORCEABILITY.—Any nondisclosure policy, form, or agreement described under subparagraph (A) that does not contain the statement required under subparagraph (A) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.

(2) PERSONS OTHER THAN GOVERNMENT EMPLOYEES.—Notwithstanding paragraph (1), a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

(l) CLARIFICATION OF WHISTLEBLOWER RIGHTS FOR CRITICAL INFRASTRUCTURE INFORMATION.—Section 214(c) of the Homeland Security Act of 2002 (6 U.S.C. 133(c)) is amended by adding at the end the following: ''For purposes of this section a permissible use of independently obtained information includes the disclosure of such information under section 2302(b)(8) of title 5, United States Code.''.

(m) ADVISING EMPLOYEES OF RIGHTS.—Section 2302(c) of title 5, United States Code, is amended by inserting '', including how to make a lawful disclosure of information that is specifically required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs to the Special Counsel, the Inspector General of an agency, Congress, or other agency employee designated to receive such disclosures'' after ''chapter 12 of this title''.

(n) SCOPE OF DUE PROCESS.—

(1) SPECIAL COUNSEL.—Section 1214(b)(4)(B)(ii) of title 5, United States Code, is amended by inserting '', after a finding that a protected disclosure was a contributing factor,'' after ''ordered if''.

(2) INDIVIDUAL ACTION.—Section 1221(e)(2) of title 5, United States Code, is amended by inserting '', after a finding that a protected disclosure was a contributing factor,'' after ''ordered if''.

(o) EFFECTIVE DATE.—This Act shall take effect 30 days after the date of enactment of this Act.

SA 4352. Mr. WARNER (for Mr. ENSIGN) proposed an amendment 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; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1044. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—(1) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to annual training duty under section 502(a) of title 32, United States Code, to carry out in any State along the Southern land border of the United States the activities authorized in subsection (b) for the purpose of securing such border. Such duty shall not exceed 21 days in any year.

(2) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform duty under section 502(f) of title 32, United States Code, to provide command, control, and continuity of support for units and personnel performing annual training duty under paragraph (1).

(b) AUTHORIZED ACTIVITIES.—The activities authorized by this subsection are the following:

(1) Ground surveillance activities.

(2) Airborne surveillance activities.

(3) Logistical support.

(4) Provision of translation services and training.

(5) Provision of administrative support services.

(6) Provision of technical training services.

(7) Provision of emergency medical assistance and services.

(8) Provision of communications services.

(9) Rescue of aliens in peril.

(10) Construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States.

(11) Ground and air transportation.

(c) COOPERATIVE AGREEMENTS.—Units and personnel of the National Guard of a State may perform activities in another State under subsection (a) only pursuant to the terms of an emergency management assistance compact or other cooperative arrangement entered into between the Governors of such States for purposes of this section, and only with the approval of the Secretary of Defense.

(d) COORDINATION OF ASSISTANCE.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the performance of activities under this section by units and personnel of the National Guard.

(e) ANNUAL TRAINING.—Annual training duty performed by members of the National Guard under this section shall be appropriate for the units and individual members concerned, taking into account the types of units and military occupational specialties of individual members performing such duty.

(f) PROHIBITION ON DIRECT PARTICIPATION IN LAW ENFORCEMENT.—Activities carried out under this section shall not include the direct participation of a member of the National Guard in a search, seizure, arrest, or similar activity.

(g) DURATION OF AUTHORITY.—The authority of this section shall expire on January 1, 2009.

(h) DEFINITIONS.—In this section:

(1) The term ''Governor of a State'' means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

(2) The term ''State'' means each of the several States and the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(3) The term ''State along the southern land border of the United States'' means each of the following:

(A) The State of Arizona.

(B) The State of California.

(C) The State of New Mexico.

(D) The State of Texas.

SA 4353. Mr. LEVIN (for Mr. AKAKA) proposed an amendment 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; as follows:

At the end of subtitle A of title VIII, add the following:

SEC. 812. GOVERNMENT PERFORMANCE OF CRITICAL ACQUISITION FUNCTIONS.

(a) GOVERNMENT PERFORMANCE OF FUNCTIONS.—

(1) IN GENERAL.—Section 2383 of title 10, United States Code is amended—

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

(B) by inserting after subsection (a) the following new subsection (b):

''(b) GOVERNMENT PERFORMANCE OF CRITICAL ACQUISITION FUNCTIONS.—The head of an agency shall ensure that, at a minimum, for each major defense acquisition program and each major automated information system program, each of the following positions is performed by a properly qualified full-time Federal military or civilian employee:

''(1) Program manager.

''(2) Deputy program manager.

''(3) Chief engineer.

''(4) Systems engineer.

''(5) Cost estimator.

(2) DEFINITIONAL MATTERS.—Subsection (c) of such section, as redesignated by paragraph (1)(A) of this subsection, is further amended by adding at the end the following new paragraphs:

''(5) The term 'major defense acquisition program' has the meaning given such term in section 2430(a) of this title.

''(6) The term 'major automated information system program' has the meaning given such term in section 2445a(a) of this title.''.

(b) EFFECTIVE DATE AND PHASE-IN.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is one year after the date of enactment of this Act.

(2) TEMPORARY WAVER.—During the two years period beginning on the effective date specified in paragraph (1), the head of an agency may waive the requirement in subsection (b) of section 2383 of title 10, United States Code, as amended by subsection (a) of this section, with regard to a specific function on a particular program upon a written determination by the head of the agency that a properly qualified full-time Federal military or civilian employee cannot reasonably be made available to perform such function.

SA 4354. Mr. WARNER (for Mr. ENSIGN) proposed an amendment 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; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1066. REPORT ON TECHNOLOGIES FOR NEUTRALIZING OR DEFEATING THREATS TO MILITARY ROTARY WING AIRCRAFT FROM PORTABLE AIR DEFENSE SYSTEMS AND ROCKET PROPELLED GRENADES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on technologies for neutralizing or defeating threats to military rotary wing aircraft posed by portable air defense systems and rocket propelled grenades that are being researched, developed, employed, or considered by the United States Government or the North Atlantic Treaty Organization.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) an assessment of the expected value and utility of the technologies, particularly with respect to—

(A) the saving of lives;

(B) the ability to reduce the vulnerability of aircraft; and

(C) the enhancement of the ability of aircraft and their crews to accomplish assigned missions;

(2) an assessment of the potential costs of developing and deploying such technologies;

(3) a description of efforts undertaken to develop such technologies, including—

(A) non-lethal counter measures;

(B) lasers and other systems designed to dazzle, impede, or obscure threatening weapon or their users;

(C) direct fire response systems;

(D) directed energy weapons; and

(E) passive and active systems; and

(4) a description of any impediments to the development of such technologies, such as

legal restrictions under the law of war, treaty restrictions under the Protocol on Blinding Lasers, and political obstacles such as the reluctance of other allied countries to pursue such technologies.

SA 4355. Mr. WARNER (for himself and Mr. LEVIN) 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; as follows:

On page 380, line 18, strike ''$3,750,000,000'' and insert ''$5,000,000,000''.

SA 4356. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment 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; as follows:

Strike section 1002 and insert the following:

SEC. 1002. AUTHORIZATION OF ADDITIONAL EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2006.

(a) IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON TERROR.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title I of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

(b) HURRICANE DISASTER RELIEF AND RECOVERY.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.

(c) BORDER SECURITY.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title V of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.

SA 4357. Mr. LEVIN (for Mr. MENENDEZ (for himself and Mr. BINGAMAN)) proposed an amendment 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; as follows:

At the end of subtitle B of title XXVIII, add the following:

SEC. 2828. USE OF RENEWABLE ENERGY TO MEET ELECTRICITY NEEDS.

It shall be the goal of the Department of Defense to ensure that the Department—

(1) produces or procures not less than 25 percent of the total quantity of electric energy it consumes within its facilities and in its activities during fiscal year 2025 and each fiscal year thereafter from renewable energy sources (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)); and

(2) produces or procures such renewable energy when it is life-cycle cost effective to do so (as defined in section 708 of Executive Order 13123 (42 U.S.C. 8251 note; relating to greening the Government through efficient energy management)).

SA 4358. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment 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; as follows:

On page 463, beginning on line 8, strike ''paragraph (1) in fiscal year 2007 for the expenses and costs'' and insert ''paragraph (1)(A) in fiscal year 2007 for the expenses''.

SA 4359. Mr. LEVIN (for Mr. BINGAMAN (for himself and Mr. MENENDEZ)) proposed an amendment 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; as follows:

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON ACTIONS TO REDUCE DEPARTMENT OF DEFENSE CONSUMPTION OF PETROLEUM-BASED FUEL.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the actions taken, and to be taken, by the Department of Defense to reduce the consumption by the Department of petroleum-based fuel.

(b) ELEMENTS.—The report shall include the status of implementation by the Department of the requirements of the following:

(1) The Energy Policy Act of 2005 (Public Law 109–58).

(2) The Energy Policy Act of 1992. (Public Law 102–486)

(3) Executive Order 13123.

(4) Executive Order 13149.

(5) Any other law, regulation, or directive relating to the consumption by the Department of petroleum-based fuel.

SA 4360. Mr. WARNER proposed an amendment 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; as follows:

At the end of part II of subtitle A of title V, add the following:

SEC. 521. REPORT ON JOINT OFFICER PROMOTION BOARDS.

(a) REPORT REQUIRED.—Not later than June 1, 2007, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and House of Representatives a report on the desirability and feasibility of conducting joint officer promotion selection boards.

(b) ELEMENTS.—The report under subsection (a) shall include—

(1) a discussion of the limitations in existing officer career paths and promotion procedures that might warrant the conduct of joint officer promotion selection boards;

(2) an identification of the requirements for officers for which joint officer promotion selection boards would be advantageous;

(3) recommendations on methods to demonstrate how joint officer promotion selection boards might be structured, and an evaluation of the feasibility of such methods; and

(4) any proposals for legislative action that the Secretary considers appropriate.

SA 4361. Mrs. CLINTON submitted an amendment intended to be proposed by her 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 A of title XII, add the following:

SEC. 1209. REPORTS ON IMPLEMENTATION OF THE DARFUR PEACE AGREEMENT.

(a) REQUIREMENT FOR REPORTS.—Not later than 30 days after the date of the enactment of this Act, and every 60 days thereafter until the date that the President submits the certification described in subsection (b), the President shall submit to Congress a report on the implementation of the Darfur Peace Agreement of May 5, 2006, and the situation in Darfur, Sudan. Each such report shall include—

(1) a description of the steps being taken by the Government of Sudan, the Sudan Liberation Movement/Army (SLM/A), and other parties to the Agreement to uphold their commitments to—

(A) demobilize and disarm the Janjaweed, as stated in paragraphs 214(F), 338, 339, 340, 366, 387, and 368 of the Agreement;

(B) provide secure, unfettered access for humanitarian personnel and supplies, as stated in paragraph 214(E) of the Agreement;

(C) ensure that foreign combatants respect the provisions of the Agreement, as stated in paragraphs 341 through 344 of the Agreement; and

(D) expedite the safe and voluntary return of internally-displaced persons and refugees to their places of origin, as stated in paragraphs 182 through 187 of the Agreement;

(2) a description of any violation of the Agreement and any delay in implementing

the Agreement, including any such violation or delay that compromises the safety of civilians, and the names of the individuals or entities responsible for such violation or delay;

(3) a description of any attacks against civilians and any activities that disrupt implementation of the Agreement by armed persons who are not a party to the Agreement; and

(4) a description of the ability of the Ceasefire Commission, the African Union Mission in Sudan, and the other organizations identified in the Agreement to monitor the implementation of the Agreement, and a description of any obstruction to such monitoring.

(b) CERTIFICATION.—The certification described in this subsection is a certification made by the President and submitted to Congress that the Government of Sudan has fulfilled its obligations under the Darfur Peace Agreement of May 5, 2006, to demobilize and disarm the Janjaweed and to protect civilians.

(c) FORM AND AVAILABILITY OF REPORTS.—

(1) FORM.—A report submitted under this section shall be in an unclassified form and may include a classified annex.

(2) AVAILABILITY.—The President shall make the unclassified portion of a reported submitted under this section available to the public.

SA 4362. Mrs. LANDRIEU submitted an amendment intended to be proposed by her 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 B of title III, add the following:

SEC. 315. INDIVIDUAL FIRST AID KIT.

Of the amount authorized to be appropriated by section 301(8) for operation and maintenance for the Marine Corps Reserve, $3,500,000 may be available for the Individual First Aid Kit (IFAK).

SA 4363. Mrs. LANDRIEU submitted an amendment intended to be proposed by her 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 B of title III, add the following:

SEC. 315. INFANTRY COMBAT EQUIPMENT.

Of the amount authorized to be appropriated by section 301(8) for operation and maintenance for the Marine Corps Reserve, $5,850,000 may be available for Infantry Combat Equipment (ICE).

SA 4364. Mr. DURBIN 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 B of title XXVIII, add the following:

SEC. 2828. NAMING OF NAVY AND MARINE CORPS RESERVE CENTER AT ROCK ISLAND, ILLINOIS, IN HONOR OF LANE EVANS, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

(a) FINDINGS.—Congress makes the following findings:

(1) Representative Lane Evans was elected to the House of Representatives in 1982 and is now in his 12th term representing the people of Illinois' 17th Congressional district.

(2) As a member of the Committee on Armed Services of the House of Representatives, Representative Evans has worked to bring common sense priorities to defense spending and strengthen the military's conventional readiness.

(3) Representative Evans has been a tireless advocate for military veterans, ensuring that veterans receive the medical care they need and advocating for individuals suffering from post-traumatic stress disorder and Gulf War Syndrome.

(4) Representative Evans' efforts to improve the transition of individuals from military service to the care of the Department of Veterans Affairs will continue to benefit generations of veterans long into the future.

(5) Representative Evans is credited with bringing new services to veterans living in his Congressional district, including outpatient clinics in the Quad Cities and Quincy and the Quad-Cities Vet Center.

(6) Representative Evans has worked with local leaders to promote the Rock Island Arsenal and has seen it win new jobs and missions through his support.

(7) In honor of his service in the Marine Corps and to his district and the United States, it is fitting and proper that the Navy and Marine Corps Reserve Center at Rock Island Arsenal be named in honor of Representative Evans.

(b) DESIGNATION.—The Navy and Marine Corps Reserve Center at Rock Island Arsenal, Illinois, shall be known and designated as the ''Lane Evans Navy and Marine Corps Reserve Center''. Any reference in a law, map, regulation, document, paper, or other record of the United States to the Navy and Marine Corps Reserve Center at Rock Island Arsenal shall be deemed to be a reference to the Lane Evans Navy and Marine Corps Reserve Center.

SA 4365. Mr. CHAMBLISS (for himself, Mr. GRAHAM, Mrs. CLINTON, and Mr. BURNS) 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 D of title VI, add the following:

SEC. 648. COMMENCEMENT OF RECEIPT OF NON-REGULAR SERVICE RETIRED PAY BY MEMBERS OF THE READY RESERVE ON ACTIVE FEDERAL STATUS OR ACTIVE DUTY FOR SIGNIFICANT PERIODS.

(a) REDUCED ELIGIBILITY AGE.—Section 12731 of title 10, United States Code, is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

''(1) has attained the eligibility age applicable under subsection (f) to that person;''; and

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

''(f)(1) Subject to paragraph (2), the eligibility age for purposes of subsection (a)(1) is 60 years of age.

''(2)(A) In the case of a person who as a member of the Ready Reserve serves on active duty or performs active service described in subparagraph (B) after September 11, 2001, the eligibility age for purposes of subsection (a)(1) shall be reduced below 60 years of age by three months for each aggregate of 90 days on which such person so performs in any fiscal year after such date, subject to subparagraph (C). A day of duty may be included in only one aggregate of 90 days for purposes of this subparagraph.

''(B)(i) Service on active duty described in this subparagraph is service on active duty pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of this title or under section 12301(d) of this title. Such service does not include service on active duty pursuant to a call or order to active duty under section 12310 of this title.

''(ii) Active service described in this subparagraph is service under a call to active service authorized by the President or the Secretary of Defense under section 502(f) of title 32 for purposes of responding to a national emergency declared by the President or supported by Federal funds.

''(C) The eligibility age for purposes of subsection (a)(1) may not be reduced below 50 years of age for any person under subparagraph (A).''.

(b) CONTINUATION OF AGE 60 AS MINIMUM AGE FOR ELIGIBILITY OF NON-REGULAR SERVICE RETIREES FOR HEALTH CARE.—Section 1074(b) of such title is amended—

(1) by inserting ''(1)'' after ''(b)''; and

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

''(2) Paragraph (1) does not apply to a member or former member entitled to retired pay for non-regular service under chapter 1223 of this title who is under 60 years of age.''.

(c) ADMINISTRATION OF RELATED PROVISIONS OF LAW OR POLICY.—With respect to any provision of law, or of any policy, regulation, or directive of the executive branch that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age a reference to having attained the eligibility age applicable under subsection (f) of section 12731 of title 10, United States Code (as added by subsection (a)), to such member or former member for qualification for such retired pay under subsection (a) of such section.

(d) EFFECTIVE DATE AND APPLICABILITY.—The amendment made by subsection (a) shall take effect as of September 11, 2001, and shall apply with respect to applications for retired pay that are submitted under section 12731(a) of title 10, United States Code, on or after the date of the enactment of this Act.

At the end of subtitle A of title VII, add the following:

SEC. 707. EXPANSION OF ELIGIBILITY OF MEMBERS OF THE SELECTED RESERVE FOR COVERAGE UNDER TRICARE.

(a) IN GENERAL.—Subsection (a) of section 1076b of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; or''; and

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

''(4) is an employee of a business with 20 or fewer employees.''.

(b) PREMIUMS.—Subsection (e)(2) of such section is amended by adding at the end the following new subparagraph:

''(C) For members eligible under paragraph (4) of subsection (a), the amount equal to 75 percent of the total amount determined by the Secretary on an appropriate actuarial basis as being reasonable for the coverage.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006.

SA 4366. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2677, 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 B of title IX, add the following:

SEC. 913. INDEPENDENT REVIEW AND ASSESSMENT OF DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT FOR NATIONAL SECURITY IN SPACE.

(a) INDEPENDENT REVIEW AND ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall provide for an independent review and assessment of the organization and management of the Department of Defense for national security in space.

(2) CONDUCT OF REVIEW.—The review and assessment shall be conducted by an appropriate entity outside the Department of Defense selected by the Secretary for purposes of this section.

(3) ELEMENTS.—The review and assessment shall address the following:

(A) The requirements of the Department of Defense for national security space capabilities, as identified by the Department, and the efforts of the Department to fulfill such requirements.

(B) The future space missions of the Department, and the plans of the Department to meet the future space missions.

(C) The actions that could be taken by the Department to modify the organization and management of the Department over the near-term, medium-term, and long-term in order to strengthen United States national security in space, and the ability of the Department to implement its requirements and carry out the future space missions, including the following:

(i) Actions to exploit existing and planned military space assets to provide support for United States military operations.

(ii) Actions to improve or enhance current interagency coordination processes regarding the operation of national security space assets, including improvements or enhancements in interoperability and communications.

(iii) Actions to improve or enhance the relationship between the intelligence aspects of national security space (so-called ''black space'') and the non-intelligence aspects of national security space (so-called ''white space'').

(iv) Actions to improve or enhance the manner in which military space issues are addressed by professional military education institutions.

(4) LIAISON.—The Secretary shall designate at least one senior civilian employee of the Department of Defense, and at least one general or flag officer of an Armed Force, to serve as liaison between the Department, the Armed Forces, and the entity conducting the review and assessment.

(b) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the entity conducting the review and assessment shall submit to the Secretary and the congressional defense committees a report on the review and assessment.

(2) ELEMENTS.—The report shall include—

(A) the results of the review and assessment; and

(B) recommendations on the best means by which the Department may improve its organization and management for national security in space.

SA 4367. Mr. OBAMA (for himself and Mr. BOND) 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 F of title V, add the following:

SEC. 587. ASSESSMENT OF PROVISION OF ELECTRONIC COPY OF MILITARY RECORDS ON DISCHARGE OR RELEASE OF MEMBERS FROM THE ARMED FORCES.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of providing an electronic copy of military records to members of the Armed Forces on their discharge or release from the Armed Forces.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An estimate of the costs of the provision of military records as described in paragraph (1).

(B) An assessment of providing military records as described in that paragraph through the distribution of a portable, readily accessible medium (such as a computer disk or other similar medium) containing such records.

(C) A description and assessment of the mechanisms required to ensure the privacy of members of the Armed Forces in providing military records as described in that paragraph.

(D) An assessment of the benefits to the members of the Armed Forces of receiving their military records as described in that paragraph.

(E) If the Secretary determines that providing military records to members of the Armed Forces as described in that paragraph is feasible and advisable, a plan (including a schedule) for providing such records to members of the Armed Forces as so described in order to ensure that each member of the Armed Forces is provided such records upon discharge or release from the Armed Forces.

(F) Any other matter to relating to the provision of military records as described in that paragraph that the Secretary considers appropriate.

(b) PILOT PROGRAM.—

(1) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of providing an electronic copy of military records to members of the Armed Forces on their discharge or release from the Armed Forces.

(2) LOCATION.—The Secretary shall carry out the pilot program at two locations, of which—

(A) one shall be a military installation at which members of the Armed Forces are processed for separation from active duty in the Armed Forces; and

(B) one shall be a military installation at which members of the reserve components of the Armed Forces are processed for release from active duty following deployment on active duty in support of Operation Iraqi Freedom or Operation Enduring Freedom.

(3) PROVISION OF MILITARY RECORDS.—Under the pilot program, the Secretary shall provide an electronic copy of such member's military records to each member of the Armed Forces undergoing separation from the Armed Forces, or release from active duty in the Armed Forces, at a location of the pilot program under paragraph (2) during the period of the pilot program.

(4) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the pilot program.

(c) MILITARY RECORDS DEFINED.—In this section, the term ''military records'', with respect to a member of the Armed Forces, includes all military service records, military medical records, and other military records of the member of the armed Forces.

SA 4368. Mr. NELSON of Florida (for himself and Mr. MARTINEZ) 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 C of title X, add the following:

SEC. 1024. OPERATION BAHAMAS, TURKS & CAICOS.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1982 the United States Government created Operation Bahamas, Turks & Caicos (OPBAT) to counter the smuggling of cocaine into the United States.

(2) According to the Drug Enforcement Agency, an estimated 80 percent of the cocaine entering the United States in the 1980s came through the Bahamas, whereas, according to the Office of National Drug Control Policy, only an estimated 10 percent comes through the Bahamas today.

(3) According to the Drug Enforcement Agency, more than 80,000 kilograms of cocaine and nearly 700,000 pounds of marijuana have been seized in Operation Bahamas, Turks & Caicos since 1986, with a combined street value of approximately two trillion dollars.

(4) The Army has provided military airlift to law enforcement officials under Operation Bahamas, Turks & Caicos to create an effective, reliable, and immediate response capability for drug interdiction. This support is largely responsible for the decline in cocaine shipments to the United States through the Bahamas.

(5) The Bahamas is an island nation composed of approximately 700 islands and keys, which makes aviation assets the best and most efficient method of transporting law enforcement agents and interdicting smugglers.

(6) It is in the interest of the United States to maintain the results of the successful Operation Bahamas, Turks & Caicos program and prevent drug smugglers from rebuilding their operations through the Bahamas.

(b) REPORT ON UNITED STATES GOVERNMENT SUPPORT FOR OPBAT.—

(1) REPORT ON DECISION TO WITHDRAW.—Not later than 30 days before implementing a decision to withdraw Department of Defense helicopters from Operation Bahamas, Turks & Caicos, the Secretary of Defense shall submit to the Congress a report outlining the plan for the coordination of the Operation Bahamas, Turks & Caicos mission, at the same level of effectiveness, using other United States Government assets.

(2) CONSULTATION.—The Secretary of Defense shall consult with the Secretary of State, the Attorney General, and the Secretary of Homeland Security, and with other appropriate officials of the United States Government, in preparing the report under paragraph (1).

(3) ELEMENTS.—The report under paragraph (1) on the withdrawal of equipment referred to in that paragraph shall include the following:

(A) An explanation of the military justification for the withdrawal of the equipment.

(B) An assessment of the availability of other options (including other Government helicopters) to provide the capability being provided by the equipment to be withdrawn.

(C) An explanation of how each option specified under subparagraph (B) will provide the capability currently provided by the equipment to be withdrawn.

(D) An assessment of the potential use of unmanned aerial vehicles in Operation Bahamas, Turks & Caicos, including the capabilities of such vehicles and any advantages or disadvantages associated with the use of such vehicles in that operation, and a recommendation on whether or not to deploy such vehicles in that operation.

SA 4369. Mr. JEFFORDS 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:

On page 555, strike line 1 and all that follows through ''Secretary'' on line 13 and insert the following: ''(B) The Secretary''.

SA 4370. Mr. COBURN 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 A of title X, add the following:

SEC. 1008. REPORTS TO CONGRESS AND NOTICE TO PUBLIC ON EARMARKS IN FUNDS AVAILABLE TO THE DEPARTMENT OF DEFENSE.

(a) ANNUAL REPORT AND NOTICE REQUIRED.—The Secretary of Defense shall submit to Congress, and post on the Internet website of the Department of Defense available to the public, each year information as follows:

(1) A description of each earmark of funds made available to the Department of Defense for the previous fiscal year, including the location (by city, State, country, and congressional district if relevant) in which the earmarked funds are to be utilized, the purpose of such earmark (if known), and the recipient of such earmark.

(2) The total cost of administering each such earmark including the amount of such earmark, staff time, administrative expenses, and other costs.

(3) The total cost of administering all such earmarks.

(4) An assessment of the utility of each such earmark in meeting the goals of the Department, set forth using a rating system as follows:

(A) A for an earmark that directly advances the primary goals of the Department or an agency, element, or component of the Department.

(B) B for an earmark that advances many of the primary goals of the Department or an agency, element, or component of the Department.

(C) C for an earmark that may advance some of the primary goals of the Department or an agency, element, or component of the Department.

(D) D for an earmark that cannot be demonstrated as being cost-effective in advancing the primary goals of the Department or any agency, element, or component of the Department.

(E) F for an earmark that distracts from or otherwise impedes that capacity of the Department to meet the primary goals of the Department.

(b) EARMARK DEFINED.—In this section, the term ''earmark'' means a provision of law, or a directive contained within a joint explanatory statement or report accompanying a conference report or bill (as applicable), that specifies the identity of an entity, program, project, or service, including a defense system, to receive assistance not requested by the President and the amount of the assistance to be so received.

SA 4371. Mr. COBURN 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:

On page 345, line 2, strike ''poor'' and insert ''below-satisfactory performance or performance that does not meet the basic requirements of the contract''.

SA 4372. Mr. COBURN 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 G of title X, add the following:

SEC. 1066. FISCAL INTEGRITY OF TRAVEL PAYMENTS.

Not later than November 15, 2006, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a report including—

(1) risk assessments performed by the Department of Defense on payments made by the Department for travel, as required under section 2 of the Improper Payments Information Act of 2002 (Public Law 107–300; 31 U.S.C. 3321 note); and

(2) a justification detailing the methodology used to determine the risk susceptibility of making improper payments in activities related to Department of Defense travel during fiscal year 2005, including—

(A) an explanation of how the Department used a statistically valid estimate to determine travel payments for fiscal year 2005 in accordance with guidance in Office of Management and Budget Memorandum 30–13 issued pursuant to the Improper Payments Information Act of 2002 (Public Law 107–300; 31 U.S.C. 3321 note); and

(B) a declaration of whether or not activities related to such travel payments were determined to be at significant risk of making improper payments for such fiscal year.

SA 4373. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. None of the funds appropriated by this Act may be obligated or expended for the further development, deployment, or operation of any web-based, end-to-end travel management system, or services under any contract for such travel services that provides for payment by the Department of Defense to the service provider above, or in addition to, a fixed price transaction fee for eTravel services under the General Services Administration eTravel contract.

SA 4374. Ms. CANTWELL (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her 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 C of title VII, add the following:

SEC. 746. STUDY OF HEALTH EFFECTS OF EXPOSURE TO DEPLETED URANIUM.

(a) STUDY.—The Secretary of Defense, in consultation with the Secretary for Veterans Affairs and the Secretary of Health and Human Services, shall conduct a comprehensive study of the health effects of exposure to depleted uranium munitions on uranium-exposed soldiers and on children of uranium-exposed soldiers who were born after the exposure of the uranium-exposed soldiers to depleted uranium.

(b) URANIUM-EXPOSED SOLDIERS.—In this section, the term ''uranium-exposed soldiers'' means a member or former member of

the Armed Forces who handled, came in contact with, or had the likelihood of contact with depleted uranium munitions while on active duty, including members and former members who—

(1) were exposed to smoke from fires resulting from the burning of vehicles containing depleted uranium munitions or fires at depots at which depleted uranium munitions were stored;

(2) worked within environments containing depleted uranium dust or residues from depleted uranium munitions;

(3) were within a structure or vehicle while it was struck by a depleted uranium munition;

(4) climbed on or entered equipment or structures struck by a depleted uranium munition; or

(5) were medical personnel who provided initial treatment to members of the Armed Forces described in paragraph (1), (2), (3), or (4).

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Defense shall submit a report to Congress on the results of the study described in subsection (a).

SA 4375. Ms. LANDRIEU submitted an amendment intended to be proposed by her 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 A of title X add the following:

SEC. 1008. MODIFICATION OF AVAILABILITY OF CERTAIN FUNDS FOR THE DEPARTMENT OF DEFENSE TO ADDRESS HURRICANES IN THE GULF OF MEXICO IN 2005.

(a) RESERVE PERSONNEL, ARMY.—Chapter 2 of title I of the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (division B of Public Law 109–148) is amended under the heading ''RESERVE PERSONNEL, ARMY'' by striking ''September 30, 2006'' and inserting ''September 30, 2007''.

(b) OPERATION AND MAINTENANCE, ARMY RESERVE.—Chapter 2 of title I of the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 is amended under the heading ''OPERATION AND MAINTENANCE, ARMY RESERVE'' by striking ''September 30, 2006'' and inserting ''September 30, 2007''.

SA 4376. Mr. ENZI proposed an amendment 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; as follows:

At the end, add the following new Division:

DIVISION D—OTHER PROVISIONS

TITLE XXXXI—ASSISTANCE FOR WORKERS AND SMALL BUSINESSES

Subtitle A—Minimum Wage Adjustment

SEC. 4101. MINIMUM WAGE.

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than—

''(A) $5.70 an hour, beginning 6 months after the date of enactment of the National Defense Authorization Act for Fiscal Year 2007; and

''(B) $6.25 an hour, beginning 18 months after such date of enactment;''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 6 months after the date of enactment of this Act.

Subtitle B—Workplace Flexibility

SEC. 4111. SHORT TITLE.

This subtitle may be cited as the ''Workplace Flexibility Act''.

SEC. 4112. BIWEEKLY WORK PROGRAMS.

(a) IN GENERAL.—The Fair Labor Standards Act of 1938 is amended by inserting after section 13 (29 U.S.C. 213) the following:

''SEC. 13A. BIWEEKLY WORK PROGRAMS.

''(a) VOLUNTARY PARTICIPATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no employee may be required to participate in a program described in this section. Participation in a program described in this section may not be a condition of employment.

''(2) COLLECTIVE BARGAINING AGREEMENT.—In a case in which a valid collective bargaining agreement exists between an employer and the labor organization that has been certified or recognized as the representative of the employees of the employer under applicable law, an employee may only be required to participate in such a program in accordance with the agreement.

''(b) BIWEEKLY WORK PROGRAMS.—

''(1) IN GENERAL.—Notwithstanding section 7, an employer may establish biweekly work programs that allow the use of a biweekly work schedule—

''(A) that consists of a basic work requirement of not more than 80 hours, over a 2-week period; and

''(B) in which more than 40 hours of the work requirement may occur in a week of the period, except that no more than 10 hours may be shifted between the 2 weeks involved.

''(2) CONDITIONS.—An employer may carry out a biweekly work program described in paragraph (1) for employees only pursuant to the following:

''(A) AGREEMENT.—The program may be carried out only in accordance with—

''(i) applicable provisions of a collective bargaining agreement between the employer and the labor organization that has been certified or recognized as the representative of the employees under applicable law; or

''(ii) in the case of an employee who is not represented by a labor organization described in clause (i), a written agreement arrived at between the employer and employee before the performance of the work involved if the agreement was entered into knowingly and voluntarily by such employee and was not a condition of employment.

''(B) STATEMENT.—The program shall apply to an employee described in subparagraph (A)(ii) if such employee has affirmed, in a written statement that is made, kept, and preserved in accordance with section 11(c), that the employee has chosen to participate in the program.

''(C) MINIMUM SERVICE.—No employee may participate, or agree to participate, in the program unless the employee has been employed for at least 12 months by the employer, and for at least 1,250 hours of service with the employer during the previous 12-month period.

''(3) COMPENSATION FOR HOURS IN SCHEDULE.—Notwithstanding section 7, in the case of an employee participating in such a biweekly work program, the employee shall be compensated for each hour in such a biweekly work schedule at a rate not less than the regular rate at which the employee is employed.

''(4) COMPUTATION OF OVERTIME.—All hours worked by the employee in excess of such a biweekly work schedule or in excess of 80 hours in the 2-week period, that are requested in advance by the employer, shall be overtime hours.

''(5) OVERTIME COMPENSATION PROVISION.—The employee shall be compensated for each such overtime hour at a rate not less than one and one-half times the regular rate at which the employee is employed, in accordance with section 7(a)(1), or receive compensatory time off in accordance with section 7(r) for each such overtime hour.

''(6) DISCONTINUANCE OF PROGRAM OR WITHDRAWAL.—

''(A) DISCONTINUANCE OF PROGRAM.—An employer that has established a biweekly work program under paragraph (1) may discontinue the program for employees described in paragraph (2)(A)(ii) after providing 30 days' written notice to the employees who are subject to an agreement described in paragraph (2)(A)(ii).

''(B) WITHDRAWAL.—An employee may withdraw an agreement described in paragraph (2)(A)(ii) at the end of any 2-week period described in paragraph (1)(A), by submitting a written notice of withdrawal to the employer of the employee.

''(c) PROHIBITION OF COERCION.—

''(1) IN GENERAL.—An employer shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any employee for the purpose of interfering with the rights of the employee under this section to elect or not to elect to work a biweekly work schedule.

''(2) DEFINITION.—In paragraph (1), the term 'intimidate, threaten, or coerce' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

''(d) DEFINITIONS.—In this section:

''(1) BASIC WORK REQUIREMENT.—The term 'basic work requirement' means the number of hours, excluding overtime hours, that an employee is required to work or is required to account for by leave or otherwise.

''(2) COLLECTIVE BARGAINING.—The term 'collective bargaining' means the performance of the mutual obligation of the representative of an employer and the labor organization that has been certified or recognized as the representative of the employees of the employer under applicable law to meet at reasonable times and to consult and bargain in a good-faith effort to reach agreement with respect to the conditions of employment affecting such employees and to execute, if requested by either party, a written document incorporating any collective bargaining agreement reached, but the obligation referred to in this paragraph shall not compel either party to agree to a proposal or to make a concession.

''(3) COLLECTIVE BARGAINING AGREEMENT.—The term 'collective bargaining agreement' means an agreement entered into as a result of collective bargaining.

''(4) ELECTION.—The term 'at the election of', used with respect to an employee, means at the initiative of, and at the request of, the employee.

''(5) EMPLOYEE.—The term 'employee' means an individual—

''(A) who is an employee (as defined in section 3);

''(B) who is not an employee of a public agency; and

''(C) to whom section 7(a) applies.

''(6) EMPLOYER.—The term 'employer' does not include a public agency.

''(7) OVERTIME HOURS.—The term 'overtime hours' when used with respect to biweekly work programs under subsection (b), means all hours worked in excess of the biweekly work schedule involved or in excess of 80 hours in the 2-week period involved, that are requested in advance by an employer.

''(8) REGULAR RATE.—The term 'regular rate' has the meaning given the term in section 7(e).''.

(b) REMEDIES.—

(1) PROHIBITIONS.—Section 15(a)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)(3)) is amended—

(A) by inserting ''(A)'' after ''(3)'';

(B) by adding ''or'' after the semicolon; and

(C) by adding at the end the following:

''(B) to violate any of the provisions of section 13A;''.

(2) REMEDIES AND SANCTIONS.—Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended—

(A) in subsection (c)—

(i) in the first sentence—

(I) by inserting after ''7 of this Act'' the following: '', or of the appropriate legal or monetary equitable relief owing to any employee or employees under section 13A''; and

(II) by striking ''wages or unpaid overtime compensation and'' and inserting ''wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, and'';

(ii) in the second sentence, by striking ''wages or overtime compensation and'' and inserting ''wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, and''; and

(iii) in the third sentence—

(I) by inserting after ''first sentence of such subsection'' the following: '', or the second sentence of such subsection in the event of a violation of section 13A,''; and

(II) by striking ''wages or unpaid overtime compensation under sections 6 and 7 or'' and inserting ''wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, or''; and

(B) in subsection (e)—

(i) in the second sentence, by striking ''section 6 or 7'' and inserting ''section 6, 7, or 13A''; and

(ii) in the fourth sentence, in paragraph (3), by striking ''15(a)(4) or'' and inserting ''15(a)(4), a violation of section 15(a)(3)(B), or''.

(c) NOTICE TO EMPLOYEES.—Not later than 30 days after the date of enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations contained in section 516.4 of title 29, Code of Federal Regulations, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) to employees so that the notice reflects the amendments made to the Act by this section.

SEC. 4113. CONGRESSIONAL COVERAGE.

Section 203 of the Congressional Accountability Act of 1995 (2 U.S.C. 1313) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''and section 12(c)'' and inserting ''section 12(c), and section 13A''; and

(B) by striking paragraph (3);

(2) in subsection (b)—

(A) by striking ''The remedy'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the remedy''; and

(B) by adding at the end the following:

''(2) BIWEEKLY WORK PROGRAMS AND FLEXIBLE CREDIT HOURS PROGRAMS.—The remedy for a violation of subsection (a) relating to the requirements of section 13A of the Fair Labor Standards Act of 1938 shall be such remedy as would be appropriate if awarded under sections 16 and 17 of such Act (29 U.S.C. 216, 217) for such a violation.''; and

(3) in subsection (c), by striking paragraph (4).

SEC. 4114. TERMINATION.

The authority provided by this subtitle and the amendments made by this subtitle terminates 5 years after the date of enactment of this Act.

Subtitle C—Small Business Fair Labor Standards Act Exemption

SEC. 4121. ENHANCED SMALL BUSINESS EXEMPTION.

(a) IN GENERAL.—Section 3(s)(1)(A)(ii) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(s)(1)(A)(ii)) is amended by striking ''$500,000'' and inserting ''$1,000,000''.

(b) EFFECT OF AMENDMENT.—The amendment made by subsection (a) shall not apply in any State that does not have in effect, or that does not subsequently enact after the date of enactment of the National Defense Authorization Act for Fiscal Year 2007, legislation applying minimum wage and hours of work protections to workers covered by the Fair Labor Standards Act of 1938 as of the day before such date of enactment.

SEC. 4122. SCOPE OF EMPLOYMENT.

Section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)), in the matter preceding paragraph (1), and section 7(a)(1) of such Act (29 U.S.C. 207(a)(1)), are amended by striking ''who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce,'' and inserting ''who in any workweek is engaged in industrial homework subject to section 11(d) and engaged in commerce or in the production of goods for commerce, or who in any workweek is employed in an enterprise engaged in commerce or in the production of goods for commerce,''.

Subtitle D—Small Business Paperwork Reduction

SEC. 4131. SMALL BUSINESS PAPERWORK REDUCTION.

(a) IN GENERAL.—Section 3506 of title 44, United States Code (commonly referred to as the ''Paperwork Reduction Act''), is amended by adding at the end the following:

''(j)(1) In the case of a first-time violation by a small business concern of a requirement regarding the collection of information by an agency, the head of such agency shall provide that no civil fine shall be imposed on the small business concern unless, based on the particular facts and circumstances regarding the violation—

''(A) the head of the agency determines that the violation has the potential to cause serious harm to the public interest;

''(B) the head of the agency determines that failure to impose a civil fine would impede or interfere with the detection of criminal activity;

''(C) the violation is a violation of an internal revenue law or a law concerning the assessment or collection of any tax, debt, revenue, or receipt;

''(D) the violation is not corrected on or before the date that is 6 months after the date of receipt by the small business concern of notification of the violation in writing from the agency; or

''(E) except as provided in paragraph (2), the head of the agency determines that the violation presents a danger to the public health or safety.

''(2)(A) In any case in which the head of an agency determines under paragraph (1)(E) that a violation presents a danger to the public health or safety, the head of the agency may, notwithstanding paragraph (1)(E), determine that a civil fine should not be imposed on the small business concern if the violation is corrected within 24 hours of receipt of notice in writing by the small business concern of the violation.

''(B) In determining whether to provide a small business concern with 24 hours to correct a violation under subparagraph (A), the head of the agency shall take into account all of the facts and circumstances regarding the violation, including—

''(i) the nature and seriousness of the violation, including whether the violation is technical or inadvertent or involves willful or criminal conduct;

''(ii) whether the small business concern has made a good faith effort to comply with applicable laws, and to remedy the violation within the shortest practicable period of time; and

''(iii) whether the small business concern has obtained a significant economic benefit from the violation.

''(C) In any case in which the head of the agency imposes a civil fine on a small business concern for a violation with respect to which this paragraph applies and does not provide the small business concern with 24 hours to correct the violation, the head of the agency shall notify Congress regarding such determination not later than 60 days after the date that the civil fine is imposed by the agency.

''(3) With respect to any agency, this subsection shall not apply to any violation by a small business concern of a requirement regarding collection of information by such agency if such small business concern previously violated any requirement regarding collection of information by such agency.

''(4) In determining if a violation is a first-time violation for purposes of this subsection, the head of an agency shall not take into account any violation of a requirement regarding collection of information by another agency.

''(5) Notwithstanding any other provision of law, no State may impose a civil penalty on a small business concern, in the case of a first-time violation by the small-business concern of a requirement regarding collection of information under Federal law, in a manner inconsistent with the provisions of this subsection.

''(6) For purposes of this subsection, the term 'small business concern' means a business concern that meets the requirements of section 3(a) of the Small Business Act (15 U.S.C. 632(a)) and the regulations promulgated pursuant to such section.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any violation occurring on or after January 1, 2006.

Subtitle E—Small Business Regulatory Relief

SEC. 4141. ENHANCED COMPLIANCE ASSISTANCE FOR SMALL BUSINESSES.

(a) IN GENERAL.—Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by striking subsection (a) and inserting the following:

''(a) COMPLIANCE GUIDE.—

''(1) IN GENERAL.—For each rule for which an agency head does not make a certification under section 605(b) of title 5, United States Code, the agency shall publish 1 or more guides to assist small entities in complying with the rule, and shall entitle such publications 'small entity compliance guides'.

''(2) PUBLICATION OF GUIDES.—The publication of each guide under this subsection shall include—

''(A) the posting of the guide in an easily identified location on the website of the agency; and

''(B) distribution of the guide to known industry contacts, such as small entities, associations, or industry leaders affected by the rule.

''(3) PUBLICATION DATE.—An agency shall publish each guide (including the posting and distribution of the guide as described under paragraph (2))—

''(A) on the same date as the date of publication of the final rule (or as soon as possible after that date); and

''(B) not later than the date on which the requirements of that rule become effective.

''(4) COMPLIANCE ACTIONS.—

''(A) IN GENERAL.—Each guide shall explain the actions a small entity is required to take to comply with a rule.

''(B) EXPLANATION.—The explanation under subparagraph (A)—

''(i) shall include a description of actions needed to meet requirements to enable a small entity to know when such requirements are met; and

''(ii) if determined appropriate by the agency, may include a description of possible procedures, such as conducting tests, that assist a small entity in meeting such requirements.

''(C) PROCEDURES.—Procedures described under subparagraph (B)(ii)—

''(i) shall be suggestions to assist small entities; and

''(ii) shall not be additional requirements relating to the rule.

''(5) AGENCY PREPARATION OF GUIDES.—The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities, and may cooperate with associations of small entities to develop and distribute such guides. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 211(3) of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by inserting ''and entitled'' after ''designated''.

Subtitle F—Minimum Wage Tip Credit

SEC. 4151. TIPPED WAGE FAIRNESS.

Section 3(m) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)) is amended—

(1) in paragraph (2), by inserting before the period the following: '': *Provided*, That the tips shall not be included as part of the wage paid to an employee to the extent that they are excluded therefrom under the terms of a bona fide collective bargaining agreement applicable to the particular employee'';

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by striking the subsection designation and inserting ''(m)(1)''; and

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

''(2) Notwithstanding any other provision of this Act, any State or political subdivision of a State which on and after the date of enactment of the National Defense Authorization Act for Fiscal Year 2007 excludes all of a tipped employee's tips from being considered as wages in determining if such tipped employee has been paid the applicable minimum wage rate, may not establish or enforce the minimum wage rate provisions of such law, ordinance, regulation, or order in such State or political subdivision thereof with respect to tipped employees unless such law, ordinance, regulation, or order is revised or amended to permit such employee to be paid a wage by the employee's employer in an amount not less than an amount equal to—

''(A) the cash wage paid such employee which is required under such law, ordinance, regulation, or order on the date of enactment of such Act; and

''(B) an additional amount on account of tips received by such employee which amount is equal to the difference between such cash wage and the minimum wage rate in effect under such law, ordinance, regulation, or order or the minimum wage rate in effect under section 6, whichever is higher.''.

Subtitle G—Small Business Tax Relief

SEC. 4160. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

CHAPTER 1—PROVISIONS RELATING TO ECONOMIC STIMULUS FOR SMALL BUSINESSES

SEC. 4161. EXTENSION OF INCREASED EXPENSING FOR SMALL BUSINESSES.

(a) IN GENERAL.—Section 179 (relating to election to expense certain depreciable business assets) is amended by striking ''2010'' each place it appears and inserting ''2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 4162. CLARIFICATION OF CASH ACCOUNTING RULES FOR SMALL BUSINESS.

(a) CASH ACCOUNTING PERMITTED.—Section 446 (relating to general rule for methods of accounting) is amended by adding at the end the following new subsection:

''(g) CERTAIN SMALL BUSINESS TAXPAYERS PERMITTED TO USE CASH ACCOUNTING METHOD WITHOUT LIMITATION.—

''(1) IN GENERAL.—An eligible taxpayer shall not be required to use an accrual method of accounting for any taxable year.

''(2) ELIGIBLE TAXPAYER.—For purposes of this subsection—

''(A) IN GENERAL.—A taxpayer is an eligible taxpayer with respect to any taxable year if—

''(i) for all prior taxable years beginning after December 31, 2004, the taxpayer (or any predecessor) met the gross receipts test of subparagraph (B), and

''(ii) the taxpayer is not subject to section 447 or 448.

''(B) GROSS RECEIPTS TEST.—A taxpayer meets the gross receipts test of this subparagraph for any prior taxable year if the average annual gross receipts of the taxpayer for the 3-taxable-year period ending with such prior taxable year does not exceed $10,000,000. The rules of paragraphs (2) and (3) of section 448(c) shall apply for purposes of the preceding sentence.

''(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2007, the dollar amount contained in subparagraph (B) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2006' for 'calendar year 1992' in subparagraph (B) thereof. If any amount as adjusted under this subparagraph is not a multiple of $100,000, such amount shall be rounded to the nearest multiple of $100,000.''.

(b) CLARIFICATION OF INVENTORY RULES FOR SMALL BUSINESS.—Section 471 (relating to general rule for inventories) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

''(c) SMALL BUSINESS TAXPAYERS NOT REQUIRED TO USE INVENTORIES.—

''(1) IN GENERAL.—An eligible taxpayer shall not be required to use inventories under this section for a taxable year.

''(2) TREATMENT OF TAXPAYERS NOT USING INVENTORIES.—If an eligible taxpayer does not use inventories with respect to any property for any taxable year beginning after December 31, 2005, such property shall be treated as a material or supply which is not incidental.

''(3) ELIGIBLE TAXPAYER.—For purposes of this subsection, the term 'eligible taxpayer' has the meaning given such term by section 446(g)(2).''.

(c) EFFECTIVE DATE AND SPECIAL RULES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer changing the taxpayer's method of accounting for any taxable year under the amendments made by this section—

(A) such change shall be treated as initiated by the taxpayer;

(B) such change shall be treated as made with the consent of the Secretary of the Treasury; and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 taxable years) beginning with such taxable year.

SEC. 4163. EXTENSION AND EXPANSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED RESTAURANT IMPROVEMENTS.

(a) EXTENSION.—

(1) IN GENERAL.—Section 168(e)(3)(E)(v) is amended by striking ''2006'' and inserting ''2007''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after December 31, 2005.

(b) MODIFICATION OF TREATMENT OF QUALIFIED RESTAURANT PROPERTY AS 15-YEAR PROPERTY FOR PURPOSES OF DEPRECIATION DEDUCTION.—

(1) TREATMENT TO INCLUDE NEW CONSTRUCTION.—Paragraph (7) of section 168(e) (relating to classification of property) is amended to read as follows:

''(7) QUALIFIED RESTAURANT PROPERTY.—The term 'qualified restaurant property' means any section 1250 property which is a building or an improvement to a building if more than 50 percent of the building's square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to any property placed in service after the date of the enactment of this Act.

CHAPTER 2—REVENUE PROVISIONS

SEC. 4171. FRIVOLOUS TAX SUBMISSIONS.

(a) CIVIL PENALTIES.—Section 6702 is amended to read as follows:

''SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

''(a) CIVIL PENALTY FOR FRIVOLOUS TAX RETURNS.—A person shall pay a penalty of $5,000 if—

''(1) such person files what purports to be a return of a tax imposed by this title but which—

''(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

''(B) contains information that on its face indicates that the self-assessment is substantially incorrect, and

''(2) the conduct referred to in paragraph (1)—

''(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

''(B) reflects a desire to delay or impede the administration of Federal tax laws.

''(b) CIVIL PENALTY FOR SPECIFIED FRIVOLOUS SUBMISSIONS.—

''(1) IMPOSITION OF PENALTY.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

''(2) SPECIFIED FRIVOLOUS SUBMISSION.—For purposes of this section—

''(A) SPECIFIED FRIVOLOUS SUBMISSION.—The term 'specified frivolous submission' means a specified submission if any portion of such submission—

''(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

''(ii) reflects a desire to delay or impede the administration of Federal tax laws.

''(B) SPECIFIED SUBMISSION.—The term 'specified submission' means—

''(i) a request for a hearing under—

''(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

''(II) section 6330 (relating to notice and opportunity for hearing before levy), and

''(ii) an application under—

''(I) section 6159 (relating to agreements for payment of tax liability in installments),

''(II) section 7122 (relating to compromises), or

''(III) section 7811 (relating to taxpayer assistance orders).

''(3) OPPORTUNITY TO WITHDRAW SUBMISSION.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

''(c) LISTING OF FRIVOLOUS POSITIONS.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

''(d) REDUCTION OF PENALTY.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

''(e) PENALTIES IN ADDITION TO OTHER PENALTIES.—The penalties imposed by this section shall be in addition to any other penalty provided by law.''.

(b) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS BEFORE LEVY.—

(1) FRIVOLOUS REQUESTS DISREGARDED.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

''(g) FRIVOLOUS REQUESTS FOR HEARING, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.''.

(2) PRECLUSION FROM RAISING FRIVOLOUS ISSUES AT HEARING.—Section 6330(c)(4) is amended—

(A) by striking ''(A)'' and inserting ''(A)(i)'';

(B) by striking ''(B)'' and inserting ''(ii)'';

(C) by striking the period at the end of the first sentence and inserting ''; or''; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

''(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A).''.

(3) STATEMENT OF GROUNDS.—Section 6330(b)(1) is amended by striking ''under subsection (a)(3)(B)'' and inserting ''in writing under subsection (a)(3)(B) and states the grounds for the requested hearing''.

(c) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS UPON FILING OF NOTICE OF LIEN.—Section 6320 is amended—

(1) in subsection (b)(1), by striking ''under subsection (a)(3)(B)'' and inserting ''in writing under subsection (a)(3)(B) and states the grounds for the requested hearing'', and

(2) in subsection (c), by striking ''and (e)'' and inserting ''(e), and (g)''.

(d) TREATMENT OF FRIVOLOUS APPLICATIONS FOR OFFERS-IN-COMPROMISE AND INSTALLMENT AGREEMENTS.—Section 7122 is amended by adding at the end the following new subsection:

''(e) FRIVOLOUS SUBMISSIONS, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.''.

(e) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

''Sec. 6702. Frivolous tax submissions.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 4172. INCREASE IN CRIMINAL MONETARY PENALTY LIMITATION FOR THE UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.

(a) IN GENERAL.—Section 7206 (relating to fraud and false statements) is amended—

(1) by striking ''Any person who—'' and inserting ''(a) IN GENERAL.—Any person who'' and

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

''(b) INCREASE IN MONETARY LIMITATION FOR UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.—If any portion of any underpayment (as defined in section 6664(a)) or overpayment (as defined in section 6401(a)) of tax required to be shown on a return is attributable to fraudulent action described in subsection (a), the applicable dollar amount under subsection (a) shall in no event be less than an amount equal to such portion. A rule similar to the rule under section 6663(b) shall apply for purposes of determining the portion so attributable.''.

(b) INCREASE IN PENALTIES.—

(1) ATTEMPT TO EVADE OR DEFEAT TAX.—Section 7201 is amended—

(A) by striking ''$100,000'' and inserting ''$500,000'',

(B) by striking ''$500,000'' and inserting ''$1,000,000'', and

(C) by striking ''5 years'' and inserting ''10 years''.

(2) WILLFUL FAILURE TO FILE RETURN, SUPPLY INFORMATION, OR PAY TAX.—Section 7203 is amended—

(A) in the first sentence—

(i) by striking ''Any person'' and inserting the following:

''(a) IN GENERAL.—Any person'', and

(ii) by striking ''$25,000'' and inserting ''$50,000'',

(B) in the third sentence, by striking ''section'' and inserting ''subsection'', and

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

''(b) AGGRAVATED FAILURE TO FILE.—

''(1) IN GENERAL.—In the case of any failure described in paragraph (2), the first sentence of subsection (a) shall be applied by substituting—

''(A) 'felony' for 'misdemeanor',

''(B) '$500,000 ($1,000,000' for '$25,000 ($100,000', and

''(C) '10 years' for '1 year'.

''(2) FAILURE DESCRIBED.—A failure described in this paragraph is a failure to make a return described in subsection (a) for a period of 3 or more consecutive taxable years.''.

(3) FRAUD AND FALSE STATEMENTS.—Section 7206(a) (as redesignated by subsection (a)) is amended—

(A) by striking ''$100,000'' and inserting ''$500,000'',

(B) by striking ''$500,000'' and inserting ''$1,000,000'', and

(C) by striking ''3 years'' and inserting ''5 years''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions, and failures to act, occurring after the date of the enactment of this Act.

SEC. 4173. TAX TREATMENT OF INVERTED ENTITIES.

(a) IN GENERAL.—Section 7874 is amended—

(1) by striking ''March 4, 2003'' in subsection (a)(2)(B)(i) and in the matter following subsection (a)(2)(B)(iii) and inserting ''March 20, 2002'',

(2) by striking ''at least 60 percent'' in subsection (a)(2)(B)(ii) and inserting ''more than 50 percent'',

(3) by striking ''80 percent'' in subsection (b) and inserting ''at least 80 percent'',

(4) by striking ''60 percent'' in subsection (b) and inserting ''more than 50 percent'',

(5) by adding at the end of subsection (a)(2) the following new sentence: ''Except as provided in regulations, an acquisition of properties of a domestic corporation shall not be treated as described in subparagraph (B) if none of the corporation's stock was readily tradeable on an established securities market at any time during the 4-year period ending on the date of the acquisition.'', and

(6) by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) SPECIAL RULES APPLICABLE TO EXPATRIATED ENTITIES.—

''(1) INCREASES IN ACCURACY-RELATED PENALTIES.—In the case of any underpayment of tax of an expatriated entity—

''(A) section 6662(a) shall be applied with respect to such underpayment by substituting '30 percent' for '20 percent', and

''(B) if such underpayment is attributable to one or more gross valuation understatements, the increase in the rate of penalty under section 6662(h) shall be to 50 percent rather than 40 percent.

''(2) MODIFICATIONS OF LIMITATION ON INTEREST DEDUCTION.—In the case of an expatriated entity, section 163(j) shall be applied—

''(A) without regard to paragraph (2)(A)(ii) thereof, and

''(B) by substituting '25 percent' for '50 percent' each place it appears in paragraph (2)(B) thereof.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after March 20, 2002.

SEC. 4174. REVISION OF TAX RULES ON EXPATRIATION OF INDIVIDUALS.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

''SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

''(a) GENERAL RULES.—For purposes of this subtitle—

''(1) MARK TO MARKET.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

''(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

''(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

''(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

''(3) EXCLUSION FOR CERTAIN GAIN.—

''(A) IN GENERAL.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

''(B) COST-OF-LIVING ADJUSTMENT.—

''(i) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2005, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2004' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

''(4) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

''(A) IN GENERAL.—If a covered expatriate elects the application of this paragraph—

''(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

''(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

''(B) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

''(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

''(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

''(iii) complies with such other requirements as the Secretary may prescribe.

''(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

''(b) ELECTION TO DEFER TAX.—

''(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

''(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

''(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

''(4) SECURITY.—

''(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

''(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

''(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

''(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

''(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

''(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

''(7) INTEREST.—For purposes of section 6601—

''(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

''(B) section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

''(c) COVERED EXPATRIATE.—For purposes of this section—

''(1) IN GENERAL.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

''(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

''(A) the individual—

''(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

''(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

''(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

''(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

''(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

''(1) EXEMPT PROPERTY.—This section shall not apply to the following:

''(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

''(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

''(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

''(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

''(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

''(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

''(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

''(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

''(D) APPLICABLE PLANS.—This paragraph shall apply to—

''(i) any qualified retirement plan (as defined in section 4974(c)),

''(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

''(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

''(e) DEFINITIONS.—For purposes of this section—

''(1) EXPATRIATE.—The term 'expatriate' means—

''(A) any United States citizen who relinquishes citizenship, and

''(B) any long-term resident of the United States who—

''(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

''(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

''(2) EXPATRIATION DATE.—The term 'expatriation date' means—

''(A) the date an individual relinquishes United States citizenship, or

''(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

''(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

''(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

''(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

''(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

''(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

''(4) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

''(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

''(A) the individual shall not be treated as having sold such interest,

''(B) such interest shall be treated as a separate share in the trust, and

''(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

''(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

''(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

''(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

''(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

''(i) paragraph (1) and subsection (a) shall not apply, and

''(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

''(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

''(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

''(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

''(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

''(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

''(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

''(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

''(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

''(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

''(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

''(E) TAX DEDUCTED AND WITHHELD.—

''(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

''(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

''(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

''(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

''(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

''(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

''(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

''(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

''(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

''(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

''(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

''(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

''(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

''(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

''(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

''(B) OTHER DETERMINATIONS.—For purposes of this section—

''(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

''(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

''(I) the methodology used to determine that taxpayer's trust interest under this section, and

''(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

''(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

''(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

''(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

''(h) IMPOSITION OF TENTATIVE TAX.—

''(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

''(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

''(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

''(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

''(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

''(1) IMPOSITION OF LIEN.—

''(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

''(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

''(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

''(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

''(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

''(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

''(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''.

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

''(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

''(1) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date. For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.

''(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

''(A) the gift, bequest, devise, or inheritance is—

''(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

''(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

''(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.''.

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

''(49) TERMINATION OF UNITED STATES CITIZENSHIP.—

''(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

''(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.''.

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

''(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation) is inadmissible.''.

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

''(21) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).''.

(B) SAFEGUARDS.—Section 6103(p)(4) (relating to safeguards) is amended by striking ''or (20)'' each place it appears and inserting ''(20), or (21)''.

(3) EFFECTIVE DATES.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

''(h) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after the date of the enactment of this subsection.''.

(2) Section 2107 is amended by adding at the end the following new subsection:

''(f) APPLICATION.—This section shall not apply to any expatriate subject to section 877A.''.

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

''(C) APPLICATION.—This paragraph shall not apply to any expatriate subject to section 877A.''.

(4) Section 6039G(a) is amended by inserting ''or 877A'' after ''section 877(b)''.

(5) The second sentence of section 6039G(d) is amended by inserting ''or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))'' after ''section 877(a))''.

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

''Sec. 877A. Tax responsibilities of expatriation.''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after the date of the enactment of this Act, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

SEC. 4175. DOUBLING OF CERTAIN PENALTIES, FINES, AND INTEREST ON UNDERPAYMENTS RELATED TO CERTAIN OFFSHORE FINANCIAL ARRANGEMENTS.

(a) DETERMINATION OF PENALTY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in the case of an applicable taxpayer—

(A) the determination as to whether any interest or applicable penalty is to be imposed with respect to any arrangement described in paragraph (2), or to any underpayment of Federal income tax attributable to items arising in connection with any such arrangement, shall be made without regard to the rules of subsections (b), (c), and (d) of section 6664 of the Internal Revenue Code of 1986, and

(B) if any such interest or applicable penalty is imposed, the amount of such interest or penalty shall be equal to twice that determined without regard to this section.

(2) APPLICABLE TAXPAYER.—For purposes of this subsection—

(A) IN GENERAL.—The term ''applicable taxpayer'' means a taxpayer which—

(i) has underreported its United States income tax liability with respect to any item which directly or indirectly involves—

(I) any financial arrangement which in any manner relies on the use of offshore payment mechanisms (including credit, debit, or charge cards) issued by banks or other entities in foreign jurisdictions, or

(II) any offshore financial arrangement (including any arrangement with foreign banks, financial institutions, corporations, partnerships, trusts, or other entities), and

(ii) has neither signed a closing agreement pursuant to the Voluntary Offshore Compliance Initiative established by the Department of the Treasury under Revenue Procedure 2003–11 nor voluntarily disclosed its participation in such arrangement by notifying the Internal Revenue Service of such arrangement prior to the issue being raised by the Internal Revenue Service during an examination.

(B) AUTHORITY TO WAIVE.—The Secretary of the Treasury or the Secretary's delegate may waive the application of paragraph (1) to any taxpayer if the Secretary or the Secretary's delegate determines that the use of such offshore payment mechanisms is incidental to the transaction and, in addition, in the case of a trade or business, such use is conducted in the ordinary course of the type of trade or business of the taxpayer.

(C) ISSUES RAISED.—For purposes of subparagraph (A)(ii), an item shall be treated as an issue raised during an examination if the individual examining the return—

(i) communicates to the taxpayer knowledge about the specific item, or

(ii) has made a request to the taxpayer for information and the taxpayer could not make a complete response to that request without giving the examiner knowledge of the specific item.

(b) APPLICABLE PENALTY.—For purposes of this section, the term ''applicable penalty'' means any penalty, addition to tax, or fine imposed under chapter 68 of the Internal Revenue Code of 1986.

(c) EFFECTIVE DATE.—The provisions of this section shall apply to interest, penalties, additions to tax, and fines with respect to any taxable year if, as of the date of the enactment of this Act, the assessment of any tax, penalty, or interest with respect to such taxable year is not prevented by the operation of any law or rule of law.

SEC. 4176. GRANT OF TREASURY REGULATORY AUTHORITY TO ADDRESS FOREIGN TAX CREDIT TRANSACTIONS INVOLVING INAPPROPRIATE SEPARATION OF FOREIGN TAXES FROM RELATED FOREIGN INCOME.

(a) IN GENERAL.—Section 901 (relating to taxes of foreign countries and of possessions of United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) REGULATIONS.—The Secretary may prescribe regulations disallowing a credit under subsection (a) for all or a portion of any foreign tax, or allocating a foreign tax among 2 or more persons, in cases where the foreign tax is imposed on any person in respect of income of another person or in other cases involving the inappropriate separation of the foreign tax from the related foreign income.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 4177. TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT INSTRUMENTS.

(a) IN GENERAL.—Section 1275(d) (relating to regulation authority) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary'', and

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

''(2) TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT.—

''(A) IN GENERAL.—In the case of a debt instrument which—

''(i) is convertible into stock of the issuing corporation, into stock or debt of a related party (within the meaning of section 267(b) or 707(b)(1)), or into cash or other property in an amount equal to the approximate value of such stock or debt, and

''(ii) provides for contingent payments,

any regulations which require original issue discount to be determined by reference to the comparable yield of a noncontingent fixed rate debt instrument shall be applied as requiring that such comparable yield be determined by reference to a noncontingent fixed rate debt instrument which is convertible into stock.

''(B) SPECIAL RULE.—For purposes of subparagraph (A), the comparable yield shall be determined without taking into account the yield resulting from the conversion of a debt instrument into stock.''.

(b) CROSS REFERENCE.—Section 163(e)(6) (relating to cross references) is amended by adding at the end the following:

''For the treatment of contingent payment convertible debt, see section 1275(d)(2).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to debt instruments issued on or after the date of the enactment of this Act.

SA 4377. Mrs. HUTCHISON submitted an amendment intended to be proposed by her 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 C of title IX, add the following:

SEC. 924. INCLUSION OF HOMELAND DEFENSE AND CIVIL SUPPORT MISSIONS OF THE NATIONAL GUARD AND RESERVES IN THE QUADRENNIAL DEFENSE REVIEW.

Section 118(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (15) as paragraph (16); and

(2) by inserting after paragraph (14) the following new paragraph (15):

''(15) The homeland defense mission and civil support missions of the active and reserve components of the armed forces, including the organization and capabilities required for the active and reserve components to discharge each such mission.''.

SA 4378. Mr. BINGAMAN 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 appropriate place, insert the following:

SEC. ___. REQUIREMENTS FOR CONTINUED DETENTION OR RELEASE OF INDIVIDUALS HELD AT GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—Except as provided in subsection (b), not later than 180 days after the date of the enactment of this Act, an alien who is detained by the Secretary of Defense at Guantanamo Bay, Cuba shall be—

(1) charged with a crime in a civilian or military court;

(2) repatriated to such alien's country of origin, unless there are substantial grounds to believe that the alien would be in danger of being subjected to torture in such country; or

(3) released to a country other than the alien's country of origin.

(b) REPORTING REGARDING FAILURE TO CHANGE OR RELEASE.—

(1) IN GENERAL.—With respect to any alien described in subsection (a) who is not charged, repatriated, or released within 180 days after the date of the enactment of this Act, the Secretary of Defense shall at that time, and every 180 days thereafter, submit to the appropriate committees of Congress a detailed report for each such alien that includes the following:

(A) The name and nationality of each alien being detained by the Secretary of Defense at Guantanamo Bay, Cuba.

(B) With respect to each alien—

(i) a detailed statement of why the alien has not been charged, repatriated, or released;

(ii) a statement of when the United States Government intends to charge, repatriate, or release the alien;

(iii) a description of the procedures to be employed by the United States Government to determine whether to charge, repatriate, or release the alien and a schedule for the employment of such procedures; and

(iv) if the Secretary of Defense has transferred or has plans to transfer the alien from the custody of the Secretary to another agency or department of the United States, a description of such transfer.

(2) FORM OF REPORTS.—Each report required by this subsection shall be submitted in an unclassified form to the maximum extent practicable and may include a classified annex, if necessary.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives.

(c) Nothing in this section shall be construed in any way as authorizing or permitting:

(1) military commissions presently constituted under the November 13, 2001 Order of the President; or

(2) the detention of individuals had at Guantanamo Bay, Cuba.

SA 4379. Mrs. MURRAY submitted an amendment intended to be proposed by her 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 D of title V, add the following:

SEC. 569. IMPROVEMENTS TO EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.

(a) INCREASE IN AMOUNT.—

(1) IN GENERAL.—Section 16131(b)(1) of title 10, United States Code, is amended—

(A) in subparagraph (A), by striking ''$251'' and inserting ''$362'';

(B) in subparagraph (B), by striking ''$188'' and inserting ''$272''; and

(C) in subparagraph (C), by striking ''$125'' and inserting ''$181''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2006, and shall apply with respect to educational assistance payable under chapter 1606 of title 10, United States Code, for months beginning on or after that date.

(3) PROHIBITION ON ADJUSTMENT FOR FISCAL YEAR 2007.—The adjustment required by section 16131(b)(2) of title 10, United States Code, for fiscal year 2007 shall not be made.

(b) DETERMINATION OF RATE OF ASSISTANCE FOR MEMBERS SUPPORTING CONTINGENCY AND OTHER OPERATIONS.—

(1) IN GENERAL.—Section 16162(c)(4) of title 10, United States Code, is amended—

(A) in subparagraph (A), by striking ''but less than one continuous year'' and inserting ''but less in aggregate than one year'';

(B) in subparagraph (B), by striking ''for one continuous year but less than two continuous years'' and inserting ''for more in aggregate than one year but less in aggregate than two years''; and

(C) in subparagraph (C), by striking ''for two continuous years or more'' and inserting ''in aggregate for two years or more''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2006, and shall apply with respect to educational assistance payable under chapter 1607 of title 10, United States Code, for months beginning on or after that date.

SA 4380. Mrs. MURRAY 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 F of title V, add the following:

SEC. 587. AGREEMENTS ON THE PROVISION OF SERVICES TO MEMBERS OF THE ARMED FORCES MAKING THE TRANSITION TO CIVILIAN LIFE.

(a) AGREEMENTS REQUIRED.—The Secretary of Defense shall seek to enter into memoranda of understanding, agreements, or other appropriate arrangements with the entities and organizations referred to in subsection (b) in order to coordinate the provision of services to members of the Armed Forces making the transition to civilian life, including members of the Armed Forces being separated, discharged, or released from the Armed Forces and members of the National Guard and Reserve returning to civilian life after deployment on active duty in the Armed Forces.

(b) ENTITIES AND ORGANIZATIONS.—The entities and organizations referred to in this section are the following:

(1) Elements of the Department of Defense responsible for providing services described in subsection (a).

(2) Elements of the Department of Veterans Affairs responsible for providing such services.

(3) Elements of the Department of Labor responsible for providing such services.

(4) Elements of other departments and agencies of the Federal Government responsible for providing such services.

(5) Appropriate State agencies, including veterans agencies, employment services agencies, and other agencies.

(6) Veterans service organizations.

(7) Any other public or private entities or organizations that provide such services as the Secretary considers appropriate for purposes of this section.

(c) ELEMENTS.—The memoranda of understanding, agreements, and arrangements entered into under subsection (a) shall seek to—

(1) establish and define requirements and responsibilities for the provision of services described in subsection (a);

(2) coordinate, facilitate, and enhance the provision of such services; and

(3) establish and define short-term and long-term goals and plans for the provision of such services.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, June 27, 2006, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony relating to implementation of the Energy Policy Act provisions on enhancing oil and gas production on Federal lands in the Rocky Mountain Region.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Dick Bouts at 202–224–7545 or Sara Zecher at 202–224–8276.

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. 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 Water and Power of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, June 28, 2006 at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 1812, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to provide for the conjunctive use of surface and ground water in Juab County, Utah; S. 1965, to authorize the Secretary of the Interior to convey certain buildings and lands of the Yakima Project, Washington, to the Yakima-Tieton Irrigation District; S. 2129, to authorize the Secretary of the Interior to convey certain land and improvements of the Gooding Division of the Minidoka Project, Idaho; S. 2470, to authorize early repayment of obligations to the Bureau of Reclamation within the A&B Irrigation District in the State of Idaho; S. 2502, to provide for the modification of an amendatory repayment contract between the Secretary of the Interior and the North Unit Irrigation District, and for other purposes; S. 3404, to bill to reauthorize the Mni Wiconi Rural Water Supply Project; H.R. 2383, to redesignate the facility of the Bureau of Reclamation located at 19550 Kelso Road in Byron, California, as the ''C.W. 'Bill' Jones Pumping Plant''; and H.R. 4204, to direct the Secretary of the Interior to transfer ownership of the American River Pump Station Project, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Nate Gentry at 202–224–2179 or Steve Waskiewicz at 202–228–6195.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. WARNER. 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 Tuesday June 20, 2006, at 10:30 a.m. in 328a, Senate Russell Office Building. The purpose of this committee hearing will be to examine the Rural Development Programs of the United States Department of Agriculture.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 20, 2006, at 10 a.m. to conduct a hearing on ''the reauthorization of the export-import bank.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session the Senate on June 20, 2006, at 2:30 p.m., to conduct a hearing on ''FHA: Issues for the Future.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, June 20, 2006, at 10 a.m., to consider the nomination of Paul A. Denett to be Administrator for Federal Procurement Policy, Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on ''The McCarran-Ferguson Act: Implications of Repealing the Insurers' Antitrust Exemption'' on Tuesday, June 20, 2006, at 9:30 a.m., in Dirksen Senate Office Building, room 226.

Witness list

Panel I: Hon. Marc Racicot, Former Governor of Montana, President, American Insurance Institute, Washington, DC; Elinor R. Hoffman, Assistant Attorney General, Antitrust Bureau, Office of the Attorney General for the State of New York, New York, NY; Michael McRaith, Illinois Director of Insurance, Chair, Broker Activities Task Force, National Association of Insurance Commissioners, Chicago, IL; Bob Hunter, Insurance Director, Consumer Federation of American, Washington, DC; Kevin Thompson, Senior Vice President, Insurance Services Office, Jersey City, NJ; Donald C. Klawiter, Chair, Section of Antitrust Law, American Bar Association, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 20, 2006, at 2:30 p.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCE MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Tuesday, June 20, 2006, at 2:30 p.m. for a field hearing regarding ''U.N. Headquarters Renovation: No Accountability Without Transparency.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, June 20, 2006, at 2:30 p.m.

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.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Joel Rubin of my staff be granted the privilege of the floor for the duration of the consideration of S. 2766, the Defense authorization legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that Sharon Hudson-Dean, a fellow in the office of Senator BILL NELSON of Florida, be granted the privilege of the floor during the Senate's consideration of the fiscal year 2007 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Zachary Schechter-Steinberg of my staff be granted floor privileges during the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent that John Rowe, a legislative intern in Senator GRASSLEY's office, have floor privileges from now until the Senate adjourns at the end of the week.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 109–10

Mr. SESSIONS. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on June 20, 2006, by the President of the United States:

Protocol III to 1949 Geneva Convention and an Amendment and Protocol to 1980 Conventional Weapons Convention (Treaty Document No. 109–10).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith: the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (the ''Geneva Protocol III''), adopted at Geneva on December 8, 2005, and signed by the United States on that date; the Amendment to Article 1 of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (the ''CCW Amendment''); and the CCW Protocol on Explosive Remnants of War (the ''CCW Protocol V''). I transmit, for the information of the Senate, the report of the Department of State concerning these treaties.

Geneva Protocol III. Geneva Protocol III creates a new distinctive emblem, a Red Crystal, in addition to and for the same purposes as the Red Cross and the Red Crescent emblems. The Red Crystal is a neutral emblem that can be employed by governments and national societies that face challenges using the existing emblems. In addition, Geneva Protocol III will pave the way for Magen David Adorn, Israel's national society, to achieve membership in the International Red Cross and Red Crescent Movement. Legislation implementing Geneva Protocol III will be submitted to the Congress separately.

CCW amendment. The amendment to Article 1 of the CCW, which was adopted at Geneva on December 21, 2001, eliminates the distinction between international and non-international armed conflict for the purposes of the rules governing the prohibitions and restrictions on the use of certain conventional weapons. It does not change the legal status of rebel or insurgent groups into that of protected or privileged belligerents.

CCW Protocol V. CCW Protocol V, which was adopted at Geneva on November 28, 2003, addresses the post-conflict threat generated by conventional munitions such as mortar shells, grenades, artillery rounds, and bombs that do not explode as intended or that are abandoned. CCW Protocol V provides for the marking, clearance, removal, and destruction of such remnants by the party in control of the territory in which the munitions are located.

Conclusion. I urge the Senate to give prompt and favorable consideration to each of these instruments and to give its advice and consent to their ratification. These treaties are in the interest of the United States, and their ratification would advance the longstanding and historic leadership of the United States in the law of armed conflict.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 19, 2006.*

COMMENDING THE CAROLINA HURRICANES

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 517 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 517) commending the Carolina Hurricanes for winning the 2006 National Hockey League Stanley Cup.

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.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 517) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 517

Whereas on June 19, 2006, the Carolina Hurricanes toppled the Edmonton Oilers in one of the most exciting National Hockey League (NHL) Finals in history by a score of 3-1 in the seventh and final game;

Whereas this is the first Stanley Cup for the Carolina Hurricanes;

Whereas the Hurricanes are the first professional sports team in North Carolina history to win a major sports championship;

Whereas the Hurricanes finished at the top of the Southeast Division of the Eastern Conference during the regular season with a record of 52-22-8;

Whereas the Hurricanes rallied from a 2-game deficit, winning 4 consecutive games to defeat the Montreal Canadians in the first round of the playoffs;

Whereas the Hurricanes rolled over the New Jersey Devils in the second round of the playoffs, winning the series in only 5 games;

Whereas the Hurricanes showed their desire to win a championship by defeating the Buffalo Sabres in the seventh game of the Eastern Conference Finals to advance to the Stanley Cup Finals;

Whereas in Game 1 of the Stanley Cup Finals the Hurricanes became only the sixth team in NHL Finals history to overcome a 3-goal deficit to win;

Whereas Cam Ward became the first rookie goaltender to win a Stanley Cup in 20 years, and with 22 saves in Game 7, was named the MVP of the playoffs, becoming the fourth rookie and second-youngest player to be awarded the Conn Smythe Trophy;

Whereas Hurricanes head coach Peter Laviolette won his first Stanley Cup in his first full season at the helm of the team;

Whereas defensemen Aaron Ward and Frantisek Kaberle scored goals during the first period in Game 7 to put the Hurricanes up 2-0;

Whereas with the team only 1 goal ahead, Justin Williams sealed the 3-1 victory with an empty net goal in the final minute of the game;

Whereas a sold-out crowd of 18,978 at the RBC Center in Raleigh, North Carolina celebrated as the final horn sounded, announcing the Hurricanes' championship;

Whereas the Hurricanes veteran captain Rod Brind'Amour, who demonstrated great leadership throughout the entire season, won his first Stanley Cup and was the first to accept the Cup from NHL commissioner Gary Bettman by hoisting the historic trophy over his head in victory;

Whereas assistant captain Glen Wesley, who has played in more playoff games than any other active NHL player, won his first Stanley Cup at age 37;

Whereas 21-year-old Eric Staal became the youngest player to lead the playoffs in scoring since Gordie Howe in 1949;

Whereas hockey now joins college basketball and NASCAR as the favorite pastimes of North Carolina;

Whereas each player from the Hurricanes championship team will have his name forever etched on the Stanley Cup; and

Whereas North Carolina will be home to the Stanley Cup for at least the next year: Now, therefore, be it

Resolved, That the Senate—

(1) applauds the Carolina Hurricanes for winning the 2006 Stanley Cup;

(2) recognizes the achievements of the players, head coach Peter Laviolette, the assistant coaches, and the support staff who all played critical roles in leading the Hurricanes to the championship; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to Hurricanes owner Peter Karmanos, Jr. and head coach Peter Laviolette for appropriate display.

HONORING JAMES CAMERON

Mr. SESSIONS. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 518 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 518) honoring the life and accomplishments of James Cameron.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 518) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 518

Whereas James Cameron founded America's Black Holocaust Museum (the Museum) in Milwaukee, Wisconsin, the only memorial in the United States to victims of lynching and racial violence;

Whereas Mr. Cameron was the last living survivor of a lynching until his death on June 11, 2006, at age 92;

Whereas a Senate resolution recognized Mr. Cameron as the Nation's oldest living lynching victim in June 2005 and formally apologized for its failure to outlaw lynching, which killed more than 4,700 people from 1882 to 1968, three-fourths of whom were black;

Whereas seven United States Presidents called for lynching to be outlawed, and the House of Representatives passed bans three times in the early twentieth century, only to have the Senate filibuster each of them, one filibuster lasting six weeks;

Whereas in Marion, Indiana in 1930, when he was 16 years old, Mr. Cameron and two friends, Abe Smith (age 19) and Tommy Shipp (age 18), were falsely accused of killing a Caucasian man and raping his girlfriend;

Whereas after the arrest of the three men, a mob broke into the jail where they were being held and tried to lynch them;

Whereas the mob lynched Mr. Smith and Mr. Shipp but spared Mr. Cameron's life;

Whereas Mr. Cameron was beaten into signing a false confession, convicted in 1931, and paroled in 1935;

Whereas the governor of Indiana pardoned Mr. Cameron in 1993 and apologized to him;

Whereas Mr. Cameron promoted civil and social justice issues and founded three NAACP chapters in Indiana during the 1940s;

Whereas James Cameron served as the Indiana State Director of Civil Liberties from 1942 to 1950, and he investigated over 25 cases involving civil rights violations;

Whereas Mr. Cameron relocated to Wisconsin after receiving many death threats, but he continued civil rights work and played a role in protests to end segregated housing in Milwaukee;

Whereas in 1983, Mr. Cameron published *A Time of Terror*, his autobiographical account of the events surrounding his arrest in 1930;

Whereas Mr. Cameron founded America's Black Holocaust Museum in 1988 in order to preserve the history of lynching in the United States and to recognize the struggle of African-American people for equality;

Whereas the Museum contains the Nation's foremost collection of lynching images, both photographs and postcards, documenting the heinous practice of lynching in the United States;

Whereas the Museum performs a critical role by exposing this painful, dark, and ugly practice in the Nation's history, so that knowledge can be used to promote understanding and to counter racism, fear, and violence;

Whereas the Museum also documents the history of the African-American experience from slavery to the civil rights movement to the present day; and

Whereas the Museum exists to educate the public about injustices suffered by people of African-American heritage, and to provide visitors with an opportunity to rethink assumptions about race and racism: Now, therefore, be it

Resolved, That the Senate honors and celebrates the life and accomplishments of James Cameron and expresses condolences at his passing.

ORDERS FOR WEDNESDAY, JUNE 21, 2006

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, June 21. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of S. 2766, the Defense authorization bill, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. Mr. President, tomorrow the Senate will resume consideration of the Defense authorization bill. Under an agreement that was reached earlier, we will continue to debate minimum wage for an hour and a half and then have votes on the Kennedy and Enzi amendments at approximately 11 a.m. Following the votes, Senator LEVIN will be recognized to offer his amendment regarding Iraq, with 5 hours of debate, to be followed by Senator KERRY offering an amendment regarding Iraq.

This evening, cloture was filed on the bill. The filing deadline for first-degree amendments is 1 p.m. tomorrow. Senators can expect the cloture vote to occur on Thursday morning.

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 that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:09 p.m., adjourned until Wednesday, June 21, 2006, at 9:30 a.m.

EXTENSIONS OF REMARKS

IN TRIBUTE TO CORPORAL SHEILA C. MIDDLETON

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mrs. CHRISTENSEN. Mr. Speaker, I rise to pay tribute to one of our Virgin Islands' heroines—Corporal Sheila Christina Middleton.

Born in Far Rockaway, Queens, she moved with her family to St. Croix, U.S. Virgin Islands in 1996.

After graduating the Virgin Islands Police Academy in 1981 she served the department as a patrol officer for 9 years. That was before she found her true calling—working with the children and youth of the Virgin Islands.

Sheila understood and loved our children, and they loved and respected her in return. Her emphasis in criminal justice was prevention, and she knew that effort had to begin as early in their lives as possible.

She was the D.A.R.E. coordinator for the territory. She taught the children about the negative effects of drugs and alcohol on their bodies and their lives. She counted among her greatest rewards the smiles on their faces, after they had completed their courses and marched to receive their certificates at the annual D.A.R.E. graduations.

Her passion for this work emanated from her deep religious faith. She was a devout member of Speak the Word Ministries from whose congregation and worship she also renewed her strength and received guidance. They and her family were her ''rock.''

Mr. Speaker and colleagues, I had the privilege of working with Corporal Middleton. She was as fine an officer and human being as you would ever want to know.

She left us early, but she gave much during her relatively short life. We are grateful for her life and service to the Virgin Islands community. Our children and our entire community call her blessed.

A TRIBUTE TO SUNIL ANAND

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Sunil Anand, a distinguished member of the business community. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing his impressive accomplishments.

A native of India, Sunil Anand is a successful Certified Public Accountant and entrepreneur performing specialty services to the non-profit sector. He has consulted for numerous Headstart and day care centers, senior citizen programs, mental health programs, homeless prevention programs, AIDS and drug-addiction prevention programs, teenage pregnancy prevention programs, and low-income housing programs.

Mr. Anand is a much sought-after consultant because he is very familiar with federal, state and city rules and regulations for funding agency financial reporting procedures. He has conducted certified audits including A–133, reviewed and prepared financial statements including cash flow analysis and other related statements for various non-profit government funded organizations.

A full service accounting professional, Mr. Anand has established internal control systems including budgetary controls, structural polices and procedures with respect to the cycle of the entity's activities (external financial reporting), financial statement captions (cash and cash equivalents, receivables, payables and accrued liabilities), accompanying systems (cash receipts, disbursements, payroll and general ledger) and inventory controls. Additionally, Mr. Anand has provided financial and administrative management to the real estate industry; his service to the industry included purchase and sales of apartment buildings (residential and commercial), multiple dwellings, condominiums, and single-family residences.

In 1968, Mr. Anand graduated with a Bachelor of Arts degree in Accounting from Delhi University in India. In 1971, he received Professional Accounting and Auditing Training (equivalent P.A.) from the Institute of Chartered Accountants of India. In 1973, he completed an IBM System 360—Programming, System Design and Analysis Internship Program at New York University and in the same year he completed an M.B.A.–C.P.A. Program at Long Island University in New York. In 1984, Mr. Anand became a New York State Licensed Real Estate Broker and Notary Public.

Mr. Anand is a member of several professional organizations including: Association of MBA Executives; National Association of Accountants; National Society of Public Accountants; National Society of Tax Professionals; and the American Institute of Professional Bookkeepers.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Sunil Anand as he offers his talents and philanthropic services for the betterment of our local community.

Mr. Speaker, Sunil Anand's selfless service has continuously demonstrated a level of altruistic dedication that makes him most worthy of our recognition today.

BANKER ALLEY TO RETIRE AFTER 50 YEARS OF SERVICE

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. CARTER. Mr. Speaker, I wish to congratulate Mr. Dale Alley of Hutto and Round Rock, TX, for his retirement after 50 years in the community banking profession. Achieving 50 years in the community banking profession is a rare honor and Dale should be commended for having reached this milestone. On June 25, 2006, Dale will retire with grateful acknowledgment from his communities, customers, and friends. He leaves behind a legacy of tireless service, active community participation, and positive impact on local economies.

As community banks are merged and acquired at a rapid rate, it is important to note that there are still bankers who participate fully in their communities and strengthen those communities by their dedication to service and goodwill; Dale Alley is such a banker. Community bankers fuel the engine of small businesses and literally built Texas communities from the ground up. Dale Alley leaves a dynamic blueprint and a commendable legacy for those assuming his positions at Union State Bank and the other institutions where he has served.

In 1956, a young man nervous with anticipation walked into First State Bank in Denton, TX, for his first day of employment. He wasn't sure where this initial job might take him, but he knew that he wanted to be involved in the banking industry. Now, 50 years later, that same man is putting the finishing touches on a brilliant career in community banking.

Dale began his employment with First State Bank in Denton, TX, in 1956. During the next two decades, he worked both as an administrative assistant in the Texas State Banking Department and an executive vice president and loan officer with Farmers State Bank in Round Rock. Over the course of his distinguished career, Dale served as president and board chairman of the Hutto State Bank, which he opened in 1986. As president and board chairman, he achieved his ultimate goal of becoming the chief managing officer.

After the sale of that bank, Dale was approached by B.M. Beck, president and chairman of Union State Bank, in regards to opening a Union State Bank Branch in Round Rock. Dale accepted the offer and operated a service-oriented and profitable banking branch. In 2003, Dale accepted the position of executive vice president and chief lending officer for all five Union State Bank locations in Central Texas. Over the course of his career, Dale consistently emphasized the importance of customer service and making his clients feel appreciated.

Dale's career path has been filled with success, but he would tell you his proudest accomplishments come from the impact he has made on his community. In fact, Dale recently wrote, ''My favorite part of working in the banking industry for 50 years has been the satisfaction gained from being a community banker and experiencing the economic growth and vitality resulting from the bank's activities.'' The efforts of Dale and his fellow community bankers are essential to the success of communities throughout America.

Small businesses come to community banks for financial help because they know and trust

the banker they are working with. In turn, community banks realize their success revolves around the overall growth of the community. It's a reciprocal relationship in which the small business and the community bank depend on each other for future growth; neither can be successful without the other. Independent Community Bankers of America, ICBA, Chairman Terry Jorde explained the relationship well when he said, ''Each of our nearly 5,000 bank members is a shining example of how community banks are still joined at the hip to our communities.''

In addition to his many work contributions and other honors, Dale was responsible for establishing the Hutto Chamber of Commerce and also served on the Hutto School Board for many years. Having had the opportunity to witness firsthand his contributions to the Hutto and Round Rock communities, I am certain his impact will continue to be felt after his retirement.

Mr. Speaker, on behalf of myself, my constituents, Union State Bank, and the communities of Round Rock, Hutto, Georgetown, Florence, Liberty Hill, and Killeen, I would like to thank Dale for 50 years of distinguished service to the banking industry and the communities throughout Central Texas. Although his daily presence at Union State Bank will be sorely missed, I look forward to his continued contributions to the banking industry. I thank Dale for his service and friendship, and wish him the utmost happiness and success in all of his future endeavors.

PERSONAL EXPLANATION

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. REICHERT. Mr. Speaker, on June 19, 2006, I missed the following rollcall votes due to my flight being delayed: rollcall vote No. 289, final passage of H.R. 5540 and rollcall vote No. 290, final passage of H.R. 5504.

Had I been present, I would have voted ''yes'' to rollcall vote No. 289 and ''yes'' to rollcall vote No. 290.

IN RECOGNITION OF MR. MERRILL WORCESTER FOR HIS GENEROUS HOLIDAY CONTRIBUTIONS TO ARLINGTON NATIONAL CEMETERY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. MILLER of Florida. Mr. Speaker, it is a great honor for me to rise today to extend my congratulations to Mr. Merrill Worcester, an American who believes in paying homage to the memory of veterans who gave all in the name of freedom.

As the owner of the Worcester Wreath Company of Harrington, Maine, Mr. Worcester oversees the workings of his holiday decoration company. Thirteen years ago, he could think of nothing better to do with his surplus of over 4,000 Christmas wreaths than bring them to Arlington National Cemetery. Mr. Worcester had visited Arlington at the age of 12 and dreamed of somehow honoring fallen soldiers.

Each year since 1993, Mr. Worcester has brought trucks holding over 5,000 Christmas wreaths to Arlington and has joined with hundreds of volunteers from all walks of military and civilian life in placing the wreaths on the headstones. The wreathlaying event continues to be one that carries a great message of thanks and gratitude to those who gave their lives as well as a reminder to their families during the holidays that they will never be forgotten.

Mr. Speaker, on behalf of the U.S. Congress, I would like to offer my sincere thanks to a man who truly understands the nature of giving and works to continually commemorate the giving of the ultimate sacrifice—life—in order to achieve freedom.

IN HONOR OF JEAN JOSEPH SIBILLY 1889–1997

HON. DONNA M. CHRISTENSEN

OF VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mrs. CHRISTENSEN. Mr. Speaker, each year in mid-July, the French Community on St. Thomas, in my District, observes French Heritage Week, commemorating the storming of the Bastille on July 14, 1789 which marked the beginning of the French Revolution, with a week of French flavored activities.

This year, the French Heritage Week Committee is posthumously honoring Jean Joseph Sibilly, patriarch of the French community of Estate Elizabeth on St. Thomas.

I ask my colleagues to join me today to honor and acknowledge the innumerable contributions this great visionary made to the Virgin Islands in general and his community in particular.

Jean Joseph Sibilly was born on the French Caribbean island of St. Barthelemy on January 5, 1889, but grew up and received his education on the island of Guadeloupe. Trained in agriculture and animal husbandry, he emigrated to St. Thomas in 1912 and established residence on the north side of the island, an area predominantly occupied by other French immigrants.

At age 23, this agricultural entrepreneur purchased Estate Elizabeth and a few years later another 268 acres with 12 other north side families in nearby Estate Lerkenlund to be used for farming. This area has had a long legacy as until recently the French north side farmers were still the primary source for fresh produce.

He was a self taught skilled engineer and builder credited for planning and supervising the road system on the north side of St. Thomas, the construction of numerous homes and public buildings, and was legendary for his ability to draw a straight line without the aid of conventional instruments.

Above all else, he was a humanitarian and community leader. His generosity is exemplified by the large tracks of land he donated to the Catholic Church and the local government. The community's Catholic Church, Our Lady of Perpetual Help, and adjacent cemetery, as well an elementary school, were made possible through his philanthropy. Not a politician or elected official, he was however influential in local elections and served as the guardian of good government in the particular interest of the people of the north side of the island.

On March 9, 1973, the Tenth Legislature of the Virgin Islands approved Resolution 3395 which renamed the Robert Herrick Elementary School the Joseph Sibilly Elementary School in honor of his great community spirit, generous donations, and good deeds.

A devout Roman Catholic, his religious beliefs were reflected in his daily life. In recognition of his humanitarian spirit, The Virgin Islands Daily News on his passing wrote, ''Joseph Sibilly was in a sense an Old Testament man, a patriarch with vision and strength and generosity. He left for all of us a valuable legacy, the knowledge that ultimately a man serves himself best when he serves others''.

Jean Joseph Sibilly's generosity, considerateness, wisdom, foresight, pride in and love for his fellow man deserve our recognition honor today.

A TRIBUTE TO SANG SU YI

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Sang Su Yi, a distinguished member of the business and civic communities. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing his impressive accomplishments.

Sang Su Yi was born in Kobe, Japan in 1933 and returned to South Korea right after World War II in 1946. During the Korean Civil War, he served at the supply base in the U.S. Marine Corps Headquarters Division. At the end of the Korean Civil War, Sang Su Yi returned to high school.

Sang Su Yi started his career as a reporter after receiving his bachelor's degree at the University of Han Yang. In 1963, he also served in seventh division of the U.S. Infantry in Korea. In 1973, when he was offered a job from the Carnival Cruise Line in Miami, FL, Sang Su Yi decided to enter the new world of the United States of America. In 1976, he came to New York City and started his small business. In 1984, Sang Su Yi's wife and children immigrated from Seoul, Korea and joined him in New York City. Since coming to New York City, Sang Su Yi has enhanced his spiritual life. He attends Full Gospel New York Church and has served in various positions. He completed the Bible College with his wife and he is serving the Lord as a deacon in the church. Currently, Sang Su Yi is the president of the World Mission of Korean Folk Praise. His Folk Praise team, which includes his wife, traveled to many countries to help missionaries to build schools and hospitals in Central and South America.

Additionally, Sang Su Yi is the chairperson of the board of trustees of the Korean Traditional Music Institute of New York. The Korean Traditional Music team has performed more than 1,800 times over last 20 years. They have performed in Washington, DC, Long Island University, Lincoln Center, at the U.N., World Hunger events, museums, local schools, nursing homes, prisons, and almost every parade and major event in New York

and New Jersey. Sang Su Yi has received numerous awards including from the chairperson of the New York Korean Association, the president of the Long Island Korean Association, a mayor from Guatemala City, a couple of outstanding performance awards from Seoul Korea and a leadership award from Full Gospel New York Church.

Sang Su Yi, his wife and his praise team stand ready to travel beyond the United States to support the missionaries around the world wherever help and encouragement are needed.

Sang Su Yi has been married for 48 years; he and his wife have four children and nine grandchildren.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Sang Su Yi, as he offers his talents and services for the betterment of our local and global communities.

Mr. Speaker, Sang Su Yi's selfless service has continuously demonstrated a level of altruistic dedication that makes him most worthy of our recognition today.

LTG METZ TO GIVE UP COMMAND OF III CORPS

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. CARTER. Mr. Speaker, in May 2006 LTG Thomas F. Metz relinquished command of the III U.S. Corps in Fort Hood, TX. This successful and decorated general has had an illustrious career and will be missed at Fort Hood.

After his graduation from the United States Military Academy at West Point, he was commissioned as a second lieutenant in the infantry. His career has taken him to locations throughout the world including Germany, Italy, and Iraq, with such varied positions as assistant professor at West Point and Combined Joint Task Force 7 commander in Operation Iraqi Freedom.

He assumed the post at Fort Hood in February 2003. Since then, he deployed the III Corps to Iraq in January 2004 and was commanding the Multi-National Corps—Iraq until May 2006. He will now continue to serve our country at Fort Monroe as U.S. Army Training Doctrine commanding general.

In his career, Lieutenant General Metz has been awarded the Defense Distinguished Service Medal, Distinguished Service Medal, Legion of Merit with two Oak Leaf Clusters, Meritorious Service Medal with three Oak Leaf Clusters, Army Commendation Medal with two Oak Leaf Clusters, Good Conduct Medal, National Defense Service Medal with two Service Stars, Army Service Ribbon, Overseas Service Ribbon with Numeral 3, Expert Infantry Badge, Senior Parachutist Badge, Ranger Tab, and Belgium Brevet ''A'' Commando.

He and his wife, Pam, have been and remain good friends of mine and my wife, Erika. Pam has been an active part of the community of Fort Hood and the families on base will not soon forget them.

I had the honor to visit Lieutenant General Metz and the Fort Hood soldiers under his command during a recent trip to Iraq. I saw firsthand the powerful leadership he demonstrates and the strong support he enjoys. Lieutenant General Metz is the pride of the United States Army and will be dearly missed at Fort Hood.

PERSONAL EXPLANATION

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. REICHERT. Mr. Speaker, on June 16, 2006, I missed the following rollcall vote: rollcall vote No. 288, Final Passage of H. Res. 861.

Had I been present, I would have voted ''yes'' to rollcall vote No. 288.

PERSONAL EXPLANATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. MILLER of Florida. Mr. Speaker, I would like to offer a personal explanation of the reason I missed roll call Votes Nos. 289–291 on June 19, 2006. These were suspension votes on H.R. 5540, H.R. 5504, and H. Res. 826. Due to plane delays, my travel to Washington, DC was not completed until following the conclusion of votes this evening.

I respectfully request that it be entered into the CONGRESSIONAL RECORD that if present, I would have voted rollcall vote No. 289, the ''Sergeant Jacob Dan Dones Post Office Designation Act,'' ''yea''; rollcall vote No. 290, the ''Larry Winn, Jr. Post Office Building Designation Act,'' ''yea''; and rollcall vote No. 291 Expressing the sense of the House of Representatives that a National Youth Sports Week should be established,'' ''yea.''

RAISING THE MINIMUM WAGE (REPUBLICANS STALL BILL THAT WOULD BOOST SALARIES)

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Ms. JACKSON-LEE of Texas. Mr. Speaker, workers across this country are increasingly being asked to do more with less. As prices rise on housing, health care, energy and education, the millions of Americans who work full time and make minimum wage are slipping farther and farther into poverty.

The minimum wage in this country has not been raised since 1997 and is now at its lowest level in 50 years when adjusted for inflation. Making only $5.15 an hour, a full-time minimum wage employee will earn only $10,700 annually. This is far from enough to make ends meet—especially for the 75 percent who are responsible at least half of their family's income. Raising children on a middle-class income is hard enough—imagine trying to do it on one-third of that amount.

Mr. Speaker, Democrats believe that the minimum wage should be a living wage. No American who works full-time, all year, should live in poverty, unable to support their family. Last week, Democrats were successful in inserting a minimum wage increase into the Labor-H-H-S appropriations bill. But now the Republican leadership is stalling a floor vote. It is time for real action to move hard working Americans out of poverty. Seven million Americans deserve a raise today.

TRIBUTE TO RAYMOND REINICK

HON. BOB BEAUPREZ

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. BEAUPREZ. Mr. Speaker, I rise today to honor the memory of a remarkable gentleman from my district. Raymond Reinick was born in Kersey, CO in 1924. Growing up on his family's farm, he learned the value of hard work and developed a strong sense of pride in his country.

Raymond answered the call to duty when America entered WWII, joining the Navy and serving in the Pacific Theater aboard the USS *Fond Du Lac* as a Signalman Second Class. Having received the WWII Victory Medal, the Asiatic-Pacific Campaign Medal and the Philippine Liberation Medal, Raymond was honorably discharged from the Navy and returned home to work on the family farm.

Not long after Raymond returned from the war, he married Bernadette and began a family. Raymond worked as a stationary engineer for Union Pacific Railroad for almost 40 years, supporting his wife and four children.

Raymond passed away in 2003 and was buried at Fort Logan National Cemetery along side his comrades from the war.

Mr. Speaker, it is an honor to stand before this body of Congress and recognize Raymond Reinick's loyal service to our grateful Nation.

PERSONAL EXPLANATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. NEUGEBAUER. Mr. Speaker, due to official business, I missed rollcall votes 290 and 291 on Monday, June 19, 2006. Had I been present, I would have voted ''yea'' on both votes. Rollcall vote 290 was a vote to pass H.R. 5504, legislation to designate a post office in Mission, Kansas for Larry Winn, Jr. Rollcall vote 291 was a vote to pass H. Res. 826, a resolution expressing support for the creation of a National Youth Sports Week.

THE STUTTERING FOUNDATION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. WOLF. Mr. Speaker, I rise today to bring the attention of the House to an article I recently read about Tiger Woods in The Stuttering Foundation's summer newsletter. I stuttered as a child and I think it's important for

kids to know that they can overcome this complex disorder. Tiger Woods is an excellent example of the many people who have led successful productive lives despite struggling with stuttering as a child.

TIGER WINS AT GOLF—AND STUTTERING

Top-ranked golfer Tiger Woods tells CBS's 60 Minutes that it takes hard work and a competitive spirit to overcome childhood stuttering.

''The words got lost, you know, somewhere between the brain and the mouth. And it was very difficult, but I fought through it. I went to a school to try and get over that, and I just would work my tail off,'' Woods told the news program in April.

''The parallels between speech performance and sports performance are striking,'' said Jane Fraser, president of the Stuttering Foundation, ''and Tiger Woods is the latest example of how the many hours of practice and hard work to win in sports are no different from those long hours spent in therapy for stuttering.''

NBA Hall of Famer and sports commentator Bill Walton dealt with stuttering just like he did basketball. ''I thought about the fundamentals of the game and how to start with the basics like the ability to mechanically duplicate moves on a basketball court. And then I just applied that to speaking.''

Chicago Bulls' legend Bob Love notes that ''countless hours of work taught me to manage moments of difficult speech.''

In a recent interview, Denver Nuggets' star Kenyon Martin said of his stuttering, ''How I got through it was just by working hard at it.''

U.S. Open golf champion Ken Venturi adds, ''I have had to work through the years to overcome stuttering and to speak more easily and fluently.'' Venturi compares moving smoothly through speech to moving gracefully through a golf stroke.

''Tiger Woods is the perfect role model for all school-age children who struggle with this complex disorder,'' said Fraser. The Foundation offers free resources at www.stutteringhelp.org where Tiger joins a long list of celebrities who stutter.

PERSONAL EXPLANATION

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. MORAN of Kansas. Mr. Speaker, on June 19, 2006, I was unavoidably detained because of travel delays and missed the following rollcall votes:

1. Rollcall vote No. 289: the Sergeant Jacob Dan Dones Post Office Designation Act;

2. Rollcall vote No. 290: the Larry Winn, Jr., Post Office Designation Act; and

3. Rollcall vote No. 291: Expressing the sense of the House of Representatives that a National Youth Sports Week should be established.

Had I been present I would have voted ''yea'' to rollcall vote No. 289, ''yea'' to rollcall vote No. 290, and ''yea'' to rollcall vote No. 291.

TRIBUTE TO FRANK AND MARY'S SUB SHOP

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Ms. DELAURO. Mr. Speaker after 22 years of service and smiles, Frank and Mary's Sub Shop—a popular eatery in my childhood neighborhood of Wooster Square—has closed its doors. A family owned and operated business opened by my dear friends Frank and Mary Florenzano, Frank and Mary's fast became a local landmark and a must stop for New Haven visitors.

The dream of Frank Florenzano, Frank and Mary's has been located at the end of Wooster Street, New Haven's most predominant Italian-American neighborhood for over two decades. One of Wooster Street's greatest attractions to residents and visitors alike are the numerous Italian-American restaurants that line the street. From Sally's and Pepe's pizza houses, to Libby's Ice Cream and Consiglio's, to Tre Scalini and Frank and Mary's, Wooster Street is home to the very best of Italian cuisine. Open daily from 7 a.m. to 2:30 p.m., Frank and Mary's always had a steady stream of customers—many times with lines out the doors and onto the sidewalk. One of its most famous customers was lifestyle icon Martha Stewart whose order of eggplant with grilled onions, peppers, and mushrooms became one of the most popular menu items. Known for its variety of hot and cold subs made fresh daily—especially the steak and cheese, eggplant and grilled veggies, and meatball—Frank and Mary's quickly became a New Haven institution, leaving an indelible mark on our community which will always be remembered by friends and customers.

I am also pleased to have this opportunity to extend a special note of thanks to Mary Florenzano and her family for their many years of special friendship to myself and my family. Frank and Mary's has been one of my mother, Luisa's, favorite lunch spots for many years and, like so many others in this Italian-American neighborhood, she will be sure to reminisce about the great food, conversation, and atmosphere that Frank and Mary's always offered.

Frank and Mary's was more than a great sub shop; it was the dream of Frank Florenzano and represented the very spirit of the American dream. Together, the Florenzanos made that dream a reality. Owned and operated by the Florenzano family since its opening, Mary, her daughter Lori, and niece Nicole have worked hard to keep Frank's dream alive since his passing in 2003. Though this local treasure will be missed, it is with my heart-felt congratulations that I rise today to extend my very best wishes to Mary Florenzano and her family for many more years of health and happiness. I have no doubt that they will enjoy great success no matter what their future endeavors may be.

DECLARING THAT THE UNITED STATES WILL PREVAIL IN THE GLOBAL WAR ON TERROR

SPEECH OF

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mr. CARNAHAN. Mr. Speaker, I rise today to pledge my unwavering support of our troops, and of our efforts to fight terrorism around the world.

However, I rise in strong opposition to the Bush administration's handling of the war and reconstruction in Iraq, as well as the Republican controlled Congress's inadequate oversight of the administration's policies.

The International Relations Committee, on which I sit, has held only two hearings this year regarding Iraq—a woefully insufficient number.

The committee and this Congress should be functioning more like the bipartisan Truman Commission did in the 1940s—a pro-troop, pro-taxpayer, pro-American committee that conducted serious and meaningful oversight to ensure that our troops were supported and our tax dollars used wisely.

That commission focused on two things: first, prewar and ongoing day-to-day operations of World War II ''with a view toward exposing deficiencies so that corrective action could be applied''; second, it focused on postwar activities, including investigations of excess profits, fraud, mismanagement, and inefficiencies.

It is irresponsible for this Congress to not investigate the President's lack of an exit strategy, and the fraud, waste, and abuse of U.S. tax dollars.

Mr. Speaker, it is not only our constitutional obligation to provide real and meaningful oversight into the Bush administration's policies in Iraq, it is our patriotic duty to question the President's mishandling of this war and reconstruction.

RECOGNITION OF JOE GESSLER AND HIS CONTRIBUTIONS TO AMERICA'S NATIONAL DEFENSE

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. RUPPERSBERGER. Mr. Speaker, the strength of America is found in the commitment of the service men and women defending our liberties, and the lifelong dedication of American engineers and scientists developing the technologies upon which these brave warriors depend. Today I have the opportunity to recognize Joe Gessler, one of these unsung engineers, who at the age of 82, is finally taking a well deserved retirement as America's oldest active thermal battery engineer.

For over half a century, Joe Gessler has quietly made a profound contribution to our nation's defense through development of the battery technology that has become an essential component in a vast array of modem defense systems. Receiving his bachelors degree in chemistry and math from Loyola College in 1945 and his masters in chemical engineering from Johns Hopkins, Joe immediately

entered the thermal battery business at its infancy, joining Catalyst Research, a division of Mine Safety Appliances (MSA), in 1948.

Catalyst Research had just been challenged by the National Bureau of Standards to develop a battery that could sit inertly on a shelf for years, and when needed, be instantaneously turned on without requiring any mechanical activation. Thermal batteries were the answer. Joe was part of the team that in the early 1950's provided the first thermal batteries for the U.S. Navy. Over the next decade, Joe helped refine this technology for use by our other services. In 1964, Joe went to the U.K. to start up a new MSA thermal battery factory in Scotland meeting the needs of our NATO allies.

Joe Gessler's contribution goes beyond engineering; he has been both a teacher and mentor. As the production and engineering manager at Catalyst Research, Joe had a direct and future impact on his current employer, Saft America. Three of the engineers he trained met him for lunch one day to announce they had decided to go out on their own and form KDI Score Thermal Batteries, which was eventually acquired by Saft.

Joe himself joined Saft in 1983 where he shared his expertise until his ''first'' retirement in 1990. But retirement for Joe Gessler meant he only worked 40 hours a week as a ''part-time'' employee. In the 16 years since then, Joe was instrumental in ramping up Saft's battery production for Operation Desert Storm and applying his vast knowledge of battery technology and production to help grow Saft America's Cockeysville facility to where it is today, the largest supplier of advanced lithium ion battery systems to America's Armed Forces.

Whatever the challenge, at an age when most men are content playing golf or sitting in a club house, Joe Gessler puts in a full 40 hours every week generating amazing results with the same positive ''can do'' attitude he had on the day he graduated college.

Mr. Speaker, I ask you to join with me today in recognizing Joe Gessler for over 58 years of dedication and contributions to the defense of the United States through superior technology, and congratulates him on his retirement as America's oldest thermal battery engineer.

PERSONAL EXPLANATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. MOORE of Kansas. Mr. Speaker, due to a combination of mechanical problems suffered by US Airways and inclement weather in the Washington, DC, area, I arrived at the Capitol yesterday later than I anticipated. For this reason, I missed the following three recorded votes on June 19:

1. H.R. 5540—Sergeant Jacob Dan Dones Post Office Designation Act—had I been present, I would have voted ''aye'';

2. H.R. 5504—Larry Winn, Jr. Post Office Building Designation Act—had I been present, I would have voted ''aye''; and

3. H. Res. 826—Expressing the sense of the House of Representatives that a National Youth Sports Week should be established—had I been present, I would have voted ''aye.''

TRIBUTE TO KERRY DUMBAUGH

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise today to recognize Kerry Dumbaugh for becoming the Butler Distinguished Graduate for 2006. Having demonstrated a great degree of ability and knowledge in her field, it is my hope that she will continue to share this and grow in prosperity.

Graduating from Butler High School located in Pennsylvania's third Congressional District in 1970, Dumbaugh started out at Eastman School of Music as a piano performance major. Although she had been a piano student since she was 7 years old, she soon discovered that this was not the course she wished to pursue. She decided to transfer to Wittenberg University to study music, yet after meeting an enthusiastic professor, she was convinced to add Eastern Asian Studies to her ''repertoire.'' After her time there, she attended the University of Pennsylvania, where she earned her master's in Chinese Studies and International Relations. Thus began her political career. Working as a legislative correspondent, assistant, and director for various United States Congressmen, she enjoyed her experience, yet felt that there was more.

When a position at the Congressional Research Service, CRS, opened, Dumbaugh seized the opportunity. She went on to earn a master's in National Security Studies from the U.S. National War College. Utilizing her knowledge about Eastern Asia, with the CRS, she provides information and analysis about the developments in Hong Kong, Taiwan, and China to U.S. Congressmen. She analyzes the political, military, economic, and security developments as well as the implications of U.S. foreign policy. She has authored over 100 articles; and since 1992, she has moderated the China Forum, a public policy TV program about China.

The Distinguished Graduate award is given to a Butler graduate each year. Kerry Dumbaugh will be the 27th recipient and the 5th woman to receive it. She is a model of excellence in academia and politics, as well as for women. Her intelligence has served to aid in furthering American policy abroad. Due to her many accomplishments, Dumbaugh deserves commendation.

Mr. Speaker, I hope my colleagues will join with me in congratulating Kerry Dumbaugh and her family on her receiving the Butler Distinguished Graduate Award for 2006 and in wishing her continued success in all her endeavors.

A TRIBUTE TO GLORIA GARNER

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. DUNCAN. Mr. Speaker, I rise today to pay tribute to Gloria Garner, a 38-year veteran of the Knoxville Area Urban League. Her efforts will be long remembered and continually missed.

Gloria spent her 38 years of service with the goal of helping others help themselves. She is a great example of how individuals in our communities can make a difference in the lives of others.

I commend Gloria Garner for all that she has done for the men, women, and children of Knoxville. I wish her all the best in her future life, and am hopeful that others will stand in to follow in her path.

I would also like to include in the RECORD a June 16, 2006 article in the Knoxville News-Sentinel about Gloria's retirement and career for all of my colleagues, constituents and readers of the record, so that they can more fully understand her dedication.

HEART OF THE URBAN LEAGUE; GLORIA GARNER RETIRES AFTER 38 YEARS WITH KNOXVILLE AFFILIATE

(By Chandra Harris)

A walking encyclopedia chock-full of Knoxville Area Urban League facts, Gloria Garner is clearing out her bookshelves.

Retiring after 38 years with the league, Garner doesn't need a book to recount the history of the league because she is the history of the league.

The vice president of community affairs has held every position there is and was at the league since starting there months after its inception in 1968.

A handful of moves for the Urban League came before settling at East Fifth Avenue. But Garner was never moved to leave.

And four presidents came and went. Garner stepped in as interim director while the search was on for the next president.

When money was tight and staff was short, Garner's smile and tenacity remained steadfast through 40-plus-hour weeks.

She held onto the words of the national president from 1961–1971, Whitney M. Young, Jr.: ''Every man is our brother, and every man's burden our own.''

''Where poverty exists, all are poorer. Where hate flourishes, all are corrupted. Where injustice reigns, all are unequal.''

Garner said she stood in then and will continue to stand in to bridge the gap of social and economic development in minority communities.

Even as she is dusting off her desk and packing up, she is still telling strangers and friends alike that they need to join the Knoxville affiliate of the National Urban League.

''Once an Urban Leaguer, always an Urban Leaguer,'' she said during a celebratory reception in her honor Thursday night at the University Club.

While she may no longer have an office to call her own come next Thursday, her official last day, Garner said, ''I will still be around helping wherever I can.''

''When you have a passion for what you do, you want to work hard.''

The on-time Head Start teacher who dreamt of becoming a nurse or joining the military still found a way to help people.

''There are people in jobs today that I had a hand in, and that's a good feeling,'' Garner said.

''The Urban League is my family and I was busy helping people,'' said the mother of five adult children when asked why her tenure was such a long one.

Without her insight through the years, there wouldn't have been a foundation of the league, Ernest Fulton and Douglas Upton said.

Fulton and Upton both worked with Garner in the early days of the league.

''She has a way with people,'' Upton said. ''She connects with people.''

And that was apparent Thursday night as dozens, including Knoxville Mayor Bill Haslam and Vice Mayor and former Urban

League President Mark Brown, offered encouragement and shed a few tears.

''We can't fill her shoes,'' said Phyllis Nichols, league president and CEO.

Life after checking into the Urban League some mornings at 7 for Garner will be filled with lunch dates, ''some good movies and relaxing travels,'' she said.

Grandson Kody Wills summed it up: ''That's my granny and she's a star.''

IN RECOGNITION OF THE OUTSTANDING PUBLIC SERVICE OF JOSEPH VALENZANO, JR.

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. GARRETT of New Jersey. Mr. Speaker, I rise to recognize Joseph Valenzano's tremendous commitment to public service and his outstanding contributions on behalf of the disability community. Later this week, Joe, who is a constituent of New Jersey's Fifth District, will be honored for his work in Chester, NJ, by the International Brain Research Foundation.

Joe Valenzano has spent more than 30 years in publishing and communications, most recently as president, CEO, publisher, and editor in chief of EP Global Communications, Inc., which publishes Exceptional Parent Magazine. This publication provides both practical advice and emotional support to the parents of children and adults with disabilities and special health needs. The magazine provides a forum for parents, health care professionals, and education specialists to work together as a community for the betterment of the disability community.

Under Joe's direction and vision, Exceptional Parent magazine has been a pivotal player in important discussions, such as use of restraints and aversive punishments, expanded universal newborn screening, the use of people first language among journalists, end of life issues, and more. Exceptional Parent has led the fight to support the frontline workforce of professionals who provide care and assistance to those with special needs and to promote the use of tandem mass spectrometry to screen for over 60 inborn metabolism errors in newborns. And Exceptional Parent has worked with the Department of Defense to deliver reliable, accurate information to more than 150,000 military families around the globe to help them care for their children with special needs and disabilities.

It is the dedication of individuals like Joe Valenzano that gives hope to so many parents when they first embark upon the path of raising a child with special needs and provides sustenance to those parents who have already spent years in loving care of children with special needs. I applaud Joe for his efforts and join the International Brain Research Foundation for honoring this lifetime of work.

CONGRATULATING EAST HIGH SCHOOL ON PLACING THIRD AT NATIONAL COMPETITION ON THE CONSTITUTION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. UDALL of Colorado. Mr. Speaker, I am pleased to announce that East High School from Denver, CO, placed third in the national finals competition of ''We the People: The Citizen and the Constitution.'' From April 29 to May 1, 2006, approximately 1,200 students from across the country participated in the 19th annual We the People competition—the most extensive educational program in the country developed specifically to educate young people about the U.S. Constitution and Bill of Rights. The We the People program is administered by the Center for Civic Education and funded by the U.S. Department of Education by act of Congress.

The We the People national finals are a 3-day academic competition that simulates a congressional hearing in which the students ''testify'' before a panel of judges on constitutional topics. Students demonstrate their knowledge and understanding of constitutional principles as they evaluate, take, and defend positions on relevant historical and contemporary issues.

In Colorado, I have made a priority of dispatching my staff to serve as ''judges'' in competitions at all levels within my district and throughout the State. Through them I can attest to the skill, intellect and diligence that characterize the East High School team. Congratulations to the members of the East High School team: Michelle Buchanan, Darien Combs, Lila Creighton, Paula Davis, Joshua Figueroa, Sophia Galleher, Rose Green, Jonathon Hammond, Meghan Harrington, Kathryn Havranek, Than Hedman, Collin Hornsby, Noah Hubbell, Mackenzie Jacobs, Elizabeth Kochevar, Clay Lemar, Zach Levek, Christopher Linsmayer, Elise Mann, Gabe Mann, Logan McHenry, Tyler McNamara, Sarah McNaughton, Zena Price-Broncucia, Rachel Romer, Claire Sanderson, Cary Shapiro, Amy Stanesco, Amy Steinhoff, Alex Stevens, Zachary Susel, Elizabeth Trower, and Will VanTreuren. I also wish to commend the teacher of the class, Ms. Edna Sutton, who was responsible for preparing the class for the national finals competition. Also worthy of special recognition are Ms. Jackie Johnson, the State coordinator, and Mr. Loyal Darr, the district coordinator, who are among those responsible for implementing the We the People program in my district.

I am an unequivocal supporter of the We the People program. Nothing is more important to a healthy democracy than a civicly educated and informed citizenry. East High School's team is a shining example of the bright future of tomorrow's leaders. Mr. Speaker and my colleagues in the House, please join me in congratulating these young constitutional experts for their outstanding achievement.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following votes due to a delayed flight. If I had been present, I would have voted as follows on June 19, 2006:

Rollcall vote 289, on motion to suspend the rules and pass H.R. 5540—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'', I would have voted ''aye.''

Rollcall vote 290, on motion to suspend the rules and pass H.R. 5504—to designate the facility of the United States Postal Service located at 6029 Broadmoor Street in Mission, Kansas, as the ''Larry Winn, Jr. Post Office Building'', I would have voted ''aye.''

Rollcall vote 291, on motion to suspend the rules and agree to H. Res. 826—Expressing the sense of the House of Representatives that a National Youth Sports Week should be established, I would have voted ''aye.''

TRIBUTE TO MR. MARTY BERGER

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the life and contributions of Mr. Marty Berger, who died June 18, 2006.

A board member of the Action Alliance of Senior Citizens of Greater Philadelphia and president of the Pennsylvania Alliance for Retired Americans, Mr. Berger was a man of action. In fact, he was a dynamic 77-year-old man of action who inspired hundreds of labor, civil rights, women's rights and senior citizen activists.

Because of Mr. Berger's efforts, senior citizens throughout Philadelphia and across Pennsylvania are coming together in increasing numbers in a common effort to address their own needs and influence the legislative process to affect social, political and economic change.

All who knew him are saddened by the passing of Mr. Berger. But, I and those he worked so hard to empower will continue to struggle to make a better world for our senior citizens so they can live out their final years with justice and dignity.

More than ever seniors need a powerful voice: to demand affordable, quality, and accessible health care for all senior citizens; to protect Social Security, Medicare and Medicaid; and to ensure social and economic justice and full civil rights for our most vulnerable citizens. Mr. Berger's passing represents the loss of a powerful and committed voice, but his legacy of dedication continues, and it is for these reasons that I ask you and my other distinguished colleagues rise to honor him.

INTRODUCTION OF THE SAFE CLIMATE ACT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. WAXMAN. Mr. Speaker, I am pleased today to join 12 of my colleagues in introducing the Safe Climate Act. Global warming is the greatest environmental challenge of our time, and we have a short window in which to act to prevent profound changes to the climate system. Unless we seize the opportunity to act now, our legacy to our children and grandchildren will be an unstable and dangerous planet.

There are different approaches that can be taken to climate legislation. Some bills seek a symbolic recognition of the problem. Others are premised on what may be politically achievable in the near terms.

The Safe Climate Act is drafted on a different premise: It reflects what the science tells us we need to do to protect our children and future generations from irreversible and catastrophic global warming. The bill has aggressive requirements to reduce emissions of greenhouse gases. But the reality is, these are the reductions that scientists say we need to achieve to preserve a safe climate for future generations.

The science clearly tells us what we need to do—we must reduce emissions of greenhouse gases, starting now and continuing over the next few decades. To achieve this, we have to grow our economy into a new and cleaner future. It's simply too late for legislative baby steps.

I have been working to address the threat of global warming for many years. At first, the scientists' warnings about global warming came like a few early drops of rain. We knew that our activities were emitting large quantities of greenhouse gases. And we knew that greenhouse gases trap the sun's heat and warm the planet. When scientists found steadily rising quantities of greenhouse gases in the atmosphere, they hypothesized that our activities could warm the planet, with unknown but potentially troubling consequences.

Over the years, these scattered warnings grew to a stream, then to a rushing river of danger signals. Over 10 years ago, the science and the threat of global warming were clear. That's why I introduced the Global Climate Protection Act of 1992, which would have frozen U.S. emissions of carbon dioxide at 1990 levels. But Congress failed to act.

Now the river of warnings has become a flooding torrent. We can no longer ignore the evidence of global warming. We're now just starting to experience some results of climate change. And they are not good.

Eight of the ten warmest years on record have occurred in the last decade. As the earth warms, its ice is melting. From the glaciers in Glacier National Park, to the snows of Kilimanjaro and the Larson B ice-shelf in Antarctica, ice that has been here since the last ice age is disappearing or already gone. The permafrost supporting towns and roads in Alaska is melting rapidly, and the summer sea ice in the Arctic Ocean is diminishing each year. These are changes we can see with our own eyes.

The seasons are changing—maple sugar producers in Vermont are tapping trees earlier, plants are flowering earlier, and birds are migrating earlier. These changes are happening across the globe. And with warmer weather come bugs that are no longer being killed by the winter cold, such as the beetles that are destroying forests across the Southwest and Alaska.

The scientists have long predicted that as the oceans warm, rainfall episodes, storms, and hurricanes will become more intense. Last year broke hurricane records, and America experienced the devastating results of just a few such storms with Hurricanes Katrina and Rita. The scientists have been proven right about global warming, over and over again, across the planet. We should start listening to them.

Now they are telling us that we have about 10 years to act to avoid being locked into irreversible global warming on a scale that will transform the planet. The scientists have identified a global temperature rise of just 3.6 degrees Fahrenheit as enough to produce undeniably dangerous consequences, such as 20 feet or more of sea level rise, which would flood large parts of Florida and New York City, as well as huge population centers in other countries. And scientists have calculated the quantity of atmospheric greenhouse gases that would very likely cause such a temperature rise. The nations of the world must keep greenhouse gases below that level to avoid irreversible dangerous global warming.

The United States emits more greenhouse gases than any other country in the world—about 20 percent of the total worldwide. We simply cannot avoid catastrophic global warming without substantial cuts in U.S. emissions. Of course, every nation will have to do its part. According to the best science, under any plausible scenario of future international actions to stabilize the climate, the United States will eventually need to reduce its emissions by about 80 percent.

Fortunately, we have some time to get there, as long as we start reducing our total emissions now. And that's what the Safe Climate Act does. It caps U.S. emissions in 2010, and then gradually reduces them by just 2 percent per year until 2020. This gives us 15 years to deploy the cleaner technologies that we already have but aren't using much, such as hybrid vehicles and wind power. After 2020, emissions must fall under the legislation by roughly 5 percent per year, as more advanced technologies, such as biofuels from waste materials and capturing carbon dioxide from power plants, become widely available.

The Safe Climate Act reduces emissions through a flexible, market-based emissions trading program, as well as complementary requirements for cleaner cars and more electricity from renewable energy and efficiency. The Environmental Protection Agency and the Department of Energy would oversee these programs nationally, while states would retain their authority to act on the State level. In effect, the Safe Climate Act sets the targets and then unleashes market forces and American ingenuity to solve the problem.

This sounds ambitious, and it is. But it is also completely doable, once we decide to act. Look at what we've already achieved. In just over 30 years, from the passage of the Clean Air Act in 1970 to 2002, we reduced air pollution from automobiles by over 60 percent. We achieved these reductions even as the total number of vehicle miles traveled increased by 160 percent and GDP grew by 166 percent.

From 1990 to 1996, in just 6 years, we ended production of key chemicals destroying the earth's protective tropospheric ozone layer and shifted to substitutes. Those chemicals had been widely used throughout the economy in applications from air conditioning and refrigeration to solvents and fire suppression.

In each case, entrenched industries told Congress that changes of these magnitudes would be impossible to achieve without massive economic dislocation. And in each case, they were wrong.

We've ignored the threat of global warming for almost too long, but we still have an opportunity if we act now. I urge my colleagues to join me in cosponsoring this critically important bill, and I urge the committee of jurisdiction to consider it without further delay. We must face and overcome the challenge of global warming, and the Safe Climate Act is the way to do it.

TRIBUTE TO SONDRA FROHLICH

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Sondra Frohlich, who is celebrating her retirement from her position as executive director of the Sherman Oaks Chamber of Commerce. Sondra has overseen the Sherman Oaks Chamber since 1997 and has been an active leader in the community for over 40 years.

Sondra has been a dynamic force on the Sherman Oaks Chamber. During her tenure as executive director, the chamber experienced a 100-member net increase and expanded its involvement in business and community improvements. She was one of the founders of the Village at Sherman Oaks Business Improvement Districts, which has blossomed into one of the valley's most recognized destinations for shopping. She was also the incorporator of the Sherman Oaks Business Improvement District to the State of California.

Ms. Frohlich has enjoyed many other accomplishments in her position as executive director of the chamber. She was responsible for the expansion of the Sherman Oaks Street Fair through her engagement of professional management. She coordinated the chamber fight for business tax relief and worker's compensation reforms. She won national recognition for excellence of the chamber's website.

Outside of her work with the Sherman Oaks Chamber, Ms. Frohlich has been very involved in the larger San Fernando Valley community. A true leader, she has served as president of the San Fernando Valley Business and Professional Association, the Northridge Republican Women's Club, and twice has led the Rotary Club of Studio City-Sherman Oaks. She is currently the secretary of the Mid-Valley Community Police Council, a support group to the Van Nuys division of the Los Angeles Police Department, as well as a member of the Board of Directors of the Circle of Care Foundation.

Sondra Frohlich is an outstanding community leader and activist. Her commitment to the San Fernando Valley is impressive, and her leadership is evident. Even with her imminent

retirement, she will continue to make a difference. Ms. Frohlich may be retiring from the Chamber of Commerce, but she is not retiring from involvement in the life and growth of the valley.

Ms. Frohlich has been a distinguished leader, and I ask my colleagues to join me in saluting and honoring her for all of her outstanding accomplishments.

IN HONOR OF DR. RICHARD ELSTER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. FARR. Mr. Speaker, I rise today to recognize the tremendous public career of Dr. Richard Elster who will retire this year from his post as the Naval Postgraduate School's provost and academic dean.

As many of my colleagues know, the Naval Postgraduate School, NPS, located in Monterey, CA, is this Nation's premier institution for graduate level military education and research. While its name points to its origins as a Navy facility, NPS in fact graduates masters and Ph.D. candidates from every U.S. military service and many allied foreign militaries. It also houses a pioneer program to research and grant masters degrees in homeland security.

Dr. Elster has been associated with NPS since 1969, when he joined the faculty as an assistant professor. Since then he has at various times served at NPS as an associate professor, professor, chairman of the Department of Administrative Sciences, dean of instruction, and finally the provost and academic dean position from which he is retiring. In the last 10 years, under Dr. Elster's tenure in this last position, NPS has seen a burst of activity, not only in the areas mentioned above but in many small ways that make it a key component of our Nation's security. Under Dr. Elster's leadership, much of the academic work of NPS students and faculty responds directly to real world defense mission needs. It's a marriage of top notch academics and military mission that no other institution in the U.S., or the world for that matter, can duplicate.

Considered on its own, Dr. Elster's academic career sets a remarkable standard of achievement. However, interspersed through his time at NPS, Dr. Elster served in several high ranking Pentagon positions. Starting in 1975 as a special advisor to the Secretary of Defense for Manpower and reserve affairs, Dr. Elster also held positions as the Deputy Assistant Secretary of the Navy for Manpower, Acting Assistant Secretary of the Navy for Manpower and Reserve Affairs, and Deputy Assistant Secretary of Defense for Resource Management and Support. This record of service reflects both Dr. Elster's keen intelligence and leadership qualities, but also his absolute dedication to public service. The combination of these qualities and his achievements in national security management and in the classroom allow Dr. Elster to leave more than several lifetimes of achievement upon his retirement.

Mr. Speaker, it is easy to say that Dr. Elster's retirement from NPS will leave a void that will be hard to fill. That much is obvious. What is also apparent to me and many others is that he has over these past 30 years set so powerful an example that there are many men and women in public service today who can fill that role by virtue of Dr. Elster's example. It is my privilege to share with Dr. Elster the thanks of this House on the occasion of this retirement and to offer him and his family our best wishes on his life and work to come.

IN HONOR AND REMEMBRANCE OF DAVID ''DOOVY'' KIRSCHENBAUM

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. KUCINICH. Mr. Speaker, I rise in joyful remembrance of the life and work of David ''Doovy'' Kirschenbaum, an extraordinary man whose life was dedicated to family, friends and community. Mr. Kirschenbaum exemplified the purest meaning of the word ''father,'' and his caring, nurturing, dedication and commitment to others enriched the lives of countless individuals.

Doovy was a successful attorney and a staunch advocate for those who could not defend themselves. He built a large law practice with the daily assistance of members of his family. As his life touched the lives of more and more individuals, his influence widened. His wisdom and advice was soon sought after by officials from every rank and branch of government. Doovy's reputation became that of a kind, wise man, who, with just a twinkling of his eye could provide down-to-earth, practical advice. His possessed a philosophic mind, understood deeply the human condition, and always communicated great optimism and love. His commitment to and participation in Cleveland's Jewish community was central to his passion for social and economic justice.

Doovy pushed himself in all of his endeavors. He was constantly building his physical strength. He was an excellent skier and golfer, but a gentle competitor, who understood that life, like sports, was played not just to win but for the love of the game. His enthusiasm and joy for living were contagious. His friendship was consistently sought after by others, as his magnetic character easily drew people to him. His interest in public service led him to an appointment on the Cleveland Port Authority, where he presided over the growth of the great ports along the Great Lakes. His business interests also included health care, where he took pride in helping many families extend the quality of life of their loved ones in superior nursing facilities.

Doovy's greatest achievement in life was always his family. He was a loving father, grandfather and great-grandfather, who with his beloved wife Elise, took great pride in the lives, growth and accomplishments of each of their six children. Together, Doovy and Elise built a family and a life of love that touched the lives of countless people in numerous and permanent ways.

When Doovy reached his 70th birthday, hundreds of his friends traveled to Cleveland from all around America to celebrate his diamond year. When they entered the Kirschenbaum home, Doovy presented them with a small booklet of his philosophical observations entitled: ''It's Still All About Nothing.'' Today, in honoring his memory, we understand why his life meant everything to so many people. We know why this wise man, this advocate of the people, this gentle loving soul will be missed long into the future, not only by those in his large, extended family who shared his life, but by everyone whose life he ever touched.

Mr. Speaker and colleagues, please join me in honor and remembrance of my dear friend, David ''Doovy'' Kirschenbaum. Please also join me as I offer my deepest condolences to his wife Elise; to his daughters, Amy, Lynn, and Jo; to his son Dan; to the memory of his daughters, Susan and Gail; to his 22 grandchildren; to his 3 great-grandchildren, and to his extended family members and many friends. Although he will be greatly missed, his life was lived with great joy and love that he freely extended to his family, friends and to our community. Doovy's limitless kindness, generosity, humor and love consistently framed his life and embraced the lives of others, and his spirit live on within the hearts of his family and friends, today, and for all time, and he will never be forgotten.

PERSONAL EXPLANATION

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Ms. HERSETH. Mr. Speaker, I regret that I was unable to participate in votes on the floor of the House of Representatives on June 19, 2006. I was absent to attend a Veterans' Affairs Committee hearing in South Dakota. I submit this statement today to establish for the record how I would have voted had I been present for these votes.

On June 19, 2006, the House of Representatives held three votes.

The first vote was on a motion to suspend the rules and agree to the H.R. 5540, to designate the Sergeant Jacob Dan Dones Post Office. Had I been present, I would have voted ''yea'' on that question.

The second vote was on motion to suspend the rules and agree to the H.R. 5504, to designate the Larry Winn, Jr. Post Office Building. Had I been present, I would have voted ''yea'' on that question.

The third vote was on a motion to suspend the rules and agree to the H. Res. 826, a resolution expressing the sense of the House of Representatives that a National Youth Sports Week should be established. Had I been present, I would have voted ''yea'' on that question.

TRIBUTE TO ROSITA FERNANDEZ, SAN ANTONIO'S FIRST LADY OF SONG

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. GONZALEZ. Mr. Speaker, I rise today to pay tribute to Rosita Fernandez, a San Antonio icon and a giant in Tejano music, In a career spanning six decades, she was one of

the first Latinas to cross over into Anglo American mainstream media and appeared in television shows, radio broadcasts and major studio movies, Rosita performed for Pope John Paul II, Prince Charles and five U.S. Presidents including President Carter for his inauguration.

She introduced Mexican culture to a wider audience and was an ambassador for Latino cultures. First Lady Lady Bird Johnson named her ''San Antonio's First Lady of Song,'' yet in San Antonio, we knew her as ''Rosita'' and were very proud that she represented our community.

She began singing at the age of 9 shortly after her family made their way from Monterrey, Mexico, to San Antonio. Rosita adapted to each new mode of entertainment. In the 1920's, she performed throughout south Texas with her uncles in the ''Trio San Miguel.'' As radio grew more popular, Rosita began broadcasting on a W.O.A.I. program, As W.O.A.I. moved into television, so did Rosita as she appeared in the station's first broadcast. Thereafter, Rosita performed in a weekly series. Yet, she made recording the foundation of her career and cut hundreds of records over the duration of her career. Her recordings will perpetuate her brilliance and be a lasting contribution to American culture.

Rosita was a pioneer in popularizing a number of styles including canciones romanticas and the bolero, a hybrid style that fused African and Hispanic styles. At a time when the ranchera style was ascendent, Rosita breathed new life into canciones romanticas, which entailed complex orchestral arrangements.

Rosita achieved success on the silver screen. She appeared opposite John Wayne in ''The Alamo,'' and played the lead in Disney's 1963 film, ''Sancho, The Homing Steer,'' which was based on J. Frank Dobie's true story. But, at a time, when most Americans did not have first hand experience with Latinos, figures like Rosita or Desi Arnaz began to change perceptions and biases against our community. Rosita was the consummate cultural ambassador for San Antonio and Latinos throughout America.

Beginning in the 1950's, Rosita performed at the Arneson River Theater every year during the ''Fiesta Noche del Rio.'' San Antonio could look forward to a summer full of their beloved Rosita performing at the beautiful amphitheater on the Riverwalk in La Villita. It was there during the 1968 Hemisfair that Rosita performed for 40 ambassadors. She became so inseparable from that place that San Antonio named an adjacent bridge for her and many said that this bridge symbolized the way Rosita brought Mexican and American cultures together.

She began a much deserved retirement in 1982 that concluded her performing career but began her philanthropic career. Rosita sang for numerous causes and charities and appeared at a wide range of locales to do so. Among the causes she supported were the Brooke Army Medical Center's Burn Unit, the March of Dimes, and churches. Yet, the cause she worked hardest to promote was that of education. After spending her life bridging cultures and educating America about Latinos, it is fitting that she chose to focus her talents on helping others cross the bridge from ignorance to knowledge.

San Antonio suffered a great loss and my thoughts and prayers go out to her husband and her family.

TRIBUTE TO PROJECT GRAD NEWARK

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. PAYNE. Mr. Speaker, I ask my colleagues here in the House of Representatives to join me as I rise to acknowledge Project GRAD Newark as it hosts its sixth annual scholars celebration on Monday, June 19, 2006. Project GRAD has every right to be proud of its accomplishments and a celebration is indeed in order.

Project GRAD Newark was established in 1998 to provide support and an educationally enriched opportunity for Malcolm X Shabazz High School and eight schools that feed students to it. The objectives of Project GRAD Newark are to raise the level of academic performance in mathematics and literacy; to have students believe in their ability to achieve; to have all students aspire to graduate from high school and pursue a college education and to have students strive to receive the $6,000 Project GRAD scholarship. Fortunately for the students of Newark, Project GRAD Newark expanded to include Central High School and its six feeder schools in 2000.

In both instances, the leadership of the Newark Public Schools assessed key indicators of progress and determined these two feeder groups were lowest in the district. These schools needed the GRAD reform initiative to support them with research-based programs, services and resources.

Project GRAD Newark is the first expansion site for the model that was developed in Houston, TX, in 1993. With initial support from Lucent Technologies Foundation and the Ford Foundation, the Newark Public Schools entered into partnership and launched Project GRAD Newark.

Today, 16 schools serving over 8,500 students, 485 teachers and 50 administrators constitute the Project GRAD Newark family. All can share in the joy of the improvements in each of the schools. On-time graduation rates at Central High School have doubled since it became a GRAD school. At Malcolm X Shabazz, the on-time graduation rate has improved by 20 percent compared to the years before it became a GRAD high school.

This year 109 students, 60 from Malcolm X Shabazz and 49 from Central, will graduate with the $6,000 Project GRAD Newark Scholarship as they go off to college this fall. At a time when the City of Newark is struggling to reduce crime in the streets and help young people have hope and focus for a bright future, these students are taking full advantage of the opportunities Project GRAD Newark provides. Mr. Speaker, I know my colleagues join me in congratulating these students on their achievements and all those associated with the Project GRAD Newark program in helping to facilitate this significant program.

CONGRATULATING IMMANUEL ST. JOSEPH'S MAYO HEALTH SYSTEM HOSPITAL

HON. GIL GUTKNECHT

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. GUTKNECHT. Mr. Speaker, I rise today to congratulate St. Joseph's Mayo Health System Hospital of Mankato, Minnesota, on receiving the National Committee for Employer Support of the Guard and Reserve's Above and Beyond award.

The National Committee for Employer Support of the Guard and Reserve, ESGR, was established in 1972 to promote cooperation and understanding between Reserve component members and their civilian employers. Their mission is to continuously gain and maintain active support from all public and private employers for the men and women of the National Guard and Reserve. Local and national representatives stand ready to help employers understand Federal laws that affect the call-up of their employees. The Above and Beyond Award recognizes those who have gone beyond what Federal law requires for supporting activated Guard employees.

Minnesota businesses that employ Guard members are an essential link in family support for deployed service members. The State of Minnesota is recognized as a leader among those employing Guard and Reserve members and received the 2004 Secretary of Defense Employer Support Freedom Award.

Immanuel St. Joseph's Mayo Health System Hospital, ISJ–MHS Hospital, one of 475 companies nominated for the Above and Beyond Award, was nominated by Chief Master Sgt. Dennis of Mankato, Minnesota.

I extend my sincere congratulations to Immanuel St. Joseph's Mayo Health System Hospital for receiving the Above and Beyond Award from the National Committee for Employer Support of Guard and Reserve and commend them for the extraordinary services provided to those who serve our country.

KAREN HOSPITAL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. TOWNS. Mr. Speaker, a few months ago, there was an historic moment that was, sadly, underreported by the news media in this county and in much of the rest of the world. It is only recently that I came to learn of it and I wish to bring it to the attention of this House.

On March 31, outside of Nairobi, Kenya, there was a dedication ceremony for the Karen Hospital, which is the first full-service hospital opened in Kenya since the colonial era, before that country became an independent state within the community of nations.

Karen Hospital is located in the Nairobi suburb of Karen, which many will recognize as the setting for the movie, ''Out of Africa,'' which told the story of author Isak Dinesen, who used the pen name Karen Blixen, and who lived and worked in Kenya and wrote about that country and her love for it.

The opening of Karen Hospital has important implications for health care in Kenya and throughout East Africa. This state-of-the-art facility will provide opportunities for teaching health-care professionals—not just doctors, but nurses, administrators, orderlies, and others—who will bring their knowledge and skills into cities and villages across the region.

When Karen Hospital was opened formally, its chief executive officer, Dr. Betty Gikonyo—who received her medical education in the United States—made a speech, in the presence of President Mwai Kibaki, that reflected the pride and hard work of bringing this hospital from a mere conception to a full-fledged operating unit serving the people of Kenya.

Mr. Speaker, if there is no objection, I would like to place excerpts of the address by Dr. Gikonyo in the CONGRESSIONAL RECORD. Such a historic occasion deserves to be paid much more attention than it has so far received.

EXCERPTS FROM A SPEECH BY DR. BETTY GIKONYO, CHIEF EXECUTIVE OFFICER, THE KAREN HOSPITAL, FRIDAY, MARCH 31, 2006

We have gathered here to celebrate a special day, which will form a milestone in the history of The Karen Hospital. 21 years ago a dream was born, nurtured over the years and now realized. Over the last 10 years we have gone through a process of feasibility studies, consultation, intense planning resulting in a business plan for the Karen Hospital. The search for a financier was not an easy one and it took us over 5 years to convince financial institutions that a medical business is a viable option. We kept on knocking at their doors. Nevertheless some doors were open. We received some offers from both regional and local banks. In consultation with our financial advisers opted for a loan in Kenya Shillings that could finance the two major components of the project which are including building and acquisition of medical equipment. Your Excellency Sir, please, allow us to thank the Kenya Commercial Bank, for believing in our vision and trusting the business plan of a local investor. Kenya Commercial Bank took the risk and proudly partnered with us in undertaking a project of this magnitude. To the KCB Board of Directors and Management Asanteni Sana. You have worked closely with in the formation of this project to see it conclude successfully.

Medical equipment are an expensive undertaking and we wish to recognize Philips Medical Systems Netherlands and Frescenius Renal Supplies of Germany who entered into equipment financing credit plans to enable us to equip the hospital with ultra modem state of the art equipment in all departments as Your Excellency has had an opportunity to see.

This has been achieved through hardwork, commitment and consistency of purpose by a team of financial consultants, medical consultants, hospital engineers and building and civil engineers and a dedicated contractor and sub-contractors. By following the clearly laid out rules we were able to import clear all equipment in good time for installation.

The hospital building comprises of 4 floors each with four wings thoughtfully planned to ensure all services are accessed with minimum effort and maximum convenience to our patients and staff. . . .

The Karen Hospital is a world class ultra modern health facility bringing quality healthcare not only to Kenyans but also to Eastern and Central Africa but beyond.

The 102 bed hospital serves patients with general ailments alongside specialized medical and surgical interventions. It has the newest ultra modern state-of-the art equipment, cardiac diagnosis, interventions and surgery, intensive care, kidney dialysis, Laparoscopic surgery, video Endoscopy and physiotherapy. . . .

[A] Hospital is however not made of building and equipment. Our most important resource is the highly trained and experienced personnel in all departments. Through competitive selection of the best qualified personnel Karen Hospital has been manned by the best Kenya can offer in all our departments both medical and non-medical. This includes our permanent staff as well highly experienced team of medical consultants who form the large panel of over 100 admitting doctors of different areas of specialization.

Your Excellency Sir, I am happy to inform you that we have been able to attend to 634 patients in our Accident and Emergency department. Some with major injuries including bullet assault cases and road traffic accidents. Additionally we have performed a number of surgeries, endoscopies and cardiac catheterizations and as you have seen a full wing of inpatients with varying ailments ranging from major surgeries to medical conditions are recuperating in our Sagana Ward. This confirms that Kenyans have already come to know, trust and use this facility in the last one month. We look forward to a full house in 6 months time. The performance so far has been very impressive and we are encouraged and grateful for the support Kenyans have given this facility at its inception. . . .

The City of Nairobi has been the hub of specialized medical services for the entire country as well as for the Eastern and Central Africa region. Indeed this has been realized in the month of March, as we have admitted referred patients from Tanzania (Daresalam), DRC Congo, Sudan (Khartoum), and Burundi (Bujumbura).

Referrals from the region not only is testimony to the high standard medical services available in Kenya but also affords us an opportunity to boost our inflow of foreign currency to enhance our economic growth. This is an area that can be expanded further by the establishment of highly specialized medical services in the private sector that would see greater number of referral from this population of over 100 million that forms the Eastern Africa community. We at The Karen Hospital has addressed this very specifically by incorporating in our hospital a cardiology program that spans from diagnosis to interventional non-evasive procedures and to heart surgery. We believe that more patients will be diverted from the exodus that sees patient travel to India, South Africa and Europe to seek some of these specialized services. As a new centre of medical excellence, we plan to market our services effervescently to the region and make Kenya a preferred destination for medical services. . . .

This will provide a forum for many to channel their energies, experiences, resources and to harness these positively towards our mission statement. I believe that many of us are cognizant of the benefits that come along with the integrated teaching and referral facility globally.

We at The Karen Hospital wish to compliment and be active participants in the implementation of the government policy of providing promotive, preventive and curative services. We believe there is room for the private sector to provide specialist tertiary medical institutions to compliment those existing in the government and indeed these are not in competition but rather in partnership. More facilities like Karen Hospital are needed in our countries especially in cities Like Mombasa Kisumu and Eldoret and also in the East African cities.

On behalf of the Board of Directors, Management, Staff of The Karen Hospital, may once again, thank you for joining us during this auspicious occasion.

In closing, allow me to quote Our Mentor and Teacher Dr. Sam Mwinzi, a renowned neurologist who is with us today and had this immortalized in our visitors book when he visited Karen Hospital, ''May the portals of this magnificent edifice forever remain open and overflowing with those that seek better health as well as those that have the gift of giving it''.

PAYING TRIBUTE TO BRYTANI CAIPA

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Brytani Caipa for her efforts to protect teens on Internet.

Brytani joined a national effort to protect teens from internet predators by putting together a public service announcement. Brytani's public service announcement focused on protecting our First Amendment rights, while at the same time protecting our children. Her hard work paid off, as her public service announcement placed second nationally in a contest run through the Take Charge Program, and it is currently airing on numerous radio stations.

Mr. Speaker, I am proud to honor Brytani Caipa for her efforts to educate teens on Internet safety and protect them from Internet predators. I wish her the best of luck in her future endeavors.

TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2007

SPEECH OF

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2006

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5576) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2007, and for other purposes:

Mr. SWEENEY. Mr. Chairman, I rise today to express my disappointment over the exclusion of section 206 as well as this amendment from the FY07 TTHUD bill.

Rep. Tiahrt's amendment—of which neither provision has any negative impact on or shuts down any current IRS program or service—would prevent the IRS from using taxpayer dollars to develop programs such as return-free tax filing systems, interactive tax filing systems and web portals.

These systems would overextend the IRS, expanding it beyond and diluting its core mission of tax collection and regulation. The costs

of developing, implementing and maintaining them would total billions of dollars. All this is even more strikingly troublesome given a recent Wall Street Journal poll that found that 70% of Americans don't want the IRS preparing their taxes anyway.

I share the sentiments of the American people. As far as I'm concerned, having the IRS prepare your taxes is a little like sending your dog to the butcher to pick up your order—it doesn't serve your best interest.

Despite the assurances of Secretary Snow and Commissioner Everson, there is currently nothing in statute that stops the IRS from developing and implementing a return-free tax filing system. Yet we already have a program in place that serves the purpose of these costly systems.

It is called the Free File Alliance—of which my home state of New York is a member and it assists people who otherwise cannot afford tax preparation or e-filing. The Free File Alliance is a private sector program, and provides free preparation services to poor and low-income families, and since its inception in 2002 it has provided 15.3 million free Federal tax returns.

Now, the Free File Alliance is not a perfect system yet, and it is still in need of additional oversight and reform. However, its existence means that the infrastructure for such systems is already in place, making the costly development of virtually identical IRS programs unnecessary.

CONGRATULATING ARCHER DANIELS MIDLAND

HON. GIL GUTKNECHT

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. GUTKNECHT. Mr. Speaker, I rise today to congratulate Archer Daniels Midland of Mankato, Minnesota, on receiving the National Committee for Employer Support of the Guard and Reserve's Above and Beyond award.

The National Committee for Employer Support of the Guard and Reserve (ESGR) was established in 1972 to promote cooperation and understanding between Reserve component members and their civilian employers. Their mission is to continuously gain and maintain active support from all public and private employers for the men and women of the National Guard and Reserve. Local and national representatives stand ready to help employers understand Federal laws that affect the call-up of their employees. The Above and Beyond award recognizes those who have gone beyond what Federal law requires for supporting activated Guard employees.

Minnesota businesses that employ Guard members are an essential link in family support for deployed service members. The state of Minnesota is recognized as a leader among those employing Guard and Reserve members and received the 2004 Secretary of Defense Employer Support Freedom Award.

Archer Daniels Midland (ADM) was nominated by Sgt. Dave Bonnifield who has been mobilized twice with the Army Guard. ADM has been extremely supportive by providing pay differential and continuous support to Sgt. Bonnifield's family. Archer Daniels Midland was one of 475 companies nominated for the Above and Beyond award.

I extend my sincere congratulations to Archer Daniels Midland for receiving the Above and Beyond Award from the National Committee for Employer Support of Guard and Reserve and commend them for the extraordinary services provided to those who serve our country.

THE DEMOCRATIC PACIFIC UNION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. TOWNS. Mr. Speaker, on May 14, 2005, the 60th anniversary of the end of World War II, the Democratic Pacific Union was formally inaugurated in Taipei, Taiwan. Notable guests at the ceremony included presidents of Taiwan, Costa Rica and Guatemala, as well as vice presidents of Taiwan, Nicaragua and Palau. The goals of the union are to integrate resources in the pan-Pacific region for joint development and regional cooperation and to promote democracy, peace and prosperity among DPU member democracies.

Since May of 2005, the union has established a Secretariat, published its first quarterly, planned West Pacific regional meetings, formed a Pacific economic advisory group, and initiated the Pacific Congressional Caucus project. The project seeks to bring congressional and parliamentary members of DPU together to promote exchange and cooperation among lawmakers throughout DPU member countries. The Taiwan Chapter of the Pacific Congressional Caucus was inaugurated on May 20, 2006 and convened by the Speaker of Taiwan's Legislature Yuan.

The Taiwan Chapter of the Pacific Congressional Caucus will sponsor a symposium on congressional reforms this August 12–14 in Taipei, Taiwan. Legislative members of the DPU members states and U.S. Members of Congress are cordially invited to attend this symposium either as participants or observers. I hope that my colleagues will find time to attend this very important event in Taipei and lend our encouragement and support to the Pacific Congressional Caucus.

I salute the Democratic Pacific Union, its goals, achievements, and initiations which included a training program on hazard mitigation on typhoon-related disasters held May 8–12, 2006 in Taiwan; a 2006 fellowship and scholarship program providing funds for students from DPU member states to attend universities in Taiwan; invitation of distinguished women from member states to attend meetings in Taiwan to identify, and address problems women face in the Pacific region; invitation of political experts to observe elections in Taiwan; and establishment of the Pacific Center for Disaster Reduction in Taipei.

PAYING TRIBUTE TO WEN HUI TAN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Wen Hui Tan for being named the Nevada State winner in the 19th annual National Peace Essay Contest sponsored by the United States Institute for Peace.

Approximately 4,000 students from across the United States wrote essays for this year's topic, ''Controlling the Proliferation of Nuclear Weapons.'' This contest challenges students to consider some of the most pressing issues confronting international peace and our country's security. This year's topic of nuclear proliferation could not be more timely, and it is also a challenge that the international community will confront for decades to come. Wen's essay, titled ''Nuclear Proliferation: Two Superpowers and Iraq,'' won at the Nevada State level, earning Wen a $1,000 college scholarship and a chance to compete at the national level.

Wen is currently a student at Coronado High School in Henderson, NV. Her passions include volunteering in the children's department of a local library, graphic design, eating foreign cuisine, chemistry, and traveling. With a myriad of interests, she has aspirations of pursuing higher education at the Massachusetts Institute of Technology in hopes to train for her future careers as a linguist, pediatric surgeon, and paleontologist.

Mr. Speaker, I am proud to honor Wen Hui Tan for being the Nevada State winner of the 19th annual National Peace Essay Contest sponsored by the United States Institute for Peace. I commend her success and wish her the best of luck at the national competition and in all of her future endeavors.

TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2007

SPEECH OF

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2006

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5576) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2007, and for other purposes:

Mr. SWEENEY. Mr. Chairman, I thank you for your leadership on this bill. I am proud to serve as the Vice-Chairman of this Subcommittee. I want to echo the words of my friend, Mr. REHBERG, because Amtrak is an essential service in my Congressional District and home state of New York.

We have had this debate every year, and we go through this process in each of those years. Last year in particular, we fought possibly the toughest battle in years for passenger rail. We were threatened with vetoes, unless some Amtrak reforms were enacted. So what did we do? We enacted reform. One year later, we have seen evidence these reforms are working.

Yet, here we are today with a proposal to fund Amtrak at $900 million. This allocation is-

a shutdown number for Amtrak, and it would come at the worst possible time to shut down Amtrak.

This is because we have seen evidence these reforms are working. We required Amtrak put in place a new business plan. We required Amtrak to institute new service contracts and plans. For instance, they had to adopt more efficient accounting procedures. We also demanded they restructure their dining services, which was a big money loser.

The Department of Transportation Inspector General just issued a report on Amtrak business practices. According to this April 6th report, Amtrak has saved $19 million from October 2005 through February 2006, thanks to these reforms. This is better than expected.

Amtrak is saving money because of the institution of these new reform plans that we demanded of them. To now shut them down would go back on our word. They lived up to their end of the deal, now we must live up to ours.

Daily Digest

HIGHLIGHTS

The House passed H.R. 5631—Department of Defense Appropriations Act, 2007.

Senate

Chamber Action

Routine Proceedings, pages S6099–S6188

Measures Introduced: Nine bills and two resolutions were introduced, as follows: S. 3537–3545 and S. Res. 517–518. **Page S6154**

Measures Reported:

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, with an amendment. **Page S6154**

Measures Passed:

Commending Carolina Hurricanes: Senate agreed to S. Res. 517, commending the Carolina Hurricanes for winning the 2006 National Hockey League Stanley Cup. **PageS S6187–88**

Honoring James Cameron: Senate agreed to S. Res. 518, honoring the life and accomplishments of James Cameron. **Page S6188**

National Defense Authorization: Senate continued consideration of 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, taking action on the following amendments proposed thereto: **Pages S6105–47**

Adopted:

By 64 yeas to 34 nays (Vote No. 177), McConnell Modified Amendment No. 4272, to affirm the Iraqi Government position of no amnesty for terrorists who have attacked U.S. forces. **Pages S6110–17**

By 79 yeas to 19 nays (Vote No. 178), Nelson (FL)/Menendez Amendment No. 4265, to express the sense of Congress that the Government of Iraq should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States. **Page S6117**

Warner (for Ensign/Reid) Amendment No. 4308, to provide for expansion of the Junior Reserve Officers' Training Corps program. **Pages S6117–18**

Levin (for Kennedy/Sessions) Amendment No. 4299, to require a report on the feasibility of establishing a scholarship or fellowship program to educate future nuclear engineers at the postsecondary and postgraduate levels. **Pages S6117, S6118**

Warner (for Dole/Jeffords) Amendment No. 4349, to require a National Academy of Sciences study on human exposure to contaminated drinking water at Camp Lejeune, North Carolina. **Pages S6117, S6118**

Warner (for Bond/Leahy) Amendment No. 4271, to enhance the authorities and responsibilities of the National Guard Bureau. **Pages S6117, S6118–19**

Warner (for Graham/Kerry) Amendment No. 4226, to clarify the applicability of the Uniform Code of Military Justice during a time of war. **Pages S6117, S6119**

Warner Amendment No. 4350, to modify authorities relating to the composition and appointment of members of the United States Marine Band and the United States Marine Drum and Bugle Corps. **Pages S6117, S6119**

Levin (for Akaka) Amendment No. 4351, to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel. **Pages S6117, S6119**

Warner (for Ensign) Amendment No. 4352, to authorize the temporary use of the National Guard to provide support for border security along the southern land border of the United States. **Pages S6117, S6119–20**

Levin (for Akaka) Amendment No. 4353, to ensure government performance of critical acquisition functions. **Pages S6117, S6120**

Warner (for Ensign) Amendment No. 4354, to require a report on technologies designed to neutralize or defeat the threat to military rotary wing aircraft posed by portable air defense systems and rocket propelled grenades. **Pages S6117, S6120**

Levin (for Clinton) Amendment No. 4213, to provide for a review of the legal status of the Junior Reserve Officers' Training Corps program. **Pages S6117, S6120**

Warner (for Santorum) Amendment No. 4210, expressing the sense of the Senate on notice to Congress of the recognition of members of the Armed Forces for extraordinary acts of heroism, bravery, and achievement. **Pages S6117, S6120**

Levin (for Kennedy) Amendment No. 4300, relating to multi-spectral imaging capabilities. **Pages S6117, S6120–21**

Warner (for Allard) Amendment No. 4209, to commend the men and women of the Armed Forces of the United States in Iraq for their on-going service to the United States. **Pages S6117, S6121**

Levin (for Jeffords) Modified Amendment No. 4215, to provide for 2 programs to authorize the use of leave by caregivers for family members of certain individuals performing military service. **Pages S6117, S6121–22**

Warner/Levin Amendment No. 4355, to modify the increase in the fiscal year 2006 general transfer authority. **Pages S6117, S6122**

Warner/Levin Amendment No. 4356, to authorize additional emergency supplemental appropriations for fiscal year 2006. **Pages S6117, S6122**

Warner (for Thune) Modified Amendment No. 4217, to require a report on the future aerial training airspace requirements of the Department of Defense. **Pages S6117, S6122**

Levin (for Menendez/Bingaman) Amendment No. 4357, to establish a goal of the Department of Defense relating to the use of renewable energy to meet electricity needs. **Pages S6117, S6122**

Warner/Levin Amendment No. 4358, to modify the limitation on availability of funds for Department of Defense participation in multinational military centers of excellence. **Pages S6117, S6122**

Levin (for Bingaman/Menendez) Amendment No. 4359, to require a report on actions to reduce the consumption of petroleum-based fuel by the Department of Defense. **Pages S6117, S6122**

Warner Amendment No. 4360, to require a report assessing the desirability and feasibility of conducting joint officer promotion selection boards. **Pages S6117, S6122**

Rejected:

By 44 yeas to 52 nays (Vote No. 176), Dorgan Amendment No. 4292, to establish a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism. **Pages S6108–10**

Withdrawn:

Frist Amendment No. 4323 (to Amendment No. 4322), to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions. **Page S6105**

Pending:

McCain Amendment No. 4241, to name the Act after John Warner, a Senator from Virginia. **Page S6105**

Kennedy Amendment No. 4322, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage. **Page S6105**

Enzi Amendment No. 4376, to promote job creation and small business preservation in the adjustment of the Federal minimum wage. **Page S6140**

A motion was entered to close further debate on the bill and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Thursday, June 22, 2006. **Pages S6142, S6188**

A unanimous-consent-time agreement was reached providing for further consideration of the bill at 9:30 a.m., on Wednesday, June 21, 2006; that there be 90 minutes for debate on Enzi Amendment No. 4376 (listed above) equally divided between the Chairman and Ranking Member of the Committee on Health, Education, Labor, and Pensions, or their designees; that upon conclusion of that debate, Senate proceed to vote on Kennedy Amendment No. 4322 (listed above), to be followed by a vote on Enzi Amendment No. 4376 (listed above); that no amendment be in order to either amendment; that if either amendment does not receive 60 votes in the affirmative, then that amendment would be withdrawn; further, that following those votes, Senator Levin be recognized to offer an amendment relating to Iraq; that there be 5 hours equally divided for debate thereon; that no amendment be in order thereto; that upon conclusion of that debate, the Levin amendment be laid aside, and Senator Kerry then be recognized to offer an amendment relating to Iraq. **Page S6188**

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:

Protocol III to 1949 Geneva Convention and an Amendment and Protocol to 1980 Conventional Weapons Convention (Treaty Doc. No. 109–10).

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. **Page S6187**

Messages From the House: Pages S6152–53
Measures Referred: Page S6153
Executive Communications: Pages S6153–54
Additional Cosponsors: Pages S6154–57
Statements on Introduced Bills/Resolutions: Pages S6157–63
Additional Statements: Page S6151
Amendments Submitted: Pages S6163–86
Notices of Hearings/Meetings: Page S6186
Authority for Committees to Meet: Pages S6186–87
Privileges of the Floor: Page S6187

Record Votes: Three record votes were taken today. (Total—178) Page S6109–10 S6117, S6117

Adjournment: Senate convened at 9:45 a.m., and adjourned at 8:09 p.m., until 9:30 a.m., on Wednesday, June 21, 2006. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6188.)

Committee Meetings

(Committees not listed did not meet)

RURAL DEVELOPMENT PROGRAMS

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine the Rural Development Programs of the Department of Agriculture, focusing on broadband technology, and energy sources, especially ethanol, after receiving testimony from Thomas C. Dorr, Under Secretary of Agriculture for Rural Development; Jane Halliburton, Story County Iowa, Nevada, Iowa, on behalf of the National Association of Counties and the National Association of Development Organizations; Glenn English, National Rural Electric Cooperative Association, Arlington, Virginia; and Mary McBride, CoBank, Denver, Colorado.

APPROPRIATIONS: AGRICULTURE

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, and Related Agencies approved for full Committee consideration of H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, with an amendment in the nature of a substitute.

EXPORT-IMPORT BANK

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the reauthorization of the Export-Import Bank of the United States, after receiving testimony from James H. Lambright, Acting Chairman and President, Export-Import Bank of the United States; Clay Lowery, Assistant Secretary of the Treasury for International Affairs; James D. McClaskey, Midrex Technologies, Inc., Charlotte, North Carolina; David Ickert, Air Tractor, Inc., Olney, Texas, on behalf of Small Business Exporters Association; and Robert E. Scott, Economic Policy Institute, Washington, D.C.; and Harry G. Hayman, III, Commerce Bank, Cherry Hill, New Jersey, on behalf of Bankers' Association for Finance and Trade.

FEDERAL HOUSING ADMINISTRATION

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing and Transportation concluded a hearing to examine reform issues relating to the Federal Housing Administration, focusing on the need for continued improvement in managing risks and estimating program costs, after receiving testimony from Brian D. Montgomery, Assistant Secretary of Housing and Urban Development for Housing and Federal Housing Commissioner; William B. Shear, Director, Financial Markets and Community Investment, Government Accountability Office; Regina M. Lowrie, Gateway Funding Diversified Mortgage Services, Horsham, Pennsylvania, on behalf of Mortgage Bankers Association; A.W. Pickel, III, LeaderOne Financial Corporation, Lenexa, Kansas, on behalf of National Association of Mortgage Brokers; Ira Goldstein, The Reinvestment Fund, Philadelphia, Pennsylvania; and Basil N. Petrou, Federal Financial Analytics, Inc., and Tom Stevens, National Association of Realtors, both of Washington, D.C.

BUSINESS MEETING

Committee on the Budget: Committee ordered favorably reported S. 3521, to establish a new budget process to create a comprehensive plan to rein in spending, reduce the deficit, and regain control of the Federal budget process, with an amendment.

NATIONAL PARK SERVICE'S REVISED DRAFT MANAGEMENT POLICIES

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded a hearing 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, after receiving testimony from Stephen P. Martin, Deputy Director, National Park Service, Department of the Interior; and Thomas C. Kiernan, National Parks Conservation Association, Washington, D.C.

NOMINATION

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nomination of Paul A. Denett, of Virginia, to be Administrator for Federal Procurement Policy, after the nominee, who was introduced by Senator Warner, testified and answered questions in his own behalf.

UNITED NATIONS RENOVATION

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, and International Security concluded an oversight hearing to examine United Nations headquarters renovation, focusing on transparency, accountability, financial and ethical integrity at the international body, after receiving testimony from John R. Bolton, U.S. Permanent Representative to the United Nations; Thomas Melito, Director, International Affairs and Trade, Government Accountability Office; Claudia Rosett, Foundation for the Defense of Democracies, New York, New York; and Anne Bayefsky, Hudson Institute, Washington, D.C.

INSURERS' ANTITRUST EXEMPTION

Committee on the Judiciary: Committee held a hearing to examine implications on repealing the insurers' antitrust exemption relating to the McCarran-Ferguson Act, and S. 1525, to ensure that commercial insurers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers, receiving testimony from Elinor R. Hoffmann, Office of the Attorney General for the State of New York, New York; Michael McRaith, Illinois Director of Insurance, Chicago, on behalf of the National Association of Insurance Commissioners; Marc Racicot, American Insurance Institute, former Montana Governor, Bob Hunter, Consumer Federation of America, and Donald C. Klawiter, American Bar Association, all of Washington, D.C.; and Kevin Thompson, Insurance Services Office, Jersey City, New Jersey.

Hearing recessed subject to the call.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 14 public bills, H.R. 5640–5646, 5648–5654; and 3 resolutions, H. Res. 879–881 were introduced.

Pages H4327–28

Additional Cosponsors: **Pages H4328–29**

Reports Filed: Reports were filed today as follows:

H.R. 5574, to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals, with an amendment (H. Rept. 109–508);

H.R. 5573, to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act (H. Rept. 109–509);

S. 655, to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention, with an amendment (H. Rept. 109–510);

H. Con. Res. 426, recognizing the Food and Drug Administration of the Department of Health and Human Services on the occasion of the 100th anniversary of the passage of the Food and Drugs Act for the important service it provides to the Nation (H. Rept. 109–511);

H.R. 5076, to amend title 49, United States Code, to authorize appropriations for fiscal years 2007, 2008, and 2009, and for other purposes (H. Rept. 109–512);

H. Con. Res. 235, expressing the sense of the 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 (H. Rept. 109–513);

H.R. 5187, to amend the John F. Kennedy Center Act to authorize additional appropriations for the John F. Kennedy Center for the Performing Arts for fiscal year 2007 (H. Rept. 109–514);

H.R. 5647, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2007, (H. Rept. 109–515); and

H. Res. 878, providing for consideration of the bill (H.R. 9) to amend the Voting Rights Act of 1965 (H. Rept. 109–516). **Page H4327**

Speaker: Read a letter from the Speaker wherein he appointed Representative Simmons to act as Speaker pro tempore for today. **Page H4221**

Recess: The House recessed at 9:40 a.m. and reconvened at 11 a.m. **Page H4222**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Honoring the life and accomplishments of James Cameron: H. Res. 867, amended, to honor the life and accomplishments of James Cameron; **Pages H4226–28**

Commending the Patriot Guard Riders for shielding mourning military families from protesters and preserving the memory of fallen service members at funerals: H. Res. 731, amended, to commend the Patriot Guard Riders for shielding mourning military families from protesters and preserving the memory of fallen service members at funerals, by a (2/3) yea-and-nay vote of 418 yeas with none voting "nay" and 2 voting "present", Roll No. 293; **Pages H4228–31, H4244–45**

Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2005: H.R. 4356, to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds; **Pages H4231–33**

Honoring and praising the National Society of the Sons of the American Revolution on the 100th anniversary of being granted its Congressional Charter: H. Con. Res. 367, to honor and praise the National Society of the Sons of the American Revolution on the 100th anniversary of being granted its Congressional Charter; and **Pages H4233–34**

Amending the Nursing Relief for Disadvantaged Areas Act of 1999 to remove the limitation for nonimmigrant classification for nurses in health professional shortage areas: H.R. 1285, amended, to amend the Nursing Relief for Disadvantaged Areas Act of 1999 to remove the limitation for nonimmigrant classification for nurses in health professional shortage areas. **Pages H4237–39**

Agreed to amend the title so as to read: "To extend for 3 years changes to requirements for admission of non-immigrant nurses in health professional shortage areas made by the Nursing Relief for Disadvantage Areas Act of 1999.". **Pages H4237–39**

Suspensions—Failed: The House failed to agree to suspend the rules and pass the following measures:

Requiring representatives of governments designated as State Sponsors of Terrorism to disclose to the Attorney General lobbying contacts with legislative branch officials: H.R. 5228, to require representatives of governments designated as State Sponsors of Terrorism to disclose to the Attorney General lobbying contacts with legislative branch officials, by a (2/3) yea-and-nay vote of 263 yeas to 159 nays, Roll No. 294. **Pages H4234–37, H4245–46**

Department of Defense Appropriations Act, 2007: The House passed H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, by a yea-and-nay vote of 407 yeas to 19 nays, Roll No. 305, after ordering the previous question. **Pages H4239–44, H4246–H4313**

Agreed to:

Murtha amendment to insert "(reduced by $5,000,000) (increased by $5,000,000)" on page 27, line 17, after the first dollar amount; **Page H4258**

Granger amendment to prohibit the use of funds made available in this Act to approve or license the sale of the F/A–22 advanced tactical fighter to foreign governments; **Pages H4264–70**

Castle amendment to prohibit the use of funds made available in this Act be obligated or expended to provide award fees to any defense contractor for performance that does not meet the requirements of the contract concerned; **Pages H4271–73**

Markey amendment to prohibit the use of funds made available in this Act to be used in contravention of laws or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; **Pages H4274–75**

Inslee amendment to prohibit any of the funds appropriated by this Act from being used to waive or modify regulations promulgated under chapter 43, 71, 75, or 77 of title 5, United States Code; and **Pages H4293–95**

Norton amendment to prohibit the use of funds from being made available to enter into or carry out a contract for the performance by a contractor of any base operation support service at Walter Reed Army Medical Hospital pursuant to the public-private competition conducted under Office of Management and Budget Circular A–76 that was initiated on June 13, 2000, and that has the solicitation number DADA 10–03–R–0001. **Page H4306**

Rejected:

Flake amendment that sought to prohibit the use of funds made available in this Act from being made available for the project designated as the "Wind Demonstration Project"; **Page H4275**

Schiff amendment that sought to prohibit the use of funds made available in this Act to be used to engage in electronic surveillance in the United States except as authorized under the Foreign Intelligence

Surveillance Act or chapter 119 or chapter 121 of title 18, United States Code. For purposes of this amendment, the terms ''electronic surveillance'' and ''United States'' have the meanings given those terms in section 101 of the Foreign Intelligence Surveillance Act (by a recorded vote of 207 ayes to 219 noes, Roll No. 295); **Pages H4275–87, H4289–90**

King of Iowa amendment (No. 1 printed in the Congressional Record of June 19, 2006) that sought to strike section 9012 (relating to a basing rights agreement between the United States and Iraq) (by a recorded vote of 50 ayes to 376 noes, Roll No. 296); **Pages H4270–73, H4290**

Chocola amendment that sought to prohibit the use of funds made available in this Act be available for the development, deployment, or operation of the web-based, end-to-end travel management system of the Department of Defense known as the Defense Travel System (by a recorded vote of 141 ayes to 285 noes, Roll No. 297); **Pages H4273–74, H4290–91**

Flake amendment that sought to prohibit the use of funds made available in this Act for the project designated as the ''Wind Demonstration Project'' (by a recorded vote of 77 ayes to 347 noes with 1 voting ''present'', Roll No. 298); **Pages H4291–92**

Flake amendment that sought to prohibit the use of funds made available in this Act for the JASON Education Foundation (by a recorded vote of 69 ayes to 352 noes with 1 voting ''present'', Roll No. 299); **Pages H4288–89, H4292**

Flake amendment that sought to prohibit the use of funds made available by this Act to be used for the Center for Rotorcraft Innovation; **Pages H4295–H4301**

Flake amendment that sought to prohibit the use of funds made available by this Act to be used for the Illinois Technology Transition Center; **Pages H4301–02**

Flake amendment that sought to prohibit the use of funds made available by this Act to be used for the Advanced Law Enforcement Rapid Response Training Program (ALERRT); **Pages H4307–08**

Hinchey amendment that sought to prohibit the use of funds made available by this Act to be used to initiate military operations against Iran except in accordance with Article I, Section 8 of the Constitution of the United States (by a recorded vote of 158 ayes to 262 noes, Roll No. 300); **Pages H4303–04, H4309–10**

Hinchey amendment that sought to prohibit the use of funds made available by this Act to be used for any contract with the communications and public relations firm known as the Lincoln Group (by a recorded vote of 153 ayes to 268 noes, Roll No. 301); **Page H4310**

Flake amendment that sought to prohibit the use of funds made available by this Act to be used for the Northwest Manufacturing Initiative (by a recorded vote of 56 ayes to 369 noes, Roll No. 302); **Pages H4304–06, H4310–11**

Flake amendment that sought to prohibit the use of funds made available by this Act to be used for the Lewis Center for Education Research (by a recorded vote of 50 ayes to 373 noes, Roll No. 303); and **Pages H4306–07, H4311–12**

Flake amendment that sought to prohibit the use of funds made available by this Act to be used for the Leonard Wood Research Institute (by a recorded vote of 62 ayes to 363 noes, Roll No. 304). **Pages H4308–09, H4312**

Withdrawn:

Jackson-Lee of Texas amendment that was offered and subsequently withdrawn which sought to require that not less than $10,000,000 of the funds shall be used for prosthetic research; **Pages H4258–64**

Engel amendment that was offered and subsequently withdrawn which sought to make it the sense of the Congress that the Department of Navy is to be commended for having the highest percentage of Alternative Fuel Vehicles acquired by any federal agency during fiscal year 2005; **Page H4273**

Stearns amendment that was offered and subsequently withdrawn which sought to prohibit any of the funds made available in this Act from being used to interpret voluntary religious discussions as ''official'' as specified in the revised interim guidelines concerning free exercise of religion in the Air Force; and **Page H4293**

Filner amendment that was offered and subsequently withdrawn which sought to prohibit any of the funds made available in the Act from being used to place a social security account number on any indentification card issued to a member of the Armed Forces, a retired member of the Armed Forces, or a dependent of such a member or retired member. **Page H4293**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H4313**

H. Res. 877, the rule providing for consideration of the bill was agreed to by a yea-and-nay vote of 400 yeas to 18 nays, Roll No. 292, after agreeing to order the previous question without objection. **Pages H4243–44**

Presidential Message: Read a message from the President wherein he notified the Congress of the continuation of the national emergency with respect

to the large accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation—referred to the Committee on International Relations and ordered printed (H. Doc. 109–115); and **Pages H4315–16**

Read a message from the President wherein he notified the Congress that he declared a national emergency with respect to the policies and actions of certain individuals in Belarus—referred to the Committee on International Relations and ordered printed (H. Doc. 109–116). **Page H4316**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H4328–29.

Quorum Calls—Votes: Four yea-and-nay votes and ten recorded votes developed during the proceedings of today and appear on pages H4244, H4244–45, H4245, H4289–90, H4290, H4291, H4291–92, H4292, H4309–10, H4310, H4310–11, H4311–12, H4312, H4312–13. There were no quorum calls.

Adjournment: The House met at 9:30 a.m. and adjourned at 11:37 p.m.

Committee Meetings

SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES APPROPRIATIONS FOR FY 2007

Committee on Appropriations: Ordered reported, as amended, the Science, The Departments of State, Justice, and Commerce, and Related Agencies appropriations for fiscal year 2007.

DOD FORCE REALIGNMENTS

Committee on Armed Services: Held a hearing on significant force realignments of the Department of Defense, including beddown, support, and other costs and requirements related to those realignments. Testimony was heard from the following officials of the Department of Defense: Ryan Henry, Principal Under Secretary, Policy; Philip W. Grone, Deputy Under Secretary, Installations and Environment; and RADM William D. Sullivan, USN, Vice Director, Strategic Plans and Policy, Joint Chiefs of Staff.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Ordered reported the following measures: H.R. 5534, To establish a grant program whereby moneys collected from violations of the corporate average fuel economy program are used to expand infrastructure necessary to increase the availability of alternative fuels; H.R. 5632, amended, To amend Chapter 301 of title 49, United States Code, to establish a national tire fuel efficiency consumer information program; H.R. 5611, amended, Fuel Consumption Education Act; a measure to study and promote the use of energy efficient computer servers in the United States; and H.R. 2730, United States-Israel Energy Cooperation Act.

PRIVACY IN THE COMMERCIAL WORLD

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection held a hearing entitled ''Privacy in the Commercial World II.'' Testimony was heard from public witnesses.

GOVERNMENT INVESTMENTS INCENTIVES

Committee on Government Reform: Subcommittee on Federalism and the Census held a hearing entitled ''Poverty, Public Housing and the CRA: Have Housing and Community Investment Incentives Helped Public Housing Families Achieve the American Dream?'' Testimony was heard from public witnesses.

NAVAJO-HOPI SETTLEMENT AMENDMENTS OF 2005

Committee on Resources: Held a hearing on S. 1003, Navajo-Hopi Land Settlement Amendments of 2005. Testimony was heard from William Pat Ragsdale, Director, Bureau of Indian Affairs, Department of the Interior; and public witnesses.

VOTING RIGHTS REAUTHORIZATION AND AMENDMENTS ACT

Committee on Rules: Granted, by voice vote, a structured rule providing 90 minutes of general debate on H.R. 9, Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment and 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 he 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 amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Sensenbrenner and Representatives Daniel E. Lungren of California, King of Iowa, Gohmert, Herger, Rohrabacher, Norwood, Bilbray, Garrett of New Jersey, Westmoreland, Campbell and Conyers.

COAST GUARD AUTHORIZATION FY 2007

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing on FY 2007 Coast Guard Authorizing legislation. Testimony was heard from RADM William D. Baumgartner, USCG, Judge Advocate General, U.S. Coast Guard, Department of Homeland Security; and public witnesses.

OVERSIGHT—VA DATA SECURITY

Committee on Veterans' Affairs: Subcommittee on Disability Assistance and Memorial Affairs and the Subcommittee on Economic Opportunity held a joint oversight hearing on Veterans Benefits Administration data security. Testimony was heard from the following officials of the Veterans Benefits Administration, Department of Veterans Affairs: Ronald Aument, Deputy Under Secretary, Benefits; Michael Walcoff, Associate Deputy Under Secretary, Policy, Field Operations; and Thomas Lloyd, Deputy Chief Information Officer; and Michael Staley, Assistant Inspector General, Audit; and Gregory Wilshusen, Director, Information Security Issues, GAO.

COMMITTEE MEETINGS FOR WEDNESDAY, JUNE 21, 2006

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine, to hold hearings to examine economics, service, and capacity in the freight railroad industry, 10 a.m., SD–562.

Subcommittee on Technology, Innovation, and Competitiveness, to hold hearings to examine accelerating the adoption of health information technology, 2:30 p.m., SD–562.

Committee on Energy and Natural Resources: business meeting to consider the nominations of Philip D. Moeller, of Washington, and Jon Wellinghoff, of Nevada, each to be a Member of the Federal Energy Regulatory Commission, 11:30 a.m., SD–366.

Subcommittee on Public Lands and Forests, to hold hearings to examine the Government Accountability Office report entitled ''Wildland Fire Suppression—Lack of Clear Guidance Raises Concerns About Cost Sharing Between Federal and Nonfederal Entities'' (GAO–06–570), 2:30 p.m., SD–366.

Committee on Environment and Public Works: to hold hearings to examine safer technology in the context of chemical site security, 9:30 a.m., SD–628.

Committee on Foreign Relations: to hold hearings to examine the United Nations Convention Against Corruption (the ''Corruption Convention''), adopted by the United Nations General Assembly on October 31, 2003 (Treaty Doc. 109–06), 9:30 a.m., SD–419.

Subcommittee on International Economic Policy, Export and Trade Promotion, with the Subcommittee on Western Hemisphere, Peace Corps and Narcotics Affairs, to hold joint hearings to examine international methamphetamine trafficking, 2:30 p.m., SD–419.

Committee on Indian Affairs: to hold hearings to examine S. 480, to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe, and S. 437, to expedite review of the Grand River Band of Ottawa Indians of Michigan to secure a timely and just determination of whether that group is entitled to recognition as a Federal Indian tribe, 9:30 a.m., SR–485.

Committee on the Judiciary: to hold hearings to examine if Congress can protect copyright and promote innovation relating to the analog hold, 9:30 a.m., SD–226.

Subcommittee on Constitution, Civil Rights and Property Rights, to hold hearings to examine policy and perspectives and views from the field regarding the Voting Rights Act, 2 p.m., SD–226.

Full Committee, to hold hearings to examine the nomination of Neil M. Gorsuch, of Colorado, to be United States Circuit Judge for the Tenth Circuit, 4 p.m., SD–226.

Committee on Small Business and Entrepreneurship: to hold hearings to examine the nomination of Steven C. Preston, of Illinois, to be Administrator of the Small Business Administration, 10:30 a.m., SR–428A.

Select Committee on Intelligence: closed business meeting to consider intelligence matters, 2:30 p.m., SH–219.

Special Committee on Aging: to hold hearings to examine ensuring seniors don't outlive their savings relating to managing retirement assets, 10 a.m., SD–106.

House

Committee on Armed Services, Subcommittee on Military Personnel and the Subcommittee on Africa of the Committee on International Relations Committee, joint hearing on trafficking in persons, 2 p.m., 2118 Rayburn.

Subcommittee on Strategic Forces, hearing on space and U.S. national power, 10 a.m., 2212 Rayburn.

Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, hearing entitled ''Internet Data Brokers and Pretexting: Who Has Access to Your Private Records?'' 10 a.m., 2322 Rayburn.

Subcommittee on Telecommunications and the Internet, entitled ''Universal Service: What Are We Subsidizing and Why? Part 1: The High-Cost Fund,'' 2 p.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises, hearing entitled ''Commercial Insurance Modernization'', 2 p.m., 2128 Rayburn.

Subcommittee on Financial Institutions and Consumer Credit, hearing entitled ''Bank Secrecy Act's Impact on Money Services Businesses,'' 10 a.m., 2128 Rayburn.

Committee on Government Reform, and the Committee on Small Business, joint hearing entitled ''Northern Lights and Procurement Plights: The Effect of the ANC Program on Federal Procurement and Alaska Native Corporations,'' 1 p.m., 2154 Rayburn.

Subcommittee on Energy and Resources, hearing entitled ''Deep Water Royalty Relief: Mismanagement and Cover-ups,'' 9 a.m., 2154 Rayburn.

Committee on Homeland Security, hearing entitled '' DHS Terrorism Preparedness Grants: Risk-Based or Guess-Work?'' 10 a.m., 311 Cannon.

Committee on International Relations, to mark up H. Res. 846, Requesting the President and directing the Secretary

of State to provide to the House of Representatives certain documents in their possession relating to strategies and plans either designed to cause regime change in or for the use of military force against Iran, 9:30 a.m., followed by a hearing on Democracy in Latin America: Successes, Challenges and the Future, 10:30 a.m., 2172 Rayburn.

Subcommittee on Middle East and Central Asia, to continue hearings to Review U.S. Assistance Programs to Egypt, Part II, 2 p.m., 2200 Rayburn.

Committee on the Judiciary, to mark up the following measures: H. Res. 819, Requesting the President and directing the Attorney General to submit to the House of Representatives all documents in the possession of the President and the Attorney General relating to requests made by the National Security Agency and other Federal agencies to telephone service providers requesting access to telephone communications records of persons in the United States and communications originating and terminating within the United States without a warrant; H. Res. 845, Requesting the President and directing the Secretary of Defense and the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution, documents relating to the termination of the Department of Justice's Office of Professional Responsibility's investigation of the involvement of Department of Justice personnel in the creation and administration of the National Security Agency's warrantless surveillance program, including documents relating to Office of Professional Responsibility's request for and denial of security clearances; H.R. 2389, Pledge Protection Act of 2005; H.R. 1956, Business Activity Tax Simplification Act of 2005; and H.R. 5520, Veterans Identity Protection Act, 10 a.m., 2141 Rayburn.

Subcommittee on the Constitution, oversight hearing on the Implementation of the Crime Victims' Rights Provisions of the Justice for All Act, 1 p.m., 2141 Rayburn.

Committee on Resources, to mark up the following bills: H.R. 512, to require the prompt review by the Secretary of the Interior of the longstanding petitions for Federal recognition of certain Indian tribes; H.R. 854, To provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe; H.R. 2069, Utah Recreational Land Exchange Act of 2005; H.R. 2134, Commission to Study the Potential Creation of a National Museum of the American Latino Community in Washington, D.C.; H.R. 2925, To amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance; H.R. 3085, To amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail; H.R. 3817, Valle Vidal Protection Act of 2005; H.R. 4165, To clarify the boundaries of Coastal Barrier Resources System Clam Pass Unit FL–64P; H.R. 4275, To amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States; H.R. 4294, Natural Resource Protection Cooperative Agreement Act; H.R. 4301, Blunt Reservoir and Pierre Canal Land Conveyance Act of 2005; H.R. 4376, Springfield Armory National Historic Site, Massachusetts Act of 2005; H.R. 4612, Wright Brothers-Dunbar National Historic Park Designation Act; H.R. 4761, Domestic Energy Production through Offshore Exploration and Equitable Treatment of State Holdings Act of 2006; H.R. 4947, Cahaba River National Wildlife Refuge Expansion Act; H.R. 5057, To authorize the Marion Park Project and Committee of the Palmetto Conservation Foundation to establish a commemorative work on Federal land in the District of Columbia, and its environs to honor Brigadier General Francis Marion; H.R. 5061, Paint Bank and Wytheville National Fish Hatcheries Conveyance Act; H.R. 5079, North Unit Irrigation District Act of 2006; H.R. 5094, Lake Mattamuskeet Lodge Preservation Act; H.R. 5232, Cherry Valley National Wildlife Refuge Study Act; H.R. 5312, Indian Health Care Improvement Act Amendments of 2006; H.R. 5340, Upper Mississippi River Basin Protection Act; H.R. 5411, To direct the Secretary of the Interior to establish a demonstration program to facilitate landscape restoration programs within certain units of the National Park System established by law to preserve and interpret resources associated with American history; H.R. 5622, Coral Reef Conservation Legacy Act of 2006; S. 260 Partners for Fish and Wildlife Act; and S. 1496, Electronic Duck Stamp Act of 2005, 11 a.m., 1324 Longworth.

Subcommittee on Forests and Forest Health, oversight hearing on Addressing Forest Insects and Disease: A Growing National Problem, "GAO Report on Invasive Forest Pests." 4 p.m., 1324 Longworth.

Committee on Rules, to consider H.R. 4890, Legislative Line Item Veto Act of 2006, 2:30 p.m., H–313 Capitol.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, oversight hearing on Air Traffic Control Modernization: The Present and Future, 2 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Health, oversight hearing on Safeguarding Veterans' Medical Information within the Veterans Health Administration, 10 a.m., 334 Cannon.

Permanent Select Committee on Intelligence, executive, briefing on Global Updates/Hotspots, 4:30 p.m., H–405 Capitol.

Next Meeting of the **SENATE**

9:30 a.m., Wednesday, June 21

Senate Chamber

Program for Wednesday: Senate will continue consideration of S. 2766, National Defense Authorization, that there be 90 minutes of debate on Enzi Amendment No. 4376, and upon the conclusion of that debate, Senate proceed to vote on Kennedy Amendment No. 4322, to be followed by a vote on Enzi Amendment No. 4376; following those votes, Senator Levin be recognized to offer an amendment relating to Iraq with 5 hours for debate, and upon conclusion of that debate, Senator Kerry be recognized to offer an amendment relating to Iraq.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, June 21

House Chamber

Program for Wednesday: Consideration of suspensions as follows: (1) H.R. 5060—To amend the Federal Financial Assistance Management Improvement Act of 1999 to require data with respect to Federal financial assistance to be available for public access in a searchable and user friendly form; (2) H.R. 5603—To temporarily extend the programs under the Higher Education Act of 1965; (3) H.R. 5293—Senior Independence Act of 2006; (4) H. Con. Res. 426—Recognizing the Food and Drug Administration of the Department of Health and Human Services on the occasion of the 100th anniversary of the passage of the Food and Drugs Act for the important service it provides to the Nation; (5) H.R. 5573—Health Centers Renewal Act of 2006; (6) H.R. 5574—Children's Hospital GME Support Reauthorization Act of 2006; and (7) H. Res. 323—Supporting efforts to increase childhood cancer awareness, treatment, and research. Consideration of H.R. 9—Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 (Subject to a Rule).

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